

## 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 is a strategic company for the Polish economy. It is responsible for the transmission of natural gas, manages the most important gas pipelines in Poland and owns the President Lech Kaczyński LNG Terminal in Świnoujście.*

*As part of the 2015-2025 investment programme, GAZ-SYSTEM is constructing over 2000 km of new gas pipelines in the western, southern and eastern parts of Poland. Over a dozen new gas pipelines are under construction within the North-South Gas Corridor and the compressor station in Kądzierzyn Kołomyjski, as well as interconnections with Lithuania and Slovakia. Onshore gas pipelines are planned to connect the planned FSRU floating terminal in the Gulf of Gdansk with the national transmission system. The LNG Terminal in Świnoujście is also being extended, as a result of which the regasification capacity of this facility will be increased by more than a half.*

*The company is also implementing one of the most important infrastructural projects in the country - the Baltic Pipe project which consists in the construction of a two-way offshore gas pipeline connecting Poland and Denmark, expansion of the local transmission network and three gas compressor stations.*

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