Announcement of appeal

Case: A-002-2017
Appellant: VERBUND AG (Am Hof 6a, 1010 Vienna, Austria) /"VERBUND AG"/
Appeal received on: 17 January 2017
Contested decision: ACER Decision No 06/2016 of 17 November 2016
Language of the case: English

Remedy sought by the Appellant

The Appellant requests the Board of Appeal to:


2. suspend the application of Articles 5(1)(s) and (3) of Annex I of the CCR Decision; in eventu the entire CCR Decision until its decision on the request under point 1.

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1 Announcement published in accordance with Article 9 of Decision BoA No1-2011 Laying down the rules of organisation and procedure of the Board of Appeal of the Agency for the Cooperation of the Energy Regulators.
Pleas in law and main arguments

The Appellant's claims and arguments can be summarized as follows:

1. Lack of competence of ACER to decide on the implementation of a bidding zone border between Germany and Austria.
2. Unlawfulness of the CCR Decision because of procedural breaches.
3. Infringement of Articles 101 and 102 TFEU.
4. Infringement of Articles 34 and 35 TFEU.

Further information

The rules for the appeal procedure and other background information are available on the following section of the Agency's website: