

Auctions by the transitional common auction platform

5th Report

July 2013

Auction platform: European Energy Exchange (EEX)

Auction dates/reporting period:

1, 2, 4, 8, 9, 11, 15, 16, 18, 22, 23, 25, 29, 30 July 2013

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Editor's note: This report has been prepared by the Commission with the assistance of DLA Piper UK LLP and CEFIN BV, who are working under a contract for the Commission, on behalf of the following Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. These Member States have approved this report under the rules in the Joint Procurement Agreement to procure common auction platforms. The report complies with the requirement laid down in the fourth subparagraph of Article 10(4) of Directive 2003/87/EC.¹

Methodology: The report is based on the reports submitted by EEX, on the discussions in regular meetings between the Commission, its advisors and EEX and on any further relevant information available to the Commission. The authors of the report did not actively verify EEX's compliance with the specific rules and provisions applicable under European or national law.

For reasons of confidentiality and proper enforcement of the applicable rules, the report refers only to public reporting on the auctions and not to any non-public reports.

Disclaimer: The authors have made every effort to ensure that the information provided is complete, correct and precise for the reporting period. Nevertheless, the report is based on limited information available to the authors in a market context where much information has to remain confidential. The authors did not actively verify the information. Therefore, the authors and the Member States on whose behalf this report was drafted deny any responsibility or liability whatsoever for its contents, regardless of the nature of such contents. Any reliance by any person or entity on the information provided in this report is solely at that person's or entity's own risk.

Glossary: terms and expressions written in *italics* are included in the glossary.

¹ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, OJ L 275, 25.10.2003, p. 32, as subsequently amended.

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Executive summary

This report covers the auctioning of emissions allowances during July 2013. In that period, EEX, in its capacity as the common auction platform, auctioned a total of 48 461 000 *EU general emission allowances* ('EUAs') for the *third trading period* on behalf of those EU Member States that participate in the transitional common auction platform (*participating Member States*). The total amount raised from the 14 auctions held during the reporting period was EUR 203 155 435. Taking into account the volumes per auction, the weighted average clearing price during the reporting period was EUR 4.19 per EUA.

During the reporting period 49 bidders were eligible to bid in the auctions, of which 33 qualified as operators in the EU ETS. One 'auction only' participant was admitted to bid during the reporting period.

All auctions were held securely and smoothly and no irregularities or deviations from the requirements were observed, apart from one minor incident, which did not affect the correct completion of the auctions.

Generally, the auction clearing price was in line with the price signal in the secondary market. Both prices increased at the start of the reporting period, decreased during the middle of the period and picked up again at the end of the reporting period.

During the reporting period, EEX did not hold any auction for *EU aviation allowances* ('EUAAAs') as these auctions were put on hold following the Commission's proposal for a derogation for aircraft operators with respect to flights into and out of the EU in 2012 (the '*stop-the-clock*' proposal). This proposal was adopted by the European Parliament and the Council on 24 April 2013.²

² Decision No 377/2013 EU of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, OJ L 113, 25.4.2013, p. 1.

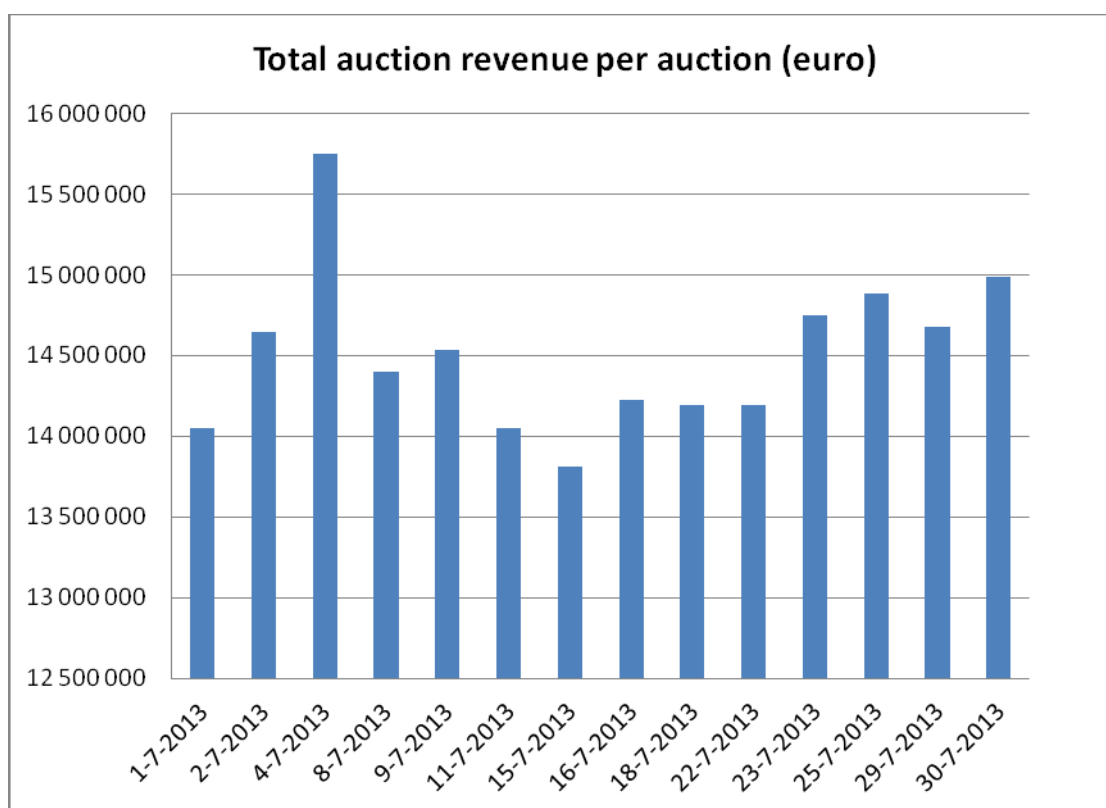
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Section 1. Results of the auctions

