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Your message dated	Your reference	Our reference	Date
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Appendix(es)

Subject

**Fluxys SA contribution to ACER consultation PC\_2019\_G\_03  
 Public consultation for the selection of a single capacity booking platform at 'Mallnow'  
 and 'GCP VIP'**

Dear Madame, Dear Sir,

We would like to thank the Agency for the opportunity to contribute to this public consultation regarding the selection of capacity booking platforms. As a group, encompassing several TSOs active in Europe, such a consultation is an opportunity to underline our views with regards to an important function of the European gas market, namely the booking of capacity. The consultation document being divided into several sections, our contribution will be divided accordingly.

### 1. Compliance with Legal Requirements

Generally speaking we believe that the list drawn up by the Agency is adequate. We would like to point out however that, according to our understanding, the implementation of a Capacity Conversion Service, according to Article 21 (3) NC CAM is a binding European requirement stemming out of the latest version of NC CAM. This feature is indeed necessary for TSOs and Network Users to adequately manage situations where capacity is already (partly) booked at either side of the concerned IP.

Furthermore we are of the opinion that a booking platform needs to offer a clear, transparent and comprehensive overview of the applicable terms and conditions, including detailed pricing information about the capacity products offered on auction. This will allow for capacity contracts to be concluded – on the primary and secondary market – in a non-discriminatory way and without any possible misunderstanding.

It is finally our understanding that the German regulation foresees the need, according to Article 6 (2) GasNZV (German Gas Network Ordinance), for booking platform to provide a direct connection with Market Area Managers to avoid double registration. According to § 9 (3) of that same regulation, several type of firm capacity products are to be offered by German TSOs. Generally speaking, the offer of the different products developed by the TSOs active on a booking platform should be supported by design.

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## 2. Basic governance structure

This aspect of the choice of a booking platform is essential for a TSO. The need for such platforms stems out of Article 37 (1) NC CAM (offer of capacity via a joint web-based booking platform), whereby a clear governance structure and well defined related processes are necessary.

Our requirement for an adequate governance structure for a joint booking platform is to ensure performant and reliable continuous operations of the platform organized via an independent platform management. The implementation of existing and new European and/or national requirements related to capacity allocation, as well as requirements stemming out from network users' demands must always be ensured in a collaborative way. Finally the cooperation with National and European Regulatory Authorities and Institutions must be considered properly.

Such a governance structure should, in our opinion, taking into account that the platform is part of TSOs core business and having a high impact on its revenues, ensure the TSOs choosing the platform in that way, that they are adequately associated to the decision-making processes relating to (i) service implementation, (ii) meeting national and EU legal requirements, (iii) platform operations and performance, (iv) platform user interactions (helpdesk, problem solving, information sessions), and (v) budgeting and mid-term planning for platform evolution. In this way, TSOs can provide to the customer services that are adapted to the fast evolving energy market.

We particularly deem it relevant that an independent audit committee is established, where the participating TSOs are involved, and that (i) defines and continuously monitors the implementation of minimum business requirements and critical processes, (ii) conducts specific audits related to the performance and reliability of the platform, (iii) consolidates TSOs' audit requirements, and (iv) independently review audit reports and related improvement measures and their implementation. Capacity booking being a critical process for TSOs in enabling access to the network, the possibility to align platform risk and audit management to those of the respective TSOs is essential.

We finally would like to draw the attention to the point of data confidentiality. We expect any booking platform operator to be able to establish the necessary processes and systems – including potentially dedicated teams - to ensure that TSO commercially sensitive information and REMIT relevant information are 100% protected and not shared with any other organization, including other TSOs, than those explicitly endorsed by the concerned party.

## 3. Minimum pass-mark IT requirements

We appreciate that the Agency understands the criticality of the transport capacity booking platform in the current energy market, and considers a sound ICT system, and related process and infrastructure as being a prequalification step in the selection of a booking platform. As a TSO, the choice of a booking platform, which must be seen as an extension of our front office, is driven by the compatibility of platform standards with ours. The proposed framework is generally speaking deemed adequate for assessing platform performance and reliability, though we regret that it allows only for a quantitative analysis of the platforms. This quantitative analysis does not allow quality assessment, since quality criteria such as benchmarks,

minimum standards, thresholds, or requirements are missing. In particular Business Continuity Management should not only be assessed by the existence of the process, but more pertinently by the objectives such process intends to meet (maximum downtime, first response time, recovery objective point, ...). If those quality criteria are not defined and assessed in the pre-qualification stage, we deem it relevant to consider them, with adequate weight, in the case study, in order to ensure appropriate selection.

#### **4. Case Study, scored qualitative criteria**

As detailed above, we consider that several areas of the ICT expertise must be measured qualitatively, and given proper weighting in the final selection.

In particular, business continuity (monitoring of performance of ICT system, ability to respond to market changes (e.g. scale up the resources – CPU and database) , contingency planning (recovery and maximum downtime counted in hours), continuous development (involvement of TSO in design and testing of new features, clear planning, taking impact in each other' systems into account), and user support (24/7 dedicated support, with active monitoring of key processes and clear objective in terms of ticket management and solving) should be properly evaluated.

We thank the Agency for the consideration given to this contribution.

