

Evaluation of responses to the consultation on the Decision for the selection of a booking platform on the German-Polish border

Consultation open: 9-30 April, 2019
Publication of results: 02 August 2019

1 Introduction

Pursuant to Article 37(3) of the Network Code on Capacity Allocation Mechanisms (“CAM NC”)¹, TSOs are required to reach a contractual agreement to use a single booking platform to offer capacity on the two sides of their respective interconnection points (“IPs”) or virtual interconnections points (“VIPs”). The TSOs should agree within six months from the entry into force of the CAM NC. If no agreement is reached by the TSOs, the matter is referred to the respective national regulatory authorities (“NRAs”). Within a period of a further six months, the NRAs shall jointly select the single booking platform for a period not longer than three years. If the NRAs fail to reach an agreement within the six-month period, the decision is referred to the Agency, in accordance with Article 8(1) of Regulation (EC) No 713/2009.

On 19 April 2018, the National Regulatory Authorities of Germany and Poland referred the selection of a single web-based booking platform for the booking of bundled gas transmission capacity on the border between Germany and Poland to the Agency. On 16 October 2019, the Agency selected a platform to carry out the auctions at the above-mentioned interconnection points for a period of no longer than three years.

On 14 February 2019, the Board of Appeal of the Agency annulled the Decision of the Agency of 16 October 2018.

By 14 August 2019, in accordance with aforementioned Article 37(3) of CAM NC the Agency for the Cooperation of Energy Regulators (“the Agency”) will adopt a new decision on this matter.

From 9 April 2019 to 30 April 2019, the Agency organised a public consultation² to collect inputs from all interested parties. The Agency asked stakeholders to share their views on the selection criteria, to collect more input on the legal and technical basic prerequisites for a functioning booking platform, when the Agency decides on the selection of the capacity booking platform(s). The Agency has improved its selection methodology based on the appeal proceeding, while maintaining overall a similar evaluation approach. The full selection methodology is published in the Open Call for the selection of the capacity booking platform to be used at the “Mallnow” interconnection point and “GCP” virtual interconnection point (“the Open Call”).³

¹ Commission Regulation (EU) 2017/459 of 16 March 2017

²https://www.acer.europa.eu/Official_documents/Public_consultations/Pages/PC_2019_G_03.aspx

³https://www.acer.europa.eu/en/Gas/Framework%20guidelines_and_network%20codes/Pages/Open-call-for-Gas-Capacity-Booking-Platforms-to-submit-offers-for-Mallnow-and-GCP.aspx

2 Summary of responses

2.1 About the respondents

The Agency received 21 responses to the consultation. Annex 1 presents the list of the respondents. Some of the responses seem coordinated as the submissions were either identical by content or leading to the same conclusion. In terms of the answers provided, the Agency distinguished three clusters whose responses are aligned, in line with the interests of the platform they currently use.

1. Three clusters of responses can be distinguished:
 - Cluster 1, 12 responses: PRISMA, ENERGINET, FLUXYS, BBL, GTS, GUD, THYSSENGAS, ONTRAS, GASCADE, TAG, TEREKA, UNIPER⁴,
 - Cluster 2, seven responses: GAZ-SYSTEM (owner of GSA platform), PULAWY, GRUPA AZOTY, PKN ORLEN, PGNIG, TOE, LEWIATAN (PKN ORLEN and TOE were identical)⁵,
 - Cluster 3, one response: FGSZ (owner of RBP platform)⁶.
2. In addition, URE, the Polish NRA, submitted its comments.

The Agency weighted the overall significance of the responses in light of the similarities of the responses submitted and their origin, so as to mitigate potential conflict of interests.

2.2 About the questions and answers

The Agency invited stakeholders to express their views on the selection methodology for the booking platform(s) to be used at the Mallnow IP and GCP VIP. The selection methodology was presented in the Annexes of the consultation document. Each annex contained several consultation questions concerning the individual methodology presented in the respective annex.

The tables below are organised according to the consultation questions. They provide the respective views from the respondents as well as the response from the Agency on how their comments were taken into account. With the consultation, the Agency was asking input on the following three aspects:

1. Legal requirements (confirmation);
2. Governance;
3. IT requirements
 - a. self-assessment; and
 - b. case study (see further information later).

⁴ PRISMA or PRISMA platform users. It is noted that BBL, GTS, GUD, PRISMA and TEREKA replies (6 in total) were practically identical.