During the month of July 2013, EEX, in its capacity as the transitional common auction platform, auctioned a total of 48 461 000 *EU general emission allowances* ('EUAs') valid for the *third trading period* on behalf of all 24 EU Member States that have contracted EEX and appointed it as the transitional common auction platform. The total amount raised from the 12 auctions held during the reporting period was EUR 203 155 435 (see Graph 1 and Table 1). Taking into account the volumes per auction, the weighted average clearing price during the reporting period was EUR 4.19 per EUA.

Graph 1 Total auction revenue per auction (euro)



During the reporting period the volume of allowances per auction was at a constant level of 3 461 500.

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Table 1 Auction revenues per Member State (euro)

	July		July
Austria	5 399 480	Ireland	4 753 890
Belgium	9 859 920	Italy	37 502 910
Bulgaria	5 106 030	Lithuania	1 878 080
Cyprus³	0	Luxemburg	469 520
Czech Republic	9 947 955	Latvia	1 027 075
Denmark	4 871 270	Malta	381 485
Estonia	1 291 180	Netherlands	12 999 835
Greece	13 498 700	Portugal	6 837 385
Spain	33 629 370	Romania	11 884 725
Finland	6 485 245	Sweden	3 462 710
France	21 304 470	Slovenia	1 731 355
Hungary	2 846 465	Slovak Republic	5 986 380

Detailed information per auction can be found in **Annex I**.

Auctioning Member States

At the start of the reporting period, all the auctioneers of all 24 *participating Member States* had been admitted and recognised by EEX/ECC and were participating in the auctions.

Poland stated its intention to make use of the transitional common auction platform under the second subparagraph of Article 30(7) of the *Auctioning Regulation*⁴ pending the procurement, appointment and listing of its opt-out auction platform. Poland and EEX are currently preparing to hold such auctions on the transitional common auction platform. These auctions will be held separately from the auctions for the 24 *participating Member States* at a different *bidding window*. The start date remains to be determined.

As from 1 July 2013, Croatia has joined the European Union. The preparations for Croatia to become a *participating Member State* and auction its share of allowances on EEX are on-going. The start date remains to be determined.

The Member States of the European Free Trade Association (EFTA) that are Party to the European Economic Area (EEA)⁵ have also stated their intention to make use of the transitional common

³ In accordance with the *Auctioning Regulation*, half of the 'early auctions' for 2012 and all allowances allocated free of charge to electricity operators on a transitional basis pursuant to Article 10c of the ETS Directive are to be subtracted from the volume to be auctioned by a Member State. For these reasons, until the end of 2013 no allowances are to be auctioned for Cyprus.

⁴ Commission Regulation (EU) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and the Council establishing a scheme for greenhouse gas emission allowances trading within the Community of 12 November 2010, OJ L 302, 18.11.2010, p.1, as subsequently amended.

⁵ Iceland, Liechtenstein and Norway.

