

# Public consultation on the Capacity Allocation Mechanisms Network Code: achievements and the way forward

Fields marked with \* are mandatory.

## A Introduction

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With gas markets being impacted by a global pandemic (2020) and a European energy crisis (2022), the resilience of the current market rules (also known as “network codes”) has been tested. Although they have ensured a proper market functioning (see ACER’s Market Monitoring Reports and Congestions Reports), lessons have yet to be learnt to further enhance market resilience.

The European gas market must also be ready to align with the latest policy and technological developments, guaranteeing the Green Deal’s decarbonisation targets can be met.

Against this background, the latest European Gas Regulatory Forum has emphasised the importance of having gas market rules which can adequately reflect this evolution, and therefore prompted for the revision of the capacity allocation mechanisms network code (CAM NC).

As part of ACER’s review of the Network Code for Capacity Allocation Mechanisms (‘CAM NC’), ACER is assessing the achievements of CAM NC and scoping the areas of improvement.

ACER invites stakeholders to actively participate in its review by providing feedback on the scoping of the areas of improvement as well as making reasoned proposals on further areas of improvements that could be considered for eventually amending the CAM NC.

**The ACER CAM NC scoping document (‘scoping document’) contains ACER’s review of the market rules regulating gas transmission capacity allocation in Europe** and proposes a scoping of areas of improvements based on ACER’s work on CAM. It serves as the **main consultation document** to which the questions in this survey refer.

Please send your response to the questions **by 5 January 2024, 12:00 noon (CET)**.

*We invite stakeholders to bring forward concrete and succinct reasonings. Overly lengthy responses may not be processed. The survey was corrected on 17 November for missing questions.*

The stakeholder responses will be published on the Agency’s website. If you include commercially sensitive information in your reply, please mark the parts of your answer that are confidential as well as provide a non-confidential version for publication purposes.

Please confirm that you have read the [Data Protection Notice](#)

## B General information

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1 Name and Surname:

2 Email

3 Company:

4 Country:

- AT - Austria
- BE - Belgium
- BG - Bulgaria
- HR - Croatia
- CY - Cyprus
- CZ - Czechia
- DK - Denmark
- EE - Estonia
- FI - Finland
- FR - France
- DE - Germany
- EL - Greece
- HU - Hungary
- IE - Ireland
- IT - Italy
- LV - Latvia
- LT - Lithuania
- LU - Luxembourg
- MT - Malta
- NL - Netherlands
- PL - Poland
- PT - Portugal
- RO - Romania
- SK - Slovak Republic
- SI - Slovenia
- ES - Spain
- SE - Sweden

5 Please specify if other:

6 Business field:

- TSO  
 DSO  
 Shipper/trader  
 Association  
 Other

7 Please specify if other:

## C Consultation documents

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Download ACER's [Scoping document](#)

Download the [cover note to the scoping document](#)

The following questions are organised per chapter and article of the CAM NC, first depicting ACER's review included in the scoping document, a question on how you assess the need for a change in the article, and a question inviting you to elaborate your answer with specific elements.

## D CAM NC Preamble

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### CAM NC Preamble - point (x) (new)

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<a href="#">ACER Special Report on addressing congestion in North-West European gas markets</a>	<ul style="list-style-type: none"><li>To <b>maximise technical capacity</b> as well as (bundled) <b>firm capacity</b> (cf. p.15-17)</li><li>A further <b>strengthening of coordination</b> between <b>neighbouring system operators</b> and <b>regulatory authorities</b> is needed, for instance, by harmonising calculation methodologies (cf. p. 16)</li></ul>	yes
N/A	<p><b>Clear recital or New article on CAM principles</b></p> <ul style="list-style-type: none"><li>The core principles of capacity allocation mechanism must be explicitly defined in the NC. Allocation capacity mechanisms must guarantee the well-functioning of the internal market (GTM, guarantee the gas flows, not bottlenecks, bundled offer, cascading principle, market-based allocation, etc.).</li></ul>	yes

8 Do you agree with ACER's review of the CAM NC Preamble and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 9 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF supports the purpose of the CAM network code revision to maximise capacity, through a better strengthening of coordination and transparency between neighbouring systems operations and regulatory authorities.

