Recommendations for Guidelines on Congestion Management Procedures

Evaluation of Comments

E10-GWG-67-04a

8 September 2010

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RPM 0861.035.445

Content

INFORMATION PAGE

Abstract

This document E10-GWG-67-04a is an ERGEG document, which summarises the comments of the stakeholders regarding ERGEG's draft recommendations for guidelines on congestion management procedures to be annexed to the Gas Regulation (EC) No 715/2009. These draft recommendations were developed by ERGEG after the publication in August 2009 of the results of the public consultation on its principles and proposals for capacity allocation and congestion management published in January 2009.

Target Audience

Energy suppliers, traders, gas/electricity customers, gas/electricity industry, consumer representative groups, network operators, Member States, academics and other interested parties.

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Related Documents

CEER/ERGEG documents

- ERGEG's revised principles on Capacity allocation and congestion management in European gas transmission networks", ERGEG, December 2009, Ref. E09-GNM-10-03
- Recommendations for Guidelines adopted via comitology procedure on Congestion Management Procedures on European Gas Transmission Networks", ERGEG, December 2009, Ref. E09-GNM-10-07
- Recommendations for Guidelines adopted via comitology procedure on Congestion Management Procedures on European Gas Transmission Networks – Impact Assessment", ERGEG, December 2009, Ref. E09-GNM-10-04

1. Introduction

This evaluation of comments paper summarises the comments of the stakeholders regarding ERGEG's draft recommendations for guidelines on congestion management procedures to be annexed to the Gas Regulation (EC) No 715/2009. These draft recommendations were developed by ERGEG after the publication in August 2009 of the results of the public consultation on its principles and proposals for capacity allocation and congestion management published in January 2009 (the 'ERGEG consultation')[1].

The final version of ERGEG's recommendation is published alongside this evaluation of comments paper.

Parallel to the elaboration of the pilot framework guideline on capacity allocation mechanisms which was published in June[2], ERGEG has further developed its recommendations on congestion management.

Under Article 23 of the Gas Regulation (EC) No 715/2009 the Commission has the possibility of initiating an amendment of the capacity management rules laid down in the Guidelines annexed to the Regulation. To do so, it must follow the comitology procedure detailed in Article 28 of the Gas Regulation (EC) No 715/2009. The arrangements adopted through this procedure then become directly applicable law in all the EU Member States.

ERGEG's recommendations are intended to help prepare the Commission's comitology procedure. The comitology procedure will bring about the application of harmonised procedures in every Member State.

The final recommendations for amending the congestion management guidelines annexed to the Gas Regulation (EC) No 715/2009 take into account the comments received from stakeholders, as summarised in this paper. The sections on ERGEG's views provide a short explanation on how these comments have been taken into account. The final recommendations aim at:

- Maximising the capacity offered by means of proper capacity calculation and regular updates, in order to reduce physical as well as contractual congestions
- Addressing contractual congestion mainly for short-term capacity, but also for long-term capacity, via various mechanisms including: capacity oversubscription and buy-back, capacity surrender, short term and long term Use-It-Or-Lose-It (UIOLI).

[1] Ref. E08-GFG-41-09 (15 Jan 2009) and E09-GNM-07-03 (24 August 2009)

[2] Final pilot framework guideline on capacity allocation, Ref. E10-GWG-66-03 (10 June 2010), http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_FWG/Gas/Capacity%20Allocation%20Management

The following stakeholders submitted comments:

BDEW, Centrica, DONG Energy, E.ON, Edison, EDP Gas and Naturgas, EFET, EnBW, ENI, ENTSOG, eurogas, Exxon Mobil, Gaslink, GasTerra, Gazprom MT, GDF SUEZ, IFIEC, RWE, Shell.

2. Detailed Responses

2.1. Scope of arrangements

Most of the respondents highlight the great importance of uniform CMP rules at cross-border interconnection points and their contribution to market integration and harmonisation. Nevertheless, the topic is controversially discussed. The opinions can be divided into two groups:

The first group of respondents asks for an extension of the scope. Four respondents make clear that they would appreciate an application of ERGEG's proposals on CMP also to non-congested cross-border interconnection points. They identify two major advantages. Firstly, this would make the definition of "congestion" unnecessary and would avoid the need for a frequently updated regulatory assessment about the existence (or not) of congestion. Secondly, this would prevent that the situation (whether or not the measures apply) changes from day to day, thus guaranteeing that the rules remain stable over time and benefiting shippers.