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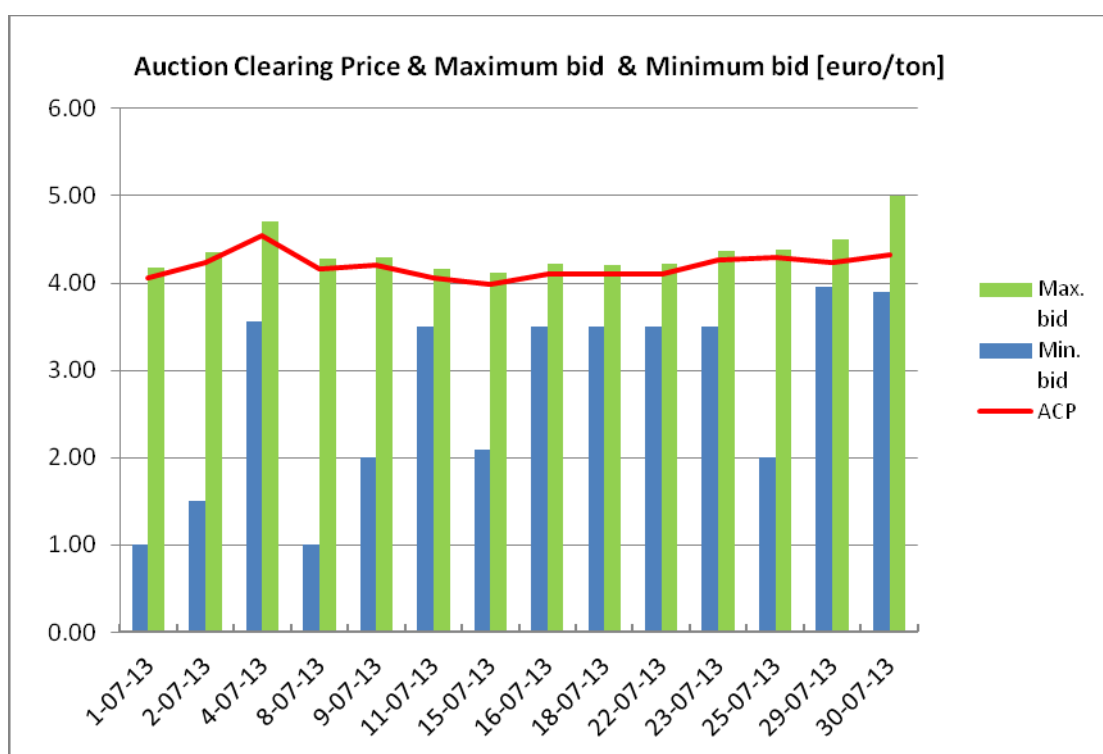
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auction platform. The Commission is currently discussing the arrangements for the use of the platform with these States. It is not yet clear when the transitional common auction platform will start to auction allowances for the EEA-EFTA States.

Auction clearing price

During the period under consideration, the auction clearing price for the EUAs moved between EUR 3.99 and EUR 4.55 per allowance (see Graph 2). The lowest auction clearing price in this reporting period is EUR 0.19 above the lowest auction clearing price during the previous reporting period. The highest auction clearing price in this reporting period is EUR 0.10 per allowance below the highest auction clearing price of the previous reporting period.

Graph 2: Auction Clearing Price (ACP) & Maximum bid & Minimum prices bid [euro/ton]



For all auctions, the auction clearing prices were equal to, or between, the *best-ask and best-bid prices* on the EEX *secondary market* for spot Phase-3 emission allowances. In general, the auction clearing prices were also in line with the prices of carbon products (spot and futures) on other trading venues, and with the clearing prices of other auctions of emission allowances conducted during the period. During the reporting period the auction clearing price moved in a smaller band than during the previous reporting periods which can be regarded as an indication of increased certainty in the carbon market. The price movements did not show a clear upward or downward trend during the reporting period.

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Maximum and minimum prices bid

The highest prices bid in the auctions were on average 0.16 €/ton above the clearing price (see Graph 2). This difference peaked during the last auction of the reporting period.

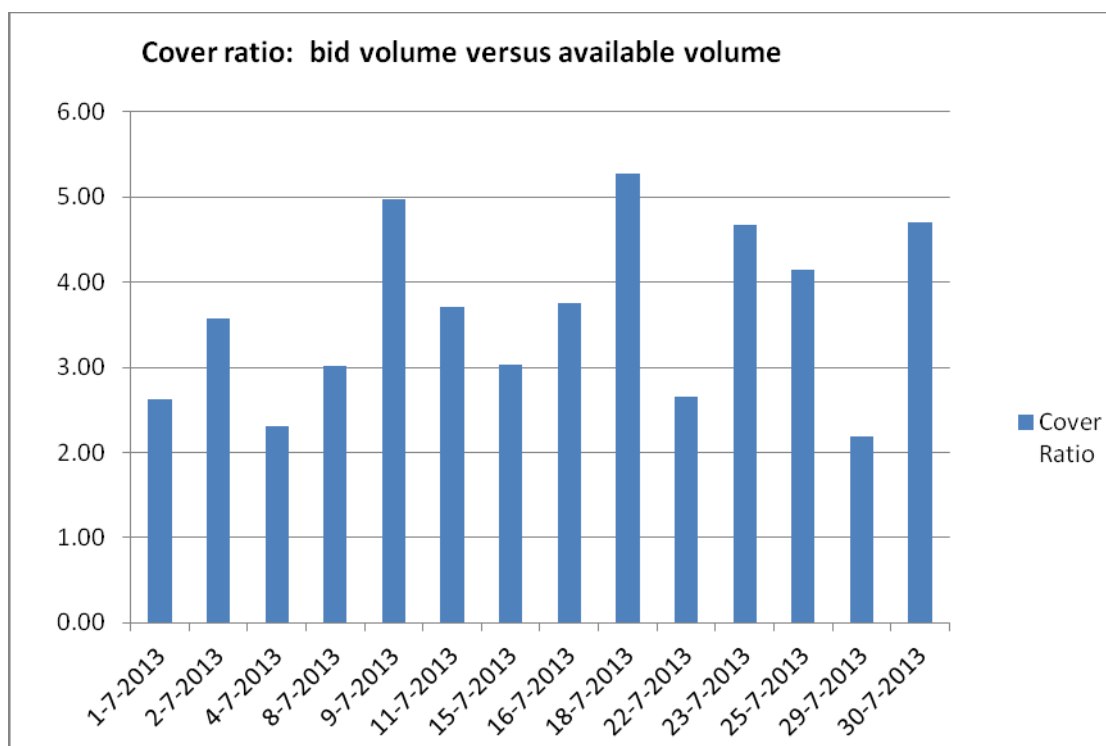
The lowest prices bid in the auctions were on average 1.44 €/ton below the clearing price. This difference showed a slight declining trend during the reporting period.

