A Introduction

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

1 Name and Surname:

2 Email

3 Company:

   European Energy Exchange (EEX)

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
C Consultation documents

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

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
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</thead>
<tbody>
<tr>
<td>ACER Special Report on addressing congestion in North-West European gas markets</td>
<td>• To maximise technical capacity as well as (bundled) firm capacity (cf. p. 15-17)</td>
<td>yes</td>
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<tr>
<td></td>
<td>• A further strengthening of coordination between neighbouring system operators and regulatory authorities is needed, for instance, by harmonising calculation methodologies (cf. p. 16)</td>
<td></td>
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<tr>
<td>N/A</td>
<td>Clear recital or New article on CAM principles</td>
<td>yes</td>
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<td></td>
<td>• 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 (GT&amp;M, guarantee the gas flows, not bottlenecks, bundled offer, cascading principle, market-based allocation, etc.).</td>
<td></td>
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</table>
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)?

- 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?

Maximizing the use of residually available capacity in general is a positive aspect (e.g. optimize use of investments, positive impact on liquidity and tradability in the wholesale market, convergence of pricing in the single market and more). The impact and implications of the proposals are though too vague to be properly assessed. Especially the definition of core principles lacks a clear proposal. As it is not clear, what the intention is to define the core principles in the NCs, EEX remains neutral.

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

<table>
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<td></td>
<td></td>
<td>no</td>
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</table>

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)?

- Strongly agree
- Agree
- Neutral
- 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?

EEX agrees that no further improvement needs to be made, compared to the current status.

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)?

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

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

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?

Again, the scope and intention of being “consistent with the key principles of the CAM NC” is unclear. In Regulation (EC) No 715/2009 on conditions for access to the neutral gas transmission networks (Gas Regulation), Article 16 of the respective provides principles for capacity allocation. Namely:
- Maximize available capacity to market participants
- Transparent and non-discriminatory allocation mechanisms which shall:
  - Provide economic signals
  - Be compatible with markets and trading hubs
  - Be capable of adapting to evolving market circumstances
  - Be compatible with national network access systems
As implicit allocation is possible and already used today, e.g. at the German-Austrian border and between
the Baltic states and Finland, the application exemptions should remain in order to further enable the current mechanisms of explicit and implicit allocation. A more detailed elaboration on the possible revision of the exemption from Art. 8-37 can not be provided due to the missing scrutinizing principles.

**CAM NC**
**Article 3 – Definitions* (1/2)**

<table>
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<tr>
<th>Policy paper reference</th>
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| ACER Special Report on addressing congestion in North-West European gas markets | • "Introduce the concept of 'technical capacity', 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)  
• Time elements to be considered in these dynamic definitions; (CAM TF)  
Relation with Transparency annex – publication requirement | yes* |
| FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note | • Realignment auction calendar dates to span July-June | yes |

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

**CAM NC**
**Article 3 – Definitions* (2/2)**

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| N/A | Review definition of implicit allocation (alignment with the key principles, in particular bundling) (CAM TF)  
• "Implicit allocation method' means a capacity allocation method where, possibly by means of an auction, both transmission capacity > on both sides of the border < and a corresponding quantity of gas are allocated at the same time." (Article 3(6) of CAM NC, with textual clarification) | yes |

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

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)?

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree
15 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 definitions of technical capacity are given in Regulation 715/2009, the proposed amendment for the implicit allocation method is already a common practice in Europe. As "implicit allocation" refers to various mechanisms of the allocation (e.g. continuous trading, auctions), the example of allocation mechanism within the definition should be kept neutral as well. Proposal for amendment: "... possibly by means of an auction >or continuous trading<" to reflect the current status, where implicit allocation is done mainly via continuous trading.

F CAM NC, Chapter II
Principles of cooperation (Articles 4-7)

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<td>no</td>
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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)?

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

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

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?

EEX agrees that no further improvement needs to be made, compared to the current status.
18 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

19 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?

EEX agrees that no further improvement needs to be made, compared to the current status.
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

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 concept of “conditional capacity products” remains unclear. As gas and capacity trading in the EU is already effective as of now, an additional set of rules seems obsolete.

**CAM NC**

**Article 7 – Exchange of information between adjacent transmission system operators**

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<tbody>
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<td>/</td>
<td>/</td>
<td>no</td>
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</table>

* 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)?

- [ ] 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?

