

NOTICE OF

PUBLIC CONSULTATION of 9 April 2019

PC-2019-G-03

Consultation is open from 9 April 2019 to 30 April 2019

1. The Consultation

Stakeholders are invited to submit their observations until

30 April 2019, 23:59 hours (CET) to bookingplatform@acer.europa.eu

2. Publication of responses

3. Privacy Statement

4. The content of the public consultation

The Agency will evaluate the criteria price offer and quality using a price–quality ratio of 40%/60%.

*From Uniper Global Commodities SE (UGC) perspective a **price-quality ratio of 20%/80%** reflects more an appropriate way, as for a Shipper the most important fact is a stable and always available system.*

Annex 1 –Compliance with legal requirements

Pursuant to Article 37 of the NC CAM, the transmission system operators shall offer capacity by means of one or a limited number of joint web-based booking platforms.

On 5 June 2018¹, the Agency undertook a public consultation related to the selection of a booking platform on the German-Polish border. According to the results of the public consultation, at the time of selecting a Booking Platform, the following legal obligations were considered of relevance:

Legal compliance criteria			
	Allocation of firm capacity	12 13 14 15	Offer of competing capacity products
	Allocation of interruptible capacity	16 17	Allocation of incremental capacity
	Bundling of capacity products	18 users	Surrender of capacity
	Ascending clock auctions (yearly, quarterly and	National	Buyback of capacity
		19 20	REMIT reporting obligations
EU regulation	Uniform price auctions (day-ahead, within-day)	21	Interoperability and data exchange
1 2 3		XML (PL)	
4 monthly)	Day-ahead bid roll-over	22 practice)	obligations Avoidance of cross-subsidies
5 6 7 8 9	Support of kWh/h and kWh/d as capacity unit		between network regulation
10 public)	Secondary capacity trading		Assignment to balancing groups (DE)
11	Automated bidding		Support for capacity upgrade services (DE)
	Reporting of platform transactions (bidders and		Use of protocol AS4 and data format Edig@sAnonymity of all trading procedures (DE, best
	Bundling of capacity on 1:n situations		

Consultation questions:

- Please confirm that these legal requirements are still relevant.

Only some are relevant (X)

No. 21 is not a relevant criteria for UGC.

¹ https://www.acer.europa.eu/Official_documents/Public_consultations/Pages/PC_2018_G_03.aspx

The following are missing. (Please specify which legal requirements are missing, including the legal text from which the requirement follows)

- *The Capacity Conversion Service according to Article 21 (3) NC CAM is missing.*
- *As a user of the platform, transparency is a decisive criterion. All cost components should therefore be displayed centrally and up-to-date in the booking platform.*

2. For each of the three Booking Platform currently active in the EU, please mark the numbers of the legal requirements next to it, which in your view are not complied with.

As a European gas trader, we use all platforms with varying degrees of intensity. As PRISMA is for us the most used platform, we can confirm that this platform fully meets the compliance criteria.

Annex 2 – Basic governance structure: a qualitative criterion assessed based on the written answers

Pursuant to Article 37(1) of the CAM NC, TSOs shall offer capacity by means of one or a limited number of joint web-based booking platforms. In doing so, TSOs can either operate such platforms **directly** or **via an agreed party** that, where necessary, **acts on their behalf** towards the network users. The TSOs, regardless of whether they are operating booking platforms or not, are subject **to respect transparency and non-discrimination**.

On 5 June 2018, the Agency undertook a public consultation related to the selection of a booking platform on the German-Polish border. According to the results of the public consultation, the governance structure is of relevance. In particular, the governance structure should enable the Booking Platform to adapt to the changing market needs and the changing regulatory framework, independently from the priorities of the individual TSO in which it is embedded.

According to the results of the public consultation a clear, transparent and adequate governance structure would allow for a transparent and non-discriminatory decision-making process, ensuring absence of control of one or more shareholders of the Booking Platform. The Agency is called to select a Booking Platform for a limited period (i.e. three years). The Agency will consider whether the measures proposed by the consultation are proportionate.

Consultation questions:

1. **Please indicate the measures** that you consider necessary for the governance of the booking platforms to offer users transparent and non-discriminatory services, in the light of the application of Union and national competition and regulatory framework.

We expressly welcome the fact that the booking platform is operated independently of the influence of TSO.

2. Do you consider that the legislation implicitly requires a governance structure for the Booking Platforms to ensure-, **as a minimum**, that a dedicated budget and a dedicated independent management ensures autonomous decisions on Platform developments, IT developments and maintenance, based on the market needs?

YES (X)

NO

Independence guarantees non-discriminatory access to the services of the booking platform for all Users.

