

EU Emissions Trading Scheme (ETS) – Consultation on design and organisation of emissions allowance auctions

This document is the questionnaire for this consultation. The survey contains **4** initial questions (A-D) to identify respondents, **86** questions for which responses will be made public and **4** questions that are classified confidential, must be sent directly to the European Commission and will not be made public. The questions that are classified potentially confidential are on two separate pages (2 questions on each page) and highlighted in green boxes.

Period of consultation

From 3 June 2009 to 3 August 2009 inclusive

How to submit your contribution

This consultation seeks to obtain feedback from all categories of stakeholders regarding the different aspects of auction design and implementation covered in the Consultation Paper.

We are sorry for the inconvenience, but the web-based survey is not available yet. If participants wish to complete the survey on this document and send their contributions back to contact_ets_auctions_consultation@icfi.com their responses can be accepted in this format. The web-based survey will be available as soon as possible if participants wish to wait till that is available.

Received contributions will be published on the Internet. It is important to read the specific privacy statement attached to this consultation for information on how your personal data and contribution will be dealt with.

Specific privacy statement

"Received contributions, together with the identity of the contributor, will be published on the Internet, unless the contributor objects to publication of his or her personal data on the grounds that such publication would harm his or her legitimate interests. In such cases the contribution may be published in an anonymous form. Otherwise, the contribution will not be published nor will, in principle, its content be taken into account. Responses for questions deemed confidential in the consultation will not be available for view on the website irrespective of contributor objecting or not. "

Instructions to filling out the questionnaire

- Questions may only be answered in designated response fields
- For certain multiple choice questions, simply click on box to indicate choice
- Answer [Y/N] questions by typing “y” / “Y” or “n” / “N” on underlined area (___)
- Some responses require explanations, additional comments and detailed answers. These will either be identified by underline (___) or an answer section (A: ___). The amount of text that can be entered here is unlimited.
- After completing the survey, please save and send to contact_ets_auctions_consultation@icfi.com
- If any questions seem unclear in context or for method of response, please mail contact_ets_auctions_consultation@icfi.com to clarify

Thank you

Section 1: Questions to categorize participants

Question A

Name of Company/Organization: GDF SUEZ

Principal nature of activities: Energy, Environment

Number of employees in 2008:

World-wide 234 653

Europe-wide _____

Turnover in 2008:

World-wide 83.1 Mds€

Europe-wide _____

Question B

Type of respondent:

Member State

Company operating one or more installations covered by the EU ETS

Electricity generators

Energy companies other than electricity generators

Industrial sectors

Aviation

Other. Please specify: _____

Approx Annual Emissions: our total GHG emissions represented in 2008
99.5 Millions t CO₂ eq (excluding tertiary and land vehicles) tCO₂

Intermediary

Financial institution

Trading arm of non-financial institution

Other. Please specify _____

Trader on own account

Financial institution

Trading arm of non-financial institution

- Other. Please specify* _____
- Regulated market
 - Carbon only
 - Carbon and electricity
 - Carbon and other energy products
- Other carbon market
 - Multilateral trading facility trading carbon derivatives
 - Carbon exchange trading spot carbon
 - Other. Please specify* _____
- Clearing house
- Central counterparty
- Other (multiple choices apply)
 - Non-governmental organisation
 - Trade association
 - Carbon analyst
 - Carbon publication
 - Academic
 - Other. Please specify* _____

Question C

Contact details will not be made public.

Question D

Questions relating to the "Specific privacy statement" above.

- Do you object to publication of your personal data because it would harm your legitimate interests? [Y/N] N

If so, please provide an explanation of the legitimate interests that you think will be harmed:

A:

- Are any of your responses confidential? [Y/N] N

If so, please indicate which ones and provide an explanation:

A:

Section 2: Survey questions (86) and potentially confidential questions (4)

Question 1

As a general rule throughout the trading period, in your opinion, are early auctions necessary? [Y/N] _

If so, what should the profile of EUA auctions be?

- 5-10% in year n-2, 10-20% in year n-1, remainder in year n
- 10-20% in year n-2, 20-30% in year n-1, remainder in year n
- 20-30% in year n-2, 30-35% in year n-1, remainder in year n
- Other? Please specify:

Year n-3 : 25% of vintage n

Year n-2 : 25% of vintage n

Year n-1 : 25% of vintage n

Year n : 25% of vintage n

Question 2

Do you think there is a need to auction futures? [Y/N] Y

If so, why?

A: Yes. Utilities start selling electricity contracts 3 years in advance. These contracts include a price of electricity, therefore a cost of CO₂. Electricity companies need to hedge their positions ahead of time. If the seller is not sure to have the quantities of CO₂ permits to cover the generation of the electricity sold, the seller will include a risk premium.

Early auctions are also necessary to launch the secondary market well in advance.

An estimation of the CO₂ price is needed, to form reliable electricity prices.

Futures auctions are key to reducing the heavy locking up of funds that pay-on-the-spot upfront loading would mean for an electricity company.

Question 3

What share of allowances should be auctioned spot and what share should be auctioned as futures for each year?

	SPOT	FUTURES
• year n	: <u>25%</u>	<u>0%</u>

- year n-1 : 0% | 25%
- year n-2 : 0% | 25%

Please provide evidence to support your case.

A: Year n-3 : 0% | 25%

See question 2.

