

DECISION No 09/2025
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS

of 12 December 2025

**on the first amendment to the Regional Coordination Centre Regional
Procurement of Balancing Capacity 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, 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 and Article 37(5) thereof,

Having regard to the outcome of the consultation with the European Network of Transmission System Operators for Electricity,

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

Having regard to the favourable opinion of the Board of Regulators of 10 December 2025, 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 ('Electricity Regulation') provides a legal

¹ OJ L158, 14.6.2019, p. 22.

² OJ L158, 14.6.2019, p. 54.

framework to strengthen 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 performing the regional procurement of balancing capacity in accordance with Article 37(1)(k) of the Electricity Regulation.

- (2) In accordance with Article 37(5) of the Electricity Regulation, the European Network of Transmission System Operators for Electricity ('ENTSO-E') is tasked with developing proposals for RCC tasks that are not already covered by the relevant network codes or guidelines. These proposals must be approved by ACER following the procedure set out in Article 27 of the Electricity Regulation. Any amendments to these proposals must also undergo the same procedure, as required by Article 27(4) of this Regulation.
- (3) Accordingly, ENTSO-E developed a methodology for RCCs' task of performing regional procurement of balancing capacity (hereinafter the 'Methodology'). This methodology was approved by ACER on 19 July 2023 (Annex I³ to ACER Decision No 13/2023⁴).
- (4) Article 3(7) of the Methodology requires that TSOs within each system operation region ('SOR'), supported by the relevant RCCs, determine specific parameters necessary for implementing the Methodology. Based on these parameters, ENTSO-E then proposes amendments to the Methodology for ACER's approval. According to Article 27 of the Electricity Regulation, ACER has three months to approve or amend ENTSO-E's proposal for amendments.
- (5) This Decision concerns ENTSO-E's proposal for methodology amendments submitted to ACER for approval (the 'Proposal'). Annex I of this Decision sets out the Proposal as amended and approved by ACER. Annex II provides a consolidated version of the Methodology reflecting these amendments for informational purposes.

2. PROCEDURE

- (6) On 26 September 2025, ENTSO-E submitted the Proposal to ACER for approval.
- (7) Between 26 September and 10 November 2025, ACER engaged in discussions on the proposed amendments with ENTSO-E, RCCs, all TSOs, and the regulatory authorities. This included discussions with the regulatory authorities during ACER's Electricity Working Group ('AEWG') on 1 October and during the Electricity Balancing Task Force on 6 November, a working session on 8 October with ENTSO-

³ https://www.acer.europa.eu/sites/default/files/documents/Individual%20Decisions_annex/ACER_Decision_13-2023_on_RCC_Procurement-Annex_I.pdf.

⁴ https://www.acer.europa.eu/sites/default/files/documents/Individual%20Decisions/ACER_Decision_13-2023_on_RCC_Regional_Procurement_of_Balancing_Capacity_Methodology.pdf.

E, RCCs, TSOs, and the regulatory authorities, and additional discussions during the Electricity Balancing Coordination Group meeting on 5 November.

- (8) On 17 October 2025, ACER shared its preliminary position on the amendments to the Proposal with ENTSO-E, RCCs and all TSOs, inviting written comments and providing an option to request an oral hearing.
- (9) By 31 October 2025, ACER received written comments from ENTSO-E (submitted on behalf of ENTSO-E and all TSOs) as well as from three RCCs: TSCNET, CORESO and the Nordic RCC. These parties further elaborated on their views during an oral hearing held on 6 November 2025.
- (10) The AEWG was consulted between 11 November and 17 November 2025 and provided its advice on 21 November (see Section 5.2).
- (11) On 10 December 2025, ACER's Board of Regulators issued a favourable opinion.

3. ACER'S COMPETENCE TO DECIDE ON THE PROPOSAL

- (12) Pursuant to Article 6(1) of Regulation (EU) 2019/942, ACER adopts individual decisions on technical issues where those decisions are provided for in the Electricity Regulation.
- (13) Pursuant to Article 37(5) of the Electricity Regulation, for the tasks set out in this Article and not already covered by the relevant network codes or guidelines, ENTSO-E must develop a proposal, in accordance with the procedure under Article 27 of the same Regulation, and this proposal is subject to approval by ACER. This includes a proposal for the RCC task under Article 37(1)(k) to perform regional procurement of balancing capacity.
- (14) The methodology for RCCs' regional procurement of balancing capacity was developed by ENTSO-E and approved by ACER Decision No 13/2023. Pursuant to Article 27(4) of the Electricity Regulation, ACER may request changes to the Methodology at any time, and ENTSO-E must submit a draft of the proposed changes to ACER. Within three months of the date of receipt of the draft, ACER must amend or approve the changes and publish those changes on its website.
- (15) In Article 3(7) of the Methodology, ACER requested ENTSO-E to propose amendments by specifying certain parameters necessary for implementing the Methodology. On 26 September 2025, ENTSO-E submitted the Proposal to amend the methodology for ACER's approval.
- (16) Considering the above, ACER is competent to decide on the Proposal based on Article 6(1) of Regulation (EU) 2019/942 and Articles 27 and Article 37(5) of the Electricity Regulation.

4. SUMMARY OF THE PROPOSAL

- (17) ENTSO-E's submission comprises the Proposal⁵, an accompanying Explanatory Document⁶, and the ENTSO-E's evaluation of the responses⁷ received during its public consultation.
- (18) Following Article 3(7) of the Methodology, the relevant TSOs (TSOs of the SOR), supported by the relevant RCC(s), shall determine in a coordinated manner the parameters referred to in the Methodology. The parameters are expressed as the values of X and Y, where X is the lower bound of the statistical analysis, and Y is the step to be assessed between X and 100%. The values are applied to assess two factors. Firstly, the cross-zonal capacity that statistically is available per direction after the closure of the intraday market timeframe and after accounting for sharing of reserves. Secondly, the volume of available non-contracted platform bids.
- (19) The Proposal consists of the following elements:
- a. The recitals explaining the reasons for the proposed amendments;
 - b. Article 1, which sets out the proposed amendments to Article 3 of the Methodology, introducing common parameters for the values X and Y;
 - c. Article 2, which proposes to amend Article 8 of the Methodology by allowing RCCs to apply for a derogation from the implementation timeline;
 - d. Article 3, which contains the provisions for the reference language of the Proposal.
- (20) In this Decision, the provisions from the ENTSO-E's proposal are referred to as 'of the Proposal', while those from the Methodology are referred to as 'of the Methodology'.

5. SUMMARY OF THE OBSERVATIONS RECEIVED BY ACER

5.1. Consultation on ACER's preliminary position

- (21) The following paragraphs provide a summary⁸ of views on ACER's preliminary position. ACER received written comments from the following parties:

⁵ https://eepublicdownloads.entsoe.eu/clean-documents/nc-tasks/250926_RCC%20Procurement_PfA_parameters.pdf#:~:text=Introduction%20of%20common%20parameters%20Article%203%20%2D,amended%20and%20read%20accordingly:%20%C2%AB%20To%20apply.

⁶ https://eepublicdownloads.entsoe.eu/clean-documents/nc-tasks/250926_RCC%20Procurement%20PfA_Explanatory%20Document%20.pdf.

⁷ https://eepublicdownloads.entsoe.eu/clean-documents/nc-tasks/250926_RCC%20Procurement%20PfA_answers%20to%20public%20consultation.pdf

⁸ This is ACER's summary of the key concerns and not to be considered a complete representation of the comments received.

- a. ENTSO-E, providing views on behalf of ENTSO-E and all TSOs;
 - b. TSCNET Services GmbH (TSCNET) and CORESO S.A. (CORESO);
 - c. Nordic RCC.
- (22) ENTSO-E and TSOs complemented their views during an oral hearing held on 6 November 2025.
- (23) In their response to ACER's preliminary position, ENTSO-E put forward the following proposals, which are assessed in detail in the next section:
- a. Introducing an annual reporting obligation for the assessment of the feasibility and effectiveness of the selected X and Y values, instead of quarterly as proposed in ACER's preliminary position (see recitals 32-39);
 - b. Postponing the deadline to implement the Methodology by linking it to the TSOs' accession to the balancing platforms and the use of non-contracted platform bids due to the existing interdependencies (see recitals 40-50);
 - c. Concerning the amendment of geographical delineations (as raised by ACER during the working session of 8 October 2025), making explicit the role of TSOs of the SOR in this process (see recitals 51-55).
- (24) TSCNET and CORESO supported ENTSO-E's response, highlighting that the RCCs need adequate time to deliver a robust process with consistency and quality in the implementation.
- (25) Nordic RCC supported ACER's preliminary position, stressing the need for continuous evaluation of the values X and Y and supporting the amendment on the geographical delineations.

5.2. Consultation of the AEWG

- (26) The AEWG provided its advice on 21 November 2025 and broadly endorsed the draft Decision.
- (27) In its advice, the AEWG invited ACER to consider the comments raised by the Italian regulatory authority, ARERA (see recitals (51) and (52)).