The difference between the maximum price bid and the minimum price bid in the auctions was variable and showed a slight downward trend during the reporting period. Overall, this spread also decreased compared to the previous reporting period.

Cover ratio

The *cover ratio* — the bid volume as a proportion of the available volume in the auction — (see Graph 3) moved between a value of 2 and just over 5 during the reporting period. The average is about 10% higher than the *cover ratio* during the previous reporting period. The lowest *cover ratio* during the reporting period was 2.18 at the auction of 29 July 2013 with the highest *cover ratio* being 5.28 at the auction of 18 July.

Graph 3 Cover ratio: bid volume versus available volume



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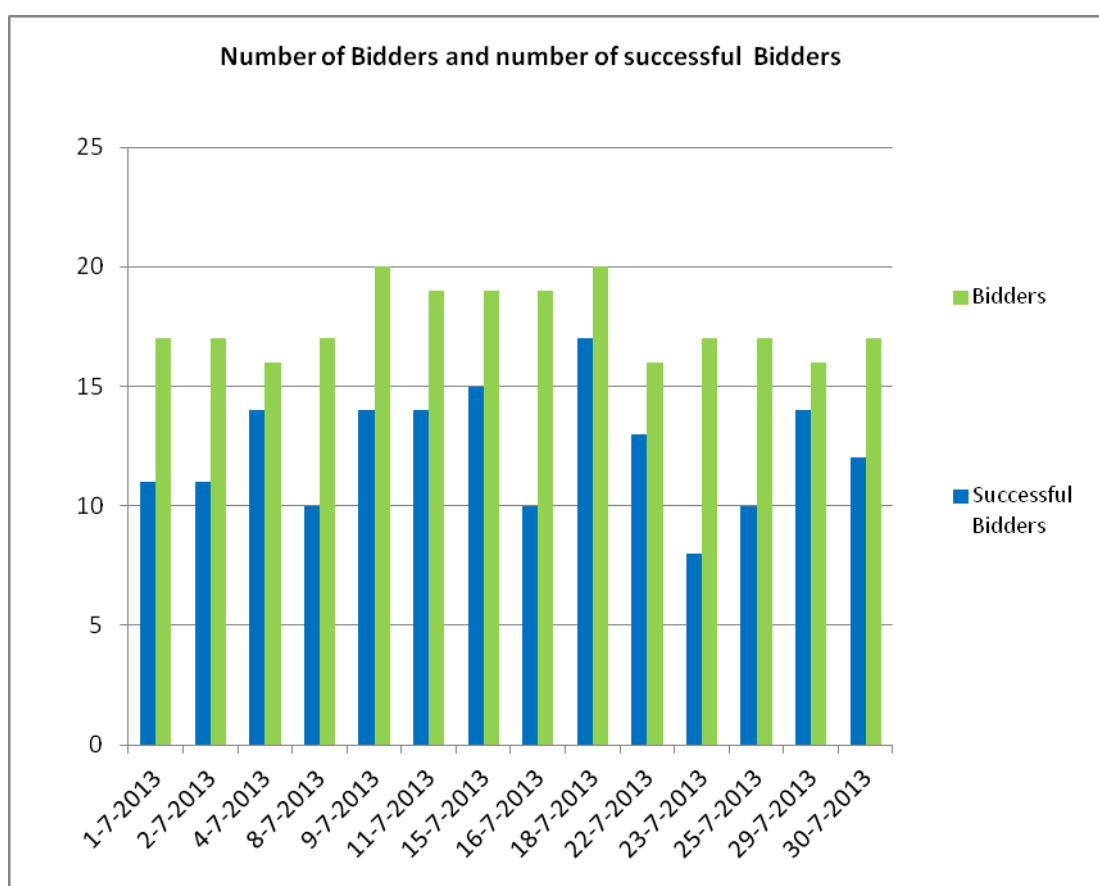
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Number of Bidders

The number of active bidders (see Graph 4) per auction ranged from 16 to 20. The average number of active bidders was 18, which is equal to the number of active bidders during the previous reporting period. The number of successful bidders per auction ranged from 8 to 17 during the reporting period. The average number of successful bidders was 12, which is equal to the average number of successful bidders during the previous reporting period.

Overall, the number of active bidders per auction and the number of successful bidders per auction did not show a clear upward or downward trend during the reporting period.

