

**DECISION No 07/2026
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS**

of 19 June 2026

**amending Decision No 02/2019 of 21 February 2019 on the Core CCR
TSOs' proposals for the regional design of the day-ahead and intraday
common capacity calculation methodologies**

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, and, in particular, Article 5(3) and Article 6(10) thereof,

Having regard to Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management², and, in particular, Article 9(5), (7)(a), and (11) and Article 20(2) thereof,

Having regard to the outcome of the consultation with the concerned regulatory authorities and transmission system operators,

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

Having regard to the favourable opinion of the Board of Regulators of 10 June 2026, delivered pursuant to Article 22(5)(a) of Regulation (EU) 2019/942,

Whereas:

1 INTRODUCTION

¹ [OJ L 158, 14.6.2019, p. 22.](#)

² [OJ L 197, 25.7.2015, p. 24.](#)

- (1) On 21 February 2019, following the Core regulatory authorities' request to decide on the Core transmission system operators' amended proposals for the day-ahead and intraday capacity calculation methodologies ('CCMs'), given that those regulatory authorities could not agree on approving the proposals, ACER issued its Decision No 02/2019 on the Core transmission system operators' proposals for the regional design of the day-ahead and intraday common CCMs according to Article 20(2) of Regulation (EU) 2015/1222; Annex I of that Decision included the day-ahead CCM, Annex II of the same Decision set out the intraday CCM.
- (2) On 11 July 2019, following an appeal by Bundesnetzagentur against Decision No 02/2019, the Board of Appeal issued its Decision A-003-2019, dismissing the appeal as unfounded.
- (3) On 7 September 2022, following an annulment action brought by Bundesnetzagentur against Decision A-003-2019 of the Board of Appeal, the General Court delivered its judgment in case T-631/19, BNetzA v ACER, annulling Decision A-003-2019 of the Board of Appeal and dismissing the remainder of Bundesnetzagentur's action as inadmissible.
- (4) On 7 July 2023, the Board of Appeal issued its Decision A-003-2019_R, confirming Decision No 02/2019.
- (5) On 1 October 2025, following annulment actions brought by Bundesnetzagentur and the Federal Republic of Germany against Decision A-003-2019_R of the Board of Appeal, the General Court delivered its judgment in joined cases T-600/23, BNetzA v ACER, and T-612/23, Germany v ACER, annulling Decision A-003-2019_R of the Board of Appeal *'in so far as that decision adopts Article 5(8)(b) and (c) and Article 5(9) of the regional design of the day-ahead and intraday common capacity calculation methodologies for the capacity calculation region comprising Belgium, the Czech Republic, Germany, France, Croatia, Luxembourg, Hungary, the Netherlands, Austria, Poland, Romania, Slovenia and Slovakia, as set out in Annexes I and II to ACER Decision No 02 of 21 February 2019'*. In essence, the General Court found that Articles 14 to 16 of Regulation (EU) 2019/943 and Article 29(3)(b) of Regulation (EU) 2015/1222 did not permit to introduce the requirements contained in Article 5(8)(b) and (c) and Article 5(9) of the CCMs set out in Annexes I and II to Decision No 02/2019 into the day-ahead and intraday CCMs for the Core capacity calculation region ('CCR').
- (6) On 13 March 2026, the Board of Appeal issued its Decision A-003-2019_R_R, remitting the case to ACER. According to the Board of Appeal, *'[t]he error found by the GCEU can only be remedied by eliminating the requirements in Article 5(8)(b) and (c) and Article 5(9) from the day-ahead and intraday CCMs for the Core C[C]R and thus can only be remedied by ACER'*. The Board of Appeal specified that *'[in] adopting its new decision, ACER will need to ensure that the requirements at issue are removed from the day-ahead and intraday CCMs for the Core C[C]R. Accordingly, the new decision may not include the requirements in Article 5(8)(b) and (c) and Article 5(9) of*

the day-ahead and intraday CCMs for the Core C[C]R as set out in Annex I and II of the Contested Decision’.

- (7) The present decision amends Annexes I and II of Decision No 02/2019 to correct the errors in Article 5(8)(b) and (c) and Article 5(9) of those Annexes in accordance with Decision A-003-2019_R_R of the Board of Appeal and the judgment in joined cases T-600/23 and T-612/23.

