

ENTSO-E has introduced some improvements since the first version but important elements are still missing

- NRAs acknowledge ENTSO-E's and TSOs' work for implementing the EU HAR
- Main ACER comments on ENTSO-E's proposal:
 - **Firmness regime**
 - As a reminder, the EU HAR and annexes shall represent no step back compared to current firmness regime and adopt improvements proposed by ENTSO-E in the FCA NC*
 - **Firmness in case of emergency situation before DAFD**
 - Only Force Majeure allows for reimbursement of initial paid price.
 - **Provisions to ensure a periodic review of the EU HAR**
 - TSOs should regularly review the EU HAR and annexes to comply with the FCA NC and progress on harmonisation
 - **Non-discrimination between nominated and non-nominated capacity after LTFD**
 - There should be no discrimination between nominated and non-nominated capacity
 - **Deletion or clarification of the TRs' remuneration in case DA capacity is not allocated through (implicit or explicit) auctions**
 - The purpose of this paragraph is unclear. In case of the failure of the DA allocation, the remuneration shall be the market spread.



These elements are needed for all NRAs to approve the EU HAR during Q3

- NRAs will send their detailed comments on the EU HAR and annexes at the start of April

Public Workshop, 18 March 2015

*For some borders, the firmness regime will be decided after a national public consultation

Some other elements are to be provided by ENTSO-E

- Credit rating: the credit rating for bank guarantee proposed by ENTSO-E is higher than the one required in some current rules
 - Why so?
 - Does this evolution have concrete consequences for participants?
- 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 firmness regimes among borders. One single deadline for all borders and products would solve this issue.
 - NRAs request 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”: with the EU HAR and annexes, some TSOs need to draft specific rules, for daily allocation for example.
 - What is the current status of the drafting?
 - What is the planning adopted by the concerned TSOs to have these rules approved on time?
 - As a reminder, the rules for shadow auctions should at least be regional