

Proposal for nomination rules for Physical Transmission Rights by bidding zone borders in accordance with Article 36 of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation – Explanatory Note

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9 November 2017

Disclaimer

This explanatory document accompanies the proposals for nomination rules for Physical Transmission Rights, which were submitted per bidding zone border in accordance with Article 36(2) of Regulation (EU) 2016/1719. It is approved by all TSOs issuing physical transmission rights on a bidding zone border in the sense of Article 36(2) of Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation. It is submitted to the relevant NRAs for information and clarification purposes only.

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1. Introduction

The Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (hereinafter “**FCA Regulation**”) was published in the official Journal of the European Union on 27 September 2016 and entered into force on 17 October 2016. The FCA Regulation sets out rules regarding the type of long-term transmission rights that can be allocated via explicit auction, and the way holders of transmission rights are compensated in case their right is curtailed. The overarching goal is to promote the development of liquid and competitive forward markets in a coordinated way across Europe, and provide market participants with the ability to hedge their risk associated with cross-border electricity trading. In order to deliver these objectives, a number of steps are required.

One of these steps is the gradual harmonisation of the nomination rules for physical transmission rights. In accordance with Article 36(2) of the FCA Regulation, 12 months after the entry into force of the FCA Regulation, all TSOs issuing physical transmission rights on a bidding zone border (“**TSOs**”) were required to submit a proposal for nomination rules for electricity exchange schedules between bidding zones (hereinafter “**NOM PTR Proposal**”). The NOM PTR Proposals had to be subject to consultation in accordance with Article 6 of the FCA Regulation.

All TSOs issuing physical transmission rights have interpreted Article 36(22) of the FCA Regulation so as to mean that it requires the submission of one proposal per bidding zone border by all TSOs issuing physical transmission rights (hereinafter “**PTRs**”) on the bidding zone border at issue. The NOM PTR Proposals have thus been prepared, consulted and submitted at least at bidding zone border level.

On the basis of the above, the NOM PTR Proposals consulted from 27 June 2017 until 18 August 2017. During the public consultation, a public workshop took place giving the opportunity to interested stakeholders and various organisations impacted by the NOM PTR Proposals with an opportunity to raise questions and ask clarifications from the TSOs. On 17 October 2017, and in accordance with Article 4(8) of the FCA Regulation, the NOM PTR Proposals were sent to ACER by ENTSO-E. The NOM PTR Proposals were also submitted by the TSOs issuing PTRs on a bidding zone border to the relevant National Regulatory Authorities (“**NRAs**”) for approval.

This document contains some additional clarifications in relation to the differences between the various NOM PTR Proposals.

2. Explanation and justification on the differences between the proposals

TSOs interpret Article 36(2) of the FCA Regulation such that it requires the submission of one proposal per bidding zone border by all TSOs issuing PTRs on the bidding zone border at issue. This interpretation of Article 36(2) of the FCA Regulation is based on the following legal grounds:

- Article 36(3) of the FCA Regulation provides that “[a]ll TSOs shall progressively harmonise the nomination rules on all bidding zone borders on which physical transmission rights are applied”. The reference to progressive harmonisation in this paragraph presupposes the absence of an obligation to fully or partially harmonise the nomination rules at an initial stage.

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- Proposals that are subject to the approval by all NRAs / all NRAs of a concerned region, are exhaustively listed in Article 4(6) and (7) of the FCA Regulation. The proposals for nomination rules for electricity exchange schedules between bidding zones are not listed in Article 4 of the FCA Regulation.

Accordingly, TSOs consider that the existing divergences between the various NOM PTR Proposals are in line with the legal obligations imposed upon them by the FCA Regulation.

Regarding the technical and practical reasons for the existing divergences, TSOs can provide the following justifications.

The nomination process is managed locally by each TSO with local IT tool and procedures. Consequently, some technical aspects could differ among the borders.

Concerning the entitlement of a physical transmission rights holder to nominate Scheduled Exchanges, in most of the proposals PTRs holders must have a valid and effective balancing contract. On the other side, the entitlement process is based on local market/balancing rules (still not harmonized) from the TSOs to set the requirements.

Concerning the minimum technical requirements to nominate, it depends on local nomination information system, and the communication channels in place in the information system to send the nominations is strictly connected with the local IT tool developed by each TSO.

Concerning the rules when submitted nomination exceeds the volume of its allocated rights, as a common approach, the submitted nomination that exceeds the volume of Right Documents is rejected/adjusted by the TSOs and Market Participants are duly informed about it. The technical details of communication are strictly connected with the local IT tool developed by each TSO.

