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

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:

FNB Gas e.V.

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

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>
</tr>
</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) • 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>yes</td>
</tr>
<tr>
<td>N/A</td>
<td>Clear recital or New article on CAM principles • 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 (GTN, guarantee the gas flows, not bottlenecks, bundled offer, cascading principle, market-based allocation, etc.)</td>
<td>yes</td>
</tr>
</tbody>
</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?

The conditions and the calculation models are very different in the individual EU countries due to the complexity and topological differences of the networks. The regulations and definitions regarding "technical capacity" are currently contained in European and national standards.

Current capacity allocation rules are implemented and widely known to the market. The principles described are already implemented in the current rules and standardized on the booking platforms while optimization takes place through the implemented FUNC-process. It is unclear how more precise definitions lead to improvement in some parts while not restricting the market in other parts.

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

CAM NC
Article 1 – Subject matter

<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></td>
<td>no</td>
</tr>
</tbody>
</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
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?

We agree with ACER's proposal, because the subject matter is clear defined.

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

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 methods are a rare exemption within the European market which does not justify a major adjustment. For this reason, the NRA/TSO who seeks an exemption from Art. 8 to 37 should individually analyze the impact of such decision. However, this should be on a case-by-case basis and not as part of the general CAM rule.
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

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

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

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?
“Technical Capacity” is already defined in the Reg. 715/2009 and “means the maximum firm capacity that can be offered to the network users, taking account of system integrity and the operational requirements of the transmission system or hydrogen network.”

An amendment or deviating definition seems not to be appropriate. Furthermore, the aim of introducing such a concept is unclear. A dynamic model would be overly complex (which scenarios should be considered, and which denied at which point in time?, how often should it be recalculated) and for this reason would not provide the market any additional value or even create harmful, easily misinterpreted information.

Agree to amend the definition of “auction calendar” as proposed.

**F CAM NC, Chapter II**

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

---

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

---

*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

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

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

We agree with ACER’s proposal, because in our opinion the Coordination of maintenance works without problems.
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)?

- 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?

We agree with ACER's proposal, because in our opinion the Standardisation of communication works without problems.
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

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?
See No. 15. Furthermore, to achieve an optimal utilization of the network, at most German IPs the German TSOs offer infinitive interruptible capacity. In case the offered interruptible capacity is limited by the new "technical capacity" it will harm the utilization of the network.

In the new Reg. 715 „conditional capacity“ will be defined as “means firm capacity that entails transparent and predefined conditions for either providing access from and to the virtual trading point or limited allocability.” NC CAM should not define “conditional capacity” differently.

It is questionable what the “dynamic recalculation” refers to.

a) Maximization monthly
b) Yearly recalculation

Regarding a): it is safe to say, that short-term events (changes of weather-conditions, ect.) are already considered in the different product-types.

Regarding b): the capacity calculation is a very complex process with a lot of different input factors which have to be taken into consideration. It takes several months to arrive at reliable results. Therefore a higher frequency than once a year seems to be impractical.

Another aspect is, that adjustments to the technical capacity during the year could lead to uncertainty in the market, as customers demand reliable capacities in the long term (yearly-auctions).

---

**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

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

We agree with ACER’s proposal, because the exchange of information between adjacent transmission system operators works without problems.

G CAM NC, Chapter III
Allocation of firm capacity products (Articles 8-18)
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 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 regulations on reservation quotas must be adjusted if additional UPAs are introduced. In this case, reserved capacities may not be offered in the additional UPAs for the same product term.

DEPs are not yet affected by European law and have been established based on different regulations in the European markets. Furthermore, this topic has been decided in FUNC Issue 04/2019 and successfully implemented. Any reassessment of this issue would undermine market trust into the institution of the FUNC-Issue.

---

CAM NC

**Article 9 – Standard capacity products**

<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>Relation with NC TAR – setting the tariff for the product</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

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

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

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

The introduction of a new capacity product (BoM) is not necessary to implement the possibility to book the remaining days of a month. It is sufficient to implement a new possibility to book daily products more in advance (see No. 34).
In addition, it is very problematic to implement new products due to national legislation. There are different multipliers for different product runtimes in place which do not fit to a new runtime.
The valuation “strongly disagree” refers only to the implementation of a new product in Art. 9 but not to the BoM-mechanism itself.

28 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

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?

