Capacity Booking Platforms
Workshop

Nina Grall-Edler | ECS
– SCENE SETTING –
Obligations

- **Gas Network Code on Capacity Allocation** Regulation (EC) 984/2016 not (yet) applicable in the CPs
  - First discussion PHLG 15 March 2016

- **But: commitments agreed under CESEC Initiative include**
  - Until 12/2016: launch discussions with neighbouring countries on implementation of CAM and CMP NCs via ACER GRI SSE, in coordination with ECS
  - Until 12/2016: launch discussions with relevant existing capacity platform operators/TSOs on joint capacity allocations, in coordination with ECS
Tool kit

- **Auctions** shall be used for the allocation of capacity at IPs Art 8(1)

- **Standard capacity products**: TSOs shall offer yearly, quarterly, monthly, daily and within-day standard capacity products Art 9(1)

- **Bundled capacity**: adjacent transmission system operators shall jointly offer bundled capacity products Art 19

- **Booking platform**: TSOs shall offer capacity by means of one or a limited number of joint web-based booking platforms – TSOs can operate such platforms themselves or via an agreed party Art 27

Ref. Regulation (EC) 984/2016
– IMPLEMENTATION IN THE CONTRACTING PARTIES –

– LEGAL FRAMEWORK & OPEN CHALLENGES –
Legal framework

- **EnC acquis defined by EnC Treaty**
  - including Third Energy Package \(^{MC \text{ Decision } 2011/02/MC-EnC}\)
  - implementation deadline 1 January 2015

- **Including commitment to implement Network Codes / Guidelines** \(^{Article 27 \text{ of MC}}\)

Decision 2011/02/MC-EnC | Article 18 Electricity Regulation (EC) No 714/2009
Implementation of new acquis

- **Standard procedure**
  - Decision of the Ministerial Council

- **Network Code procedure**
  - Legal basis: Title II EnC Treaty → standard adaptations | legal scope

![Diagram showing the implementation process involving EC, PHLG, ECRB, and PHLG Decision.]

- Legal bindingness in EU
- Proposal
- Consulting 30 days
- Opinion
- Majority of the votes cast, one vote per CP
Challenges

Reciprocity is key but not achievable within the existing legal framework

- Scope of Title II
- “3rd country clause” hinders reciprocity
  - This Regulation [...] may also apply to entry points from and exit points to third countries, subject to the decision of the relevant national regulatory authority. Art 2(1) Regulation (EC) 984/2016
- Standard adaptations CP|MS cannot close the gap
  - Relevance of application on CP/CP IPs only?
- Existing legal gap unsolved
  - ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector. Art 3(10) Regulation (EC) 984/2016
  - ‘interconnector’: transmission line which crosses or spans a border between MSs / CPs for the sole purpose of connecting the national transmission systems of those MSs / CPs. Article 2(1) Directive 2009/73/EC
How to solve?

- **Adopt NC(s)**
  - covering MS | CP IPs; and
  - excluding the Contracting Parties from the `3rd country` clause

- **in the CPs under Title II and in the EU separately** adjusting existing NCs; or

- **for the CPs and EU under Title III/IV**
  - would require change of the PHLG empowerment by the Ministerial Council that currently bases on Title II

- **Preferably, include a reciprocity clause in the Treaty**
  - Automatic switch on
  - Direct applicability
Thank you very much for your attention!

Nina Grall | ECS
nina.grall@energy-community.org
www.energy-community.org