6. ASSESSMENT OF THE PROPOSAL

6.1. Legal framework

- (28) Article 37(1)(k) of the Electricity Regulation provides that each RCC must carry out the task of regional procurement of balancing capacity in the entire SOR where it is established.

- (29) Point 8 of Annex I of the Electricity Regulation sets out in more detail the task of regional procurement of balancing capacity.
- (30) Articles 37(5) and 27 of the Electricity Regulation specify procedural requirements which are detailed in sections 1 and 3 of this Decision. According to these provisions, ENTSO-E is tasked with proposing amendments to the Methodology. Specifically, Article 27(2) requires that, before submitting its Proposal to ACER, ENTSO-E carries 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.

6.2. Consultation and submission of the proposal

- (31) ENTSO-E conducted a public consultation on the Proposal from 2 July 2025 until 12 August 2025 prior to submitting it to ACER on 26 September 2025. Therefore, ENTSO-E fulfilled the requirements of Article 27(2) in conjunction with Article 37(5) of the Electricity Regulation regarding the involvement of all relevant stakeholders and the submission to ACER.

6.3. Amendments to the Proposal

- (32) This section discusses the content of the Proposal and highlights the amendments identified by ACER as necessary for inclusion. These primarily involve revisions to ENTSO-E's proposed amendments and are discussed in subsections 6.3.1. and 6.3.2. Additionally, ACER proposed an amendment to improve the application of the Methodology across all SORs. The inclusion of this amendment received support from the parties and is detailed in subsection 6.3.3.

6.3.1. Proposed values for the reliability margins X and Y

- (33) As requested in ACER Decision No 13/2023, ENTSO-E, in collaboration with all TSOs and RCCs, proposed common values for the reliability margins X and Y across all SORs. These values are $X = 90\%$ and $Y = 0.1\%$ as stipulated in Article 1 of the Proposal.
- (34) ACER Decision No 13/2023 stated that these values should be proposed based on data and experience with non-contracted bids on the European balancing platforms and recommended that they are proposed as an annex to the Methodology (see recital 54 of ACER Decision No 13/2023).
- (35) ENTSO-E elaborated in their Explanatory Document that this experience in some SORs is currently limited due to TSOs' late accessions to the platforms. The values proposed by ENTSO-E are therefore based on qualitative assessments. ENTSO-E also explained that, since all SORs were able to align on these values, they are included directly in the Methodology, instead of an annex.
- (36) While ACER appreciates the efforts of ENTSO-E, TSOs and RCCs in proposing common values across all SORs, it notes that the approach for identifying these values

and the proposed broad range of 90% to 100% introduce uncertainties regarding the future implementation of the Methodology. This broad range, combined with the high granularity of the intermediate steps, gives TSOs the flexibility to select from numerous alternatives. Such flexibility may increase complexity in terms of computational time and coordination. Although the calculation may be feasible, coordinating the allocation of non-contracted platform bids among different TSOs could become challenging once the Methodology is operational. ACER foresees that this may arise when TSOs within a SOR select reliability margins at opposing ends of the scale.

- (37) ACER takes note that one reason put forward by ENTSO-E for selecting the broad range is to enable TSOs to explore the effects and potential of the expected risk-driven volume of non-contracted platform bids. Furthermore, in ENTSO-E's view, the 0.1% granularity allows TSOs to align the reliability margins with their risk management policies. ENTSO-E recognised that, with increased experience, there might be a need to reassess and adjust these values in the future. In the Explanatory Document, ENTSO-E stated that the overall complexity is manageable⁹. However, the Explanatory Document also pointed to an approach by which TSOs may decide to interpolate between larger step sizes. In ACER's view, any changes to the levels X and Y within an SOR would deviate from the approved levels and would therefore require amending the Methodology, in line with the process outlined in its Article 3(7). In their written feedback to ACER's preliminary position, ENTSO-E confirmed that they share this understanding.
- (38) ACER acknowledges that ENTSO-E provided sufficient explanations for the proposed values of X and Y. Based on these, ACER has decided to approve these values. However, the justifications provided by ENTSO-E lack support from quantitative assessments based on historical data and practical experience with non-contracted platform bids. While ACER approves these values based on ENTSO-E's reasoning, it also considers it necessary to establish a reporting obligation for TSOs and RCCs to regularly assess and inform on the feasibility and effectiveness of applying such a wide range of possible reliability levels.
- (39) In terms of reporting frequency, ACER agrees with ENTSO-E's proposed approach to conduct an annual assessment, included in the reporting already required under Article 46 of the Electricity Regulation, rather than on a quarterly basis as suggested in ACER's preliminary position. ACER sees merit in ENTSO-E's reasoning that the feasibility and effectiveness of the values X and Y are unlikely to vary significantly from quarter to quarter, and that reporting on them quarterly would have a relatively low value compared to the resources required. Additionally, annual reporting is indeed more appropriate as it encompasses monitoring and reporting on tasks related to both

⁹ The feasibility was confirmed by ENTSO-E during the working-level meeting held on 8 October 2025 between ACER, regulatory authorities, ENTSO-E, TSOs and RCCs.

the regional sizing of reserve capacity and facilitation of balancing capacity procurement.