In some cases, adjacent TSOs offered capacity that could seem a bit random at time and not transparent, coming from unilateral decision from one of the 2 neighbouring TSO. That's why transparency should be enhanced on the prevailing conditions to offer the capacity.

## E CAM NC, Chapter I, General provisions (Articles 1-3)



### CAM NC Article 1 – Subject matter

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

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\* 10 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral

- Disagree
- Strongly disagree

\* 11 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article.



## CAM NC Article 2 – Scope

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
N/A	<p><i>"When implicit allocation methods are applied, NRAs may decide not to apply article 8 to 37."</i> (Article 5(2) of CAM NC)</p> <ul style="list-style-type: none"> <li>Make sure <b>mechanisms of implicit allocation (IA) are consistent with the key principles of the CAM NC</b>, in particular the principle of capacity bundling.</li> <li>To avoid distortions in the functioning of the Internal Market, CNMC considers that all capacity allocation mechanisms must respect the core principles of CAM. Consequently, the CAM NC should be revised article by article (in particular, art.8 to art.37) to analyse the consequences of not applying those articles when implicit allocation is in place.</li> <li>Coordination when deciding and bundling as two key principles also for IA</li> </ul> <p><small>(CAM TF)</small></p>	yes

9

\* 12 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 13 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<a href="#"><u>ACER Special Report on addressing congestion in North-West European gas markets</u></a>	<ul style="list-style-type: none"> <li>“Introduce the <b>concept of ‘technical capacity’</b>, which refers to the <b>(non-static) maximum-flow capacity</b> at a (virtual) interconnection point considering the network that is optimised for a most likely flow scenario, as opposed to <b>‘firm technical capacity’</b>, which is the capacity that can be guaranteed in all flow scenarios. <b>Both indicators shall be reported and updated by TSOs regularly;</b>” (p. 17)</li> <li>Time elements to be considered in these dynamic definitions; (CAM TF)</li> </ul> <p><i>Relation with Transparency annex – publication requirement</i></p>	yes*
<a href="#"><u>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note</u></a>	<ul style="list-style-type: none"> <li>Realign auction calendar dates to span July-June</li> </ul>	yes

\* Alignment with definitions provided by hydrogen and decarbonised gas markets package

10

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
N/A	<p>Review definition of implicit allocation (alignment with the key principles, in particular bundling) (CAM TF)</p> <ul style="list-style-type: none"> <li>“<i>implicit allocation method</i> means a capacity allocation method where, possibly by means of an auction, both transmission capacity &gt; <b>on both sides of the border</b> &lt; and a corresponding quantity of gas are allocated at the same time;” (Article 3(6) of CAM NC, with textual clarification)</li> </ul>	yes

\* Alignment with definitions provided by hydrogen and decarbonised gas markets package

11

\* 14 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

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EDF supports the realignment of the auction calendar as proposed, as it would simplify the readability of the document published by ENTSOG.

The concept of technical capacity is more worrying, as defining a maximum capacity in a non-static way raises the risk of this capacity changing during the course of the year, making it very complex for market players to make accurate forecasts in their market strategies. As there is no clear definition of the concept, it is complex to have a full-fledged opinion on this matter, and EDF remains quite sceptical at this stage.

