

Warsaw, 20 July 2016

**DEPARTMENT OF MARKETS DEVELOPMENT  
AND CONSUMER ISSUES**

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**By e-mail only**

**Subject: Reply to the Consultation document "The definition of capacity calculation regions"**

In reference to the invitation for comments with regard to the common proposal for capacity calculation regions which all TSOs have jointly developed pursuant to Article 15(1) of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management please find hereunder Energy Regulatory Office's answers to the questions listed in the Consultation document.

**1. Do you consider both the commitment from the CWE and the CEE TSOs to cooperate towards a merger of the CWE and CEE CCRs and the MoU signed on 3 March 2016 as sufficient to ensure that the CWE and CEE regions will develop and implement a common congestion management procedure compliant with the requirements of the CACM Regulation, as well as of Regulation (EC) No 714/2009? Or should the definition of the CCRs provide for a CCR already merging the proposed CWE and CEE regions to ensure compliance with the required common congestion management procedure?**

The commitment from the CWE and the CEE TSOs to cooperate towards a merger of the CWE and CEE CCRs, as well as the MoU, constitute important steps towards common congestion management procedure, which would be compliant with the provisions of the CACM GL and Regulation (EC) No 714/2009. However, the MoU solely provides for Day-Ahead Flow Based Capacity Calculation applicable in the combined CWE and CEE CCRs. It means that for intra-day timeframe the MoU signed on 3 March 2016 is not applicable. In order to ensure development and implementation of a common congestion management procedure in compliance with the abovementioned regulations for both day-ahead the intra-day timeframes, the definition of the CCRs should provide for a CCR already merging the proposed CWE and CEE CCRs.

**2. Do you have comments on the description of the geographical evolution of the CCRs over time, as proposed by all TSOs in Annex 3 to the Explanatory document to the CCRs Proposal?**

URE has no further comments.

**3. Should the CEE region (or a merged region) include the bidding zone borders between Croatia and Slovenia, between Croatia and Hungary, and between Romania and Hungary?**

Yes, the bidding zone borders between Croatia and Slovenia, between Croatia and Hungary, and between Romania and Hungary should be included.

**4. Should the CEE region (or a merged region) include a bidding zone border between Germany/Luxembourg and Austria?**

Yes, the CEE region (or a merged region) should include a bidding zone border between Germany/Luxembourg and Austria. The establishment of capacity calculation regions is crucial for the effective, non-discriminatory and transparent access and management of the interconnectors. ACER's opinion no. 09/2015 of 23 September 2015 is substantially related with the CCRs. It indicates that Germany-Austrian interconnector is unable to accommodate all flows deriving from commercial transactions. Hence, such flows are accomplished mainly through interconnectors on Polish-German, Polish-Czech, Czech-German, and Czech-Austrian borders, as unscheduled energy flows (loop flows). Therefore, German-Austria

interconnectors should be regarded as structurally congested. In consequence of that, there is a necessity of establishing capacity allocation method on this interconnector.

**5. Do you have comments on any other new element or development concerning the CCRs Proposal which occurred after the public consultation held by ENTSO-E from 24 August to 24 September 2015?**

URE has no further comments.

Should you have any questions please contact Ms. Joanna Pawłowska (+48 22 487 56 97; [joanna.pawlowska@ure.gov.pl](mailto:joanna.pawlowska@ure.gov.pl))

Yours sincerely,

**DYREKTOR**  
  
**Małgorzata Kozak**