Graph 4 Number of bidders and number of successful bidders



Average volume per bidder and average volume won by successful bidders

The average bid volume per bidder (see Graph 5) ranged from 472 125 to 959 118 EUAs. The bid volume per bidder showed a slight upward trend during the reporting period.

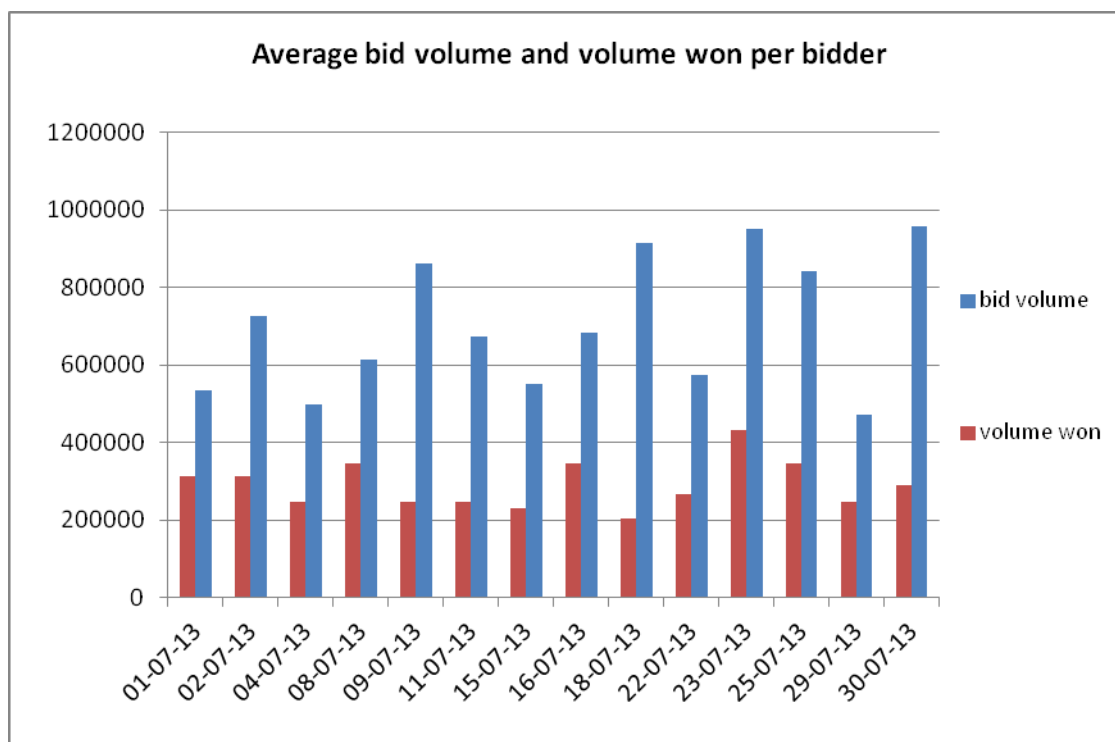
The average volume won by successful bidders ranged from 203 618 to 432 688 EUAs and did not show a distinct up or downward trend during the reporting period.

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The average bid volume per bidder during the reporting period is 14% higher than during the previous reporting period. The average volumes won by successful bidders are rather similar to the levels during the previous reporting period.

Graph 5 Average bid volume and volume won per bidder



Volume of successful bids per bidder category

During the reporting period almost all bidders bid on their own account with only about 0.1% of the bid volume being submitted by intermediaries on behalf of a client. *Operators*, including business groupings of *operators*, accounted for about 48% of the total auctioned volume during the reporting period (see Graph 6).

Investment firms, including *persons exempt*, accounted for almost 22% of the total auctioned volume during the reporting period.

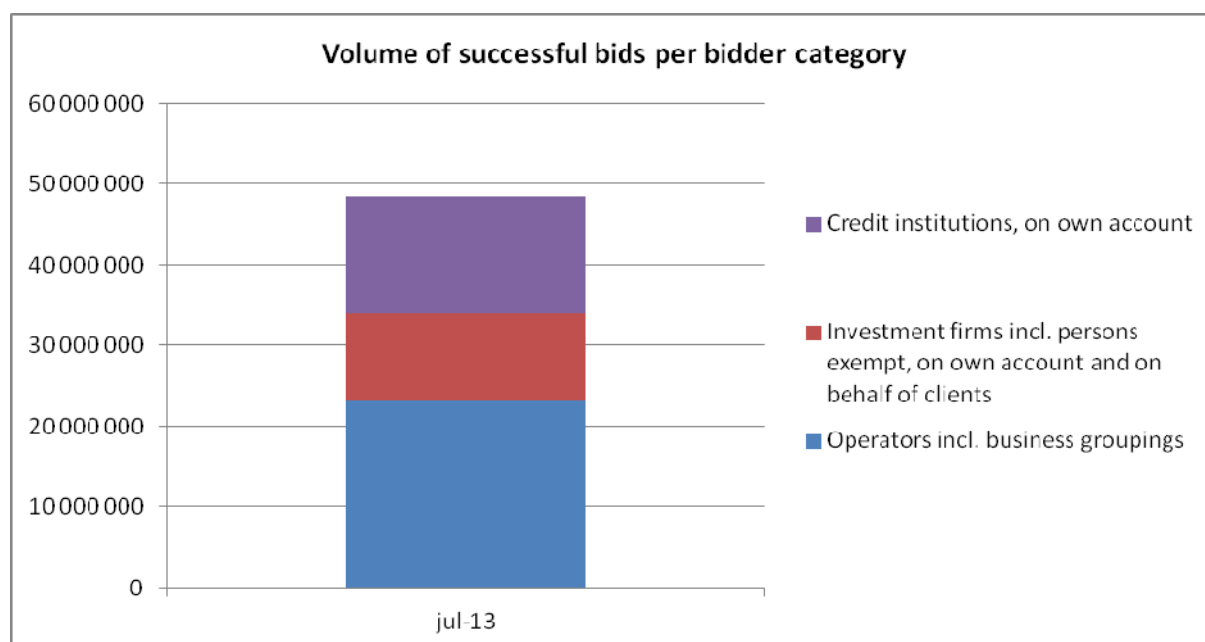
Credit institutions accounted for about 30% of the total auctioned volume during the reporting period.

Compared to the previous month, the share of the operators increased with about 3%, whereas the share of investment firms, including *persons exempt*, decreased with about 0.5 % and the share of the credit institutions decreased with about 2.5 %. For individual auctions, the fluctuations of these shares are relatively significant, though.

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Graph 6: Volume of successful bids per bidder category



The Herfindahl-Hirschman Index (HHI)

The Herfindahl-Hirschman Index (HHI) is used by EEX to measure market concentration. The HHI is calculated as the sum of the squares of all successful bidders' shares (in %) of the total auctioned volume. The HHI ranges from a value of 0 (perfect competition) to 10 000 (a single monopolistic buyer).

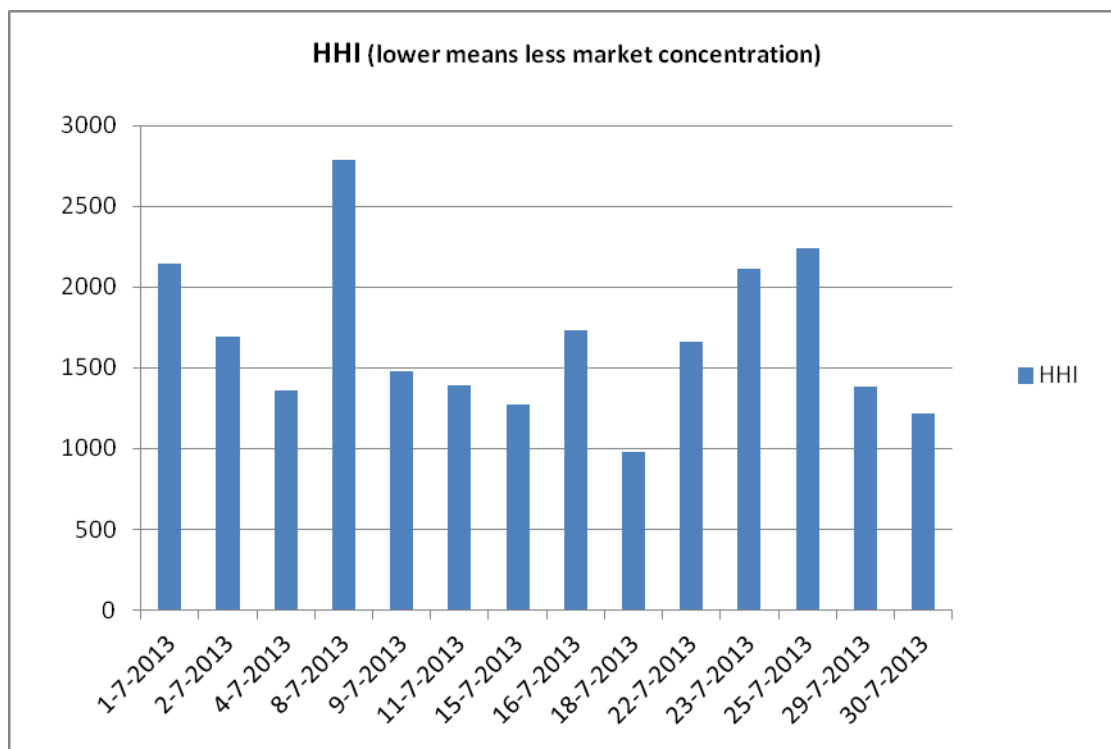
A common interpretation of the HHI is that a score below 1500 is 'not-concentrated', between 1500 and 2500 is 'moderately concentrated,' and above 2500 is 'highly concentrated'.