The second group of respondents supports the proposed limitation to congested points. Respondents point out the close relation between the definition of the scope and the challenge of identifying congestions. Two respondents suggest that congestions should be periodically reviewed since they arise and disappear at short notice. One respondent wants NRAs to define explicit criteria indicating congestions. According to another respondent, a standard methodology for identifying congestion should be implemented by ACER.

While most comments concentrate on the question whether the CMP guidelines should be extended to non-congested interconnection points, one respondent suggests that the guidelines should only be applied to dominating market players with a share of more than ten percent of the bookable firm capacity in congested interconnection points.

ERGEG's view

There is a broad agreement among respondents that ERGEG's proposals should at a minimum apply to congested points. Beyond that, many respondents consider that the proposals should also apply to non-congested points in order to provide for consistent arrangements throughout Europe. However, at this stage ERGEG is hesitant to extend the scope of its proposals to non congested points, given that this might represent an unnecessary regulatory intervention where there is no difficulty to get access to capacity. However, in the light of Art. 2 (5) of Regulation (EC) No 715/2009, congestion management includes "the timely detection of future congestion and saturation points". Therefore, the scope has been rephrased to explicitly cover points where "congestion is […] expected to occur". ERGEG is also aware that the determination of what constitutes a "congested point" may be controversial. It is therefore of the opinion to subject this to the joint assessment of the involved national regulators.

2.2. Border specific adjustments

The majority of the respondents is clearly in favour of the application of different rules at cross-border interconnection points. One respondent characterises the proposed arrangements as a “pragmatic approach”. Another one acknowledges that an “interim step” would be required since full harmonisation is not possible yet and therefore suggests a pre-defined transition phase which “should preferably not last longer than two years”.

Two respondents stress the need of system compatibility in order to reduce transaction costs. They point out the risk of a “multitude of differing terms and conditions“ arising and “undue complexity for market participants“. Furthermore, two respondents highlight the importance of a close co-operation between TSOs and NRAs in order to “ensure compatibility of rules among different systems”. For the same reason, one respondent asks for clear application criteria which should be identical for all interconnection points.

ERGEG’s view

ERGEG notes that the broad majority supporting its proposals to allow for cross-border specific adjustments. Even if a full European wide harmonisation were a first best solution, realistically this is not feasible as a first step. Therefore, ERGEG considers that having at least the same provisions at both sides of the border is a practical and advisable approach. The originally proposed provision has therefore remained unchanged in substance.

2.3. Existing contracts

The amendment of existing contracts causes much debate and large response. The great majority of the respondents do not support the idea of amending existing contracts and give numerous reasons why any contractual interventions should be avoided.

While one respondent questions that congestion problems are caused by the existing long-term contracts as such, two others recognise the need to amend them. One respondent calls on market participants to consider that contracts will not be terminated, but only amended if they are not compatible with CAM and CMP mechanisms.

Respondents stress the importance of long-term contractual rights. According to one respondent "long-term supply and capacity contracts play a fundamental role in the development of infrastructures ensuring long-term security of gas supply within Europe".

Critical comments focus on the risks that could arise as a result of "far-reaching amendments of the existing capacity contracts". Many respondents share the point of view that "maintaining existing contractual rights contribute to a stable framework for investment and security of supply." One of them states that "amendments concerning existing contractual rights could undermine the existence of a stable framework for investments." This could jeopardize the security of supply and lead to a serious "disruption of the market".

Another respondent stresses the risk that contractual amendments could "affect the commercial value of existing contracts". In this regard one respondent adds that "the subsequent termination of contracts would lead to stranded assets for the TSOs, create undue financial risks and have substantial impacts on transmission tariffs". Therefore the CMP Guidelines should include a provision ensuring that the TSOs' revenue streams will be protected. Two respondents ask to take into account legal and administrative costs and raise the question how these costs will be recovered by the stakeholders.

Due to the high sensitivity of the issue, respondents ask ERGEG to deal carefully with this issue. Two respondents stress that any amendments should be made "in close consultation with market participants". Five other respondents also argue for a "smooth implementation" which could be achieved by means of an extension of the transitional period. In order to allow "a step by step approach" two respondents recommend a 24 month implementation timeframe.

