

# 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?

Maximisation of technical capacity and firm bundled capacity

Since it is unlikely that it will create new bundled capacity, Enagás does not see the interest of the measure as it will create difficulties to offer different levels of firm capacities, for different durations of capacity products. Furthermore, how can TSOs set aside a percentage of firm capacity for short term products if the level of firm capacity is variable? And also, will shippers be ready to pay for more firm capacities than previously?

Strengthening coordination

From Enagás experience, neighbouring TSOs already do their best efforts to coordinate calculation methodologies. However, those methodologies may vary from one country to another.

In case, harmonisation of methodologies will not necessarily lead to higher amounts of capacity offer to the market.

By harmonizing capacity calculation methodologies one may rather lose flexibility and optimisation of all systems based on the same methodology will most likely lead to less efficient offering of capacity - as less account can be taken of specific characteristics of an individual network. There simply is no one-size-fits-all calculation method.

Clear Recital on CAM principles

There is no need for an additional recital.

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

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

8

\* 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?

The scope of the CAM NC is properly defined under Article 1.

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>(CAM TF)</p>	yes

- \* 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?

Implicit allocation plays an important role in addition to the standard CAM auctions for the interconnectors connecting the UK to the European market and has also played a role in facilitating cross-border gas flows via interconnectors in response to the war in Ukraine and the subsequent European security of supply crisis. Limiting the possibility of introducing the implicit allocation method could reduce supply flexibility and potentially have a negative impact on the market.

The added value for "traditional" IPs or VIPs might be limited and could served as a back door for not applying the CAM NC rules.

Enagás considers that if implicit allocation is applied at an IP, then, the rules should be agreed by the concerned NRAs after a public consultation with all stakeholders.

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>“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>Relation with Transparency annex – publication requirement</p>	yes*
<a href="#">FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note</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)?

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This question actually asks for an opinion on 3 different issues.

Introduction of the concept of technical capacity

There is no need for such change. The proposed definition of technical capacity under the 715/2009 amendment process has remained unchanged. This definition fulfils its role and is understood in a harmonised manner. It will already be difficult to establish a definition for the term "most likely flow scenario", quite apart from the fact that reality will deviate from this scenario in many (most?) cases. Enagás believes that introducing these definitions could be misleading for the market.

Alignment of CAM NC rules with current auction calendar

Supported by Enagás

Review the definition of the implicit allocation

See answer to question 13.

## 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)?

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

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 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?

No comments



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

\* 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)?

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No comments

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?

The scope of this question covers several topics:

Concept of technical capacity. Please see the answer to question 15

Harmonization in offering of interruptible capacities considering “technical capacity”.

Enagás believes that mandatory bundling of interruptible capacity could be counterproductive and cause more distortions in market functioning than benefits. However, it should be clarified in the CAM NC that bundling of interruptible capacity is possible if agreed by all involved TSOs.

“Dynamic recalculation” process or methodology. This harmonization would be counterproductive.



## CAM NC Article 7 – Exchange of information between adjacent transmission system operators

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

17

- \* 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?

No comments

## 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>Possibly revisit the set-aside rules of points (6) and (7)</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 <del>no</del> <b>competitiveness reasoning</b> 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?

rules.

Reallocation of capacities from IP to DEP. Further explanation is needed.

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>• Advance booking of <b>day-ahead products</b>: Introduction of a 'Balance-of-Month' product [OPTION] <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)</small></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?

Further cost benefit analysis of implementing new products is needed.

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?

No comments

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)?

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- 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 need for additional booking opportunities should be addressed by market participants.  
See FUNC issue ID 1/2020.

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

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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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The need for additional booking opportunities should be addressed by market participants.  
See FUNC issue ID 1/2020

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

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The need for additional booking opportunities should be addressed by market participants.  
See FUNC issue ID 1/2020

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 need for additional booking opportunities should be addressed by market participants.  
See FUNC issue ID 1/2020

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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No comments

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, 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 offered of capacity un UPAs should be applied in a harmonised way at IPs and should not be detriment to the offer of firm bundled 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?

Enagás fully supports the application of pro-rata rules to allocate the capacity in ACAs.

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?

No comments

## 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
<u><a href="#">ACER Special Report on addressing congestion in North-West European gas markets</a></u>	<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
<u><a href="#">ACER Monitoring Update on Incremental Capacity Projects and Virtual Interconnection Points – 2020</a></u>		yes*
<u><a href="#">FUNC 04/2018 “Implementation of Virtual Interconnection Points” - Solutions note</a></u>	<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?

Enagás supports the maximization of the offer of bundled capacity, but considers that the offer of bundled interruptible capacity should only be done on limited cases and should not be mandatory.  
No comments on the VIP issue. Enagás has already VIPs in place.



Policy paper reference	Nature of proposal in the policy paper	Area of improvement
<p><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> <p>N/A</p>	<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> <p>Ensure minimum alignment of Terms and Conditions for dealing with cancellations of bundled capacity</p>	<p>yes</p>

34

\* 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?

ENTSOG has delivered what was possible in the environment of varying degrees of government intervention in the market, usually through powers entrusted either to ministries or national regulatory authorities (NRA). Further alignment therefore requires changes in the governance of private law provisions, such as commercial and civil law provisions regulating the provision of services by one private entity to another. Fundamental principles of civil law remain country specific. Therefore, a harmonization project would be a long and labour-intensive process dealing with the specificities of those different national legal systems. The whole harmonization project would be compromised when the content of transport contracts, even in just one country, is imposed by national laws.

In the end, transport contracts are already harmonised at a high degree to reflect and respect the TSOs responsibilities and duties in providing their own services, also considering the above-mentioned legal limitations.

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?

Conversion model should not be mandatory.

## 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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs.

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

**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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs



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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

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

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

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</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

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?

Incremental capacity had little success in incrementing capacity. This chapter should be deleted as it imposed unnecessary works for the TSOs

## 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?

No comments

**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?

No comments

**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?

No comments



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?

No comments

## K CAM NC, Chapter VII

### Capacity booking platforms (Article 37)

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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?

No comments

## 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 <u>should allow</u> 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?

Flexibility should not be detrimental to harmonisation.

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

57

- \* 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?

No comments

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?

No comments

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**

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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