

EU HAR development – ACER's expectations

- ACER welcomes the progress done (e.g. principles papers) by ENTSO-E for this early implementation work and recommends ENTSO-E to keep making every effort to
 - Meet the implementation target (1st January 2016)
 - Involve stakeholders.
- ACER stresses that EU HAR shall cover at least all borders where Long Term Transmission Rights are currently allocated by TSOs. Therefore, ACER encourages all these TSOs to be involved in the drafting phase to work towards a version of the rules they will be ready to apply on their own borders from 2016 onwards.
- ACER calls for EU HAR which cover both PTRs and FTRs.
- ACER asks ENTSO-E to investigate and provide clarity on the following issues:
 - Review of the EU HAR:
 - Should a periodic (e.g. yearly) review process be included in the EU HAR or only in the NC?
 - Would it be a two-step process where first TSOs perform an assessment of the current EU HAR before deciding whether an update is needed?
 - Process: on some borders, EU HAR cannot purely replace current allocation rules (which may include other timeframes, nomination rules, etc). ACER asks TSOs to explore which other kind of documents / rules should be drafted and approved next year.

EU HAR development – Firmness regime

- Firmness has been the most disputed issue between ENTSO-E and ACER since the early steps of the FCA NC development.
- For this early implementation exercise, both entities should achieve in H1 2015 a trade-off to ensure that the draft rules submitted to approval in July 2015 represent an improvement compared to the current situation and towards the FCA NC/GL. This should represent an “intermediate” version acceptable for all parties while the “final” version will be delivered once the NC/GL enters into force.
- Preliminary feedback by most NRAs* on the basis of ENTSO-E proposal in the NC delivered in April 2014 :
 - Elements from the firmness regimes as defined by ENTSO-E in the resubmitted FCA NC could replace elements of existing ones as long as they represent an improvement (i.e. borders benefiting from a higher level of firmness should keep the same provisions as today)
 - Emergency situation should not be dealt with as Force Majeure (Art 63)
 - Specific proposal “for Compensation Rules for outages which last for a long period of time and for outages which affect a Bidding Zone Border consisting of one single interconnector.” : such proposal shall be further developed asap by ENTSO-E to allow ACER and NRAs to provide any feedback.

* Discussions between NRAs are ongoing.