Some respondents asked for more clarification. One of them asks ERGEG to clarify the scope of possible amendments. Another respondent argues as well that "ERGEG's communication about necessary amendments is not very clear". A third one would like to have more information on how the adaptation of existing capacity contracts would be implemented.

ERGEG's view

The proposed adaptation of existing contracts has raised many concerns on the sanctity of existing capacity bookings.

In ERGEG's view, in order to effectively implement new rules there is a need to adapt existing capacity arrangements to the changing regulatory framework. Otherwise the implementation of new rules would only affect expiring bookings, meaning that the effects of the proposed provisions, which should contribute to the achievement of a single gas market, would take unnecessarily long. Furthermore, many contractual arrangements foresee amendments in case the legal regulatory framework changes. Nevertheless, ERGEG recognises the possible existence of legal implications which may affect the countries when implementing this measure.

The contractual arrangements differ in the Member States. In several countries the contractual arrangements are standardised in general terms and conditions or a network code is applicable to all capacity bookings. It is ERGEG's view that the amendments should be implemented regardless where the respective detailed arrangements are to be found.

This is why ERGEG has decided to stick to the proposed arrangement with minor modifications despite the concerns raised in the consultation and proposes that all the existing contracts are adapted to reflect the new congestion management procedures. In several systems, these amendments would require only minor changes to the transportation arrangements; in other systems the changes might be more extensive.

2.4. Incentivisation

The idea of providing incentives in order to encourage TSOs to provide more capacity has found wide support among the respondents. Most market participants are in favour of giving incentives to TSOs to promote the efficiency of their system management.

Three respondents emphasise that incentives could only be effective if they are applied in the same way at both sides of an interconnection point. European approach would help to avoid any "disequilibrium between stakeholders at each interconnection". Two respondents express the opinion that ACER would be qualified for setting up the incentivisation scheme on a European level.

One respondent adds that shippers should be consulted on the design and the implementation of the incentives. Another states that "financial incentives are the preferred solution rather than any complex mechanism involving rules and regulations."

ERGEG's view

ERGEG's proposal to improve TSO's performance by setting incentives has found an important resonance among the respondents. ERGEG remains of the opinion that TSOs must be provided with appropriate incentives to use capacity most efficiently. From ERGEG's perspective it seems too ambitious at this stage to implement a European wide incentivisation scheme. Incentive issues have a strong link to national regulatory frameworks and have to be flexible to enable NRAs to amend them according to the changing regulatory environment. Therefore, ERGEG believes it is most appropriate for now to let the concerned national regulators decide on adequate incentivisation schemes. The originally proposed provision[3] has therefore been removed; however a buyback incentive has been retained in order to enable the implementation of a capacity

[3] C1.4 in Comitology recommendations on CMP, Ref. E09-GNM-10-07 (10 December 2009)

oversubscription mechanism (for maximising the capacity that the TSO offers)[4] .

2.5. Capacity calculation and network security

Numerous respondents share the view that the improvement of capacity calculation should be fostered since "regular re-assessments of maximum and available capacity can lead to the TSO being able to offer additional capacity to the market". Two respondents recognise that system operators are in a unique position to optimise capacity.

One respondent argues that NRAs should provide incentives to TSOs instead of prescribing detailed calculation methods. Therefore, this matter should not be handled within a comitology procedure. In order to avoid confusion another respondent suggests defining this issue in a separate network code.

Several respondents emphasised the requirement of a close co-operation between adjacent TSOs in calculating capacity on each side of the interconnection point. In this context one respondent states that TSOs cooperation is of primary importance to solve contractual congestion. Firstly it shall prevent and reduce congestion caused by different types of capacity products, allocation procedures and management clauses. It shall help maximise technical available capacities and the use of them thanks to common data exchanges and the same interoperability rules and operational procedures being applied by TSOs on both sides of each interconnection point. Another respondent asks ERGEG to recognise the need for greater co-operation between TSOs in the guidelines.

Moreover, several respondents expressed the wish that TSOs should focus on providing firm capacity products instead of interruptible ones. Otherwise the fulfilment of contractual obligations could be jeopardised.