## F CAM NC, Chapter II

### Principles of cooperation (Articles 4-7)



## CAM NC Article 4 – Coordination of maintenance

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

13

- \* 16 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

- \* 17 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

**Article 5 – Standardisation of communication**

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

14

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EDF has no comments to do on this article



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<a href="#"><u>ACER Special Report on addressing congestion in North-West European gas markets</u></a>	<ul style="list-style-type: none"> <li>“Introduce <b>the concept of ‘technical capacity’</b>, which refers to the (non-static) maximum-flow capacity at a (virtual) interconnection point considering the network that is optimised for a most likely flow scenario, as opposed to ‘firm technical-capacity’, which is the capacity that can be guaranteed in all flow scenarios. Both indicators shall be reported and updated by TSOs regularly;” (p.17)</li> <li>Time element to be considered (CAM TF)</li> </ul> <p><i>Relation with Transparency annex – publication requirement</i></p>	yes*
<a href="#"><u>ACER Special Report on addressing congestion in North-West European gas markets</u></a>	<ul style="list-style-type: none"> <li>“Promote further <b>harmonisation in the offering of interruptible capacities</b> considering ‘technical capacity;” (p. 17)</li> </ul>	yes

15

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<a href="#"><u>ACER Report on the Conditionalities Stipulated in Contracts for Standard Capacity Products for Firm Capacity</u></a>	<p>Integrate <b>conditional capacity products</b></p> <ul style="list-style-type: none"> <li>“The Agency would welcome a set of <b>harmonised rules</b>, to provide for an <b>effective and well-functioning gas and capacity trading</b> in the EU in line with the competition, environmental and societal goals of the Union.” (p. 10)</li> </ul>	maybe
<a href="#"><u>Implementation Monitoring Report on the Capacity Allocation Mechanisms Network Code – 2016</u></a>	<p>Introducing a process or methodology:</p> <ul style="list-style-type: none"> <li>“As the NC CAM does not specify what “<b>dynamic recalculation</b>” exactly means and what frequency would be an appropriate one, the Agency requests NRAs and TSOs to <b>discuss and clarify this term</b>. Depending on the outcome, the Commission may need legally to define this term later on.” (p. 6)</li> </ul>	maybe

16

\* 20 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

\* 21 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

As per the response to question 15, dynamically establishing technical capacity might hinder market operators' ability to operate efficiently and effectively on the market. Moreover, as dynamic technical capacity seems to rely on "the most likely flow scenario", it is unclear to us what would happen to potential firm capacity already booked that would become unavailable as real flows deviate from the most likely forecasted ones. A guiding principle that should always be granted is that once a market player books firm capacity, that firm capacity shall always be available to the operator; if a dynamic technical capacity endangers that principle, then EDF is strongly opposed to it.

EDF does not support the proposal of introducing conditional capacity products, as it adds an additional layer of complexity that neither supports harmonization of rules across borders nor helps market participants to book and trade capacities they need. Any capacity that cannot be treated as firm should be deemed interruptible.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

\* 22 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 23 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

## G CAM NC, Chapter III

### Allocation of firm capacity products (Articles 8-18)

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<p><b>Possibly revisit the set-aside rules of points (6) and (7)</b></p> <ul style="list-style-type: none"> <li>• "ACER and ENTSOG did consider whether there would be a need to revise also the set-aside rules, in order to avoid capacity for the shorter-term products from being sold-out. No concrete proposal has been put forward as the current wording of the Article already allows for greater shares to be set aside. It can however be considered for the official amendment process whether higher volumes of capacity should be set aside, and/or if a dedicated set-aside rule should be applied to each short-term product"</li> </ul> <p>(Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 16)</p>	maybe

19

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 04/2019 "Auction restrictions NCG"</a></u>	<p>Relevance to be re-assessed</p> <p>"Given the auction-based capacity allocation according to CAM NC at IPs and the deviating capacity allocation process at DEPs based on national law, <b>capacity cannot be allocated in a straightforward manner as competing capacities.</b> Based on that, a <b>reallocation of capacities from IP to DEP might be appropriate</b> as an interim measure for such exceptional cases, if TSOs are guided by a number of predefined criteria:</p> <ul style="list-style-type: none"> <li>• This procedure does not endanger security of supply both for customers supplied via the IP or the DEP</li> <li>• There is <i>comprehensive reasoning</i> that there is indeed <b>potential for competing demand for capacity at both IP and DEP</b> and, in the absence of appropriate network expansion, the level of demand at the DEP cannot be met without allocating capacity from the IP to the DEP</li> <li>• Capacity may be reallocated to the DEP and will be re-allocated again to the IP if it is no longer needed at the DEP</li> <li>• The relevant network operator offering the capacity seeks <b>cost-efficient measures</b> to meet the overall capacity demand and render the re-allocation redundant.</li> <li>• A <b>reallocation of available capacity is the efficient result</b> of an alignment between the involved network operators of the market areas impacted by the reallocation.</li> <li>• The <b>highest level of transparency is ensured</b>, which involve a <b>yearly alignment meeting</b> between relevant parties, in particular the national regulatory authorities (NRAs) and network operators of the market areas impacted by the reallocation. Furthermore, shippers are informed of possible reallocation of unbooked capacity prior to the relevant auctions on the capacity booking platforms.</li> <li>• TSOs and NRAs will make their best efforts to assure that this <b>interim measure lasts the shortest period of time possible.</b>" (Auction Restrictions in the NCG Market Area Issue Solution Note 2020, p. 1-2)</li> </ul>	maybe

20

- \* 24 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 25 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF supports the existing set aside rules and does not see any additional value in revisiting them now.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNG 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<ul style="list-style-type: none"><li>• Advance booking of <b>day-ahead products</b>: Introduction of a 'Balance-of-Month' product [OPTION] (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNG Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 17)</li></ul> <p><i>Relation with NC TAR – setting the tariff for the product</i></p>	yes

21

- \* 26 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 27 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

The additional flexibility brought to the market by the new "BoM" product would be greatly welcome, as market players would have an additional instrument to build an effective market strategy.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

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An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 29 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<b>Additional booking opportunities</b> <ul style="list-style-type: none"> <li>Any Y firm capacity available after ACAs will be auctioned in subsequent UPAs;</li> <li>Proposed regularity: weekly, on Thursdays (subject to change according to flexibility proposal)</li> <li>Once proposed via UPA, a product can no longer be proposed via ACA again</li> </ul> <small>(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 22)</small>	yes

23

- \* 30 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 31 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

The additional UPAs to market capacity unsold after ACAs seem to be a valid instrument to allocate capacity efficiently, providing market players with additional opportunities to book capacity.  
The capacity offered via UPA should be in line with the last auction for that period.

However, additional UPAs for yearly capacity should only concern the current gas year, and not the following ones, as, if the following gas years were to be offered through UPAs, then it would not be possible to offer those capacities through ACAs.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><i>FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</i></u>	<b>Additional booking opportunities</b> <ul style="list-style-type: none"> <li>Any Q firm capacity available after ACAs will be auctioned in subsequent UPAs;</li> <li>Proposed regularity: weekly, on Thursdays (subject to change according to flexibility proposal)</li> <li>Once proposed via UPA, a product can no longer be proposed via ACA again (<i>ACER and ENTSOG have diverging views on the implementation</i>)</li> </ul> <small>(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 22)</small>	yes

24

\* 32 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

\* 33 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

The additional UPAs to market capacity unsold after ACAs seem to be a valid instrument to allocate capacity efficiently, providing market players with additional opportunities to book capacity.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<p><b>Additional booking opportunities</b></p> <ul style="list-style-type: none"> <li>Any M firm capacity available after ACAs will be auctioned in subsequent UPAs;</li> <li>Proposed regularity: weekly, on Thursdays (subject to change according to flexibility proposal)</li> <li>Once proposed via UPA, a product can no longer be proposed via ACA again (<i>ACER and ENTSOG have diverging views on the implementation</i>) <small>(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 22)</small></li> </ul> <p><b>Advance booking of monthly products</b></p> <ul style="list-style-type: none"> <li>All 3 M products within a given Q will be auctioned via ACA before start of Q, then auctioned via UPA each week <small>(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 17-19)</small></li> </ul>	Yes

25

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- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

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The additional UPAs to market capacity unsold after ACAs seem to be a valid instrument to allocate capacity efficiently, providing market operators with additional opportunities to book capacity.

