

DECISION No 04/2022
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS

of 31 March 2022

**on the Regional Coordination Centre Post-Operation
and Post-Disturbances Analysis and Reporting Methodology**

THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹ ('ACER'), and, in particular, Article 6(1) thereof,

Having regard to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity², and, in particular, Article 27(3) and Article 37(5) thereof,

Having regard to the outcome of the consultation with the European Network of Transmission System Operators for Electricity ('ENTSO-E'),

Having regard to the outcome of the consultation with the Agency's Electricity Working Group ('AEWG'),

Having regard to the favourable opinion of the Board of Regulators of 24 March 2022, delivered pursuant to Article 22(5)(a) of Regulation (EU) 2019/942,

Whereas:

1. INTRODUCTION

(1) Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity provided a legal framework to strengthen

¹ OJ L158, 14.6.2019, p. 22.

² OJ L158, 14.6.2019, p. 54.

regional coordination between transmission system operators ('TSOs') via the introduction of regional coordination centres ('RCCs') and assigning them with tasks of regional relevance. These tasks include carrying out post-operation and post-disturbances analysis and reporting in accordance with Article 37(1)(i) of Regulation (EU) 2019/943 with further details outlined in Annex I of Regulation (EU) 2019/943.

- (2) Pursuant to Article 37(5) of Regulation (EU) 2019/943, ENTSO-E shall develop, in accordance with the procedure set out in Article 27 of Regulation (EU) 2019/943, for the relevant tasks not covered by the applicable network codes or guidelines a proposal and submit it to ACER for approval.
- (3) The present Decision follows from ENTSO-E's submission of the Proposal for Regional Coordination Centre Post-Operation and Post-Disturbances Analysis and Reporting Methodology in accordance with Article 37(1)(i) of Regulation (EU) 2019/943 (hereinafter referred to as the 'Proposal') seeking approval by ACER; Annex I of this Decision sets out the methodology as decided by ACER.

2. PROCEDURE

- (4) On 13 July 2021, ENTSO-E published for public consultation the draft 'Proposal for Regional Coordination Centre Post-Operation and Post-Disturbances Analysis and Reporting Methodology in accordance with Article 37(1)(i) of the Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity'. The consultation lasted from 13 July 2021 until 10 September 2021.
- (5) On 3 January 2022, ENTSO-E submitted the Proposal to ACER for approval.
- (6) On 12 January 2022, ACER published a public notice together with ENTSO-E's proposal on its website, inviting interested third parties to submit their observations by 31 January 2022 in order to inform its assessment.
- (7) ACER cooperated with regulatory authorities and ENTSO-E and further consulted on the possible amendments to the Proposal through telephone conference calls and electronic exchanges of documents. In particular, the following steps were taken:
 - 27 January 2022: telephone conference call with ENTSO-E and regulatory authorities;
 - 27 January 2022: electronic exchange of documents with ENTSO-E and regulatory authorities for consideration;
 - 2 February 2022: ACER's preliminary views being shared with ENTSO-E for consideration;
 - 2 February 2022: ACER's preliminary views being shared with the AEWG for consideration;

- 10 February 2022: views sought at AEWG;
- 18 February 2022: telephone conference call with ENTSO-E and regulatory authorities on ACER's possible amendments to the Proposal.

(8) The AEWG provided its advice on 9 March 2022, endorsing the draft ACER Decision on the Proposal.

3. ACER'S COMPETENCE TO DECIDE ON THE PROPOSAL

(9) Pursuant to Article 6(1) of Regulation (EU) 2019/942, ACER should adopt individual decisions on technical issues where those decisions are provided for in Regulation (EU) 2019/943.

(10) Pursuant to Article 37(5) of Regulation (EU) 2019/943, for the tasks set out in this Article and not already covered by the relevant network codes or guidelines, ENTSO-E should develop a proposal, in accordance with the procedure under Article 27 of the same Regulation, for the tasks set out in Article 37 of that Regulation and not already covered by the relevant network codes or guidelines, and this proposal is subject to approval by ACER.