In general the HHI moved between 1000 and 2500 with the average HHI during the reporting period being 1675 (see Graph 7). This is lower than the average level during the previous reporting period, which was 1820. On one occasion the HHI for the auctions peaked above 2500.

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Graph 7 Herfindahl-Hirschman Index



Section 2. Implementation of and compliance with the applicable rules

Fair and open access

EEX verified that each auction participant belonged to one of the categories of eligible bidders set out in Article 18 of the *Auctioning Regulation*. During the reporting period, the number of bidders admitted to the auctions increased from 48 to 49. Most of the active participants in the carbon market are assumed to have been admitted to bid in the auctions.

Of the 49 companies eligible to bid in the auctions 33 were EU ETS operators, 7 were *investment firms* and 6 were *credit institutions* (see Table 2). The 3 other companies eligible to bid in the auctions were *persons exempt* from the authorisation requirements in EU financial law, because their trading and investment services activities are only ancillary to their main business (Article 2(1)(i) of Directive 2004/39/EC), that were authorised under national legislation implementing the Auctioning Regulation to bid for allowances in the auctions.

Throughout the period, EEX actively promoted the auctions in view of attracting bidders.

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Table 2 Eligible bidders per category at the end of the reporting period

Number of participants	Operators		Investment firms	Credit Institutions	Business groupings	Persons exempt From MiFID requirements (Article 2(1)(i) Directive 2004/39/EC)	Total
	Stationary	Aircraft					
Participants admitted to EEX's emissions <i>spot secondary market</i>	-	-	-	-	-	-	106
Participants eligible to bid in the auctions	32	1	7	6	0	3	49
Of which participants eligible to bid in the auctions on behalf of clients	-	-	2	1	-	1	4
Auction-only participants	0	0	1	0	0	0	1

One of the admitted participants made use of the option of '*auction-only access*' to the auctions. As indicated above, almost all bids were submitted on the bidder's own behalf; only about 0.1% of the bid volume was submitted on behalf of a client.

No irregularities or deviations from the admission and access requirements were found.

Transparency

All auction results were published in accordance with Article 61 of the *Auctioning Regulation*, never later than 15 minutes after the close of the *bidding window*.

There was no need to adjust the auction calendar during the reporting period.

EEX revised its webpage on auctioning where necessary for keeping it up to date.

Technical and operational aspects

No irregularities or deviations from the requirements were found as regards the auctions themselves or the *clearing* and *settlement* processes.

With regard to the holding of the auctions, EEX reported a minor technical incident, which did not affect the correct completion of the auctions. EEX adopted measures to mitigate the risk of reoccurrence.

EEX's Market Surveillance department surveyed all auctions with a view to detecting any *market abuse*, money laundering, terrorist financing or other criminal activities. No such wrongdoing was publicly reported. EEX's Market Surveillance department takes its instructions only from SMWA (Saxony's Ministry for Economy and Employment) and is independent of the exchange itself.

No infringements of the confidentiality requirements were identified.

Other aspects

No problems or issues were identified as regards coordination of the auctions between the various auction platforms.

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Section 3. Overview of, and any updates on breaches of provisions or ongoing proceedings

No breaches or problems of non-conformity were reported. There are no proceedings on such breaches or problems of non-conformity dating from before the reporting period.

Approval of the report

Comments of the auction platform on the draft of this report and the way they have been taken into account

EEX made no comments on the report.

Date of approval by the Member States: 9 September 2013

Place & date: Brussels, 10 September 2013

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Glossary

Auction calendar	Document setting out the <i>bidding windows</i> , individual volumes and auction dates of the auctions in a given calendar year. See Articles 11, 13 and 32 of the <i>Auctioning Regulation</i> .
Auction-only access	Access to the auctions without becoming a member of or participant in other markets organised by the auction platform.
Auctioning Regulation	Commission Regulation (EU) No 1031/2010 — Timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community, Official Journal L 302, 18.11.2010, p. 1, as subsequently amended. See: http://ec.europa.eu/clima/policies/ets/cap/auctioning/documentatio_n_en.htm .
Auctioneer	Entity appointed by a Member State that offers the allowances to be auctioned to the auction platform and receives the auction proceeds due to the appointing Member State. See Articles 22 and 23 of the <i>Auctioning Regulation</i> .
Back-loading	Proposal by the Commission to postpone, as a short-term measure, the auctioning of 900 million allowances from the years 2013-2015 until 2019-2020. See: http://ec.europa.eu/clima/policies/ets/reform/index_en.htm .
Best-bid and best-ask prices	The best-bid price is the highest price any buyer is willing to pay and the best-ask price is the lowest price any seller is willing to accept.
Business groupings	Groupings of operators or aircraft operators. See Article 18(1)(d) of the <i>Auctioning Regulation</i> .
Bidding window	Time during which bidders can submit bids. See Article 8(1) of the <i>Auctioning Regulation</i> .
Clearing	Processes preceding the opening of the bidding window, during the bidding window and following the closure of the bidding window until settlement, involving the management of any risks arising during that interval including margining, netting or novation or any other services carried out possibly by a clearing or settlement system. See Article 3(31) of the <i>Auctioning Regulation</i> .
Cover ratio	Total bid volume divided by the available volume in the auction.
Credit institution	Credit institution as defined in EU legislation on credit institutions (Article 4(1) of Directive 2006/48/EC).
ETS Directive	Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, OJ L 275, 25.10.2003, p. 32, as