⁵ GSA platform users

⁶ RBP platform user

The criteria constituted the basis of the consultation and, following the evaluation of the responses, they have been employed as basis for the evaluation of the offers by the Agency.

2.2.1 Respondent views on Compliance with legal requirements (Annex 1 of the Consultation Document)

Table 1 offers an overview of the “legal compliance” criteria, as published in the consultation, whereas Table 2 offers a summary of the views expressed by the stakeholders as well as the response of the Agency.

Table 1. Reference table “Compliance with legal requirements”

Legal compliance criteria	
EU regulation	
1	Allocation of firm capacity
2	Allocation of interruptible capacity
3	Bundling of capacity products
4	Ascending clock auctions (yearly, quarterly and monthly)
5	Uniform price auctions (day-ahead, within-day)
6	Day-ahead bid roll-over
7	Support of kWh/h and kWh/d as capacity unit
8	Secondary capacity trading
9	Automated bidding
10	Reporting of platform transactions (bidders and public)
11	Bundling of capacity on 1:n situations
12	Offer of competing capacity products
13	Allocation of incremental capacity
12	Offer of competing capacity products
13	Allocation of incremental capacity
14	Surrender of capacity
15	Buyback of capacity
16	REMIT reporting obligations
17	Interoperability and data exchange obligations
18	Avoidance of cross-subsidies between network users
National regulation	
19	Assignment to balancing groups
20	Support for capacity upgrade services (DE)
21	Use of protocol AS4 and data format Edig@s-XML (PL)
22	Anonymity of all trading procedures (DE, best practice)

Main results of the public consultation

Table 2: Summary of responses and the Agency's view on the legal compliance criteria for the selection of booking platforms with EU and national regulations

RESPONDENT'S VIEWS	ACER RESPONSE
<p>Compliance – EU regulation</p> <p>1. Please confirm that these legal requirements are still relevant.</p> <ul style="list-style-type: none"> ○ All are still relevant ○ Only some are relevant (Please mark only those numbers that you consider no longer relevant, using the table above.) ○ The following are missing. (Please specify which legal requirements are missing, including the legal text from which the requirement follows) <p>Please explain your answer.</p>	
<ol style="list-style-type: none"> 1. No reply from six respondents. 2. Four respondents (GRUPA AZOTY, PGNIG, PKN ORLEN, TOE) indicate that all requirements stemming from legal compliance of booking platforms with EU and national regulations are relevant. 3. 11 respondents (BBL, FGSZ, GASCADE, GTS, GUD, ONTRAS, PRISMA, TAG, TEREKA, THYSSENGAS, UNIPER) mention that only some are relevant, mentioning the use of protocol AS4 and data format Edig@s-XML (21st criteria, Table 1) as not relevant. 4. Nine respondents (BBL, GASCADE, GTS, GUD, ONTRAS, PRISMA, TEREKA, THYSSENGAS, UNIPER) list which legal requirements are missing, mainly focusing on: <ol style="list-style-type: none"> 1. Capacity Conversion Service (9 out of 9). 2. Display all the relevant and up-to-date information necessary for the conclusion of a transportation contract Article 19(4) NC CAM and Article 19(1) (9 out of 9). 3. Booking platform needs to submit the registration data to the Market Area Operator (6 out of 9). 4. Implementation of different firm capacity types (reference: Article 9(3) GasNZV and Article 8(6) GasNZV (7 out of 9)). 	<p>The Agency notes that several respondents view AS4/Edig@s-XML not as a legal requirement. The Agency did not receive any reference to national law that makes AS4/Edig@as-XML a national requirement for booking platforms. The Agency furthermore notes that according to the current ENTSOG CNOT table, the document-based AS4 approach is an optional tool, against the interactive measures which is the requirement in the communication between a capacity booking platform and network users. Therefore, AS4/Edig@s is not a legal requirement. Nevertheless, it was included in the IT self-assessment as an optional tool and among the IT tasks of the qualitative case study, about continued development in the Open Call.</p> <p>The Agency included the support functionalities that were intertwined with the EU obligations for individual capacity products. Hence the following German national requirements (GasNZV § 11(1)1, 11(1)2, 12(3)1, 12(3)2, 13 Abs.2 and BK7-14-020) were included.</p> <p>On the additional requirements that some stakeholders missed, the Agency notes that the listed requirements are obligations for transmission system operators for which the selected booking platform can assist upon their request. The Agency views these additional services as going beyond the necessary set of Union and national legal requirements that serve the purpose to run standard auction procedures based on NC CAM.</p>