(11) Pursuant to Article 27(3) of Regulation (EU) 2019/943, ACER should either approve or amend the proposal for carrying out post-operation and post-disturbance analysis and reporting, within three months after receiving it from ENTSO-E.

(12) ENTSO-E submitted the Proposal in accordance with Article 37(5) of Regulation (EU) 2019/943 to ACER for approval. The Proposal concerns the RCC tasks of carrying out post-operation and post-disturbances analysis and reporting under Article 37(1)(i) of Regulation (EU) 2019/943. Those tasks concern technical issues and are not yet covered by any network code or guideline.

(13) Therefore, ACER is competent to decide on this Proposal under Article 6(1) of Regulation (EU) 2019/942 and Articles 27(3) and Article 37(5) of Regulation (EU) 2019/943.

4. SUMMARY OF THE PROPOSAL

(14) The Proposal consists of the following elements:

- (a) The recitals and Articles 1 and 2, which contain provisions on definitions and interpretation and the subject matter and scope;
- (b) Articles 3 and 4, which provide rules for the nomination of RCC investigation members as well as incident reporting and the steps for the validation of the RCC Investigation Threshold;
- (c) Articles 5 and 6, which contain provisions regarding the incidents that classify for the RCC Investigation Threshold and for collection of data related to the investigated incidents;

- (d) Articles 7 to 9, which lay down the provisions for the handling of the RCC investigation and the results of the RCC investigation and reporting, as well as the requirements for the issuing of RCC recommendations;
- (e) Articles 10 to 11, which contain the requirements for the applicability of the methodology and the reference language.

5. OBSERVATIONS RECEIVED BY ACER

- (15) No observations were received by ACER in response to the public notice published together with ENTSO-E's proposal on ACER's website, inviting interested third parties to submit their observations.

6. ASSESSMENT OF THE PROPOSAL

6.1. Legal framework

- (16) Articles 27 and 37 of Regulation (EU) 2019/943 set out requirements regarding the proposal for a methodology for carrying out post-operation and post-disturbances analysis and reporting.
- (17) Article 37(1)(i) of Regulation (EU) 2019/943 provides that each RCC carries out post-operation and post-disturbances analysis and reporting.
- (18) Article 37(5) of Regulation (EU) 2019/943 provides that, for the tasks set out in Article 37 which are not already covered by the relevant network codes or guidelines, ENTSO-E must develop a proposal in accordance with the procedure set out in Article 27 of Regulation (EU) 2019/943.
- (19) Article 27(2) of Regulation (EU) 2019/943 requires ENTSO-E to consult on the proposed methodology before submitting the proposal. Article 27(3) provides that ACER must approve or amend the proposal within three months of the date of receipt of the proposal, and consult ENTSO-E before approving the amended proposal. In accordance with the same Article, ACER must publish the approved proposal on its website within three months of the date of receipt of the proposed documents.
- (20) Point 6 of Annex I of Regulation (EU) 2019/943 sets out in more detail the task of post-operation and post-disturbances analysis and reporting.

6.2. Consultation and submission of the Proposal

- (21) Article 27(2) in conjunction with Article 37(5) of Regulation (EU) 2019/943 requires ENTSO-E to carry out a consultation involving all relevant stakeholders, including regulatory authorities and other national authorities, and take the results of that consultation into consideration in its proposal, before submitting the proposal.
- (22) As indicated in paragraphs (4) and (5), ENTSO-E consulted stakeholders from 13 July 2021 until 10 September 2021, as well as consulted with regional security coordinators, and submitted the Proposal on 3 January 2022.

- (23) Therefore, ENTSO-E fulfilled the requirements of Article 27(2) in conjunction with Article 37(5) of Regulation (EU) 2019/943 regarding the involvement of stakeholders and the submission.

6.3. Required content of the Proposal

- (24) Article 37(1)(i) of Regulation (EU) 2019/943 on the RCC's task of post-operation and post-disturbances analysis and reporting is set out in more detail in point 6 of Annex I of Regulation (EU) 2019/943, which provides that:

- RCCs must investigate and prepare a report on any incident above the threshold referred to in point 4.2 of Annex I of Regulation (EU) 2019/943;
- regulatory authorities of the system operation region and ACER may be involved in the investigation upon their request;
- the report must include recommendations aiming to prevent similar incidents in the future;
- the report must be published by RCCs.