*NB: The answer to this question will be published as part of the public consultation.
Please do not submit confidential information as part of your answer to this question.*

Question 4

Should the common maturity date used in futures auctions be in December (so the maturity date would be December in year n, both when auctioning in year n-2 as when auctioning in year n-1)? [Y/N] N

If not, please suggest alternative maturity dates and provide evidence to support your view.

A: It would be better to have the maturity date in November in order not to endanger the secondary market settlements which occur in December.

This page contains two questions that will not be made public. These questions cannot be completed on this document

Request for potentially confidential information 1

Please send the answer to this question in paper and electronic format, marked on the envelope "Strictly Private and Confidential – Auctioning consultation", directly to the European Commission, DG ENV, Directorate C, Unit C2, to the attention of the Head of Unit, Office BU-5 2/1, 1049 Brussels, Belgium. It will be treated confidentially and will not be disclosed publicly.

For ETS operators: what share of your expected emissions covered by the EU ETS in a given year n do you hedge and how much in advance?

- year n : _____%
- year n-1 : _____%
- year n-2 : _____%
- earlier years (please specify) : _____%

Request for potentially confidential information 2

Please send the answer to this question in paper and electronic format, marked on the envelope "Strictly Private and Confidential – Auctioning consultation", directly to the European Commission, DG ENV, Directorate C, Unit C2, to the attention of the Head of Unit, Office BU-5 2/1, 1049 Brussels, Belgium. It will be treated confidentially and will not be disclosed publicly.

What share of the annual quantity of allowances you intend to purchase *via* auctions would you wish to buy spot or futures respectively?

- | | SPOT | FUTURES |
|------------|----------|---------|
| • year n | : _____% | _____% |
| • year n-1 | : _____% | _____% |
| • year n-2 | : _____% | _____% |

Please specify whether you are an:

- ETS operator; or
- Other participant.

Question 5

For spot auctions:

What should be the **optimum** frequency of auctions?

- Weekly?
- Fortnightly?
- Monthly?
- Quarterly?
- Other? Please specify: Monthly with a single European platform

What should be the **minimum** frequency of auctions?

- Weekly?
- Fortnightly?
- Monthly?
- Quarterly?
- Other? Please specify: Monthly with a single European platform

What should be the **maximum** frequency of auctions?

- Weekly?
- Fortnightly?
- Monthly?
- Quarterly?
- Other? Please specify: Weekly with a single European platform

Please provide arguments to support your case.

A: The frequency should be decided combining TWO criteria : not to influence the CO2 price formation on the secondary market AND minimizing costs for sellers and buyers.

- The distribution within the year of the quantities put to auction should be calculated not to disturb the secondary market, i.e. not to trigger a change on the CO2 price.

and

- The frequency of auction should be minimized in order to keep costs as reduced as possible (costs of organization of the auctions for the sellers, and costs of participating to the auctions for the buyers).

Question 6

For spot auctions, what should be the:

- Optimum auction size? 1/4 of the total auctioned quantities.
- Minimum auction size? _____
- Maximum auction size? _____

If deemed appropriate, please indicate a range and/or distribution over different sizes.
Please provide arguments to support your case.

A:

Question 7

For futures auctions:

What should be the **optimum** frequency of auctions?

- Weekly?
- Fortnightly?
- Monthly?
- Quarterly?
- Other? Please specify: Monthly with a single European platform (see Q5)

What should be the **minimum** frequency of auctions?

- Weekly?
- Fortnightly?
- Monthly?
- Quarterly?
- Other? Please specify: Monthly with a single European platform (see Q5)

What should be the **maximum** frequency of auctions?

- Weekly?
- Fortnightly?
- Monthly?
- Quarterly?
- Other? Please specify: Weekly with a single European platform (see Q5)

Please provide arguments to support your case.

A: Futures and spot should be auctioned at the same time. Therefore frequency should be the same (see Q5)

Question 8

For futures auctions, what should be the:

- Optimum auction size? _____
- Minimum auction size? _____
- Maximum auction size? _____

If deemed appropriate, please indicate a range and/or distribution over different sizes.

Please provide evidence to support your case.

A: As of 2013, 3/4 of the total auctioned quantities (shared between 4 vintage years : earlier vintage years being auctioned at the beginning of the year; and later vintages, in the second half of the year).

In the years 2011 and 2012, only future vintages are auctioned :

In 2010 : ¼ of 2013 and ¼ of 2014

In 2011, ¼ of vintage 2013, 1/4 of vintages 2014, 2015, and

In 2012, ¼ of vintage 2013, 1/4 of vintages 2014, 2015, 2016.

Question 9

Should volumes of spot allowances be auctioned evenly throughout the year? [Y/N] Y

If not, how should volumes be distributed? (more than one answer possible) Please specify:

- A larger proportion in the first 4 months of the year?
- A larger proportion in December?
- A smaller proportion in July and August?
- Other? Please specify: _____

Question 10

In case futures are auctioned, should the volumes for spot and futures auctions be spread over the year in the same manner? [Y/N] Y

If not, how should they differ? (more than one answer possible)

- No futures auctions less than six months before the maturity date.
- A larger proportion in December.
- A smaller proportion in July and August.
- Otherwise? Please specify how and comment: Yes, between 2013 and 2020, volumes should be evenly spread– forward sales are made uniformly throughout the year.

In order to get a continuous price between phase II and phase III, futures (vintages 2013, 2014, 2015) should be auctioned as early as 2011.