ERGEG's view

The answers indicate a strong stakeholders' support for enhanced capacity calculation methodology, which should aim at maximising the firm capacity offered to the market. Given that at many interconnection points capacity is fully booked under long-term bookings, and thus no capacity is available, dynamic calculation (including calculation of shorter term capacities) should be welcomed as it could provide for some additional capacity being made available. Cooperation and coordinated TSO activities are essential if the European markets are to be fully integrated, as was highlighted by some respondents. ERGEG agrees with this point and has therefore added further requirements regarding TSO cooperation.

[4] in C2.4 in the revised Comitology recommendations on CMP, Ref. E10-GWG-67-04 (8 September 2010)

2.6. Capacity increase by oversubscription and buy-back arrangements

The idea of bringing additional capacity to the market by means of oversubscription and capacity buy-back gained wide support among the respondents. One respondent considers the proposals as “one method of achieving an economic and efficient use of existing capacity as well as signalling the need for investment in incremental capacity”. Two respondents add that oversubscription should be preferred to the limitation of re-nomination rights.

Respondents made further proposals on this issue. Once again the importance of firm capacity is highlighted: “In a case of congestion, the interruptible capacity should be interrupted first”. Three respondents stress that oversubscription and buy-back arrangements must not have any negative impact on existing capacity rights.

Only one respondent is of the opinion that oversubscription may not be appropriate due to a corresponding risk of cut of the users’ firm capacity rights which would come along with it. This respondent stated that in the “likely perspective” the TSO does not receive any bids this mechanism would imply the degradation of firm capacity to interruptible.

Some of the respondents who welcomed the proposals emphasized that NRAs and TSOs should not be obliged to implement oversubscription and capacity buy-back systems because “any prescribed mandatory / fixed oversubscription arrangements would lead to an increase in the risk of emergency situations”. One respondent therefore suggests making clear in the guidelines that a mandatory ‘fixed’ oversubscription is not intended.

Two respondents point out the requirement of an incentive structure in order to encourage TSOs to oversell capacity and stress that only standardized rules guarantee an “added value for the market”.

ERGEG’s view

ERGEG notes that its proposals to introduce a capacity oversubscription and buy-back mechanism were widely supported. Given the possible risks of such a mechanism, it should be ensured that this mechanism does not lead to disproportionately high buy-back costs nor lead to a degradation of the firmness of the capacity sold. Therefore ERGEG modified its proposal. The text also clarifies that the NRAs will set up the financial incentivisation of TSOs in order to implement this mechanism, and that this incentivisation may result in the TSOs keeping (or losing) some revenue.

2.7. Capacity increase by procurement of system energy

Most of the respondents support the proposed arrangements, although the procurement of system energy is not considered as “the main way to reduce congestion” by some respondents.

One respondent recommends that system energy should be utilised uniquely for system balancing purposes. He argues that the procurement of system energy in order to increase capacity is highly inefficient because the available volume for system energy at each IP is limited, and its procurement on an intra-day basis is very costly. Other respondents point out the costs of system energy, too. In this regard one respondent states that procedure to maximise capacity is fully supported but it has to stay within a reasonable cost frame. Another goes further and asks to exclude the issue from the guidelines as long as the allocation of costs is not managed.

As an alternative instrument, a respondent suggests the implementation of a “wheeling” or “netting” rule which would allow shippers to limit their capacity booking up to their physical instead of their contractual needs.

Three respondents ask ERGEG to clarify the term “system energy”.

ERGEG’s view

The wide support for this proposal shows that the procurement of system energy by TSOs could be an appropriate way for them to maximise the firm capacity offered and to alleviate congestion at given interconnection points. Therefore ERGEG has left the substance of the original wording unchanged. However, the cost of such procurement would probably need to be monitored and should not outweigh the benefits that additional system energy brings. Therefore any potential market distortion by the TSO would need to be monitored.

2.8. Capacity charges

Numerous comments highlight the great importance of the subject. According to one respondent, “the wider issue of capacity charges is a vital part of the congestion management process”. An efficient long run congestion management procedure could only be achieved by setting up this issue correctly. Respondents emphasized as well that decisions on tariff issues were highly sensitive and should be dealt with carefully.

On the one hand, some respondents welcome the proposed arrangements and pointed out the benefits regulated capacity charges could provide. For instance, one of them notes that making short-term and interruptible capacity cheaper than long-term products could bring incentives for making short term bookings and help to avoid contractual congestion.