- (25) ACER considers that all of these elements have been included in the Proposal as explained below.

- (26) The Proposal meets the requirement of the first sentence of point 6.1 of Annex I of Regulation (EU) 2019/943 related to the obligation to investigate and report on any incident above the threshold referred to in point 4.2 of Annex I.

- (27) According to point 4.2 of Annex I, all TSOs shall agree on a threshold above which the impact of actions of one or more TSOs in the emergency, blackout or restoration states is considered significant for other TSOs synchronously or non-synchronously interconnected. The relevant threshold ('RCC Investigation Threshold') is defined in the Proposal ('Incidents that classify for the RCC Investigation Threshold') with the reference to the Incident Classification Scale ('ICS') outlined in the applicable ICS Methodology developed by ENTSO-E in accordance with Article 30(1)(i) of Regulation (EU) 2019/943.

- (28) Article 2 ('Subject matter and scope') and Article 7 ('Investigation handling') of the Proposal stipulate that the RCC investigation shall commence in case the RCC Investigation Threshold was met. Moreover, pursuant to Article 8 ('Results of the RCC investigation and reporting'), RCC investigation shall be concluded with the report ('ICS Final Report').

- (29) The Proposal addresses the involvement of regulatory authorities of the system operation region and ACER in the RCC investigation in its Article 7 ('Investigation handling'), thereby meeting the requirement of the second sentence of point 6.1 of Annex I of Regulation (EU) 2019/943.

- (30) Inclusion of recommendations aiming to prevent similar incidents in the future in the investigation report, as required by point 6.1 *in fine* of Annex I of Regulation (EU) 2019/943, is covered by the Proposal in its Article 9 ('RCC recommendations') according to which the RCC investigation chapter of the ICS Final Report shall provide recommendations with respect to the RCC tasks.
- (31) The requirement of point 6.2 of Annex I of the Regulation (EU) 2019/943 pertaining to the report's publication is also met by the Proposal, as its Article 8 ('Results of the RCC investigation and reporting') stipulates that RCCs shall publish the ICS Final Report, including the RCC investigation chapter.

6.4. Amendments to the Proposal

- (32) ACER has introduced amendments to the Proposal to improve its structure, wording and clarity. Further editorial changes, not explicitly mentioned below, have been made to improve the readability and clarity of the wording of the Proposal.
- (33) The changes introduced by ACER have been discussed with ENTSO-E throughout a very good cooperation during the procedure for this Decision. During the discussions, ENTSO-E confirmed that the changes improve the clarity of the methodology.

6.4.1 On the Recitals of the Proposal

- (34) ACER amended Recital 9 of the Proposal by introducing three recitals in order to emphasise the need to support third countries in applying similar rules to those contained in Regulation (EU) 2019/943. These recitals refer to a new provision introduced in the methodology (see Article 10(2)) that all TSOs of those synchronous areas neighbouring third country TSOs should endeavour to enter into agreements setting the basis for their technical cooperation and compliance with the relevant EU legislation.

6.4.2 On the scope and the definitions of the methodology (Articles 1 and 2)

- (35) To improve the structure of the Proposal, ACER swapped the order of the proposed Articles 1 and 2.
- (36) ACER amended the provisions in Article 1 of the Proposal to further clarify the scope of the methodology.
- (37) ACER amended the provisions in Article 2 to clarify the definition regarding the ICS methodology in order for the reference in this methodology to endure any future amendments of the ICS methodology.
- (38) ACER added the definition of 'fault tree analysis' for clarity, since it is referenced in Article 7. ACER also added the definition of 'RCC SPOC' as this concept was introduced in Article 3.