The capacity offered should be in line with the last auction for that period. For example, quarterly capacity is offered on the preceding month before that auction. Up until the monthly auction is offered for the overlapping period, quarterly can continue to be offered quarterly. It should be similar for monthly products. Regarding the reserve price, later auctions should be either at the same reserve price or the highest cleared price for that auction to incentivise early bids. This will have to be discussed and assessed taking into account potential effect on market participant's behaviour.

In any case, before taking any decision, the effect of auctioning all 3 M products via ACA before the start of the quarter should be clarified and analysed more in depth once more technical details are disclosed.



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<b>Advance booking of day-ahead products</b> <ul style="list-style-type: none"> <li>Introduction of a 'Balance-of-Month' product [OPTION] (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 19)</li> </ul>	yes

26

- \* 36 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 37 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF would welcome such addition, provided that they would fit the auction calendar and would not distort the day-ahead auctions.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<b>Advance booking of day-ahead products</b> <ul style="list-style-type: none"> <li>Daily offer of DA products for the following 7 days on a rolling basis until the end of the month <small>(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 18)</small></li> </ul>	yes

27

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The 7-days ahead offering of day-ahead products on a rolling basis would provide shippers with more flexibility and ease the operational burden on shippers (possibility to cover weekends and festive days in advance).

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<ul style="list-style-type: none"> <li>Move the <b>closing of the first WD bidding round ('WD24') earlier in the day (1h30 D → 21h D-1 UTC winter-time)</b> (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 24)</li> </ul>	yes

28

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 Neutral  
 Disagree  
 Strongly disagree

- \* 41 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><i>FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</i></u>	<b>Additional booking opportunities</b> <ul style="list-style-type: none"> <li>Any Y, Q, M firm capacity available after ACAs will be auctioned in subsequent UPAs</li> </ul> <small>(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 15)</small>	yes

29

- \* 42 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 43 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

The additional UPAs to market capacity unsold after ACAs seem to be a valid instrument to allocate capacity efficiently, providing market operators with additional opportunities to book capacity.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<p><b>More efficiency in the ACA allocation process</b></p> <ul style="list-style-type: none"> <li>Explicitly allow TSOs to <b>jointly decide</b> to modify the <b>level of price steps during the auction process</b> (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 21)</li> <li>Provide for a <b>termination rule of ACAs</b>, to allow UPAs to take place (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 28)</li> </ul>	yes
<u><a href="#">FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</a></u>	<p>Investigate the possibility/need of <b>introducing pro-rata rule under ACA</b></p> <ul style="list-style-type: none"> <li><b>"this option of a pro-rata allocation under ACAs was overall not considered optimal by NRAs and TSOs insofar as (i) it would require the ACA algorithm to be amended as its current parameters do not allow for this feature and as (ii) allowing for a change in the level of price steps during the auction process was deemed easier and more efficient. In any case, with additional UPAs taking place after ACAs, a pro-rata allocation will take place if demand exceeds offer, under already-existing UPA rules."</b> (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 21)</li> <li><b>Assess whether a pro-rata rule should be added to the ACA algorithm in cases of long-lasting auctioning processes and/or to reduce the risk of price manipulation</b> (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 21)</li> </ul>	maybe
N/A	<ul style="list-style-type: none"> <li>Assess the most efficient way of improving the efficiency of the ACA algorithm, in particular the introduction of a pro-rata allocation, in view of maximization of allocated volumes and risk of price manipulation (cf. CNMC note)</li> </ul>	maybe

30

- \* 44 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 45 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

Regarding the proposal to modify price steps before every ACA round, EDF believes that it could be a welcome solution to expedite auctions and avoid unnecessary delays. Speeding up the process may contribute to a more streamlined and responsive market environment.