Additionally, in order to get the price right early, to hedge sales of electricity, bigger shares of vintage 2013 should be auctioned in the first quarter of 2011 and 2012.

Question 11

Does the Regulation need to have provisions to avoid holding auctions during a short period of time before the surrendering date (30 April each year)? [Y/N] Y

If yes, how long should this period be:

One week 2 weeks 3 weeks 1 month

In case futures are auctioned, should there be similar provisions with respect to the period immediately prior to the maturity date? [Y/N] N

If yes, how long should this period be:

One week 2 weeks 3 weeks 1 month

Question 12

Which dates should be avoided? (more than one answer possible)

- Public holidays common in most Member States? Y
- Days where important relevant economic data is released? Y
- Days where emissions data are released? Y
- Other? Please specify: The last week of June and December which are the dates of closing financial statements, during which EUAs are valued.

Please specify the dates you have in mind in your answers.

Question 13

Is a harmonised 10-12 hrs CET auction slot desirable? [Y/N] Y

If not, what alternative(s) would you suggest?

A: _____

Question 14

How long in advance should each element of the calendar be determined?

Annual volumes to be auctioned:

- 1 year in advance
- 2 years in advance
- 3 years in advance
- more years in advance

Distribution of annual volumes over spot and futures (if applicable):

- 1 year in advance
- 2 years in advance
- 3 years in advance
- more years in advance

Dates of individual auctions:

- 1 year in advance
- 2 years in advance
- 3 years in advance
- more years in advance

Volume and product type for individual auctions:

- 1 year in advance
- 2 years in advance
- 3 years in advance
- more years in advance

Each auctioneer carrying out auction process (if more than one):

- 1 year in advance
- 2 years in advance
- 3 years in advance
- more years in advance

Please provide arguments to support your case.

A: All annual volumes should be known before the start of Period 3 (end 2010), with the global share of each vintage auctioned every year.

Then for each year, the annual scheduled quantities – with respective shares for each vintage - and date of auctions should be known 1 year in advance.

- The system needs to be predictable for the companies to be placed in a reliable environment part of investment decision making.
- This allows electricity companies to hedge sales of electricity without being placed in a risk situation regarding CO2 permits obligations

Each auctioneer carrying out auction process (if more than one):

1 year before beginning the auctioning process (maximum end 2010) and for the whole of Period III.

Question 15

What should be the volume of allowances to be auctioned in 2011 and 2012?

- in 2011: 25 % of the 2013 volume and 25% of the 2014 volume
- in 2012: 25% of the 2013 volume and 25% of the 2014 volume

What percentage of these shares should be auctioned as futures?

- in 2011: 25% of the 2013 share and 25% of the 2014 share
- in 2012: 25% of the 2013 share and 25% of the 2014 share

Please provide evidence to support your case.

A: See answers to questions 1, 3 and 4 (start in 2010)

Question 16

What should be the rule with respect to allowances not auctioned due to *force majeure*?

- They should automatically be added to the next auction on the calendar, irrespective of the auction process.
- They should be auctioned within one month, though leaving flexibility as to which auction(s) the EUAs should be added.
- They should be auctioned within three months, though leaving flexibility as to which auction(s) the EUAs should be added.
- Other? Please specify: Force Majeure should be defined and rules should be part of the European regulation on auctions.

Question 17

Is 1,000 allowances the most appropriate lot size? [Y/N] Y

If not, why not?

A:

Question 18

Is a single-round sealed-bid auction the most appropriate auction format for auctioning EU allowances? [Y/N] Y

If not, please comment on your alternative proposal?

A: As opposed to a multi-period dynamic auction, this type of auction

- lowers transactions costs,
- preserves bidder anonymity,
- increases understanding of the price-formation process and
- helps avoid any possible collusion.

While in some industries the use of this auction-type could lead to what is known as the ‘winner’s curse’ (i.e. where the winner bids too high), the existence of a functioning secondary market should provide bidders with a good reference price. In addition, as there will be many auctions in the ETS and an effective secondary market also exists, bidders do not face a one-shot game where there is only one chance to have a successful bid.

Question 19

What is the most appropriate pricing rule for the auctioning of EU allowances?

- Uniform-pricing.
- Discriminatory-pricing.
- Indifferent.

Please provide arguments to support your case.

A: It gives a clear price signal for the value of an EUA, thereby increasing predictability.

It also ensures that every successful participant pays the same price, meaning that the auction price will be fair and minimises the risk of distorting the secondary market.

Question 20

Should the rules for solving ties in the Regulation be:

- random selection; or
- pro-rata re-scaling of bids?

Please comment on your choice.

A: This is the fairest solution.

Question 21

Should a reserve price apply?

A: NO.

If there is a good design of the auction system (regularity of quantities sold, good and thorough communication process before and after auctions, no influence on the secondary market, respect of rules and regulations), there is no need of a reserve price. The purpose of the auction process in the EUETS is not to secure an amount of revenue for the Member states, it is a method of distribution of the EUAs.

A reserve price could act as a deterrent for bidders to go to auctions, therefore altering the effectiveness of the allocation.

Imposing a reserve price constitutes an intervention on the price formation and could have implications on the pricing process of the secondary market. Any intervention would reduce predictability and distort investment signals: there shouldn't be any intervention on CO₂ price.