EEX agrees that no further improvement needs to be made, compared to the current status.

**G CAM NC, Chapter III**

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

**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?**
**CAM NC**

**Article 9 – Standard capacity products**

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<th>Policy paper reference</th>
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<th>Area of improvement</th>
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</table>
| FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note | • Advance booking of day-ahead products: Introduction of a ‘Balance-of-Month’ product [OPTION]

Relation with NC TAR – setting the tariff for the product

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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?

EEX refrains from commenting this proposal.
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

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?

EEX agrees that no further improvement needs to be made, compared to the current status.
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?

Additional auctions with firm capacity seem to be positive, but should first be further evaluated, taking cost aspects into account and scrutinizing the room for improvement. The sequencing of ACA (Ascending Clock Algorithm) and UPA (Uniform Price Algorithm) seems efficient and positive.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” – Issue Solution and Issue Solutions Supporting Note</td>
<td>Additional booking opportunities • Any Q firm capacity available after ACAs will be auctioned in subsequent UPAs; • Proposed regularity: weekly, on Thursdays (subject to change according to flexibility proposal) • Once proposed via UPA, a product can no longer be proposed via ACA again (ACER and ENTSOG have diverging views on the implementation)</td>
<td>yes</td>
</tr>
</tbody>
</table>

**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
- [x] 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?

Please see question 31.
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)?

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

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?

EEX refrains from commenting this proposal.
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<th>Policy paper reference</th>
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<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPS” – Issue Solution and Issue Solutions Supporting Note</td>
<td>Advance booking of day-ahead products • Introduction of a ‘Balance-of-Month’ product [OPTION]</td>
<td>yes</td>
</tr>
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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)?

- 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?

EEX refrains from commenting this proposal.
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

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?

EEX refrains from commenting this proposal.
40. 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

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?

EEX refrains from commenting this proposal.
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

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?

EEX refrains from commenting this proposal.
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<tbody>
<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note</td>
<td>More efficiency in the ACA allocation process  - Explicitly allow TSOs to partly decide to modify the level of price steps during the auction process (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 21)  - Provide for a termination rule of ACA to allow UPAAs 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)</td>
<td>yes</td>
</tr>
<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note</td>
<td>Investigate the possibility/need of introducing a pro-rata rule under ACA  - The option of a pro-rata allocation under ACA was overall not considered optimal by NRAs and TSOs insofar as it would require the ACA algorithm to be amended as its current parameters do not allow for the 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 UPAAs taking place after ACA, a pro-rata allocation will take place if demand exceeds offer under already existing UPA rules (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 21)  - 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 (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 21)</td>
<td>maybe</td>
</tr>
<tr>
<td>N/A</td>
<td>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)</td>
<td>maybe</td>
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</tbody>
</table>

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)?

- 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?

EEX refrains from commenting this proposal.
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)?

- 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?

EEX agrees that no further improvement needs to be made, compared to the current status.

H CAM NC, Chapter IV
Bundling of capacity at interconnection points (Articles 19-21)
**CAM NC**

**Article 19 – Bundled capacity**

<table>
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<tbody>
<tr>
<td>ACER Special Report on addressing congestion in North-West European gas markets</td>
<td>• neighbouring TSOs to “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.” (p. 16)</td>
<td>yes</td>
</tr>
<tr>
<td>ACER Monitoring Update on Incremental Capacity Projects and Virtual Interconnection Points – 2020</td>
<td></td>
<td>yes*</td>
</tr>
<tr>
<td>FUNC 04/2018 “Implementation of Virtual Interconnection Points” - Solutions note</td>
<td>• “Ambiguity in text of Regulation 459/2017 (NC CAM) regarding the way of implementation of virtual interconnection points (VIPs)”</td>
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</table>

* 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.”

**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)?

- 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?

EEX refrains from commenting this proposal.
**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?

As the proposal aims at the terms and conditions in the transport contracts of TSOs, EEX is not directly affected and remains neutral on this proposal. Nevertheless, it should be mentioned, that aligning standards at a minimum level can always deteriorate higher standards and national laws being in place in some market areas.
**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?

EEX refrains from commenting this proposal.

CAM NC, Chapter V

Incremental capacity process (Articles 22-31)
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<tr>
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<td>no</td>
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<tr>
<td>N/A</td>
<td>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.</td>
<td>maybe</td>
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- Hydrogen and decarbonised gas markets package must fix legal base
- A JUDGMENT OF THE GENERAL COURT, in March 2022 in Joined Cases T-694/19 and T-704/19

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?