We agree with ACER's proposal, because the applied capacity unit works without problems.
**30** Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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

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

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

The assessment whether the implementation of additional booking opportunities for yearly products is beneficial for the market should be up to market participants (traders, transport-customers). The final decision should be based in any case on a cost-benefit-analysis.

To avoid excessive traffic on the IT systems, the additional auctions should not be more often than once a week. Furthermore, the additional auctions should cover only the upcoming gas year. Cascading principle should be respected.
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 assessment whether the implementation of additional booking opportunities for quarterly products is beneficial for the market should be up to market participants (traders, transport-customers). The final decision should be based in any case on a cost-benefit-analysis.

To avoid excessive traffic on the IT systems, the additional auctions should not be more often than once a week. Furthermore, the additional auctions should cover only the upcoming quarter. Cascading principle should be respected.
34 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

35 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 assessment whether the implementation of additional booking opportunities for monthly products is beneficial for the market should be up to market participants (traders, transport-customers). The final decision should be based in any case on a cost-benefit-analysis.

To avoid excessive traffic on the IT systems, the additional auctions should not be more often than once a week. Cascading principles should be respected.

As option 2 (all 3 month) seems to be very complex it is recommended to pay special attention to the cost-side of the cost-benefit-analysis.
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 assessment whether the implementation of the BoM auction-mechanism is useful to meet NC CAM targets (internal gas market) should be up to market participants (traders, transport-customers). The final decision should be based in any case on a cost-benefit-analysis. Cascading principle should be respected. It should be emphasized that BoM is NOT a new product but new way to allocate the existing daily product (acc. to Art. 9 (5) NC CAM).
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 mentioned 7-days-rolling method is an alternative to the BoM mechanism. The market seems not to be in favor of it, because BoM provides more booking-opportunities.
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?

Should be assessed by the stakeholders (traders, transport-customers). Cascading principle should be respected
### CAM NC
**Article 16 – Auction algorithms**

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
</table>
| FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” – Issue Solution and Issue Solutions Supporting Note | Additional booking opportunities  
- Any Y, Q, M firm capacity available after ACAs will be auctioned in subsequent UPAs  
(cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020  
“Greater flexibility to book firm capacity at IPs” 2023, p. 15) | yes |

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)?

- [ ] Strongly agree
- [ ] Agree
- [x] 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?

If additional auctions are implemented they should be allocated via an UPA.
### Article 17 – Ascending clock auction algorithm

<table>
<thead>
<tr>
<th>Policy paper reference</th>
<th>Nature of proposal in the policy paper</th>
<th>Area of improvement</th>
</tr>
</thead>
</table>
| FUNC 01/2020 “Greater flexibility to book firm capacity at IP’s” - Issue Solution and Issue Solutions Supporting Note | 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 IP’s” 2022, p. 23)  
- Provide for a termination rule of ACAs, 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 IP’s” 2022, p. 28) | yes |
| FUNC 01/2020 “Greater flexibility to book firm capacity at IP’s” - Issue Solution and Issue Solutions Supporting Note | Investigate the possibility/need of introducing pro-rata rule under ACA  
- The 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 UPAAs taking place after ACAs, a pro-rata allocation will take place if demand exceeds offer under already existing UPA rates (cf. Annex 1 – Issue Solution Supporting Note Evaluation of FUNC Issue 01/2020 “Greater flexibility to book firm capacity at IP’s” 2022, p. 26)  
- 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 IP’s” 2022, p. 21) | maybe |
| N/A | 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) | maybe |

#### 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?

There is no need to adjust the price steps during an ongoing auction. There are possibilities to set the price steps appropriately in advance (based on price spreads between adjacent hubs). If auctions are not completed on time, there are already mechanisms in place (Art. 17 (22) NC CAM). A pro rata allocation of capacities seems to contradict the principle of willingness-to-pay and should therefore be rejected.
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?

We agree with ACER's proposal, because the uniform-price auction algorithm works without problems

**H CAM NC, Chapter IV**

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

See No. 21 regarding technical capacity.

As the current regulations on bundling already lead to a maximum of bundled capacities, it is also unclear what is to be achieved here. It should be also considered that unbundled capacity may only be marketed to a limited extent in the future.

Implementation or non-implementation of VIPs has already been decided upon. Any deviating requirements would likely result in inefficiencies or loss of firm capacity.

Furthermore, it is to be expected, that Art. 5 (3) of the revised Reg. 715 will include additional rules regarding VIPs.
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?

Due to the requirements of NC CAM, the content of the transport contracts is almost completely standardized. In addition to the regulatory content, which is based on European standards, national regulations are also reflected in the transport contracts. Those national requirements cannot be harmonized anyway.
**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?

There is a harmonised conversion model provided by ENTSOG in 2017: CAP0717-17_170724_ENTSOG_Capacity-conversion-model_final GA.docx

For all booking platforms currently used by the german TSOs there is an automized conversion model in place. The shipper can convert the capacity during a capacity auction process by entering information about the contract that should be converted.

**I CAM NC, Chapter V**

**Incremental capacity process (Articles 22-31)**
CAM NC
Article 22 – Economic test*

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

* 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)?

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

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

* 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?

The incremental process did not result in a successful project so far but created a lot of bureaucratic workloads for the TSOs and NRAs. Therefore, and against the background of potential CH4-phaseout, the whole process should be deleted.
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?

See No. 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

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?

See No. 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

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?

See No. 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

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?

Should be deleted.

See No. 52
**CAM NC**
**Article 27 – Design phase**

<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>/</td>
<td>no</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-684/19 and T-704/19)**

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)?

- 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?

See No. 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)?

<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>/</td>
<td>no</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 (C 16 Joined Cases T-694/19 and T-704/19)

• 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?

See No. 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

* 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?

See No. 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

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?

See No. 52
**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 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-16/19 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

*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?*

See No. 52

**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>
</table>
| ACER Special Report on addressing congestion in North-West European gas markets | • "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) | yes |
| FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” - Issue Solution and Issue Solutions Supporting Note | 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 issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 14-19) | yes |
| | 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 issue 01/2020 “Greater flexibility to book firm capacity at IPs” 2023, p. 23) | maybe |

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

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?

TSOs are already working together to maximize the offer of firm and interruptible capacity. Regarding the bundling of interruptible capacity the approval of all TSOs involved is necessary. A mandatory bundling of interruptible capacity does not seem to be effective due to the infinitive offer of unbundled capacity at some (V)IPs.
<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></td>
<td>no</td>
</tr>
</tbody>
</table>

*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?

We agree with ACER's proposal, because the minimum interruption lead times is clear defined.
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?

We agree with ACER's proposal, because the coordination of interruption process works without problems
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?

We agree with ACER's proposal, because the defined sequences of interruption process is clear defined.
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?

We agree with ACER's proposal, because the reasons for interruptions are clear defined.

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

**Article 37 – Capacity booking platforms**

<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 Decision 10-2019 on the Selection of a Capacity Booking Platform for the Mallnow and GCP Gas Interconnection Point (Corrigendum)</td>
<td>• Review the future involvement of ACER in the selection process</td>
<td>maybe</td>
</tr>
<tr>
<td>N/A</td>
<td>Efficiency of the process • 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)</td>
<td>maybe</td>
</tr>
</tbody>
</table>

*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)?

- 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?

We welcome the idea of extending the validity time of the ACER decision. Nevertheless, the involved TSOs should in any case have the option to deviate from the decision when they come to a bilateral agreement about the platform. In this case a switch of the platform should be possible anytime.

---

L CAM NC, Chapter VIII

Final provisions (Articles 37A-40)
<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>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” – Issue Solution and Issue Solutions Supporting Note</td>
<td>More flexibility to adapt several CAM rules • The CAM NC should allow several identified rules and parameters to be changed, ahead of auction year, after due assessment, consultation, and regulatory decision (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) regulators must be involved in any change affecting the functioning of the capacity allocation mechanisms set in the regulation</td>
<td>yes</td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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)?

- 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?

It is critical to note that almost all relevant regulatory content can be changed without following the regular adjustment process for regulations.

This approach would result in stakeholders having no binding basis for their transactions.

The involvement of the NRAs is no sufficient to ensure a meaningful process.

If Art. 37a remains it is of utmost importance that ACER, NRA and ENTSOG decide jointly about any changes.
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?

We agree with ACER's proposal.
This article concerns legal procedural matters; please write down any comments you may have on this article?

### Article 39 – Repeal

<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></td>
<td></td>
</tr>
</tbody>
</table>

### Article 40 – Entry into force

<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></td>
<td></td>
</tr>
</tbody>
</table>

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

**Other comments or suggestions**
Do you have any other comments or suggestions?

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!

Contact

Contact Form