If a reserve price was to be implemented anyway,

- there should be a unique European rule to establish it
- it should be applied in some very limited cases –defined in the Regulation, ahead of market dysfunctions
- it should not affect the functioning of the secondary market

- and it should be based on the discounted secondary market price (at a level corresponding to an exceptionally low secondary market price scenario), leaving room for different bidding pricing.
- it should not refrain bidding / the bidding process must be kept attractive in order to quantities to be allocated fully.

Question 22

In case a reserve price would apply, should the methodology/formula for calculating it be kept secret? [Y/N] N

Please comment on your choice.

A: No – as full transparency, and predictability, is required, all rules, methodologies, formulae must be published.

We are not in favor of a reserve price

Question 23

Is a maximum bid-size per single entity desirable in a Uniform-price auction?

[Y/N] N

Is a maximum bid-size per single entity desirable in a discriminatory-price auction?

[Y/N] N

Please comment on your choice.

A: If there is a liquid open secondary market in place, there is no need to set restrictions on participants in the primary market.

There should be no limitation nor obligation to participate in either the primary or secondary markets. To avoid charging risk premium, electricity operators in particular need to be able to cover their EUA needs along with their contracted sales of electricity.

The risk that someone would buy all allowances available is almost nil :

- (i) the amount of money/risk involved, and
- (ii) this would be regarded as market abuse/manipulation for which there are other recourses implemented

Question 24

If so, what is the desirable bid-size limit (as a percentage of the volume of allowances auctioned per auction – only one choice is possible):

- 10%: 15%: 20%:
25%: 30%: More than 30%: Please specify: _____

Please comment on your choice.

A: Should not apply : see answer 23 and 63

Question 25

In case only one of the two following options would be chosen, to limit the risk of market manipulation or collusion, which one would be preferable?

- A discriminatory-price auction format?
 A maximum bid-size per single entity?

Please comment on your choice.

A: Neither : see answer 23

Question 26

Are the following pre-registration requirements appropriate and adequate?

Identity:

- Natural or legal person;
 Name, address, whether publicly listed, whether licensed and supervised under the AML rules; membership of a professional association; membership of a chamber of commerce; VAT and/or tax number;
 Contact details of authorised representatives and proof of authorisation; and
 CITL-Registry account details.
 Anything else? Please specify:_____

Declarations with respect to the past 5 years on absence of:

- Indictment or conviction of serious crimes: check corporate officers, directors, principals, members or partners;
- Infringement of the rules of any regulated or unregulated market;
- Permits to conduct business being revoked or suspended;
- Infringement of procurement rules; and
- Infringement of disclosure of confidential information.
- Anything else? Please specify: _____

Declarations and submission of documentation relating to:

- Proof of identity;
- Type of business;
- Participation in EU ETS or not;
- EU ETS registered installations, if any;
- Bank account contact details;
- Intended auctioning activity;
- Whether bidding on own account or on behalf of another beneficial owner;
- Corporate and business affiliations;
- Creditworthiness;
- Collateral; and
- Whether it carries out transactions subject to VAT or transactions exempted from VAT.
- Anything else? Please specify: _____

Question 27

Do you agree that the pre-registration requirements for admittance to EU auctions should be harmonised throughout the EU?

Yes No

Please comment on your choice.

A: Rules and regulations in respect with the auctioning process should absolutely be identical and ensure a level playing field :

- easiness and fairness of access to all participants (small or big), not requiring searching and understanding different access rules.
- no possibility for any MS to adapt access rules.

Question 28

Should the amount of information to be supplied in order to satisfy the pre-registration requirements for admittance to EU auctions depend on the:

- means of establishing the trading relationship;
- identity of bidder;
- whether auctioning spot or futures;
- size of bid;
- means of payment and delivery;
- anything else? Please specify: _____

If so, what should the differences be?

A: No – Rules and regulations in respect with the auctioning process should absolutely be identical and ensure a level playing field.

Question 29

Should the bidder pre-registration requirements under the Regulation apply in the same manner irrespective of whether or not the auctioneer is covered by the MiFID or AML rules? [Y/N] _

A:

If not, why not?

A:

Please provide arguments to support your case.

Question 30

Do you agree that the auctioneer(s) should be allowed to rely on pre-registration checks carried out by reliable third parties including: [Y/N] Y

- Other auctioneers?
- Credit and/or financial institutions?
- Other? Please specify: _____

Please comment on your choice.

A: YES : The third party in charge of the auctions should be and existing exchange.

Existing exchange are used to performing those pre-registration checks

Question 31

In order to facilitate bidder pre-registration in their home country, should the auctioneer(s) be allowed to provide for pre-registration by potential bidders in other (or all) Member States than the auctioneer's home country e.g. by outsourcing this to a reliable third party?

Yes No

Please comment on your choice:

A: With harmonised rules it should be the case. There should be no barriers to entry at MS level, only those highlighted in question 26. Ideally, must be mutual recognition of pre-qualification agents. Commission should offer EU level prequalification option, to transcend any trust issues.

If so, should such entities be:

- Covered by the AML rules?
- Covered by MiFID?
- Covered by both?
- Other? Please specify: _____

Please comment on your choice:

A:

Question 32

Should the Regulation prohibit the multiplicity of pre-registration checks in the case of Member States auctioning jointly?

Yes No

Please comment on your choice.

A: There should be one EU pre-registration check format, system and software. This would save costs and time, and favor an equal access for all participants.

Question 33

Do you agree that the *level* of collateral accepted in EUA auctions should be harmonised for all EU ETS auctions? [Y/N] Y

If so, how should they be harmonised?