EEX agrees that no noteworthy impact or desired success could be achieved by the regulations concerning Questions 54-73 (Incremental Capacity Process). Before removal, alternatives should be evaluated and contemplated as a placeholder.
**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?**

Please see question 55.
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

Please see question 55.
*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?

Please see question 55.
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

Please see question 55.

* 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?

Please see question 55.
**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

**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?**

Please see question 55.
**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?

Please see question 55.
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

Please see question 55.
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)?

- **Hydrogen and decarbonised gas markets package must fix legal basis**
- A **JUDGMENT OF THE GENERAL COURT** on 16 March 2022 in Joined Cases T-694/19 and T-704/19

* 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?

Please see question 55.
CAM NC

Article 31 – Transitional arrangements

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>/</td>
<td>• Based on the nature of the article it may be redundant or to be updated</td>
<td>yes</td>
</tr>
<tr>
<td>N/A</td>
<td>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.</td>
<td>maybe</td>
</tr>
</tbody>
</table>

* Hydrogen and decarbonised gas markets package must fix legal basis
* JUDGMENT OF THE GENERAL COURT: 16 March 2022 (T-694/19 and T-704/19)

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)?

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

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

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?

Please see question 55.

J CAM NC, Chapter VI
Interruptible capacity (Articles 32-36)
<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACER Special Report on addressing congestion in North-West European gas markets</td>
<td>• “Neighbouring TSOs to extensively coordinate and jointly maximise the availability of firm and interruptible capacities.” (p. 4) • Bundling as key principle for offering interruptible (CAM TF)</td>
<td>yes</td>
</tr>
<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note</td>
<td>Alignment with proposals on • Additional booking opportunities • Advance booking of monthly products • Advance booking of day-ahead products (Daily offer of DA products for the following 7 days on a rolling basis until the end of the month; Introduction of a ‘Balance-of-Month’ product) (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 14-19)</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Move Y, Q, M interruptible auctions from ACA to UPA • It “should allow a quicker allocation and avoid the cases of inefficiencies of ACA under certain market conditions to effectively allocate interruptible capacity” (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 23)</td>
<td>maybe</td>
</tr>
</tbody>
</table>

74. 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)?

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

EEX refrains from commenting this proposal.

75. 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?

EEX refrains from commenting this proposal.
• 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?

EEX agrees that no further improvement needs to be made, compared to the current status.
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

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?

EEX agrees that no further improvement needs to be made, compared to the current status.
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?

EEX agrees that no further improvement needs to be made, compared to the current status.
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?

EEX agrees that no further improvement needs to be made, compared to the current status.

K CAM NC, Chapter VII
Capacity booking platforms (Article 37)
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

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?

It is unclear, to what extent the future involvement of ACER should be reviewed – more detailed proposals are necessary to properly assess and comment.

L CAM NC, Chapter VIII

Final provisions (Articles 37A-40)
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)?

A. An amendment may further improve the market functioning and better capacity allocation
   - Strongly agree
   - Agree
   - Neutral
   - Disagree
   - Strongly disagree

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?

Changes to certain CAM rules might be opportune and flexibility could be a positive factor, but it should not lead to unilateral, regulatory decisions without due diligence and consultation of stakeholders. A general clause for changes, as proposed in Article 37A, creates high (legal) uncertainty, and should be strongly rejected. The network code should only be changed following existing well-established procedures.
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?

Agreement, as the given date in Article 38 has passed already.
This article concerns legal procedural matters; please write down any comments you may have on this article?

EEX has no further comments on this article.

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

EEX has no further comments on this article.
Do you have any other comments or suggestions?

EEX welcomes the review and examination of the NC CAM and the possibility to take part in the consultation. Generally, the optimization and handling of available capacity is in the interest of the wholesale market along all parts of the value chain, including production, transport, trading, and consumption. The interaction alongside the value chain and in particular the interaction between available capacity and trading across Europe is complex and this complexity should not be increased by this review. Therefore, EEX suggests to invite experts from the industry, representing the whole value chain, in order to discuss and to ensure the practical feasibility of any possible changes. Given its important role and experience in the European gas spot markets EEX is willing to support and contribute to further discussions.

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

* 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!