RESPONDENT'S VIEWS	ACER RESPONSE
<p>2. For each of the three Booking Platform currently active in the EU, please mark the numbers of the legal requirements next to it, which in your view are not complied with.</p> <ul style="list-style-type: none"> ○ GSA ○ PRISMA ○ RBP <p>Please explain your answer.</p>	
<ol style="list-style-type: none"> 1. No reply from six respondents. 2. One respondent (PKN ORLEN) considers all platforms compliant. 3. Ten respondents (BBL, GASCADE, GTS, GUD, ONTRAS, PKN ORLEN, PRISMA, TEREKA, THYSENGAS, UNIPER) evaluate that PRISMA is fully compliant. 4. One respondent (FGSZ) evaluates that RBP is compliant with all but the national capacity upgrade as it was so far not relevant. 5. Three respondents (PGNIG, TOE, PKN ORLEN) evaluate that GSA is fully compliant. One respondent (ONTRAS) considers GSA not compliant with Bundling of capacity on 1:n situations requirement (No 11, Table 1) and the German national requirements. 	<p>The Open Call requires all booking platforms submitting a bid to confirm, through a Declaration on Honour, their compliance with the legal requirements. The EU requirements shall be promptly complied with. As regards the German national requirements, which so far might not have been relevant for all the booking platforms, in order to ensure fair competition, it should be ensured that the capability to readily adjust to those requirements in a short time frame (a three-month grace period after the signature of the service contract between the concerned TSO and the booking platform selected by the Agency) should suffice.</p>

2.2.2 Respondent views on Basic governance structure: a qualitative criterion assessed based on the written answers (Annex 2 of the Consultation Document)

Table 3 offers a summary of the views expressed by the stakeholders and the Agency's observations on the *basic governance structure*. The Agency collected stakeholders' views on platform governance and assessed the criterion based on the written answers.

Main results of the public consultation

Table 3: Summary of responses and the Agency's views on the Basic governance structure of the booking platforms

RESPONDENT'S VIEWS	ACER RESPONSE
<p>1. Please indicate the measures that you consider necessary for the governance of the booking platforms to offer users transparent and non-discriminatory services, in the light of the application of Union and national competition and regulatory framework.</p>	
<ol style="list-style-type: none"> 1. No reply from six respondents. 2. Seven respondents (BBL, GTS, GUD, ONTRAS, PRISMA, TEREKA, and THYSENGAS) consider that a clear governance structure and clearly defined processes are necessary. A governance structure for a joint booking platform needs to ensure constant and continuous operation of the platform via an independent platform management, meaning without the sole control of one TSO. 3. Three respondents (PGNIG, PKN ORLEN, TOE) give utmost importance for security and reliability of the platform. 4. Three respondents (TAG, GASCADE, GRUPA AZOTY) emphasize the transparency of the services. 5. One respondent (FGSZ) considers only the requirements of Art. 37 (1) of NC CAM important. 6. One respondent (UNIPER) clearly prefers the independence of the platform from the TSO. 	<p>The Agency notes that the respondents who are currently members/owners of PRISMA primarily support the governance features of PRISMA. The Agency recalls that the governance structure is not a requirement set for by the NC CAM.</p> <p>General principles of Union law, such as transparency and non-discrimination, shall instead be complied with. Those principles, which are to be fulfilled by TSOs can also be guaranteed through the service contract to be signed by the TSOs and the selected booking platform.</p> <p>The Agency observes that the size of the membership of the three platforms may explain the differences in the chosen governance structures.</p> <p>The Agency points out that legally, also lighter governance structures can follow the basic principles of the Union law. The Agency agrees that any platform shall ensure continuous operation capabilities.</p>
<p>2. Do you consider that the legislation implicitly requires a governance structure for the Booking Platforms to ensure-, as a minimum, that a dedicated budget and a dedicated independent management ensures autonomous decisions on Platform developments, IT developments and maintenance, based on the market needs?</p> <ul style="list-style-type: none"> ○ YES ○ NO <p>Please explain your answer</p>	
<ol style="list-style-type: none"> 1. No reply from five respondents. 2. Ten respondents (BBL, GTS, GUD, LEWIATAN, ONTRAS, PRISMA, TAG, TEREKA, THYSENGAS, UNIPER) agree that the legislation implicitly requires a governance structure for the Booking Platforms (via Article 37 of the CAM NC). 3. Six respondents (FGSZ, GASCADE, GRUPA AZOTY, PGNIG, PKN ORLEN, TOE) disagree with this statement. 	<p>The Agency notes that joint booking platforms within the meaning of Article 37 of the NC CAM have to comply with the NC CAM and any future amendment thereof. In this context, the platforms shall have processes for continuous development to keep up with the changes triggered by IT security and legal changes. The Agency planned to verify and verified the existence of the relevant processes with its IT self-assessment and the IT case study that covered continued development.</p> <p>Continuous development can also be guaranteed through the service contract to be signed by the TSOs and the selected booking platform and should be an item to be considered at the time of setting the financial offer.</p>
<p>3. Are there other areas/aspects in which you consider that the Booking Platform should be independent from the TSO(s) in which it is embedded?</p>	

