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

Fields marked with * are mandatory.

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.
B General information

1 Name and Surname:

2 Email

3 Company:

OMV Gas Marketing & Trading GmbH

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

Please confirm that you have read the Data Protection Notice
Please specify if other:

6 Business field:
- TSO
- DSO
- Shipper/trader
- Association
- Other

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>
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</thead>
<tbody>
<tr>
<td>ACER Special Report on addressing congestion in North-West European gas markets</td>
<td>• To maximise technical capacity as well as (bundled) firm capacity (cf. p. 15-17) • 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>
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<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 (GTIM, 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?

We support any improvement which aims at increasing the amount of technical capacity offered in auctions. We are not sure if a harmonization of calculation methodologies is necessarily purposeful considering networks diverge largely in their design and structure. We would rather prefer TSOs are invited to develop their own respective maximum of capacity available to the market.

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

CAM NC
Article 1 – Subject matter

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

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

- Strongly agree
- Agree
- Neutral
- Disagree
- 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?

n.c.

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**CAM NC**

**Article 2 – Scope**

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<tr>
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<tr>
<td>N/A</td>
<td><em>When implicit allocation methods are applied, NRAs may decide not to apply article 8 to 37.</em> (Article 5(2) of CAM NC)</td>
<td>yes</td>
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<td>• Make sure mechanisms of implicit allocation (IA) are consistent with the key principles of the CAM NC, in particular the principle of capacity bundling</td>
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<td>• 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.</td>
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<td></td>
<td>• Coordination when deciding and bundling as two key principles also for IA (CAM 17)</td>
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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
- [X] 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?

n.c.
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 suggest a higher degree in transparency and predictability across TSOs so the market can better anticipate why and when certain (firm) capacity can be offered, or cannot be offered.

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

CAM NC

Article 4 – Coordination of maintenance

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

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?

More cross-border coordination across network operators is highly required. Planned maintenance works usually do not enable network users to claim refunds. This particularly is the case for bundled capacity, where network users are also obliged to pay for capacity they cannot use because of outages coming from the adjacent TSO. At various points across Europe network users are thus facing several periods of non-availability per year, despite paying the full tariff. Therefore the period of capacity not being ready to use must be minimized. Special focus should be set on congested points where excessive phases of uncoordinated TSO maintenance can be highly critical also with regard to SoS goals.
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*18 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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

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

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

n.c.
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.

- \(\bigcirc\) Strongly agree
- \(\bigcirc\) Agree
- \(\bigcirc\) Neutral
- \(\bigcirc\) Disagree
- \(\bigcirc\) 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?
We believe individual TSOs have the best insight in which type of capacity they can offer under which conditionalities and are confident this might lead to the highest offer of capacity. After all, the market will decide which products are attractive or not. In any case, the offer of conditional capacity should become more flexible with regard to capacity conversion of existing unbundled contracts - there should be more compatibility between product types so network users can use all types of existing contracts/auctions for conversion. Furthermore, any type of conditional product needs to be offered in auctions, when such a contract is surrendered by network users. Surrender volumes of whatsoever product at a (V)IP must be offered in auctions, regardless of restrictions from national capacity models where they do not foresee “primary” auctions for such a product class any more. Regarding the “maybe”-assessments by ACER, we clearly see need to adjust NC CAM.

**CAM NC**

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

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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](Strongly_agree.png)
- ![Agree](Agree.png)
- ![Neutral](Neutral.png)
- ![Disagree](Disagree.png)
- ![Strongly disagree](Strongly_disagree.png)

*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?*

n.c.

**G CAM NC, Chapter III**

*Allocation of firm capacity products (Articles 8-18)*
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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

<table>
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<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
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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 scope document; please explain your reasoning?
In principle we agree on applying the existing set aside rules, however modifications are required as follows:
1) it should not be applied in INC auctions as it undermines the economic test (in principle we invite to delete INC from NC CAM entirely, see responses 54-73); 2) at very large network points the set aside quota can block substantial amounts of free available capacity from annual auctions and even lead to no auction being held despite vast free capacity; this could be solved by capping (in MWh/) set aside capacity; 3) the set aside quota should be adjusted where it vastly affects or blocks the offer on one side of bundled capacity; 4) the set aside quota must not apply on capacity coming from capacity surrenders – any quantity surrendered by network users must be offered in full.

