

The background is a satellite-style image of the Earth at night, showing city lights. Overlaid on this is a complex network of glowing blue lines that connect various points across the globe, representing a global energy or communication network.

# Capacity Booking Platforms

Workshop

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– SCENE SETTING –

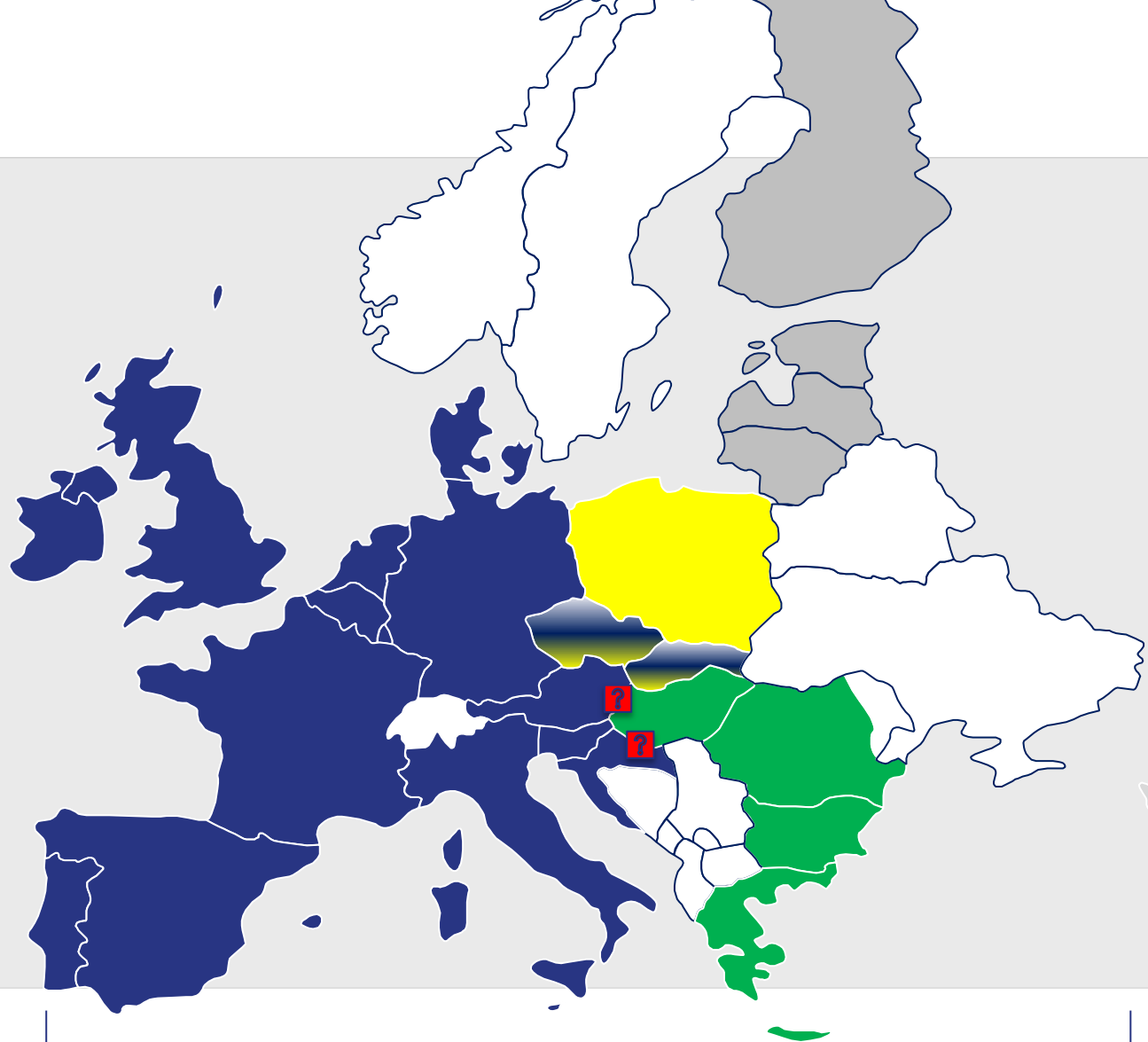
- **Gas Network Code on Capacity Allocation** Regulation (EC) 984/2016 **not (yet) applicable in the CPs**
  - First discussion PHLG 15 March 2016
- **But: commitments agreed under CESEC Initiative include**
  - Until 12/2016: launch discussions with neighbouring countries on implementation of CAM and 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