RESPONDENT'S VIEWS	ACER RESPONSE
<p style="text-align: center;"> <input type="radio"/> YES <input type="radio"/> NO Please explain your answer. If you answered in the affirmative, please enlist those areas/aspects in which you consider that the Booking Platform should be independent and/or autonomous from the TSO in which is embedded. </p>	
<ol style="list-style-type: none"> 1. No reply from seven respondents. 2. Nine respondents (BBL, GASCADE, GTS, GUD, ONTRAS, PRISMA, TEREKA, THYSENGAS, UNIPER) consider that the Booking Platform should be independent from the TSO(s) in which it is embedded. 3. Five respondents (FGSZ, GRUPA AZOTY, PGNIG, PKN ORLEN, TOE) disagree with this statement. 4. Eight respondents (see bullet-point 2) also enlist the areas/aspects where the Booking Platform should be independent and/or autonomous from the TSO, mainly the following: <ol style="list-style-type: none"> 1) Obligations to treat commercially sensitive data confidential, Article 16 Directive 2009/73/EC (6 out of 21). 2) Prohibition of restriction or distortion of competition (6 out of 21). 3) Independent and separated Platform IT-administrators from TSO IT-administrators (8 out of 21). 4) Independent User Help Desk (8 out of 21) 5) Separated REMIT Compliance Organizations for platform and TSO (8 out of 21). 	<p>The Agency notes that according to Article 37(1) of NC CAM, transmission system operators can operate booking platforms, as third parties can also operate such platforms. A legislative change would be required to impose a change to the current legal criteria.</p> <p>On the enlisted aspects (under bullet-point 4), the Agency notes that general principles of Union law provide for the protection of commercially sensitive data and non-discrimination, which is a TSO duty. The TSOs are also certified and that provides further assurance in this respect. The Agency points out as well that the respect of competition law requirements is a general obligation for all the undertakings in the Union.</p> <p>The Agency notes that matters related to IT governance are not prescribed currently in the Third energy package. However, the Agency required in its selection process compliance with good IT practices, as the ones included in the IT self-assessment and audit, which is deemed by the Agency to be an appropriate tool to ensure the application of widely accepted IT standards.</p>
<p>4. Do you consider that the above-mentioned minimum set of measures would guarantee, by effect, a sufficient degree of independence to ensure the transparent and non-discriminatory operation of a TSO-led booking platform towards the network users?</p> <p style="text-align: center;"> <input type="radio"/> YES <input type="radio"/> NO </p>	