2 PROCEDURE

- (8) On 24 April 2026, ACER notified the concerned parties of its preliminary position, inviting them to provide observations on the intended amendments to Annexes I and II of Decision No 02/2019. None of the concerned parties provided any observations by the set deadline.
- (9) On 22 May 2026, the AEWG endorsed the draft Decision amending Decision No 02/2019 of 21 February 2019 on the Core CCR TSOs’ proposals for the regional design of the day-ahead and intraday common capacity calculation methodologies.
- (10) On 10 June 2026, the Board of Regulators issued a favourable opinion for the present decision pursuant to Article 22(5)(a) of Regulation (EU) 2019/942.

3 AMENDMENT OF ARTICLE 5(8) AND ARTICLE 5(9) OF ANNEXES I AND II OF DECISION NO 02/2019

- (11) Article 5(8) of Annexes I and II of Decision No 02/2019 reads as follows:

The proposal pursuant to paragraphs 5 and 6 shall include at least the following:

- (a) *a list of proposed internal CNECs with the associated maximum zone-to-zone PTDFs referred to in paragraph 7;*
- (b) *an impact assessment of increasing the threshold of the maximum zone-to-zone PTDF for exclusion of internal CNECs referred to in paragraph 7 to 10% or higher; and*
- (c) *for each proposed internal CNEC, an analysis demonstrating that including the concerned internal network element in capacity calculation is economically the most efficient solution to address the congestions on the concerned internal network element, considering, for example, the following alternatives:*
- i. application of remedial actions;*
 - ii. reconfiguration of bidding zones;*
 - iii. investments in network infrastructure combined with one or the two above;*
or
 - iv. a combination of the above.*

Before performing the analysis pursuant to point (c), the Core TSOs shall jointly coordinate and consult with all Core regulatory authorities on the methodology, assumptions and criteria for this analysis.

(12) Article 5(9) of Annexes I and II of Decision No 02/2019 reads as follows:

The proposals pursuant to paragraphs 5 and 6 shall also demonstrate that the concerned Core TSOs have diligently explored the alternatives referred to in paragraph 8 sufficiently in advance taking into account their required implementation time, such that they could be applied or implemented by the time that the decisions of the Core regulatory authorities on the proposal pursuant to paragraphs 5 and 6 are taken.

(13) To remedy, in accordance with Decision A-003-2019_R_R of the Board of Appeal and the judgment in joined cases T-600/23 and T-612/23, the errors in Article 5(8)(b) and (c) and Article 5(9) of the day-ahead and intraday CCMs for the Core CCR set out in Annexes I and II of Decision No 02/2019, it is necessary, for the reasons set out above in paragraphs (5) and (6), to delete Article 5(8)(b) and (c) and Article 5(9) from those Annexes.

(14) Since the second subparagraph of Article 5(8) of Annexes I and II (*'Before performing the analysis pursuant to point (c), ...'*) refers to point (c) of Article 5(8) of Annexes I and II, the deletion of point (c) of Article 5(8) renders the second subparagraph of Article 5(8) redundant. Therefore, to provide legal certainty, it is appropriate to delete also the second subparagraph of Article 5(8) and remove it in its entirety from Annexes I and II,

HAS ADOPTED THIS DECISION:

Article 1

Article 5 of Annex I of Decision No 02/2019 of 21 February 2019 on the Core CCR TSOs' proposals for the regional design of the day-ahead and intraday common capacity calculation methodologies is amended as follows:

- (a) in paragraph (8), points (b) and (c) and the second subparagraph are deleted;
- (b) paragraph (9) is deleted.

Article 2

Article 5 of Annex II of Decision No 02/2019 of 21 February 2019 on the Core CCR TSOs' proposals for the regional design of the day-ahead and intraday common capacity calculation methodologies is amended as follows:

- (a) in paragraph (8), points (b) and (c) and the second subparagraph are deleted;

(b) paragraph (9) is deleted.

Article 3

This Decision is addressed to:

50Hertz Transmission GmbH,
Amprion GmbH,
Austrian Power Grid AG,
C.N.T.E.E. Transelectrica S.A.,
ČEPS, a.s.,
Creos Luxembourg S.A.,
ELES, d.o.o. sistemski operater prenosnega elektroenergetskega omrežja,
Elia System Operator S.A.,
HOPS d.o.o., Hrvatski operater prijenosnog sustava,
MAVIR ZRt,
Polskie Sieci Elektroenergetyczne S.A.,
Réseau de Transport d'Electricité,
Slovenská elektrizačná prenosová sústava, a.s.,
TenneT TSO B.V.,
TenneT TSO GmbH and
TransnetBW GmbH.

Done at Ljubljana, on 19 June 2026.

- SIGNED -

*For the Agency
The Director ad interim*

V. ZULEGER

In accordance with Article 28 of Regulation (EU) 2019/942, the addressees 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 addressees 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.