Regarding article 17 and possible improvement for the ACA algorithm:

- Modification of price steps: it should intervene once per day, before the auction starts.
- Termination rule of ACA to allow UPA to take place could be achieved by limiting the ACA to several rounds.
- Both ACA and UPA should start from the same reserve price (regulated price).

However, to express a comprehensive opinion, EDF expects the opportunity to review the proposal in more detail. A thorough understanding of the specifics is essential to ensure that any adjustments align with market dynamics and do not inadvertently introduce unintended consequences.

In any case EDF considers that before taking a final position on the issue, a clarification of the criteria and circumstances under which an early termination may be implemented to strike a balance between efficiency and market integrity is needed.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

31

\* 46 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 47 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

## H CAM NC, Chapter IV

### Bundling of capacity at interconnection points (Articles 19-21)

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Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<a href="#"><u>ACER Special Report on addressing congestion in North-West European gas markets</u></a>	<ul style="list-style-type: none"> <li>neighbouring TSOs to “<i>jointly maximise marketing of firm bundled capacities as reflected in the indicator for ‘firm technical capacity’ and allocation of unbundled firm capacities as less as possible;</i>” (p. 16)</li> </ul>	yes
<a href="#"><u>ACER Monitoring Update on Incremental Capacity Projects and Virtual Interconnection Points – 2020:</u></a>		yes*
<a href="#"><u>FUNC 04/2018 “Implementation of Virtual Interconnection Points” - Solutions note</u></a>	<ul style="list-style-type: none"> <li>“Ambiguity in text of Regulation 459/2017 (NC CAM) regarding the way of implementation of virtual interconnection points (VIPs)” (Func Issue Solution Virtual Interconnection Points, p. 1)</li> </ul>	

• Hydrogen and decarbonised gas markets package might clarify it already. EC proposal reads “[...] Any contracted capacity at the interconnection points, regardless of the date of its conclusion, shall be transferred to the virtual interconnection point.”

33

\* 48 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 49 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

In order to fully assess the proposal, EDF looks forward to the technical details that will shed light on the implementation of this approach. Understanding the specifics of how this optimization will be achieved is crucial for stakeholders to evaluate its potential impact on the market.

In principle, EDF agrees that maximizing bundled capacity is essential to foster a well-functioning market. The efficiency gained through optimized capacity offerings has the potential to enhance market dynamics, ensuring a more seamless and effective allocation of resources, while avoiding complexity related to unmatched capacities for shippers.

Still maximisation of capacity should remain the major purpose.

EDF considers that a clear understanding of the technical aspects will enable market participants to assess the feasibility and benefits of the proposed approach.

Art. 22 to 31 relate to the incremental process and the suggestion is to have them deleted.

The incremental capacity process, while acknowledging its limited returns since its inception, possibly does not deserve an outright cancellation. It might be more prudent to consider a modification that aligns with the evolving needs of the market. A more flexible approach, for example based on a more relaxed time frame or on activation only under specific conditions, could address the concerns surrounding the current frequency of the process without completely abandoning a mechanism that might still play a role in capacity development. The removal of the incremental capacity process altogether might hinder the development of capacities in the future, which could still be vital to the evolving landscape of the energy market.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><i>ACER Opinion 06/2018 on the template for the main terms and conditions covering contractual provisions which are not affected by fundamental differences in principles of national law or jurisprudence, for the offer of bundled capacity products</i></u>	<p><b>update</b> of ENTSOG's "catalogue of the main terms and conditions in the transport contract(s) of the transmission system operators for bundled capacity products." (p. 2)</p> <ul style="list-style-type: none"> <li>"The Agency is of the view that the Template does not always go as far as would be desirable. In particular, the Agency recommends that the template is enhanced by providing its content in a form ready to be used in contracts across the Union and by elaborating best practices." (p. 19)</li> <li>"Moreover, the Agency draws ENTSOG's attention on the observations formulated in the recitals of this Opinion." (p. 19)</li> </ul>	yes
N/A	Ensure minimum alignment of Terms and Conditions for dealing with cancellations of bundled capacity	

