

EFET response to the CNMC consultation on PVB, TVB and AVB procedures



EFET response – 15 May 2020

The European Federation of Energy Traders (EFET*) welcomes the opportunity to provide comments on the CNMC consultation on the *Punto Virtual de Balance* (PVB), *Tanque Virtual de Balance* (TVB) and *Almacenamiento Virtual de Balance* (AVB) procedures.

We reiterate our request to have a clear implementation road map and an entry into force of the new tariffs (TAR NC¹) from the 1st October 2020 as several contracts have already been concluded and the proposed Decision will have extensive commercial impacts on market players and on virtual balancing points².

Below you will find our detailed comments.

Procedures document

We suggest the changes highlighted in red to paragraph 3.1, in order to make explicit that Spanish certificates suffice. We understand this was the intent, otherwise potential additional administrative burdens maybe created for Spanish market participants. Therefore, we propose including the underlined changes:

“Adicionalmente, para las personas con modalidad de representación como firmantes se facilitará:

Certificado digital cualificado de entidad reconocida en la Unión Europea, cuya relación se puede consultar en la página CEF Digital de la Comisión Europea, en caso de no tener un certificado español.”

In relation to section 3.1.2. we suggest that the drafting allows for the use of powers of authority which follow a different format to the one included in Annex I, as long as it fulfils at least the requirements needed. Therefore, we suggest including the underlined changes:

“Poder notarial que acredite las facultades del firmante de la solicitud en representación del sujeto que desea habilitarse incluyendo las facultades del modelo del anexo III de la Resolución de la Comisión Nacional de los Mercados y la Competencia por la que se aprueba el procedimiento de habilitación y baja de la cartera de balance de los usuarios en el tanque virtual de balance, el punto virtual de balance y el almacenamiento virtual de balance y el contrato marco de cartera de balance. El poder puede tener otro modelo diferente al Anexo I, siempre y

¹ See also ACER analysis on TAR NC implementation in Spain: <https://www.acer.europa.eu/Media/News/Pages/ACER-publishes-its-new-analysis-on-Tariff-Network-Code-implementation-for-gas-in-Spain.aspx>

² In this regard, we note that Article 29 of the TAR NC requires that “the reserve prices applicable until at least the end of the gas year beginning after the annual yearly capacity auction”...“shall be published before the annual yearly capacity auction”; this means that the tariffs applicable in the GY20 have to be published beginning of July 2020.

* The European Federation of Energy Traders (EFET) promotes and facilitates European energy trading in open, transparent and liquid wholesale markets, unhindered by national borders or other undue obstacles. We build trust in power and gas markets across Europe, so that they may underpin a sustainable and secure energy supply and enable the transition to a carbon neutral economy. EFET currently represents more than 100 energy trading companies, active in over 27 European countries. For more information: www.efet.org

cuando el texto de cabida suficiente a ejercer las actividades necesarias estipuladas en el anexo II. Además, el poder estará redactado en español y, en el caso de empresas con domicilio social fuera del territorio español, habrá de incluir la Apostilla de la Haya.”

Accession contract

Due to the physical nature of the gas system we consider it is important that in this, as well as all gas system related contracts, a reference should be made in relation to compliance with regulatory obligations, and best practice, of HSSE national and European obligations.