Long-term nomination timings vary among the borders: 17:00 D-2, 8:00 D-1, 8:30 D-1 or 9:30 D-1. This is mainly linked to the local/regional regulatory framework. An impact assessment of nomination deadlines and local market rules would be required in order to understand the feasibility of such harmonization, even because this could have an impact also on the subsequent processes.

There is a harmonized format of nomination defined at ENTSO-E level: ESS (ENTSO-E Scheduling System) and ECAN (ENTSO-E Capacity Allocation and Nomination). A large majority of TSOs already complies with these formats. The adaptation of the systems to these standards is a local TSO's matter.

The communication is mostly web-based. Yet the TSOs provide various communication channels: webservices, web form interface, file upload function, email or FTP. The technical details of communication are strictly connected with the local IT tool developed by each TSO.

Regarding the requirement for progressive harmonisation as laid down in Article 36(2) of the FCA Regulation, it is proposed to periodically monitor developments in order to take the necessary steps to ensure a progressive harmonization of the nomination rules. This would be done within the framework of the FCA monitoring plan, in the report on the progress and potential problems with the implementation of forward capacity allocation, including fair and transparent access for market participants to long-term transmission rights (Article 63(1)(a) of the FCA Regulation).

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3. Overview of the differences

A table with the overview of the differences has been written in Annex 1 considering the different proposals.

It takes into account the following criteria and compare them:

- Entitlement of a physical transmission rights holder to nominate Scheduled Exchanges
- Minimum technical requirements to nominate
- Nomination submitted exceeds the volume of its allocated rights
- Long term nomination timings
- Format of nomination
- Communication

ANNEX 1 – FCA PTR NOM Proposals comparison

Bidding zone border Proposal	TSOs	Entitlement of a physical transmission rights holder to nominate Scheduled Exchanges	Minimum technical requirements to nominate	Nomination submitted exceeds the volume of its allocated rights	Long- term nomination deadline (CET)	Format of nomination	Communication
DE/LU-NL	Amprion TenneT GmbH TenneT B.V.	Eligible persons may be the following: (a) the Physical Transmission Rights' holder; or (b) the person notified by the Physical Transmission Rights' holder to the Single Allocation Platform and TSOs	having a valid and effective BRP Contract with both concerned TSOs; and having a connection to the nomination system of both concerned TSOs.	the nomination is rejected.	D-1 08:30	standard and formats provided in the valid and effective BRP Contracts with both concerned TSOs.	standard and formats provided in the valid and effective BRP Contracts with both concerned TSOs
BG-RO	ESO	PTRs holders must have a valid and effective balancing contract with ESO or membership of a Bulgarian balance responsible group and to comply with Bulgarian Market Rules. This market participant is allocated capacity holder or has cross-border counter party on TRANSELECTRICA side who is allocated capacity holder	ESO scheduling system is a web-based application, to which the minimum technical requirements are published on ESO website (www.eso.bg)	trader will be informed by the TSO about any exceeded capacity rights within an ANO.	D-1 08:00	(a) ETSO ESS 2.3 / 3.3; (b) ETSO ECAN 4.0; (c) General Code list For Data Interchange; (d) Acknowledgement Document (EAD) 5.0; (e) ENTSO-E Reference Manual 5.0.	web-based
	TRANSELECTRICA	PTRs holders must have a valid and effective balancing contract with TRANSELECTRICA or membership of a Romanian balance responsible party. This market participant is allocated capacity holder or has cross-border counter party on ESO side who is allocated capacity holder	TRANSELECTRICA scheduling system is a web-based application, to which the minimum technical requirements are published on TRANSELECTRICA website (www.transelectrica.ro)				
HU-RO	MAVIR	PTRs holders must have a valid and effective balancing contract with MAVIR or membership of a Hungarian balance-group, and a valid and effective system usage contract	MAVIR scheduling system is a web-based application, to which the minimum technical requirements are published on MAVIR homepage. (www.mavir.hu)	trader will be informed by the TSO about any exceeded capacity rights within an ANO.	D-1 08:00	(a) ETSO ESS 2.3 / 3.3 or higher; (b) ETSO ECAN 4.0 or higher; (c) General Code list For Data Interchange;	web-based

