

# TAG GmbH – Response to consultation PC-2019-G-03 – 30.04.2019

## Annex 1 –Compliance with legal requirements

Pursuant to Article 37 of the NC CAM, the transmission system operators shall offer capacity by means of one or a limited number of joint web-based booking platforms.

On 5 June 2018, the Agency undertook a public consultation related to the selection of a booking platform on the German-Polish border. According to the results of the public consultation, at the time of selecting a Booking Platform, the following legal obligations were considered of relevance:

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

### Consultation questions:

1. Please confirm that these legal requirements are still relevant.

All are still relevant

Only some are relevant (Please mark only those numbers that you consider no longer relevant, using the table above.)

TAG GmbH considers that the requirement 21 is not relevant, as the compliance with the data exchange requirements of NC INT is evaluated under point 17.

The following are missing. (Please specify which legal requirements are missing, including the legal text from which the requirement follows)

Please explain your answer.

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.

GSA – n.a.

PRISMA – fully compliant

RBP – n.a.

Please explain your answer.

TAG GmbH considers that PRISMA fully respects all criterions set out by European network codes/regulations.

## Annex 2 – Basic governance structure: a qualitative criterion assessed based on the written answers

Pursuant to Article 37(1) of the CAM NC, TSOs shall offer capacity by means of one or a limited number of joint web-based booking platforms. In doing so, TSOs can either operate such platforms **directly** or **via an agreed party** that, where necessary, **acts on their behalf** towards the network users. The TSOs, regardless of whether they are operating booking platforms or not, are subject to **respect transparency and non-discrimination**.

On 5 June 2018, the Agency undertook a public consultation related to the selection of a booking platform on the German-Polish border. According to the results of the public consultation, the governance structure is of relevance. In particular, the governance structure should enable the Booking Platform to adapt to the changing market needs and the changing regulatory framework, independently from the priorities of the individual TSO in which it is embedded.

According to the results of the public consultation a clear, transparent and adequate governance structure would allow for a transparent and non-discriminatory decision-making process, ensuring absence of control of one or more shareholders of the Booking Platform. The Agency is called to select a Booking Platform for a limited period (i.e. three years). The Agency will consider whether the measures proposed by the consultation are proportionate.

### Consultation questions:

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.

A transparent and non-discriminatory offer of booking services should be a core requirement for a booking platform. TAG GmbH considers that a booking platform managed without the sole control of one TSO gives a better guarantee towards an independent management. Moreover, TAG GmbH considers that a collegial management by several TSOs gives even more guarantees that the demands and requirements of the network users and National and European Authorities as well as the national and European requirements are properly considered.

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?

YES

NO

Please explain your answer.

TAG GmbH considers that a dedicated budget and an independent management is necessary to ensure a transparent and non-discriminatory decision-making process that enables a good governance, where priorities are set with regards of the needs of the platform independently from the need of the TSO(s). Technical activities such as IT architecture and technical staff (helpdesk) can be managed independently of the respective TSO(s), leading to a clearer separation of roles and responsibilities.

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?

YES

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.

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?

YES

NO

Please explain your answer.

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?

YES

NO

Please explain your answer.

TAG GmbH considers that an agreed party acting on behalf of the TSOs could be a valid solution as long as all requirements are ensured, in particular:

- Confidentiality regarding commercial sensitive data;
- Transparency and Non-Discrimination towards users;
- Clear governance;

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.

## Annex 3 – First stage selection criterion: minimum pass-mark IT requirements

### ***PLATFORM's IT SELF-ASSESSMENT and IT AUDIT***

In order to enhance the IT assessment criteria for the booking platform assessment, the Agency proposes the **self-assessment principle** followed by a formal audit, performed by an experienced and certified auditor (with ISO 27000 standard family expertise), to confirm the results of the self-assessment of the respective booking platform. The focus of the IT self-assessment and the audit is to check that the principles of ISO 27000 standard series or the best practice in the information technology service management (ITSM) are covered by the platforms.

The Agency's proposed methodology assures that the methods and criteria for the IT assessment of booking platforms allow assessing if the platforms reach a common level in all the requested IT domains. The self-assessment avoids discriminating the solutions based on technical and non-technical details, and it favours the verification of existing IT principles, as implemented. The methodology is used by the Agency when providing IT services for its own needs and it has its own foundation on ISO/IEC international standards.

#### **Consultation questions:**

1. Please let the Agency know whether the domains presented below are:

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.)

## Annex 4 – Case Study, scored qualitative criteria

The candidates for the platform shall submit a detailed proposal in writing based on the case study presented below, with the assumption that the services are provided to TSOs for a period of three (3) years from the contract signature.

The case study does not commit the Agency or any other party to place a request for such a services. It is the Agency's intention to use the case study for assessing the current degree of the platforms ability of implementation of good practices in IT service management when including new points, namely Mallnow and GCP VIP. The case study is not part of the consultation: only the booking platforms will receive the case study in full. The Agency only share in the framework of this consultation the evaluation methods.

The booking platforms reaching the pass-mark for the IT self-assessment have to demonstrate how the booking platform can offer the basic implementation and improve functionalities **through continuous development, user friendliness, secure access, change management and data security and backup.**

The case study thus covers the project proposal of the booking platform. The Agency will evaluate the quality of the proposal:

### **Completeness**

The proposal for the case study should include all the requested information in detail. The scope of the case study should duly consider all constraints described.

### **Consistency**

The information provided should describe a workable and realistic project that could be implemented in practice with means staff, skills and contracts which are already available to your platform and which may deliver a reasonable and meaningful contribution to the project.

### **Robustness**

The proposal for the case study should be robust to allow adjustments in scope and in time, to properly prevent and mitigate for unexpected delays/issues in any phase of the project.

### **Relevance**

The proposal for the case study should be in line with the existing way of working of the platform and shall consider the existing practices for governance and IT processes.

### **Efficiency**

In respect to efficiency, the proposal for the case study should be, as a minimum, in line with the constraints and delivered timely.

The scoring is at the discretion of the Agency. The booking platforms will be duly informed about the scoring methodology

### **Consultation question:**

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?**

YES

NO

Please explain your answer.

## General Remarks

TAG GmbH considers that some key aspects of the “quality” perimeter have a critical importance in the evaluation of a solution. Therefore, the overall ratio 60/40 (Quality vs Price) could be inadequate in order to take a sound decision, in particular regarding IT security, authentication standards, Helpdesk support in English and 24/7, for which the high benefits justify the costs.

TAG GmbH would therefore suggest increasing the ratio of quality (at least to 70/30). Minimum quality requirements, whose non-standard implementation would discard insufficient technical solutions could also be evaluated.