\* 50 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

\* 51 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u>ACER's comments on the Capacity Conversion Model created by ENTSOG pursuant to Article 21(3) of the NC CAM</u>	<ul style="list-style-type: none"> <li>“ENTSOG <i>does not</i> provide for a <b>harmonized conversion model</b>. According to Article 21(3), NC CAM foresees that ENTSOG provides for a harmonized conversion model. The NC does not aim for the application of all potentially existing “conversion methods”, which are designed individually by each TSO. The NC foresees that ENTSOG will coordinate across TSOs and propose a model that fits with the general principles of the NC CAM to offer “transparent and efficient allocation of capacity.” (p. 3)</li> <li>“The Agency <u>recommends</u> that the <b>same conversion model applies at least per entry-exit zone border</b>, should several Interconnection Points connect the respective entry-exit zones.” (p. 3)</li> </ul>	maybe

\* Hydrogen and decarbonised gas markets package might clarify it already

35

- \* 52 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 53 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

## I CAM NC, Chapter V

### Incremental capacity process (Articles 22-31)

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.	maybe

• Hydrogen and decarbonised gas markets package must fix legal basis  
• JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

37

\* 54 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 55 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.	maybe

• Hydrogen and decarbonised gas markets package must fix legal basis  
• JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

38

\* 56 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 57 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

**Article 24 – Combination into single economic test\***

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.	maybe

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

39

\* 58 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 59 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.	maybe

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

40

\* 60 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 61 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">2nd Monitoring Update on Incremental Capacity Projects - 2021</a></u>	<p><b>Frequency of process</b></p> <ul style="list-style-type: none"> <li>“As far as the existing <i>incremental process</i> is concerned, the process is burdensome for TSOs and NRAs and, given the limited expectations on the future gas consumption, NRAs question whether the obligation to repeat the incremental-capacity cycle every 2 years for all gas interconnection points remains meaningful.” (p. 12)</li> </ul> <p><b>Administrative fees</b></p> <ul style="list-style-type: none"> <li>“Within the current rules, NRAs may, in line with Article 26(11) of the CAM NC, approve the <i>charging of a fee to network users that wish to express non-binding interest</i>. Such fee shall reflect the administrative costs of the process and could help to attract more robust expressions of non-binding interest that have a better chance of being converted into binding capacity bookings or lead to a closure of the incremental process in the earliest stage of the demand assessment.” (p. 12)</li> </ul>	maybe
N/A	<p><b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.</p>	maybe

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

41

\* 62 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

\* 63 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.	maybe

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

42

\* 64 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 65 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.	maybe

• Hydrogen and decarbonised gas markets package must fix legal basis  
• JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

43

\* 66 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 67 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<b>The chapter on incremental capacity should be deleted from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.</b>	maybe

• Hydrogen and decarbonised gas markets package must fix legal basis  
• JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

44

\* 68 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 69 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no
N/A	<p><b>The chapter on incremental capacity should be deleted</b> from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.</p> <p>To be considered if for the case of multi-IP projects (longer corridors) a harmonised process has added value (CAM TF)</p>	maybe

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

45

\* 70 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 71 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	<ul style="list-style-type: none"> <li>Based on the nature of the article it <u>may be redundant</u> or to be <u>updated</u></li> </ul>	yes
N/A	<p><b>The chapter on incremental capacity should be deleted from the NC. Triggering (cross-border) investments in light of climate neutrality objectives could be considered contradicting and experience with incremental processes in the past showed little relevance against cumbersome procedures.</b></p>	maybe

- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGMENT OF THE GENERAL COURT 16 March 2022 (\*) In Joined Cases T-684/19 and T-704/19

46

\* 72 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 73 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

## J CAM NC, Chapter VI

### Interruptible capacity (Articles 32-36)



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

\* 76 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 77 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

**Article 34 – Coordination of interruption process**

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

\* 78 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 79 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

**Article 35 – Defined sequence of interruptions**

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

\* 80 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 81 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	no

\* 82 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 83 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

## K CAM NC, Chapter VII

### Capacity booking platforms (Article 37)



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<u><a href="#">ACER Decision 10-2019 on the Selection of a Capacity Booking Platform for the Malinow and GCP Gas Interconnection Point (Corrigendum)</a></u>	<ul style="list-style-type: none"> <li>Review the <b>future involvement</b> of ACER in the selection process</li> </ul>	maybe
N/A	<p><b>Efficiency of the process</b></p> <ul style="list-style-type: none"> <li>proposal: reassess/redraft the rules for deciding on an auction platform (Art. 37) to avoid repeating procedures in a relatively short timeframe (e.g. by extending the validity time of the platform decision to avoid additional red-tape or require a reassessment on a needs/request basis)</li> </ul>	maybe

54

- \* 84 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

- \* 85 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

## L CAM NC, Chapter VIII

### Final provisions (Articles 37A-40)

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<p><u><i>FUNC 01/2020 "Greater flexibility to book firm capacity at IPs" - Issue Solution and Issue Solutions Supporting Note</i></u></p> <p>N/A</p>	<p><b>More flexibility</b> to adapt several CAM rules</p> <ul style="list-style-type: none"> <li>The CAM NC <b>should allow</b> several identified <b>rules and parameters</b> to be changed, ahead of auction year, after due <b>assessment, consultation, and regulatory decision</b> (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 "Greater flexibility to book firm capacity at IPs" 2023, p. 28-29)</li> </ul> <p><b>regulators must be involved in any change</b> affecting the functioning of the capacity allocation mechanisms set in the regulation</p>	<p>yes</p>

56

\* 86 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree  
 Agree  
 Neutral  
 Disagree  
 Strongly disagree

\* 87 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

While EDF acknowledges the need for minor technical adjustments, such as calendar alignment, which could be appropriately modified through ACER's public consultation process, the proposal of "adapting several rules" raises concerns. It is our firm belief that allowing National Regulatory Authorities (NRAs) and Transmission System Operators (TSOs) to independently modify the CAM NC may goes far beyond what is needed.

The CAM NC represents a framework that requires careful consideration and a comprehensive understanding of its implications. Granting the authority to adapt several rules without broader consultation and collaboration could lead to inconsistencies and potential challenges in the functioning of the market.

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	<ul style="list-style-type: none"> <li>Based on the nature of point 4 of the article (conditionalities report), it may be redundant or to be updated</li> </ul>	yes

\* 88 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

An amendment may further improve the market functioning and better capacity allocation

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

\* 89 Please elaborate on why do you agree or disagree with ACER's review, being specific about which elements you agree or disagree with? Are there further improvements that you consider relevant in this area in addition to the ones raised by ACER in the scoping document; please explain your reasoning?

EDF has no comments to do on this article

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	/

58

90 This article concerns legal procedural matters; please write down any comments you may have on this article?

Policy paper reference	Nature of proposal in the policy paper	Area of improvement
/	/	/

59

91 This article concerns legal procedural matters; please write down any comments you may have on this article?

**M Other comments or suggestions**

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92 Do you have any other comments or suggestions?

**N Responses are published in full, save for the contact person information; please confirm that your version does not contain confidential information**

\* 93 I understand my response will be published and

- I confirm that my response does not contain confidential information
- I confirm that my response contains confidential information, properly marked as such, and a non-confidential version of my answer is included

Thank you!

## Contact

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