3. Are there other areas/aspects in which you consider that the Booking Platform should be independent from the TSO(s) in which it is embedded?

YES (X)

NO

Please explain your answer.

If you answered in the affirmative, please **enlist** those areas/aspects in which you consider that the Booking Platform should be independent and/or autonomous from the TSO in which is embedded.

In our view, there should be a clear separation between the platform operator and the participating TSO. This includes both separate IT systems and employees. A data exchange of commercial and personal data, among other things, can already be excluded by a separate organization.

4. Do you consider that the above-mentioned **minimum** set of measures would guarantee, by effect, a sufficient degree of independence to ensure the **transparent and non-discriminatory operation of a TSO-led booking platform** towards the network users?

YES

NO (X)

Please explain your answer.

As explained before (e.g. Q3)

5. Do you consider that an **agreed party acting on behalf of the TSOs** towards the network users as a booking platform should guarantee the same minimum set of conditions?

YES (X)

NO

Please explain your answer.

An independent booking platform as a contracting party could by its very nature already meet these requirements.

Annex 3 – First stage selection criterion: minimum pass-mark IT requirements

PLATFORM's IT SELF-ASSESSMENT and IT AUDIT

In order to enhance the IT assessment criteria for the booking platform assessment, the Agency proposes the **self-assessment principle** followed by a formal audit, performed by an experienced and certified auditor (with ISO 27000 standard family expertise), to confirm the results of the self-assessment of the respective booking platform. The focus of the IT self-assessment and the audit is to check that the principles of ISO 27000 standard series or the best practice in the information technology service management (ITSM) are covered by the platforms.

The Agency's proposed methodology assures that the methods and criteria for the IT assessment of booking platforms allow assessing if the platforms reach a common level in all the requested IT domains. The selfassessment avoids discriminating the solutions based on technical and non-technical details, and it favours the verification of existing IT principles, as implemented. The methodology is used by the Agency when providing IT services for its own needs and it has its own foundation on ISO/IEC international standards.

Consultation questions:

1. Please let the Agency know whether the domains presented below are:

All relevant.

Some are not relevant (Please explain which ones are not relevant and why not.) (X)

- *After a.91 seems a question missing.*
- *a.178: As stated above, not relevant for UGC*

The following critical domains are missing. (Please describe the missing domain clearly, with reference to existing IT standards. Explain as well why the missing domains are critical for the IT assessment of the platform.)

Annex 4 – Case Study, scored qualitative criteria

The candidates for the platform shall submit a detailed proposal in writing based on the case study presented below, with the assumption that the services are provided to TSOs for a period of three (3) years from the contract signature.

The case study does not commit the Agency or any other party to place a request for such a services. It is the Agency's intention to use the case study for assessing the current degree of the platforms ability of implementation of good practices in IT service management when including new points, namely Mallnow and GCP VIP. The case study is not part of the consultation: only the booking platforms will receive the case study in full. The Agency only share in the framework of this consultation the evaluation methods.

The booking platforms reaching the pass-mark for the IT self-assessment have to demonstrate how the booking platform can offer the basic implementation and improve functionalities **through continuous development, user friendliness, secure access, change management and data security and backup**.

The case study thus covers the project proposal of the booking platform. The Agency will evaluate the quality of the proposal:

Completeness

The proposal for the case study should include all the requested information in detail. The scope of the case study should duly consider all constraints described. **Consistency**

The information provided should describe a workable and realistic project that could be implemented in practice with means staff, skills and contracts which are already available to your platform and which may deliver a reasonable and meaningful contribution to the project. **Robustness**

The proposal for the case study should be robust to allow adjustments in scope and in time, to properly prevent and mitigate for unexpected delays/issues in any phase of the project. **Relevance**

The proposal for the case study should be in line with the existing way of working of the platform, and shall consider the existing practices for governance and IT processes. **Efficiency**

In respect to efficiency, the proposal for the case study should be, as a minimum, in line with the constraints and delivered timely.

The scoring is at the discretion of the Agency. The booking platforms will be duly informed about the scoring methodology

Consultation question:

1. Do you consider that the evaluation method outlined above, analysing completeness, consistency, robustness, relevance and efficiency of the case study proposal, is fit for the assessment on how the booking platforms improve functionalities **through continuous development, user friendliness, secure access, change management and data security and backup**?

YES

NO (X)

Please explain your answer.

User friendliness / Secure Access:

*In the modern shipper-business a balanced relation between user friendliness and secure access is mandatory. The solution of a **2 Way Authentication via a password and a personal token/authentication app** is the most efficient and proper way in the current environment.*