On the other hand, other respondents have concerns about the proposed arrangements. The major points are:

- One respondent points out the risk of speculation which could arise if interruptible capacity is to be cheaper than firm. In this case users would be encouraged to speculate on cheap interruptible capacity instead of utilising the firm product. Therefore, in this respondent's view, interruptible capacity should only be sold after all firm products had been sold.
- One respondent considers that "an over reliance on short term capacity may lead to inefficiencies in network operation and to increased costs to the end user". Moreover, another respondent is of the opinion that the requirement that 'firm capacities with contract periods of more than one day shall not be higher than the added daily charges during the contract period' is not feasible due to seasonal price differences.
- One respondent focuses on the stability of the investment framework which could be undermined by determining charges according to the sum of the daily charges.
- One respondent points out that capacity charges should not be controlled by regulatory authorities at all.
- One respondent focuses on the potential intervention of NRAs. Intervention in auctions would lead to a distortion of price signals.
- One respondent asks to clarify that the proposed arrangements are only applied to capacity charges for primary capacity products and not for secondary ones.

Various respondents state that any details on capacity charges were out of the scope of the present guidelines and should therefore be removed. Any details should be covered by the forthcoming guidelines on tariffs. This would help to make rapid progress, to avoid overlapping regulation and to avoid that different rules apply to points that are congested and those that are not congested. One respondent suggests inserting a reference to the respective framework guidelines on tariffs.

ERGEG's view

ERGEG notes that this proposal is supported by many respondents. However, some respondents fear the effects of relying too much on short term capacity bookings as it could undermine investments and some are of the opinion that capacity charges are out of scope of the congestion management guidelines.

ERGEG would like to emphasise that the existence and the possibility of long-term capacity bookings will not be touched by this proposal. It does not limit either long term bookings or open seasons. ERGEG considers that, to this extent, the proposal is not out of scope within the guidelines on congestion management.

However, since tarification issues are highly sensitive, they must be dealt with in an elaborate way. Therefore, in ERGEG's view, capacity charges are better placed within the framework guidelines on tariffs. The proposal will thus be deleted.

2.9. Re-marketing of the booked capacity

Several respondents consider the option to surrender capacity to the TSO as an efficient instrument to reduce the incentives for capacity hoarding.

Nevertheless, respondents emphasise that the development of a liquid secondary market should not be constricted. One respondent illustrates this concern as follows: “Surrender of capacity to TSOs shall be a complementary instrument to secondary markets and shall not replace them“. Another respondent agrees that surrender of capacity is “certainly no alternative to the secondary trading of capacity”.

Once again respondents stress that market integration requires harmonised conditions at both sides of an interconnection. In this respect three of them question the arrangement that the detailed terms and conditions on surrender of capacity should be at the discretion of single NRAs.

ERGEG’s view

In view of the large support to this proposal, ERGEG has retained it in the final recommendations. In response to stakeholder comments on this topic, ERGEG does not see an *a priori* reason why a secondary market can not coexist alongside capacity surrender.

ERGEG considers that it should be ensured that surrendering capacity does not lead to revenue losses for TSOs. ERGEG slightly modified its proposal to ensure this. One issue is what the incentives are on shippers to surrender their capacity to the TSO, since this will be a key factor in determining how effective capacity surrender will be as a congestion management tool. Different options can be envisaged regarding the strength of incentives on shippers. The final recommendations leave the terms and conditions for surrendering capacity, including the methods of rewarding network users for capacity that they surrender and that the TSO then sells, subject to the decisions of NRAs. They also clarify that if a TSO is not able to sell the surrendered capacity, it (and any associated obligations) remain with the network user.

2.10. Firm day-ahead UIOLI (Use-It-Or-Lose-It)

The proposal of a firm day-ahead UIOLI procedure provoked vehement protest among the respondents. In their comments they point out a wide range of critical aspects.

Once again respondents highlight the sensitivity of the subject and underline the importance of flexibility from a shipper's point of view. One respondent writes in this context: "Shippers may need to re-nominate at cross border points because of a sudden increase in demand in the destination market (e.g. due to a "cold snap" in the weather), or because of a failure of supply." Another respondent supports the opinion that existing re-nomination rights were needed to guarantee the safe supply of customers.

