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## IV. ANNOUNCEMENT OF APPEAL<sup>2</sup>

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<b>Case</b>	A-002-2019
<b>Appellant:</b>	TransnetBW GmbH
<b>Appeal received on</b>	23 April 2019
<b>Subject matter</b>	Appeal against decision 02/2019 of 21February 2019
<b>Keywords</b>	DA CCM and ID CCM for CCR Core
<b>Contested decision Number:</b>	Decision 02/2019 of 21February 2019
<b>Language of the case</b>	English

### Remedy sought by the Appellant

The Appellant requests the Board of Appeal to:

to annul the contested decision in accordance with Art. 19 para. 5 of Regulation (EC) No 713/2009 of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators ("ACER-Regulation") and refer it back to the competent body of the Agency for a new decision, having regard to the legal opinion of the Board of Appeal.

### Pleas in law and main arguments

The contested decision was adopted on 21 February 2019.

The Appellant contests the Agency's decision. The Appellant's claims and arguments can be summarised as follows:

ACER exceeded its decision-making authority with the findings made in its Decision 02/2019 of 21 February 2019.

The requirements in Art. 17 DA CCM and Art. 11 in conjunction with Art. 4 para. 2 lit. a) ID CCM for calculating the MinRAM are unlawful.

The provisions in Art. 17 para. 4 DA CCM for taking into account the influence of capacities at non-Core bidding zone boundaries within the calculation of the MinRAM are unlawful.

The criteria of Art. 5 DA CCM as well as Art. 5 ID CCM for the selection of the CNEC are unlawful.

The requirements in Art. 10 para. 5 DA CCM in connection with Art. 16 para. 3 lit. d (vii) DA CCM as well as Art. 17 para. 3 lit. d (vii) ID CCM for the restriction of loop flows are unlawful.

The ID CCM is not suitable to preserve the objective of Art. 3 lit. c) CACM and is therefore generally unlawful.


## Further information

More information on the appeal procedure can be found on the 'Appeals' section of the Agency's website:

[http://www.acer.europa.eu/The\\_agency/Organisation/Board\\_of\\_Appeal/Pages/default.aspx](http://www.acer.europa.eu/The_agency/Organisation/Board_of_Appeal/Pages/default.aspx)

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<sup>2</sup> Announcement published in accordance with Article 9 of Decision BoA NoI-2011 Laying down the rules of organisation and procedure of the Board of Appeal of the Agency for the Cooperation of the Energy Regulators.

Date of Submission: 23 April 2019	Name: Thomas Burmeister  Name:	Signature: 
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