A:

If not, why not?

A: The same rules should apply in all auctions.

The collateral should be differentiated depending on the type of product auctioned (ie : spot or Future) in harmonization the secondary markets.

Question 34

Do you agree that the *type* of collateral accepted in EUA auctions should be harmonised for all EU ETS auctions? [Y/N] Y

If so, how should they be harmonised?

A:

If not, why not?

A: See response to Q33

Question 35

Do you agree that 100% collateral in electronic money transfer ought to be deposited upfront at a central counterparty or credit institution designated by the auctioneer to access spot auctions? [Y/N] N

If not, why not?

A: In accordance with the rules of the secondary market, some collateral should be deposited upfront (10-15%) to avoid speculation on price variations before the payment date and ensure that bids won are executed

What alternative(s) would you suggest? Please provide arguments to support your case:

A:

Question 36

In case futures are auctioned, should a clearing house be involved to mitigate credit and market risks? [Y/N] _

If so, should specific rules – other than those currently used in exchange clearing houses – apply to:

- the level of the initial margin;
- the level of variation margin calls;
- the daily frequency of variation margin call payments?

If you have answered yes, please justify and elaborate on the rules that should apply and the mechanisms to implement them:

A: The answer depends on the nature of the auctioneer : in the case of the State or another institution with a high credit rating, no clearing house is needed ; in other cases it may be needed.

Question 37

What are the most preferable payment and delivery procedures that should be implemented for auctioning EUAs?

- Payment before delivery.
- Delivery versus payment.
- Both.

Please comment on your choice.

A: As per norms with the secondary market, payment should be agreed on a 5 days term.

Question 38

Irrespective of the payment procedure, should the Regulation fix a maximum delay of time for payment and delivery to take place? [Y/N] _

If yes; what should it be?

- 4 working days
- 5 working days
- 6 working days
- 7 working days

Other? Please specify: The usual payment settlement delay is 5 business days after delivery

Question 39

Should the Regulation provide any specific provisions for the handling of payment and delivery incidents or failures? [Y/N] Y

If yes, what should they be?

A: As per norms with the secondary market, and based on standardized contract (ie : IETA/EFET/ISDA)

Question 40

Should the Regulation provide for all matters that are central to the very creation, existence and termination or frustration of the transaction arising from the EUA auctions? [Y/N] Y

If not, why not?

A: YES, it is central to the best functioning of the auctions, that there should be a unique European regulation and a unique European regulating body.

If so, are the matters enumerated below complete? [Y/N] Y

- The designation of the parties' to the trade.
- The characteristics of the auctioned product:
 - Nature: EUAs or EUAAs, trading period concerned.
 - Date of delivery: date at which winning bidders will receive the allowances on their registry account.
 - Date of payment: date at which payment will be required from winning bidders.
 - Lot size: number of allowances associated with one unit of the auctioned good.
- Events of 'force majeure' and resulting consequences.
- Events of default by the auctioneer and/or the bidder and their consequences.

- Applicable remedies or penalties.
- The regime governing the judicial review of claims across the EU.

If not, what additional matters should be foreseen in the Regulation and why?

A:

Question 41

Should the Regulation provide for rules on jurisdiction and the mutual recognition and enforcement of judgments? [Y/N] Y

If so, should these be:

- specific to the Regulation;
- by reference to the Brussels I Regulation;
- by citing exceptions from the Brussels I Regulation;
- by citing additions to the Brussels I Regulation?

Please comment on your choice:

A: YES, those rules should be unique throughout Europe.

If not, why not?

A:

Question 42

Which auction model is preferable?

- Direct bidding?
- Indirect bidding?
- Both?

Please comment on your choice.

A: Subject only to a requirement to demonstrate creditworthiness and provide financial assurance, any party should be allowed to participate in an auction. Any further restrictions on participation should be objective and transparent, and must not be based

on nationality and/or on firm type or size. Therefore, there should be no requirement to use intermediaries.

The electricity sector includes many large installations and is well equipped to deal with the auctioning process, due to its experience on various trading platforms.

Restricting access to only a few intermediaries would induce an information dissymmetry between financial intermediaries and large emitters, and disclosure of strategic information.

Any bid made should be considered a binding contract. Therefore, successful bidders need to meet certain payment timelines – proportionate penalties for non-compliance would assist in this.

On the seller side, timelines need to be established for the auction administrator/Member State to transfer EUAs to the purchasers registry account.

Question 43

If an indirect model is used, what share of the total volume of EU allowances could be auctioned through indirect bidding? _____

Please provide arguments to support your case.

A: We oppose indirect bidding, see Q42.

Question 44

If the primary participants model is used, what provisions would be desirable for mitigating disadvantages of restricting direct access (more than one answer is possible):

- Allow direct access to largest emitters, even if they trade only on their own account?
If so, who should have direct access and what thresholds should apply? _____
- Disallow primary participants trading on their own account?
- Impose strict separation of own-account trading from trading on behalf of indirect bidders?
- Other? Please specify: As a principle, we do not favor the use of this model, see Q42

Nevertheless, and as a second best option, if there was to be a primary participant model, access to largest participants should be made (1/4 million tons/year).

The electricity sector comprises many large installations and is well equipped to deal with the auctioning process, due to its experience on various trading platforms.