Numerous respondents express their preference for alternative means such as short-term capacity calculation and buy-back mechanisms. One of them draws the attention to the development of the secondary market which should be encouraged instead of limiting re-nomination rights. In contrast, three respondents request ERGEG to give more incentives to shippers to resell capacity which can be re-marketed by TSOs also on the primary market. However, all critical voices are emphatic that a curtailment of re-nomination rights must be considered as an "*ultima ratio*" which should only come into operation if any other measures failed.

Other respondents highlight the advantages of a Use-It-Or-Sell-It system**.** One of them is of the opinion that NRAs should be allowed to implement a Use-It-Or-Sell-It mechanism if it is seen as being more appropriate by the market after a consultation process.

One respondent focuses on additional costs associated with the firm day-ahead UIOLI provisions and emphasised the need to compensate TSOs if their revenues are undermined.

While numerous respondents fully oppose the proposals, another one suggests that regulatory authorities should limit the application of firm UIOLI to dominant market participants as non-dominant network users have no incentive to hoard capacity and foreclose markets. Two other respondents explicitly welcome the proposed arrangements. One of them qualifies the firm day-ahead UIOLI procedure as a "key element" in order to brake up contractual congestions.

ERGEG's view

ERGEG notes that its proposal aimed at introducing a firm day-ahead UIOLI mechanism received little support from the market, and that a considerable number of respondents are concerned about or even reject the restriction of re-nomination rights that its proposal is based on.

ERGEG would like to emphasise that firm short term UIOLI could improve access to unused capacity and thereby facilitate new entry into the market. In fully functioning markets, where capacity is easily available, such provisions are not necessary.

Despite the risk of primary capacity holders nominating all their contracting capacity to avoid losing their rights on it, restricting re-nomination rights could provide firm capacity for the day-ahead and thus enhance the liquidity on the day-ahead capacity market. However, ERGEG believes that as soon as shippers will build up trust in short term capacity markets, this could positively influence competition.

It will be up to NRAs to decide on the degree of restriction of re-nomination rights. According to one respondent, the introduction of a re-nomination window would aim at finding rules which balance the need to free up unused capacity in accordance with the 'Use-It-Or-Lose-It' principle with the rights of the holders of the capacity to use it when necessary, while at the same time enhancing liquidity of capacity.

2.11. Long-term UIOLI (Use-It-Or-Lose-It)

The responses on the withdrawal of underutilised capacity based on UIOLI principles can be divided into two groups.

Critical voices express their preference for alternative means whose implementation should be ensured first. In particular they oppose an infringement of contractual capacity rights which could “harm both the investment climate and security of gas supply”. Once again these respondents are of the opinion that the withdrawal of underutilised capacity should be only considered as an *ultima ratio*.

The second group of respondents welcome ERGEG’s proposals. One respondent considers the proposal as a “good compromise between the protection of the contractual rights of shippers and the need of an efficient system management by TSOs”. Nevertheless, the system should be based on incentives rather than on penalties. Therefore, he would prefer the implementation of a Use-It-Or-Sell-It mechanism.

Another respondent questions whether the proposed arrangements will be able to encourage competition: “The current proposal would put shippers, especially new entrants, in a very difficult position if they have booked capacity expecting to gain, for example, a certain market share which they then do not achieve. Confiscating capacity from such parties would only make new entry and the promotion of competition harder.”

Furthermore, three respondents require more precise criteria to assess and identify underutilised capacity. Another respondent stresses that it is problematic to determine systematic underutilisation due to the fact that the situation can change over time. Additionally respondents raised concerns about the term “reasonable price”. One of them suggested using the term “usual market price” instead of “reasonable price”.

ERGEG’s view

ERGEG notes that its proposal to give national regulatory authorities the possibility to introduce long term Use-It-Or-Lose-It (UIOLI) mechanisms is supported by several respondents although many fear an undue loss of their contractual rights or are concerned about the application criteria of this mechanism.

ERGEG would like to emphasise that this mechanism would be designed by the NRA, taking into account each market's specificities, including security of supply needs, when defining underutilised capacity, the procedure to release the unused capacity and the possibility for shippers to oppose and appeal against the withdrawal of capacity rights. Furthermore, in fully functioning capacity markets, where e.g. efficient secondary markets are at hand, the mechanism would not be applied, but it would serve to disincentive capacity hoarding, allowing new entrants to settle their activity in the country, which fosters competition. This possible long term UIOLI should also rather be considered as an incentive for shippers to release their unused long term booked capacity.