RESPONDENT'S VIEWS	ACER RESPONSE
Please explain your answer	
<ol style="list-style-type: none"> 1. No reply from seven respondents, in addition two provide a general answer. 2. Two respondents (GRUPA AZOTY, PKN ORLEN) agree that the minimum set of measures would guarantee a sufficient degree of independence. 3. Ten respondents (BBL, FGSZ, GASCADE, GTS, GUD, ONTRAS, PRISMA, TEREKA, THYSSENGAS, UNIPER) have different views, mostly giving reference to the additional requirements (and disagree with this statement). 4. Explanations: <ol style="list-style-type: none"> 1) One respondent (FGSZ) explains that there is no logical link between the governance model of a booking platform and the transparency and non-discrimination towards its network users. 2) One respondent (PGNIG) mentions that additional obligations imposed on a TSO-led booking platform might discourage them from maintaining such platforms and as a consequence, it could result in lower level of competition between platforms. 3) One respondent (TOE) lacks the justification for putting more obligations on the platforms being operated by TSOs than on other functioning platforms which are not led by the TSO. 	<p>The Agency notes that the legal requirements for the TSOs with respect to transparency and non-discrimination are explicit requirements stemming from Union law:</p> <ol style="list-style-type: none"> i. hence, TSO-led booking platforms are obliged to follow the legal obligations set up for the TSOs. ii. the legislation is not prescriptive when it comes to independent platforms. Therefore, such platforms could ensure similar, stronger or even weaker performance in relation to the general EU legal obligations, depending on the performance of their governance structures. Independent platforms may lack vested interests to favour specific market players.
<p>5. Do you consider that an agreed party acting on behalf of the TSOs towards the network users as a booking platform should guarantee the same minimum set of conditions?</p> <ul style="list-style-type: none"> <input type="radio"/> YES <input type="radio"/> NO <p>Please explain your answer</p> <p>If you answered in the negative, please enlist those additional measures that the agreed party acting on behalf of the TSOs should establish to maintain its independence from the TSOs.</p>	

RESPONDENT'S VIEWS	ACER RESPONSE
<ol style="list-style-type: none"> 1. No reply from eight respondents 2. 13 (BBL, GASCADE, GRUPA AZOTY, GTS, GUD, ONTRAS, PGNIG, PKN ORLEN, PRISMA, TAG, TEREKA, THYSSENGAS, UNIPER) respondents agree that an agreed party should guarantee the same minimum set of conditions. Some of the respondents mention that an independent booking platform as agreed party might already fulfil those requirements without implementing additional measures such as Chinese walls, having dedicated employees for different roles or separated IT-systems. 	<p>The Agency notes that while an agreed third party could act on behalf of the TSOs, legally speaking such third party does not have a clear obligation, unless those obligations are derived from the legal requirements of the TSOs.</p>

2.2.3

Table 4 describes the summary of responses and the Agency’s evaluation concerning the IT self-assessment and its minimum pass-mark criterion.

Main results of the public consultation

Table 4: Views on the IT self-assessment and its minimum pass-mark

RESPONDENT’S VIEWS	ACER RESPONSE
<p>1. Please let the Agency know whether the domains presented below are:</p> <ul style="list-style-type: none"> ○ All relevant ○ Some are not relevant (Please explain which ones are not relevant and why not.) ○ The following critical domains are missing. (Please describe the missing domain clearly, with reference to existing IT standards. Explain as well why the missing domains are critical for the IT assessment of the platform.) 	
<p>1. One respondent (FGSZ) considers all domains relevant but proposes to double-check:</p> <ol style="list-style-type: none"> 1. Item a.73⁷. The question does not make sense because all decisions must be backed up by business reasons. 2. There is an empty line between item a.91 and a.92⁸ with a score of 0.5 points. 3. Item a.125⁹ -superfluous. These should be only necessary if a.123 and a.124¹⁰ were not adequate to handle the needs. 4. Item a.180¹¹ - other scaling possibilities in the industry, not only the physical one. <p>2. No reply from five respondents,</p>	<p>The Agency appreciates the detailed comments received. They have been used to verify and improve the drafting of Annex 4 on the IT self-assessment of the Open Call; in particular, the wording of the questions a.175, a.180 and a.184 were improved.</p> <p>In addition, the Agency notes that the self-assessment aimed at verifying compliance with the most common international standards (ISO/IEC 27001:2013). Applying a questionnaire to run also a qualitative assessment would have been out of the specific operational context and beyond the limited scope of the Decision, where only two interconnection points were</p>