### CAM NC

**Article 9 – Standard capacity products**

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Relation with NC TAR – setting the tariff for the product

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

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

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

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

We support the offer of a BoM product as it reflects market interest and also tradeable hub products. At the same time it allows for predictability of availability for the rest of the month.
**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?

n.c.
**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?

We believe for the year-ahead product this provides a reasonable compromise to offer capacity more often than once. For the y+2 time horizon we implicitly understand UPA would not apply. It also needs to be ensured that network users have the possibility to place capacity surrenders for each individual auction (ACA or UPA) of yearly products, whereas non-marketed surrender capacity should always fall back to the network user directly after the auction with the option for re-surrender in any following auction of the same product type under the same principles. In addition we invite to revise the formula in Art 11 (6) so that any surrender capacity cannot be curtailed be set aside quotas: surrender capacity should always be offered to full extent, so that contractual congestion can be minimized.
\* 32 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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

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

We support more quarterly auctions in general. As to the UPA, we believe it would be wiser to only offer the quarter-ahead on UPA basis. It also needs to be ensured that network users have the possibility to place capacity surrenders for each individual auction (ACA or UPA) of quarterly products, whereas non-marketed surrender capacity should always fall back to the network user directly after the auction with the option for re-surrender in any following auction of the same product type under the same principles.
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 support more monthly auctions in general. As to the UPA, we believe it would be wiser to only offer the quarter-ahead in monthly tranches on UPA basis. It also needs to be ensured that network users have the possibility to place capacity surrenders for each individual auction (ACA or UPA) of quarterly products, whereas non-marketed surrender capacity should always fall back to the network user directly after the auction with the option for re-surrender in any following auction of the same product type under the same principles.
CAM NC
Article 13A – Rolling balance-of-month capacity auctions (new)

<table>
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<tbody>
<tr>
<td>FUNC 01/2020 “Greater flexibility to book firm capacity at IPs” – Issue Solution and Issue Solutions Supporting Note</td>
<td>Advance booking of day-ahead products</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>* Introduction of a ‘Balance-of-Month’ product [OPTION]</td>
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</table>

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

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

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

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

We support the offer of a BoM product as it reflects market interest and also tradeable hub products. At the same time it allows for predictability of availability for the rest of the month, which would not be as clearly the case with other day-product variations (such as a 7-days rolling offer, or single days of the remaining month being offered).
38 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

39 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 do not see a particular benefit in such a product offer as it does not seem aligned with traded products. Moreover it might reduce plannability and predictability on available DA volumes.
**40 Do you agree with ACER's review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?**

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

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

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

> An earlier completion of the first WD auction covering 24hs of the day-ahead is strongly supported.
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?

pls see answers to 30-35
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 oppose the considered possibility of TSOs to adjust price steps during an auction for various reasons. Generally, it must be clear under what rules and conditions an auction will be held prior to its start, without any risk of arbitrary modifications. Besides this any such modifications might cause severe problems related to transparent communication to bidders, assuming time frames between ACA rounds are rather short. An intra-auction adjustment of price steps might as well lead to distortion across auctions between competing routes versus the initial situation. As a positive example of setting price steps, we would like to mention OGE who determine price steps closely before the start of an auction. We are also very skeptical regarding the introduction of pro-rata allocations in ACA auctions. If any such mechanism were to be considered we would like to invite to at least take into account fill-or-kill principles in such evaluations.
* 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?

n.c.

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

Any offer of bundled firm capacity at V(IP)s should be maximized. At the same time we believe also exceeding unbundled firm capacity should be offered where available. In any case capacity conversion should be applied in the best way possible and ex-post, to also allow all interested network users to fully participate in auctions. As a best practice example for capacity conversion we would like to point out the procedure applied by GCA.
CAM NC

Article 20 – Alignment of main terms and conditions for bundled capacity products

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<tr>
<td>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</td>
<td>Update 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) • “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) • “Moreover, the Agency draws ENTSOG’s attention on the observations formulated in the recitals of this Opinion.” (p. 19) N/A</td>
<td>Yes</td>
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Ensure minimum alignment of Terms and Conditions for dealing with cancellations of bundled capacity

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

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

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

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

   We acknowledge that TSOs might apply diverging conditions in their respective GTCs on certain aspects. However we strongly support that termination clauses, where applicable on one side, need to be applicable also for the adjacent part of the bundled booking. In certain cases bundled capacity is being marketed under wrong or misleading signals (too low tariff indications or additional levies imposed on one side etc.) and network users may remain stuck with one unbundled part if there are no aligned termination rules. Bundled products should also be treated like bundled contracts in this regard.
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 recommend to apply the conversion model used by GCA for every network point. It is operationally feasible and leaves network users with no obstacles during auctions as it is an ex-post model. We do not believe an adjustment MAY improve the market, it WILL improve the market (just to clarify our response “strongly agree”).