- 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*

## Existing platforms

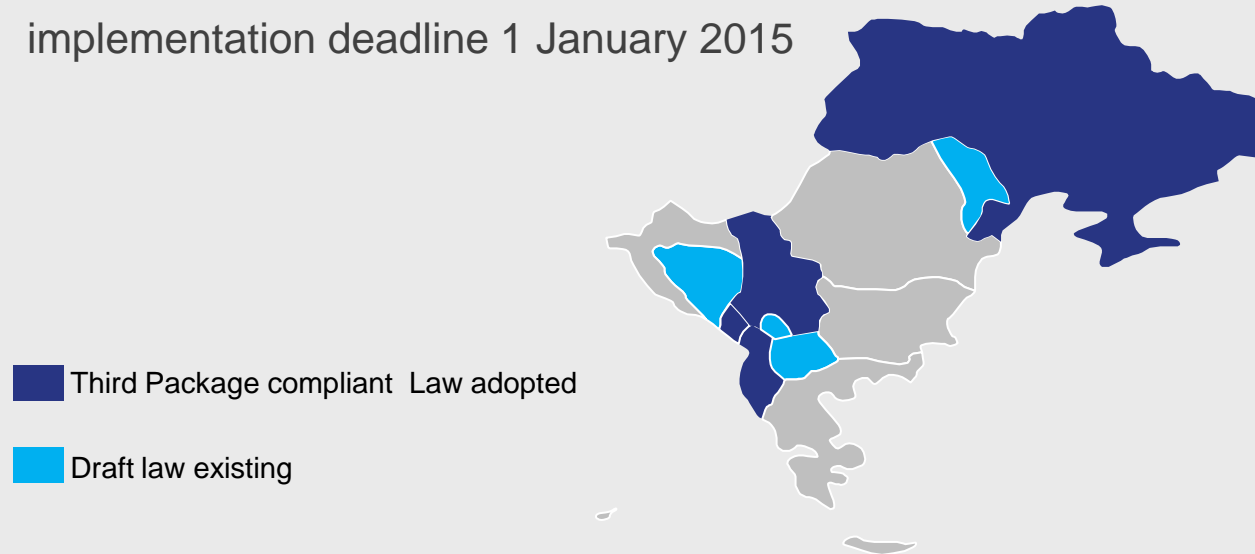
-  PRISMA
-  GSA Platform
-  Test case PRISMA / GSA
-  RBP
-  Derogation under Article 49 Directive 73/2009/EC



- IMPLEMENTATION IN THE CONTRACTING PARTIES –
- LEGAL FRAMEWORK & OPEN CHALLENGES –

## – EnC acquis defined by EnC Treaty

- including Third Energy Package MC Decision 2011/02/MC-EnC
- implementation deadline 1 January 2015



## – Including commitment to implement Network Codes / Guidelines Article 27 of MC

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

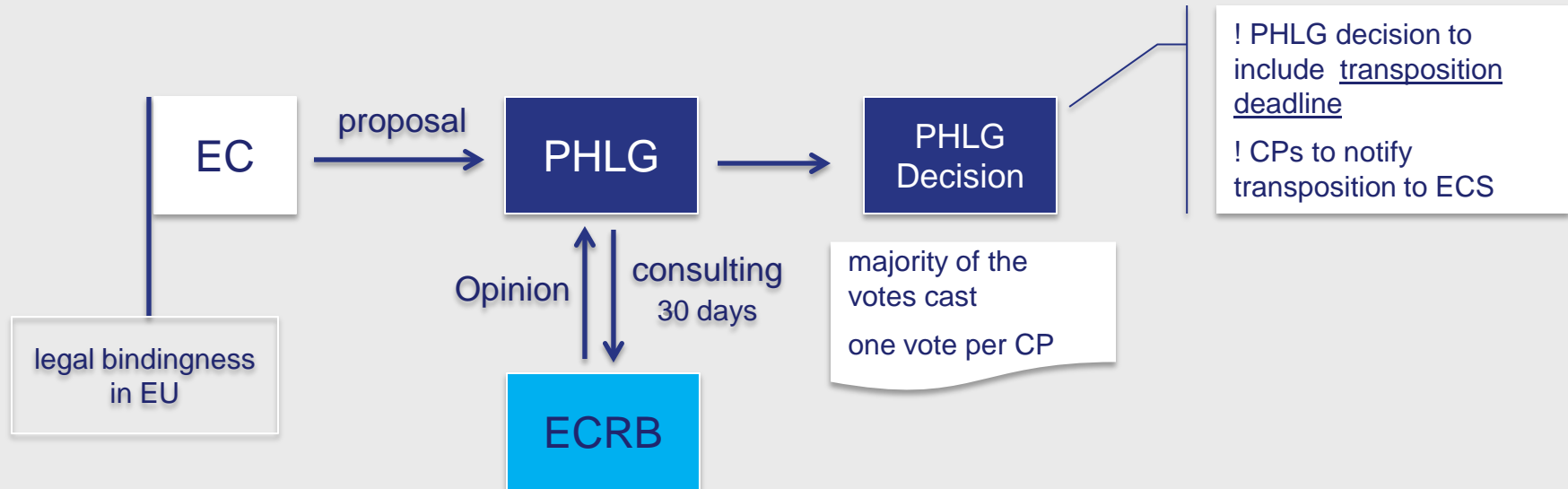
# Implementation of new acquis

- **Standard procedure**

- Decision of the Ministerial Council

- **Network Code procedure**

- Legal basis: Title II EnC Treaty → standard adaptations | legal scope





## Reciprocity is key but not achievable within the existing legal framework

- **Scope of Title II**
- **“3<sup>rd</sup> 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<sub>CP|MS</sub> 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 `3<sup>rd</sup> 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!

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