⁷ Referencing a question from the IT-self-assessment

⁸ Referencing two questions from the IT-self-assessment

⁹ Referencing a question from the IT-self-assessment

¹⁰ Referencing two questions from the IT-self-assessment

¹¹ Referencing a question from the IT-self-assessment

RESPONDENT'S VIEWS	ACER RESPONSE
<p>3. Eight respondents (BBL, GASCADE, GTS, GUD, ONTRAS, PRISMA, TEREKA, UNIPER) mention that some domains are not relevant (a.175 is mentioned by at least five respondents (BBL, GTS, GUD, PRISMA, TEREKA) and a.178¹² by three respondents (GASCADE, ONTRAS, UNIPER). They suggested mainly the following:</p> <ol style="list-style-type: none"> 1. Suggestion to rephrase a.175¹³ Question by “Does your platform enable to use current standards for Secure Connections and Secure Authentication?” 2. a.178¹⁴ is not relevant in the view of at least three respondents, mentioning that in accordance with ENTSOG CNOT, the preferred data exchange solution for platforms is interactive. Therefore, based on Article 21.(2) (c) of NC INT¹⁵, the protocol HTTP/S should be used. <p>4. One respondent (BBL) in addition mentions several domains:</p> <ol style="list-style-type: none"> 1. a.75¹⁶: Question should be rephrased by “Does your platform enable to use current standards for Secure Connections and Secure Authentication?” 2. a.180¹⁷: Delete “physical” and rephrase question to: “Can your platform scale adding more devices to existing architecture?” 3. a.184¹⁸: Rephrase to: “Is your system highly available and fault tolerant?” 4. a.91, a.92¹⁹: Between those questions, there is an empty line, missing the respective question. <p>5. Five respondents (BBL, GASCADE, GRUPA AZOTY, ONTRAS, PGNIG) consider that some critical domains are missing, namely:</p> <ol style="list-style-type: none"> 1) One respondent (PGNIG) suggests to add options for connection to the platform as well as for the platform and shipper automated communication. 	<p>concerned for a time period of maximum three years. A qualitative assessment, even if scoped to the Decision, might have risked to put forward requirements that were not proportionate and would have hindered competition.</p> <p>The Agency, instead, found it sufficient to ask further verification from a certified ISO auditor in the field of energy to touch upon the contextual elements of the self-assessment. Any further qualitative interpretation beyond the audit seemed unnecessary and not manageable within the formal process.</p>

¹² Referencing a question from the IT-self-assessment

¹³ Referencing a question from the IT-self-assessment

¹⁴ Referencing a question from the IT-self-assessment

¹⁵ Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a Network Code on Interoperability and Data Exchange rules, OJEU L113, p13.

¹⁶ Referencing a question from the IT-self-assessment

¹⁷ Referencing a question from the IT-self-assessment

¹⁸ Referencing a question from the IT-self-assessment

¹⁹ Referencing two questions from the IT-self-assessment

RESPONDENT'S VIEWS	ACER RESPONSE
2) Two respondents (GASCADE, BBL) consider that the IT-self assessment allows a quantitative analysis of the status of the platforms only. This quantitative analysis does not allow quality assessment, since quality criteria such as benchmarks, minimum standards, thresholds, requirements are missing. 3) One respondent (GRUPA AZOTY) considers that it is sufficient to ensure that platform users' information will be protected. 4) One respondent (ONTRAS) proposes to add some questions on platform availability (%) and monitoring of the number of auctions.	

2.2.4 Respondent views on the IT Case Study and its scored qualitative criteria (Annex 4 of the Consultation Document) as well as other general comments concerning the Agency's evaluation methodology²⁰

Table 5 offers the summary of the stakeholders' responses as well as the Agency's views on the qualitative IT criteria and general comments.

Main results of the public consultation

Table 5: Views on the IT Case Study, its scoring and conclusion on the general stakeholder comments

RESPONDENT'S VIEWS	ACER RESPONSE
1. Do you consider that the evaluation method outlined above, analysing completeness, consistency, robustness, relevance and efficiency of the case study proposal, is fit for the assessment on how the booking platforms improve functionalities through continuous development, user friendliness, secure access, change management and data security and backup?	

²⁰ Beyond answering the individual questions, stakeholders were invited to provide general comments concerning the evaluation methodology.