And if there was to be a primary participant model, without access made to the largest emitters, the primary participants should absolutely be disallowed to trade on their own account, which would unduly favor those primary participants in acting as mandatories, in the face of other possible mandatories.

Question 45

If the primary participants' model is used, what conflict of interest requirements should be imposed? (more than one answer possible)

- Separation of client registration and trading on behalf of clients from all own account trading activities.
- Separation of collateral management, payment and delivery on behalf of clients from all own account trading activities.
- Separation of anything else, please specify: We are not in favor of this model.

See Q 42 and Q44 : If there was to be a primary participant model, access to largest participants should be made (1/4 million tons).

Question 46

What obligations should apply to primary participants acting in EU-wide auctions as:

- Intermediaries? A:No
- Market makers? A: No We are not in favor of this model

See Q 42 and Q44

Please provide arguments to support your case.

Question 47

Under what conditions should auctioning through exchanges be allowed (more than one answer possible):

- Only for futures auctions open to established members of the exchange?
- Also for spot auctions open to established members of the exchange?
- Only when the exchange-based auction is open to non-established members on a non-discriminatory cost-effective basis?
- Other? Please specify: _____

Please provide arguments to support your case.

A: We believe auctioning through existing exchanges has big advantages :

- for the participants : they are used to trading on exchanges and are often members of the various carbon exchanges
- for the MS (auctioneer) : exchanges provide the infrastructure (IT, clearing, ...), structure for collateral and pre-registration checks mechanisms.

Question 48

Should direct auctions be allowed through:

- 1) Third party service providers? [Y/N] _
- 2) Public authorities? [Y/N] _

Please comment on your selection:

A: The third party service provider is a possibility– but we prefer a single European auction platform.

Question 49

Do the general rules for auctioning EUAs suffice for ensuring full, fair and equitable access to allowances to SMEs covered by the EU ETS and small emitters? [Y/N] _

If not, why not?

A: Same access rules should apply to all to auctions, irrespective of size.

Question 50

Is allowing non-competitive bids necessary for ensuring access to allowances to SMEs covered by the EU ETS and small emitters in case of:

- discriminatory-price auctions? A:
- uniform-price auctions? A: Same access rules should apply to all to auctions, irrespective of size.

Question 51

If non-competitive bids are provided for in spot auctions, what maximum share of allowances could be allocated through this route?

- 5%
- 10%
- Other? Please specify: _____

Please comment on your choice.

A: Same access rules should apply to all to auctions, irrespective of size.

Question 52

What rule should apply for accessing non-competitive bids (more than one answer possible):

- Participants should only be allowed to use one of the two bidding routes?
- Non-competitive bids should be restricted to SMEs covered by the EU ETS and small emitters only?
- Other? Please specify: _____

Please comment on your choice.

A: Same access rules should apply to all to auctions, irrespective of size.

Question 53

What should be the maximum bid-size allowed for SMEs covered by the EU ETS and small emitters submitting non-competitive bids?

- 5 000 EUAs
- 10 000 EUAs
- 25 000 EUAs
- Over 25 000 EUAs, please specify exact size and give reasons for your answer: Same access rules should apply to all to auctions, irrespective of size.

Question 54

Are there any other specific measures not mentioned in this consultation that may be necessary for ensuring full, fair and equitable access to allowances for SMEs covered by the EU ETS and small emitters? [Y/N] _

If so, please specify:

A: Same access rules should apply to all to auctions, irrespective of size

Question 55

What should be the minimum period of time before the auction date for the release of the notice to auction?

2 weeks 1 month 2 months

Other Please specify: _____

Please comment on your proposal.

A: Full transparency means that participants should have as much preparation time as possible.

Question 56

What should be the minimum period of time before the auction date for the submission of the intention to bid?

1 week 2 weeks 1 month

Other Please specify: _____

Please comment on your proposal.

A: If needed, then 1 week – notification might not be needed at all – just submit bid.

Question 57

Are there any specific provisions that need to be highlighted in:

- The notice to auction?
- The intention to bid?
- Both?

Please specify what they are.

A: No

Question 58

What information should be disclosed after the auction:

- Clearing price (if allowances are awarded on a uniform-price basis or in the case of non-competitive bids being allowed)?
- Average price (if allowances are awarded on a discriminatory-price basis)?
- Any relevant information to solve tied bids?
- Total volume of EUAs auctioned?
- Total volume of bids submitted distinguishing between competitive and non-competitive bids (if applicable)?
- Total volume of allowances allocated?
- Anything else? Please specify: Total amount unsold and carried over to next auction

Question 59

What should be the maximum delay for the announcement of auction results?

5 minutes 15 minutes 30 minutes

1 hour

Other Please specify: _____

Please comment on your proposal.

A:

Question 60

Do you feel that any specific additional provisions should be adopted in the Regulation for the granting of fair and equal access to auction information? [Y/N] Y

If so, what may they be? All auction information should be published on a single website, at the same time and in English.

Question 61

Should an auction monitor be appointed centrally to monitor all EU auctions?

[Y/N] Y

If not, why not?

A: Yes, why not, but this is not absolutely necessary.

Question 62

Do you agree that the Regulation should contain general principles on [mark those that you agree with,]:

the designation and mandate of the auction monitor; and

cooperation between the auctioneer(s) and the auction monitor?

If not, why not?

A:

Should these be supplemented by operational guidance, possibly through Commission guidelines? [Y/N] Y

If not, why not?

A: Yes, at least general principles should be published.