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	subsequently amended. See: http://ec.europa.eu/clima/policies/ets/documentation_en.htm
EU general allowance (EUA)	Allowance to emit one tonne of CO ₂ -equivalent, see Article 3(a) of the <i>ETS Directive</i> .
EU aviation allowance (EUAA)	Allowance to emit one tonne of CO ₂ -equivalent that can be used by aircraft operators. See Article 12(2a) and (3) of the <i>ETS Directive</i> .
Investment firms	Investment firms as defined in EU financial markets legislation (point (1) of Article 4(1) of Directive 2004/39/EC).
Market abuse	Insider dealing and market manipulation. See Article 36 of the <i>Auctioning Regulation</i> and Article 1 of Directive 2003/6/EC ('Market Abuse Directive').
Participating Member States	All EU Member States except Germany, Poland and the UK, which decided to opt out from the joint procurement of a common auction platform pursuant to Article 30 of the <i>Auctioning Regulation</i> .
Persons exempt	Persons exempt from the authorisation requirements in EU financial law because their trading and investment services activities are only ancillary to their main business (Article 2(1)(i) of Directive 2004/39/EC) and that have been authorised under national legislation implementing the rules laid down in the <i>Auctioning Regulation</i> to bid for allowances in the auctions. See Article 18(2) of the <i>Auctioning Regulation</i> .
Secondary market	Market in which persons buy or sell allowances either before or after they are allocated either free of charge or through auctioning. To be distinguished from the 'primary market', which consists of the auctions of allowances.
Settlement	Payment on delivery of the allowances. See Article 3(34) of the <i>Auctioning Regulation</i> .
Spot secondary market	Secondary market for allowances with delivery within 5 days from the transaction.
Stop-the-clock proposal	Proposal by the Commission to exempt from enforcement flights into and out of Europe operated in 2010, 2011, and 2012 to provide negotiation time for the ICAO General Assembly in autumn 2013. The proposal was adopted on 24 April 2013. See: http://ec.europa.eu/clima/policies/transport/aviation/index_en.htm and OJ L115 of 25 April 2013, p.1.
TARGET-2 bank account	Bank account in the TARGET2 system, which is an interbank payment system for real-time processing of cross-border transfers throughout the European Union. TARGET2 replaced TARGET (Trans-European Automated Real-time Gross Settlement Express Transfer System) in November 2007.
Third trading period	The period 2013-2020. Allowances are valid during a given period without distinction as regards the year within that period. See Article 13 of the <i>ETS Directive</i> .

Annex 1 Results of individual auctions

Date	Auction Price €/tCO2	Minimal Price €/tCO2	Maximal Price €/tCO2	Mean €/tCO2	Median €/tCO2	Auction Volume tCO2	Total Amount of Bids	Cover Ratio	Total Number of Bidders	Number of Successful Bidders	Total Revenue €
30-7-2013	4.33	3.90	5.00	4.28	4.29	3 461 500	16 305 000	4.71	17	12	14 988 295
29-7-2013	4.24	3.95	4.50	4.23	4.25	3 461 500	7 554 000	2.18	16	14	14 676 760
25-7-2013	4.30	2.00	4.38	4.10	4.24	3 461 500	14 343 000	4.14	17	10	14 884 450
23-7-2013	4.26	3.50	4.36	4.16	4.20	3 461 500	16 196 000	4.68	17	8	14 745 990
22-7-2013	4.10	3.50	4.22	4.07	4.08	3 461 500	9 177 000	2.65	16	13	14 192 150
18-7-2013	4.10	3.50	4.20	4.05	4.07	3 461 500	18 264 000	5.28	20	17	14 192 150
16-7-2013	4.11	3.50	4.22	4.05	4.06	3 461 500	13 007 500	3.76	19	10	14 226 765
15-7-2013	3.99	2.09	4.12	3.82	3.96	3 461 500	10 473 500	3.03	19	15	13 811 385
11-7-2013	4.06	3.50	4.16	4.02	4.05	3 461 500	12 827 000	3.71	19	14	14 053 690
9-7-2013	4.20	2.00	4.30	3.88	4.14	3 461 500	17 207 000	4.97	20	14	14 538 300
8-7-2013	4.16	1.00	4.28	3.88	4.12	3 461 500	10 457 000	3.02	17	10	14 399 840
4-7-2013	4.55	3.56	4.70	4.48	4.55	3 461 500	7 963 000	2.30	16	14	15 749 825
2-7-2013	4.23	1.50	4.35	3.93	4.20	3 461 500	12 354 000	3.57	17	11	14 642 145
1-7-2013	4.06	1.00	4.18	3.74	4.02	3 461 500	9 084 000	2.62	17	11	14 053 690