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 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, at the time of selecting a Booking Platform, the following legal obligations were considered of relevance:

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

Consultation questions:

1. Please confirm that these legal requirements are still relevant.

   All are still relevant

   Only some are relevant (Please mark only those numbers that you consider no longer relevant, using the table above.)

   As already concluded by ACER the use of protocol AS4 and data format Edig@s-XML (No. 21) is not based on any national legal obligation. So this is not a relevant criteria and shall be removed from the list of legal compliance criterias.

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

   1. Capacity Conversion Service according to Article 21 (3) NC CAM and according to §8 of the German Cooperation Agreement of Gas Transmission System Operators (Kooperationsvereinbarung X, Anlage 1, as of 29 March 2018).

Please explain your answer.

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.

GSA

PRISMA   fully compliant

RBP

Please explain your answer.

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.

   - Clear and transparent governance structure and processes
   - Independent platform management and service implementation
   - Independent and separated IT-administration
   - Binding commitment to implement all relevant European/National legal and regulatory requirements
   - Cooperation with all relevant National and European Regulatory Authorities and Institutions
   - Binding commitment to base service implementations on decisions of a cooperative body
   - Binding commitment to involve customers and users in the design and delivery process
   - Commercially sensitive data shall be treated confidential and shall not be shared with the TSO acting as a platform operator

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

   NO **X**

   Please explain your answer.

   We consider the measures as highlighted in No. 1 as a minimum requirement also.

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.

We consider that the following rules shall be complied with in addition to the above-mentioned minimum measures:

- The REMIT Compliance Organizations for the platform shall be separated from the TSO acting as a platform operator.
- The User Help Desk, dedicated for Platform User Support, shall be separated from the TSO User Support

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.

The aspects according to No. 1, 2 and 3 above characterize a set of (minimum) measures to help reaching a sufficient degree of independence, but they cannot be seen as a guarantee, as there might come up additional aspects also in the course of the platform operation which are not reflected by the aspects mentioned above.

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.

It might be, that some of the mentioned aspects are given in such a constellation anyway.

If you answered in the negative, please enlist those additional measures that the agreed party acting on behalf of the TSOs should establish to maintain its independence from the TSO

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 self-assessment 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**

- a.178: As mentioned earlier this question is not relevant and shall be taken out of the scoring system.

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.)

Remarks to this Annex:

We consider that some of the IT-related questions or group of questions shall be deemed and defined as minimum requirements, for example some questions with respect to Helpdesk availability, but in any case questions which describe the fulfillment of minimum criterias as defined in Annex 2.

We consider that the IT-self assessment allows a quantitative analysis of the status of the platforms only. This quantitative analysis does <u>not</u> allow quality assessment, since quality criteria such as benchmarks, minimum standards, thresholds, requirements are missing.

The IT-self assessment shall be conducted explicitly platform specific. Company-wide implemented aspects shall not be taken into consideration if they do not cover the platform explicitly.

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

Please explain your answer.