RESPONDENT'S VIEWS	ACER RESPONSE
<ul style="list-style-type: none"> ○ YES ○ NO <p>Please explain your answer.</p>	
<ol style="list-style-type: none"> 1. Four respondents (GASCADE, PGNIG, PKN ORLEN, PULAWY) agree that the evaluation method is fit for the assessment on how the booking platforms improve functionalities through continuous development, user friendliness, secure access, change management and data security and backup. 2. Eight respondents ((BBL, GAZ-SYSTEM, GTS, GUD, ONTRAS, PRISMA, TEREKA, UNIPER) disagree with this statement. Some of them mention that it is unclear, how the quality ratio will actually be assessed, since clear quality requirements, benchmarks, thresholds and required service standards are not formulated in the consultation. In their view, the IT-self assessment is not sufficient for quality assessment. 3. Two respondents (FGSZ, FLUXYS) did not clearly define their position. 4. General remarks on case study evaluation criteria <ol style="list-style-type: none"> 1. Five respondents (BBL, GAZ-SYSTEM, GTS, PRISMA, TEREKA) mention that the case study should have minimum standards that also need to be considered in the price offer. The minimum IT quality standards should at least be defined by ENTSOG or other by European and/or National Authorities, such as ENISA or similar. 2. One respondent (UNIPER) proposes to focus on user friendliness and secure access, two-way authentication via password and personal token. 3. One respondent (FGSZ) argues that it cannot be assessed whether the outlined methodology is appropriate or not, because the outlined criteria and the description of the case study lack details and clarity how the criteria would be assessed (and therefore, they proposed to update the current consultation with these elements). 5. General remarks on the price-quality ratio <ol style="list-style-type: none"> 1. Nine respondents (BBL, ENERGINET, GTS, GUD, PRISMA, TAG, TEREKA, THYSSENGAS, UNIPER) believe that the proportion 30/70 or 20/80 would be better because the intended 40/60 ratio for the assessment of offers might lead to unintended loss of quality. 	<p>The Agency notes that the self-assessment of the IT features (minimum passing) should not be mixed with the qualitative assessment by the means of the IT case study. The rationale of such choice has been explained above.</p> <p>The IT case study was not published as part of the consultation, but has been published in the Open Call with an opportunity given to the platforms to request further clarifications.</p> <p>The Agency published the full IT case study and the evaluation methodology in Chapter 2 Annex 6 to the Open Call.</p> <p>The Agency notes that the selection of a single booking platform is a temporary administrative measure for a maximum period of at most three years and with a limited scope covering only two interconnection points in the EU.</p> <p>Based on NC CAM, the TSOs are free to agree at any time on a definitive booking platform, using their own agreed set of platform specifications, which can be broader or more limited than the ones proposed by the Agency, provided that the minimum legal requirements set by the EU and the requirements of the national law are observed.</p> <p>The Agency notes that there are diverging views on the price-quality ratio among the concerned TSOs ranging from a 10/90 ratio (ONTRAS) to a 50/50 ratio (GASCADE) and there are no comments on the proposed 40/60 ratio by the third concerned TSO (GAZ-SYSTEM). The Agency does not find the arguments to be well-substantiated to change the proposed 40/60 price quality ratio in its Open Call. The chosen ratio allows for a balanced relationship between the quality of the service, including its developments and the price for it.</p>

RESPONDENT'S VIEWS	ACER RESPONSE
<ol style="list-style-type: none"> 2. One respondent prefers the ratio of 50/50 (GASCADE), pointing out that price for using the platform will be covered by the tariff, and, hence, it should be taken into account. 3. One respondent prefers the ratio of 10/90 (ONTRAS), arguing that the case study may show that the quality of services of one applicant is slightly lower than the quality of services of another applicant but such slight difference is critical since it can threaten the capacity marketing processes. Another argument is that a lower quality may decrease the number of transactions via platform due to e.g. malfunctioning user support. 	

3 The Agency concludes its evaluation of the consultation responses

The Agency views the received responses to the public consultation on the booking platforms as one of several pieces of information that support the Agency in the decision-making process to select a single booking platform for the IPs “Mallnow” and “GCP VIP” to be used by the TSOs at either side of the border. The Agency furthermore highlights that it makes its own independent analysis during the selection of the booking platforms, giving due consideration to the stakeholder views expressed in the consultation and other information collected throughout its proceedings.

The Agency evaluates the responses overall as follows:

1. The Agency appreciates the responses received, as those have greatly benefitted the Agency to improve its documents published in the Open Call of 8 May 2019.
2. The Agency used the information collected to form its opinion under its Evaluation of Responses as well as during its selection process of the booking platforms for the concerned IPs.

All responses have been published online on 02 August 2019 on the website of the Agency (https://www.acer.europa.eu/Official_documents/Public_consultations/Pages/PC_2019_G_03.aspx)

Annex 1 – List of the stakeholders responding to the public consultation

1. BBL Company VOF
2. ENERGINET
3. FGSZ
4. FLUXYS
5. GASCADE
6. GAZ-SYSTEM
7. GRUPA AZOTY
8. GTS
9. GUD
10. LEWIATAN
11. ONTRAS
12. PGNIG
13. PKN ORLEN
14. PRISMA
15. PULAWY
16. TAG
17. TREGA
18. THYSSENGAS
19. TOE
20. UNIPER
21. URE (PL NRA)