I CAM NC, Chapter V
Incremental capacity process (Articles 22-31)
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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

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

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

In our view the INC process has proven ineffective and inefficient. Thus we invite to delete it from NC CAM. We however believe that new and more flexible procedures more similar to OSPs should be developed to better meet the requirements to (new) infrastructure, both ready for a decarbonized energy future and for SoS goals including optionality for individual member states to provide economic support if deemed necessary to achieve such goals.
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
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* 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
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* 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?

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

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

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* 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)?

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CAM NC
Article 29 – Auctioning of incremental capacity*

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- Hydrogen and decarbonised gas markets package must fix legal basis
- JUDGEMENT OF THE GENERAL COURT, 16 March 2022 (T-16/14, Joined Cases T-684/18 and T-704/19)

**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?

In our view the INC process has proven ineffective and inefficient. Thus we invite to delete it from NC CAM. We however believe that new and more flexible procedures more similar to OSPs should be developed to better meet the requirements to (new) infrastructure, both ready for a decarbonized energy future and for SoS goals including optionality for individual member states to provide economic support if deemed necessary to achieve such goals.
Article 30 – Principles for alternative allocation mechanisms

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<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. To be considered if for the case of multi-IP projects (longer corridors) a harmonised process has added value (CAM TF).</td>
<td>maybe</td>
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* 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?

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CAM NC
Article 31 – Transitional arrangements

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<td>I</td>
<td>• Based on the nature of the article it may be redundant or to be updated</td>
<td>yes</td>
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<tr>
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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
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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?

In our view the INC process has proven ineffective and inefficient. Thus we invite to delete it from NC CAM. We however believe that new and more flexible procedures more similar to OSPs should be developed to better meet the requirements to (new) infrastructure, both ready for a decarbonized energy future and for SoS goals including optionality for individual member states to provide economic support if deemed necessary to achieve such goals.

J CAM NC, Chapter VI
Interruptible capacity (Articles 32-36)
**Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?**

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

- Strongly agree
- Agree
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**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 do not see any added value in the bundling of interruptible capacity. Mandatory bundling would reduce the possibility to book missing capacity on one side of the border point, when needed (legacy contracts one side of the border etc). Furthermore most TSOs offer a sufficient amount of interruptible capacity. Thus under the ACA mechanism there is no significant risk of not being allocated one side of the interruptible product, even when bidding in ACA auctions on both sides of a border point.
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
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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?

n.c.
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

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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?

In principle we think TSOs should have closely aligned processes on matching and interruptions.
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
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• 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

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n.c.

K CAM NC, Chapter VII
Capacity booking platforms (Article 37)
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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n.c.

L CAM NC, Chapter VIII
Final provisions (Articles 37A-40)
Do you agree with ACER’s review of this CAM NC article and the identified area(s) of improvement (yes=amendment identified, maybe= amendment may improve market, no=no change envisioned)?

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

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- 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 support this initiative. Recent observations have shown that NC CAM should at least offer more possibilities to adjust to changing circumstances. However it should be warranted that any changes introduced are thoroughly consulted and implemented with sufficient notice period.
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)?

- Strongly agree
- Agree
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n.c.
This article concerns legal procedural matters; please write down any comments you may have on this article?

n.c.

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

n.c.

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

We explicitly invite ACER to adjust NC CAM (or any related regulatory framework) with regard to making available surrender capacity. It should in any case be guaranteed that every surrender placed by network users will to full extent be offered in the auction the network user was releasing capacity for. Also network users need to have guarantee that surrendered capacity falls back directly when it was not marketed in one specific (!) auction. Any surrender decision by network users is a case-by-case assessment. As an example, in Germany nonmarketed yearly surrender capacity is offered cascaded down to the day-ahead products (Y->Q->M->D). Such a system infringes the spirit of congestion management procedures and the principle of capacity maximization in NC CAM, as it makes surrendering of capacities entirely unattractive.

N Responses are published in full, safe 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!