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	TRANSELECTRICA	PTRs holders must have a valid and effective balancing contract with TRANSELECTRICA or membership of a Romanian balance responsible party. This market participant is allocated capacity holder or has cross-border counter party on MAVIR side who is allocated capacity holder	TRANSELECTRICA scheduling system is a web-based application, to which the minimum technical requirements are published on TRANSELECTRICA homepage. (www.transelectrica.ro)			(d) Acknowledgement Document (EAD) 5.0 or higher; (e) ENTSO-E Reference Manual 5.0. or higher;	
FR-ES	REE	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must be market participants in the Spanish Market and must be also owners of dedicated Programming Units associated to the FR-ES border	have an internet access, a specific certificate provided by REE and a supported browser	submission will be rejected	D-1 08:30	relevant standards promoted by the ENTSO-e	(a) web form interface; (b) web services communication of XML files through secure standard protocol HTTPS.
	RTE	the holders of PTRs must be holder of a Balance Responsibility Contract agreed with RTE and a signer of the French Import/Export Rules in their last applicable version	have an internet access, a specific certificate provided by RTE and a compatible version of Internet Explorer or Firefox			based on the ECAN standard provided by ENTSO-e	(a) Uploaded manually or by email; (b) Or entered on the web form interface.
IFA, BritNed and Nemo Link	IFA	PTR Holders must have a signed and completed Nomination Participation Agreement along with evidence of the following: i. its accession to a Use of System Interconnector Agreement with National Grid Electricity Transmission Plc and the Framework Agreement established under the Connection and Use of System Code; ii. its accession to the Framework Agreement as defined in the Balancing and Settlement Code (BSC)	PTR Holders must comply at all times with the applicable Information System Rules as published by the TSOs on their websites And internet access	reject a Nomination in its entirety for the Contract Day	D-1 09:30	formats specified by the relevant TSO(s) of each Interconnector in the Information System Rules and pursuant to any other technical recommendations provided via the Nomination Platform to the Registered Participants	Web form interface; Web services communication.

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		<p>together with full details of the Production and Consumption Interconnector BM Units registered to the PTR Holder under the BSC;</p> <p>iii. Entry into an Accord de Participation with RTE Réseau de Transport d'Electricite.</p>					
	BritNed	<p>PTR Holders must have a signed Nomination Participation Agreement along with evidence of the following:</p> <p>i. its accession to a Use of System Interconnector Agreement with National Grid Electricity Transmission Plc and the Framework Agreement established under the Connection and Use of System Code;</p> <p>ii. its accession to the Framework Agreement as defined in the Balancing and Settlement Code (BSC) together with full details of the Production and Consumption Interconnector BM Units registered to the PTR Holder under the BSC;</p> <p>iii. its entry into either a Programme Responsible Party ("PRP") agreement with TenneT TSO B.V. or an agreement with a PRP, in either case, in respect of such Nominations; and</p> <p>iv. completed and returned to TenneT TSO B.V. an authorisation form for Single Sided Transactions in the Dutch market.</p>					

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	Nemo Link	<p>PTR Holders must have a signed Nomination Participation Agreement along with evidence of the following:</p> <ul style="list-style-type: none"> i. its accession to a Use of System Interconnector Agreement with National Grid Electricity Transmission Plc and the Framework Agreement established under the Connection and Use of System Code; ii. its accession to the Framework Agreement as defined in the Balancing and Settlement Code (BSC) together with full details of the Production and Consumption Interconnector BM Units registered to the PTR Holder under the BSC; iii. A signed Access Responsible Party (ARP) contract with Elia 					
DK1-DK2	Energinet	<p>Physical transmission rights can be nominated by eligible persons fulfilling the minimum technical requirements to nominate pursuant to Article 5. Eligible persons may be the following:</p> <ul style="list-style-type: none"> (a) the physical transmission rights' holder; or (b) the person notified by the physical transmission rights' holder to the SAP and TSO. 	<ul style="list-style-type: none"> (a) having a valid and effective Balancing Contracts with the concerned TSO; and (b) having established electronic data interchange to the nomination system of concerned TSO. 	the nomination is reduced to the amount of the rights document	D-1 08:30	standard and formats provided in the valid and effective Balancing Contracts with the concerned TSO.	standard and formats provided in the valid and effective Balancing Contracts with the concerned TSO
ADMIE-ESO	ESO	the holders of PTRs must have a valid and effective balancing contract with ESO or membership of a Bulgarian balance responsible group and to comply with Bulgarian Market	ESO scheduling system is a web-based application, to which the minimum technical requirements are	the submission will be rejected	D-1 08:00	<ul style="list-style-type: none"> (a) ETSO ESS 2.3 / 3.3; (b) ETSO ECAN 4.0; 	web-based

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		Rules. This market participant is allocated capacity holder or has cross-border counter party on TEL side who is allocated capacity holder.	published on ESO website (www.eso.bg).			(c) General Code list For Data Interchange; (d) Acknowledgement Document (EAD) 5.0; (e) ENTSO-E Reference Manual 5.0.	
	ADMIE	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must have concluded a Day-Ahead Energy Transaction Contract with LAGIE (The Operator of Electricity Market S.A.) and Transmission System Contract with ADMIE.	The nomination tool of ADMIE is based on Microsoft EXCEL therefore the minimum technical requirement to nominate to ADMIE is to have an internet access, an email account and Microsoft Excel			The nomination tool of ADMIE supports communication via email. The nomination tool processes excel files based on a template excel file. The tool processes the files based on a validation procedure described in the Nomination of Cross Border Schedules	
IT North-AT	TERNA	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must be a signer of a injection and/or withdrawal dispatching contract and be compliant with the ICMR.	have an internet access and the MS Internet Explorer	Nominations are reduced to the values determined in the Rights Documents	D-1 08:30	based on the ESS standard provided by the ENTSO-E.	(a) web form interface; (b) web services communication of XML files through secure standard protocol HTTPS.
	APG	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must have a Datenübermittlungsvertrags-Paar with APG and a BGV-	an internet access and is performed via e-mail. All information and detailed parameters for assembling a correct			based on the ESS standard provided by the ENTSO-e.	via e-mail

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		Vertrag with APCS which together result in a valid Genehmigungsbescheid from Energie-Control Austria. Furthermore the nomination has to be compliant with the most recently published version of Sonstige Marktregeln	schedule is published in the most recent version of the of the local market rules ("sonstige Marktregeln")				
IT North-FR	TERNA	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must be a signer of a injection and/or withdrawal dispatching contract and be compliant with the ICMR	internet access and the MS Internet Explorer	the submission will be rejected	D-1 08:30	ESS	web form interface; web services communication of XML files through secure standard protocol HTTPS
	RTE	the holders of PTRs must be holder of a Balance Responsibility Contract agreed with RTE and a signer of the French Import/Export Rules in their last applicable version	internet access, a specific certificate provided by RTE and a compatible version of Internet Explorer or Firefox				Uploaded manually or by email Or entered on the web form interface
IT BRNN-GR	TERNA	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must be a signer of a injection and/or withdrawal dispatching contract and be compliant with the ICMR.	have an internet access and the MS Internet Explorer	the submission will be rejected	D-1 08:30	based on the ESS standard provided by the ENTSO-e	(a) web form interface; (b) web services communication of XML files through secure standard protocol HTTPS.
	ADMIE	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must have concluded a Day-Ahead Energy Transaction Contract with LAGIE (The Operator of Electricity Market S.A.) and Transmission System Contract with ADMIE.	have an internet access, an email account and Microsoft Excel			excel files based on a template excel file. The tool processes the files based on a validation procedure described in the Nomination of Cross Border Schedules	via email
DE-FR	Amprion	the holders of PTRs must be a signer of a Balance	have an internet access	the submission will be rejected	D-1 08:30	ESS 2.3 actually	(a) ISDN FTP; (b) InternetMail.

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	TransnetBW	Responsibility Contract agreed with Amprion the holders of PTRs must be a signer of a Balance Responsibility Contract agreed with TransnetBW.					
	RTE	the holders of PTRs must be holder of a Balance Responsibility Contract agreed with RTE and a signer of the French Import/Export Rules in their last applicable version	access the RTE Information System and use the applications made available to them under the conditions defined by RTE in the IS Rules. have an internet access, a specific certificate provided by RTE and a compatible version of Internet Explorer or Firefox			based on the ECAN standard provided by the ENTSO-E	(a) Uploaded manually or by email; (b) Or entered on the web form interface.
Former CEE	50Hertz	PTRs can be nominated to 50Hertz by eligible persons fulfilling the minimum technical requirements to nominate to 50Hertz pursuant to Article 5. Eligible persons may be the following: (a) the PTRs' holder; or (b) the person notified by the PTRs' holder to the allocation platform and TSOs	Persons eligible to nominate PTRs for the relevant bidding zone borders to 50Hertz need to fulfil the following minimum technical requirements: (a) having a valid and effective balancing contract with both concerned TSOs; and (b) having established electronic data interchange to the nomination system of both concerned TSOs. (www.50hertz.com)	the relevant nominations are curtailed pro rata. Value with decimals is rounded down to the next lower integer value.	D-2 17:00	/1/ ETSO ESS 2.3 / ESS 3.3 - according to local market rules /2/ ETSO ECAN 4.0 /3/ ENTSO-E ESS Code list /4/ ENTSO-E acknowledgement	See minimum technical requirement

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	APG	<p>In order to nominate PTRs to APG, the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must have a Datenübermittlungsvertrags-Paar with APG and a BGV-Vertrag with APCS which together result in a valid Genehmigungsbescheid from Energie-Control Austria. Furthermore the nomination has to be compliant with the most recently published version of Sonstige Marktregeln.</p>	<p>The nomination of a Scheduled Exchange to APG has to comply with a specific version of the scheduling format of ENTSOe (ESS) and is submitted via e-mail. All information and detailed parameters for assembling a correct Scheduled Exchange is published in the most recent version of the "sonstige Marktregeln, Kapitel 3", published by Energie-Control Austria. (www.apg.at)</p>				
	CEPS	<p>PTRs' holders must have a valid contract for imbalance settlement with Czech market operator as well as a valid grid access contract with CEPS.</p>	<p>CEPS scheduling system is a web-based application with web service and e-mail communication support, to which the minimum technical requirements and used standards are published on CEPS web page (www.ceps.cz).</p>				
	HOPS	<p>PTRs' holder must have a valid and effective Balance Responsibility Agreement signed with HOPS and/or valid Electricity Market Participation Agreement signed with Croatian Energy Market Operator (HROTE).</p>	<p>HOPS scheduling system communicates via e-mail in standardized format, to which the minimum technical requirements are published on HOPS web (www.hops.hr).</p>				

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	ELES	PTRs' holders must have a Balance Group Contract signed with Slovenian Market Operator or Contract for settlement of imbalances with the Balance Responsible Party in Slovenia.	ELES scheduling system is a web-based application, to which the minimum technical requirements are published on ELES homepage (www.eles.si).				
	MAVIR	PTRs' holders must have a valid and effective balancing contract with MAVIR or membership of a Hungarian balance-group, and a valid and effective system usage contract.	MAVIR scheduling system is a web-based application, to which the minimum technical requirements are published on MAVIR homepage (www.mavir.hu).				
	PSE	Nomination of PTRs can be done by market participant with valid balancing contract signed with PSE.	Access to WIRE communication system via TSO private network WIRE standards (EDI standards) are published on PSE homepage (www.pse.pl).				
	SEPS	To be entitled to use PTRs market participant (PTRs' holder or his counterparty) must have concluded a valid and effective "Framework Agreement on Electricity Transmission through Connecting Lines" with SEPS and "Agreement on Settlement of Imbalances" with OKTE (Slovak Market Operator).	SEPS scheduling system is a web-based application, minimum technical requirements to access it are published on SEPS web page (www.sepsas.sk).				
	TenneT DE	PTRs can be nominated by eligible persons fulfilling the minimum technical requirements to nominate pursuant to Article	Persons eligible to nominate PTRs for the relevant bidding zone border need to fulfil the following minimum				

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		5. Eligible persons may be the following: (a) the PTRs' holder; or (b) the person notified by the PTRs' holder to the allocation platform and TSOs.	technical requirements: (a) having a valid and effective balancing responsible contract with both concerned TSOs; and (b) having a connection to the nomination system of both concerned TSOs. (www.tennet.eu)				
IT North-SI	TERNA	the holders of PTRs and/or their counterparties and eligible parties acting on their behalf must be a signer of an injection and/or withdrawal dispatching contract and be compliant with the ICMR	have an internet access and the MS Internet Explorer	Nominations are reduced to the values determined in the Rights Documents	D-1 08:30	based on the ESS standard provided by the ENTSO-e	(a) web form interface; (b) web services communication of XML files through secure standard protocol HTTPS.
	ELES	the holders of PTRs must have a Balance Group Contract signed with Slovenian Market Operator or Contract for settlement of imbalances with the Balance Responsible Party in Slovenia.	minimum technical requirements are published on ELES homepage (www.eles.si).				(a) web form interface, where values can be inserted manually or by uploading the XML file; (b) nomination can be send via email in XML file, after the authorized email is reported to and validated by ELES.
Hansa	Hansa TSOs	Physical transmission rights can be nominated by eligible persons fulfilling the minimum technical requirements to nominate pursuant to Article 5. Eligible persons may be the following: (a) the physical transmission rights' holder; or	Persons eligible to nominate physical transmission rights for the bidding zone border Denmark 1 - Germany/Luxembourg or Denmark 2 - Germany/Luxembourg need to fulfil the following minimum	nomination is reduced to the amount of the rights document.	D-1 08:30	The eligible person shall nominate physical transmissions rights provided in the valid and effective Balance Contracts with both concerned TSOs.	The eligible person and TSOs shall communicate following the standard provided in the valid and effective Balance Contracts with both concerned TSOs.

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		(b) the person notified by the physical transmission rights' holder to SAP and TSOs.	technical requirements: (a) having a valid and effective balancing contract with both concerned TSOs; and (b) having established electronic data interchange to the nomination system of both concerned TSOs.				