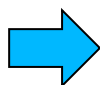


ENTSO-E has improved the draft following the public consultation but important concerns remain

- ACER acknowledges ENTSO-E's and TSOs' work on the EU HAR and related documents
- Important concerns jeopardising the approval process
 - **Firmness in case of emergency situation before DAFD**
 - In line with the CACM GL, only Force Majeure should lead to reimbursement
 - **Non-discrimination between nominated and non-nominated capacity after LTFD**
 - There should be no discrimination between nominated and non-nominated capacity
 - **Credit rating**
 - ACER has already requested further information on the previous choice of the "A" rating . It is needed to either accept an ENTSO-E's proposal or reach a compromise at ACER's level
 - **Compliance with the CACM GL**
 - Some elements such as the setting of the DAFD may conflict with the CACM GL
 - **Clarification of the TRs' remuneration in case DA capacity is not allocated through (implicit or explicit) auctions**
 - Although ENTSO-E has reworded Article 48, some elements are still ambiguous. As a reminder, PTR or FTR holders shall receive the market spread in case of the failure of the DA allocation



These elements are needed for all NRAs to approve the EU HAR

- **ENTSO-E has also to publish the received contributions as soon as possible**

ACER has already requested some further information on moving the LTFD and the other document to be prepared along with the EU HAR

- **Long-Term Firmness Deadline:** only the nomination deadline has been considered so far. The variety of such deadlines and the potential move to FTRs will create distortions in the application of the firmness regimes among borders. One single deadline for all borders and products would solve this issue
 - ACER requests ENTSO-E to investigate the proposed timing for the sending of Right Documents (D-2, 1pm) as the single LTFD
- **“Short-term auction rules” and “access rules”:** along with the EU HAR and annexes, some TSOs need to prepare specific rules, for daily allocation for example. ACER calls TSOs to draft rules which cover the largest possible area and as harmonised as possible.
 - ACER requests ENTSO-E to keep updating stakeholders with a overview of the current status of the drafting, including the planning for the different TSOs to have these rules approved on time