6.4.3 On the RCC members (Article 3)

- (39) ACER introduced amendments to this Article in order to clarify that each RCC shall appoint a single point of contact ('RCC SOPC'), responsible for nominating, shortly after the incident occurred, a main and a backup RCC member to participate in the RCC investigation.
- (40) In paragraph 2, the word "concerned" is added to stress that an RCC member and backup are nominated for specific incidents.

6.4.4. On the incident reporting and the RCC investigation (Article 4)

- (41) In paragraph 4, ACER added two sentences to clarify the RCC member participation in the ICS Panel in the cases where the incident did not affect all RCCs or in case all RCCs were affected. In paragraph 5, ACER introduced changes to clarify that the ICS Expert Panel shall decide as to whether the RCC Investigation Threshold was met and included wording that was originally included in Article 5(2) to avoid duplication.

6.4.5. On the Incidents that classify for the RCC Investigation Threshold (Article 5)

- (42) In paragraph 2, ACER deleted the specification about the RCC Investigation Threshold being met as this is included Article 4(5) of the Proposal.

6.4.6. On the Investigation Handling (Article 7)

- (43) In paragraph 1, ACER added two sentences to clarify the RCC member that shall lead the RCC Investigation Subgroup in the cases where the incident did not affect all RCCs or in case all RCCs were affected. Similarly, in paragraph 3, ACER added two sentences to clarify which TSO member shall participate in the RCC Investigation Subgroup in the cases where the incident did not affect all RCCs or in case all RCCs were affected.

6.4.7. On the results of the RCC investigation and reporting (Article 8)

- (44) ACER introduced a clarification to paragraph 5 that the RCCs shall publish the ICS final report, since point 6.2 of Annex I of Regulation (EU) 2019/943 requires that the RCCs publish the report on any incident above the threshold.

6.4.8. On the RCC recommendations (Article 9)

- (45) ACER removed duplications with Article 8 with regard the RCC investigation subgroup recommendations and their publication.

6.4.9. On the implementation of the methodology (Article 10)

- (46) In line with the changes to the recitals of the Proposal mentioned above, ACER introduced a paragraph 2 to Article 10 to provide that all TSOs of those synchronous areas neighbouring to a third country TSOs shall endeavour to conclude with the third country TSOs not bound by Regulation (EU) 2019/943 agreements aiming at their

cooperation in the RCC investigations and reporting of incidents that are suspected to be classified as scale 2 or scale 3 incidents in accordance with the ICS Methodology.

6.4.10. On the language (Article 11)

(47) In Article 11, ACER replaced the word ‘TSOs’ with ‘RCCs’, since ACER understands that if there will be the need to translate this methodology into national language this will be with the RCC as it will be the RCCs that will be applying this methodology.

7. CONCLUSION

(48) For all the above reasons, ACER considers the Proposal in line with the requirements of Regulation (EU) 2019/943, provided that the amendments described in this Decision are integrated in the Proposal, as presented in Annex I.

(49) Therefore, ACER approves the Proposal subject to the necessary amendments and editorial changes. To provide clarity, Annex I to this Decision sets out the Proposal as amended and approved by ACER,

HAS ADOPTED THIS DECISION:

Article 1

The Regional Coordination Centre Post-Operation and Post-Disturbances Analysis and Reporting Methodology according to Article 37(1)(i) of Regulation (EU) 2019/943 is adopted as set out in Annex I to this Decision.

Article 2

This Decision is addressed to ENTSO-E.

Done at Ljubljana, on 31 March 2022.

- SIGNED -

*For the Agency
The Director*

C. ZINGLERSEN

Annexes:

- Annex I - RCC Post-Operation and Post-Disturbances Analysis and Reporting Methodology
- Annex Ia - RCC Post-Operation and Post-Disturbances Analysis and Reporting Methodology – with track changes - (For information only)

In accordance with Article 28 of Regulation (EU) 2019/942, the addressee may appeal against this Decision by filing an appeal, together with the statement of grounds, in writing at the Board of Appeal of ACER within two months of the day of notification of this Decision.

In accordance with Article 29 of Regulation (EU) 2019/942, the addressee may bring an action for the annulment before the Court of Justice only after the exhaustion of the appeal procedure referred to in Article 28 of that Regulation.