Question 63

Is there a need for harmonised market abuse provisions in the Regulation to prevent insider dealing and market manipulation? [Y/N] Y

If not, why not?

A:

Please comment on your choice outlining the provisions you deem necessary and stating the reasons why.

A: There should be rules preventing market abuse.

Question 64

Should the Regulation provide for harmonised enforcement measures to sanction [mark those that you agree with,]:

Non-compliance with its provisions?

Market abuse?

Please provide arguments to support your case.

A: The enforcement measures should be the same across the EU and make sure the Regulation is complied with.

Market abuse provisions can be based on existing directives as already referred to in the revised ETS directive.

Question 65

Should the enforcement measures include [mark those that you agree with,]:

The suspension of the auctioneer(s) and/or bidders from the EU-wide auctions?
If so, for how long should such suspension last? _____

Financial penalties?
If so, at what level should such penalties be fixed? _____

The power to address binding interim decisions to the auctioneer(s) and/or bidders to avert any urgent, imminent threat of breach of the Regulation with likely irreversible adverse consequences?

Anything else? Please specify: _____

Please provide arguments to support your case.

A: Yes suspension measures and financial penalties should be fixed, in a unique European definition.

A system of –first warning- before sanction could be set. Immediate sanctions should be limited to obvious market manipulation.

Question 66

Should such enforcement measures apply at:

- EU level?
- National level?
- Both?

Please comment on your choice.

A: We are in favor of a single European regulatory body that would have the means to enforce the European regulation.

The enforcement measures should be defined in the Regulation very precisely, not leaving the possibility for any Member state to adapt/interpret them. Those measures should apply in the same way throughout Europe, and whether bidders are or not European companies.

Question 67

Who should enforce compliance with the Regulation (more than one answer is possible):

- The auction monitor?
- The auctioneer?
- A competent authority at EU level?
- A competent authority at national level?
- Other? Please specify: _____

Please provide evidence to support your case.

A: A competent authority at European level. This is the best way to unicity of the application of the European regulation, a level playing field.

Question 68

Which of the three approaches for an overall EU auction model do you prefer? Please rate the options below (1 being the most preferable, 3 being the least preferable)

- 3 Limited number of coordinated auction processes.
- 1 Full centralisation based on a single EU-wide auction process.
- 2 The hybrid approach where different auction processes are cleared through a centralised system.

Please give arguments to support your case.

A: We strongly favor a full centralization based on a single EU-wide auction process :

- it is easier to set
- it is cost effective (for both the auctioneers and the bidders – small and big-)
- it is the best guaranty of a unique price
- it is the best guaranty against non competitive governmental attitudes (even minute differences in auctions settings could be used to favor one platform against an other)
- it provides an easy access to small emitters
- it is the best guaranty for a large, even, effective communication
- it allows a proportional redistribution of revenues to Member states

Question 69

If a limited number of coordinated auction processes develops, what should be the maximum number?

- 2
- 3
- 5
- 7
- more than 7, please specify: _____

Please give arguments to support your case.

A: Multiple auction process leads to possible effect(s) adverse to those listed in Q 68

Therefore the number of coordinated auction processes should be reduced to the absolute minimum, optimal size being 1.

Question 70

Is there a need for a transitional phase in order to develop gradually the optimal auction infrastructure? [Y/N] N

If so, what kind of transitional arrangements would you recommend? No – make it right from the beginning, by using experience from existing auctions.

Question 71

Should the Regulation impose the following requirements for the auctioneer(s) and auction processes? [mark those that apply,]:

Technical capabilities of auctioneers:

- capacity and experience to conduct auctions (or a specific part of the auction process) in an open, fair, transparent, cost-effective and non-discriminatory manner;
- appropriate investment in keeping the system up-to-date and in line with ongoing market and technological developments; and
- relevant professional licences, high ethical and quality control standards, compliance with financial and market integrity rules.

Integrity:

- guarantee confidentiality of bids, ability to manage market sensitive information in an appropriate manner;
- duly protected electronic systems and appropriate security procedures with regards to identification and data transmission;
- appropriate rules on avoiding and monitoring conflicts of interest; and
- full cooperation with the auction monitor.

Reliability:

- robust organisation and IT systems;
- adequate fallback measures in case of unexpected events;
- minimisation of the risk of cancelling an individual auction once announced;
- minimisation of the risk of failing functionalities (e.g. access to the bidding platform for certain potential bidders); and
- fallback system in case of IT problems on the bidder side.

Accessibility and user friendliness:

- fair, concise, comprehensible and easily accessible information on how to participate in auctions;
- short and simple pre-registration forms;
- clear and simple electronic tools;
- (option of) accessibility of platforms through a dedicated internet interface;
- ability of the auction platform to connect to and communicate with proprietary trading systems used by bidders;
- adequate and regular training (including mock auctions);
- detailed user guidance on how to participate in the auction; and
- ability to test identification and access to the auction.

Please elaborate if any of these requirements need not be included.

A: Yes all the above apply

Please elaborate what additional requirements would be desirable.

A: Auctioneers, Member States, should not be able to purchase in the auction.

Provisions should be made to cover delivery risk.

Question 72

What provisions on administrative fees should the Regulation include (more than one answer is possible)?

- General principles on proportionality, fairness and non-discrimination.
- Rules on fee structure.
- Rules on the amount of admissible fees.
- Other? Please specify: _____

Please provide arguments to support your case.

A: Regulations should state that fees are covered from EUAs auction proceeds.

As the authority in charge of the auction will have a monopoly over auctioning, there needs to be some safeguard in place to ensure that participants (and hence customers) are not over-charged. The best way of doing this is to pay out of the auction proceeds.

Question 73

Should there be provisions for public disclosure of material steps when introducing new (or adapted) auction processes?

A:

Should new (or adapted) auction process be notified to and authorised by the Commission before inclusion in the auction calendar?

A: Yes, but this shouldn't be necessary with European unique rules

Question 74

Which one of the following options is the most appropriate in case a Member State does not hold auctions (on time)?

- Auctions by an auctioneer authorised by the Commission.
- Automatic addition of the delayed quantities to those foreseen for the next two or three auctions.

What other option would you envisage? Please specify:

A: Both options could be used, although the first one seems more likely, in case a State is failing to honor its obligations.

Question 75

Should a sanction apply to a Member State that does not auction allowances in line with its commitments? [Y/N] Y

If so, what form should that sanction take?

A: Following questions are addressed to the Aviation sector : not relevant for us

Question 76

As a general rule throughout the trading period, in your opinion, are early auctions necessary? [Y/N] _

If so, what should the profile of EUAA auctions be:

- 5-10% in year n-2, 10-20% in year n-1, remainder in year n
- 10-20% in year n-2, 20-30% in year n-1, remainder in year n
- 20-30% in year n-2, 30-35% in year n-1, remainder in year n

Other? Please specify: _____

Question 77

Do you think there is a need to auction EUAA futures? [Y/N] _
If so, why?

A:

This page contains two questions that will not be made public. These questions cannot be completed on this document

Request for potentially confidential information 3

Please send the answer to this question in paper and electronic format, marked on the envelope "Strictly Private and Confidential – Auctioning consultation", directly to the European Commission, DG ENV, Directorate C, Unit C2, to the attention of the Head of Unit, Office BU-5 2/1, 1049 Brussels, Belgium. It will be treated confidentially and will not be disclosed publicly.

For aircraft operators covered by the EU ETS:

Have you determined a corporate hedging strategy for carbon needs?

Yes []

No []

If so, what share of your expected emissions covered by the EU ETS in a given year n do you (intend to) hedge and how much in advance?

- year n : _____%
- year n-1 : _____%
- year n-2 : _____%

Request for potentially confidential information 4

Please send the answer to this question in paper and electronic format, marked on the envelope "Strictly Private and Confidential – Auctioning consultation", directly to the European Commission, DG ENV, Directorate C, Unit C2, to the attention of the Head of Unit, Office BU-5 2/1, 1049 Brussels, Belgium. It will be treated confidentially and will not be disclosed publicly.

What share of the annual quantity of allowances you intend to purchase *via* auctions would you wish to buy spot or futures respectively?

- | | | SPOT | | FUTURES |
|---|----------|------|--------|---------|
| • | year n | : | _____% | _____% |
| • | year n-1 | : | _____% | _____% |
| • | year n-2 | : | _____% | _____% |

Question 78

What should be the optimal frequency and size of EUAA auctions:

- 2 auctions per year of around 15 million EUAAs?
- 3 auctions per year of around 10 million EUAAs?
- More than 3 auctions per year? Please specify: _____

Please comment on your choice.

A:

Question 79

What would be your preferred timing for EUAA auctions:

- Equally spread throughout the year?
- November – March?
- Other? Please specify: _____

Question 80

Should any of the EUAA auction design elements be different compared to EUA auctions (see section 3)? [Y/N] _

If so, please specify and comment on your choice.

A:

Question 81

Do you agree there is no need for a maximum bid-size? [Y/N] _

If not, why not?

A:

Question 82

Is there any information regarding aircraft operators made available as part of the regulatory process to the competent authorities that could facilitate the KYC checks performed by the auctioneer(s)? [Y/N] _

If so, please describe what information is concerned and whether it should be referred to in the Regulation or any operational guidance published by the Commission.

A:

Question 83

In your opinion, is there a specific need to allow for non-competitive bids in EUAA auctions?

A:

Would this be the case even when applying a uniform clearing price format?

A:

Please provide arguments to support your case.

Question 84

Do you agree that there is no need for any specific provisions for EUAA auctions as regards [mark those that you agree with,]:

- Involvement of primary participants, exchanges or third party service providers?
- Guarantees and financial assurance?
- Payment and delivery?
- Information disclosure?
- Auction monitoring?
- Preventing anti-competitive behaviour and/or market manipulation?
- Enforcement?

If not, please describe in detail what rules would be needed and why.

A:

Question 85

Taking into account the smaller volume of EUAA allowances to be auctioned compared to EUAs, which of the three approaches for an overall EUAA auctioning model do you prefer? Please rate the options below (1 being the most preferable, 3 being the least preferable)

- Limited number of coordinated auction processes.
- Full centralisation based on a single EU-wide auction process.
- Hybrid approach where different auction processes are cleared through a centralised system.

Does your choice differ from the approach preferred for EUAs? [Y/N] _

Please provide arguments to support your case.

A:

Question 86

Do you agree that there is no need for any specific provisions for EUAA auctions as regards. [mark those that you agree with,]:

- Requirements for the auctioneer(s) and auction processes?
- Administrative fees?
- Rules to ensure appropriate and timely preparation of the auctions?

If not, please describe in detail what rules would be needed and why.

A: