

The ACER Board of Appeal Decision on gas capacity booking platform on German-Polish border

Board of Appeal of the Agency for Cooperation of Energy Regulators published the decision taken as a result of appeal submitted from the ACER decision 11/2018. In the given decision, ACER has chosen GSA Platform as a booking platform to be used for booking capacity on the Polish-German border in upcoming three years.

On the 22nd of February Board of Appeal of the Agency for Cooperation of Energy Regulators (ACER BoA) published the decision on the appeal submitted by PRISMA GmbH from the ACER decision no 11/2018 choosing GSA Platform as a booking platform to be used for booking capacity on the Polish-German border in upcoming three years. ACER BoA annulled the ACER decision and remitted it to the Director of ACER. The decision was annulled due to lack of documentation proving that the method of evaluation as described by ACER was indeed used to evaluate the offers. At the same time ACER BoA highlighted that the method as described by ACER was not discriminatory. ACER BoA has not challenged the merits based on which GSA Platform was chosen as the platform for capacity booking on PL-DE border therefore reaffirms the GSA Platform quality and cost efficiency.

In its decision, ACER BoA recommended to the Director of ACER to conduct the proceeding in one of the following ways: to conduct the offers evaluation once again or to open a new proceeding. In a press release from 22nd of February ACER informed about its decision to choose the second possibility. The new decision is to be issued within 6 months following the notification of the ACER BoA's decision.

GAZ-SYSTEM analyses the possible implications of the above ACER decision for the auction of the yearly product in 2019 and planned incremental auction for GCP GAZ-SYSTEM/ONTRAS interconnection point which are to be held in July 2019.

Concerned parties may brought an action before the Court of First Instance from the ACER BoA decision. The decision to be issued by the Director of ACER might be contested before the ACER BoA.

[Published ACER BoA decision](#)

[The ACER decision 11/2018 from 16 October 2018](#)

GAZ-SYSTEM plays a strategic role in the Polish economy. We are responsible for natural gas transmission and operate the most important gas pipelines in Poland. As part of the 2015-2025 investment programme, GAZ-SYSTEM plans to build over 2000 km of new gas pipelines in western, southern and eastern parts of Poland. Further development of the national transmission network, including the construction of new gas pipelines making part of the North-South Gas Corridor, as well as the construction of interconnections with the neighbouring countries, will strengthen Poland's energy security and make an important contribution to the development of the European transmission system.

The Company is implementing one of the most important infrastructural projects in Poland – the Baltic Pipe project, which consists in the construction of a bidirectional offshore gas pipeline connecting Poland and Denmark and the expansion of the local transmission network.

GAZ-SYSTEM also owns Polskie LNG, the operator of the President Lech Kaczyński's LNG Terminal in Świnoujście.

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