- (40) Considering the above, ACER has revised the Proposal in order to specify an annual reporting obligation by amending Article 7(3) of the Methodology (Article 2 of the approved Proposal as laid down in Annex I).

6.3.2. Proposed derogation from the implementation deadline

- (41) ENTSO-E's Proposal includes a provision that would allow RCCs to derogate from the Methodology's implementation deadline of 19 January 2026 (Article 2 of the Proposal). The derogation would be upon reasoned request and subsequent approval of the relevant regulatory authorities, and may be renewed upon due justification.
- (42) First of all, ACER notes that it cannot authorise regulatory authorities to grant derogations from the Methodology. Article 64 of the Electricity Regulation already provides a mechanism for Member States to derogate from certain provisions of the Regulation, including the RCC procurement task, under specific conditions. The proposed derogation would effectively circumvent this process and is therefore not deemed compliant with the Electricity Regulation.
- (43) ACER understands that the core issue is the delay in RCCs implementing the procurement task, which could jeopardise the fulfilment of the deadline of 19 January 2026. In their response to ACER's preliminary position, ENTSO-E proposed an alternative approach, which involves amending the implementation deadline. Specifically, the deadline would be extended to 19 January 2028 with earlier implementation possible, but contingent upon the accession to the European balancing platforms plus an additional 12 months, and the use of non-contracted platform bids by at least 80% of the TSOs of the relevant SOR.
- (44) To support its proposal to postpone the deadline (or allow for derogations), ENTSO-E argued, supported by TSCNET and CORESO, that RCCs are not able to implement the Methodology due to the TSOs' delayed accession to the European balancing platforms (MARI and PICASSO), which does not provide them with sufficient experience to assess the availability of non-contracted platform bids.
- (45) ENTSO-E disagreed with ACER's view that it would be possible to develop underlying tools and processes based on current experience and available integration endpoints. In ENTSO-E's view, the data dependencies of the RCC task require a stable connection to the platforms, and TSOs are still upgrading and finalising their IT systems, related technical interfaces and data exchange arrangements. Therefore, ENTSO-E argued that developing temporary solutions at this stage would lead to duplicated work, additional costs and avoidable complexity.
- (46) In the oral hearing, ENTSO-E clarified how they see the interdependencies between the tasks and their potential impact on the implementation of the methodology. Regarding the need for a stable connection to the balancing platforms, ENTSO-E referred to the temporary disconnection of the Italian TSO (Terna) from PICASSO.

ENTSO-E further stated that both the TSOs already connected to the balancing platforms and those not yet connected will likely need to modify their IT systems following the implementation of the Methodology. Accordingly, additional IT development will be required irrespective of when the procurement task is undertaken or whether it occurs before or after a TSO connects to the platforms. Finally, ENTSO-E noted that, although several TSOs have not yet connected to the platforms, development of the task is already underway in several SORs.

- (47) Regarding the temporary disconnection of Terna from PICASSO, ACER notes that this disconnection was triggered by market-related circumstances and not by technical difficulties. As such, it has to be seen as an isolated incident and not indicative of broader risks for other TSOs. Additionally, ACER observes that the dependencies related to platform accessions do not appear to constitute a technical limitation but rather reflect prioritisation by the TSOs and RCCs. As certain RCCs are already advancing the development of the task, there do not seem to be substantial IT dependency between the connection to the European balancing platforms and the development of the systems and processes required for the procurement task. ACER therefore concludes that the TSOs and RCCs have had sufficient time and information to progress with, and implement, the Methodology.
- (48) In the oral hearing, ENTSO-E explained that the stepwise approach is intended to mitigate the risk of increased development costs and duplication of efforts. However, ACER understands from the hearing input that communication and coordination among TSOs, and between TSOs and RCCs, has been very limited since the very early stages of the process. An adequate project management approach, with enhanced coordination and greater standardisation of processes, would likewise mitigate these risks by allowing RCCs and TSOs to avoid unnecessary duplication of work and to achieve faster implementation.
- (49) ACER notes that, based on the information provided at the working meeting of 8 October 2025, the Baltic RCC will be ready to implement the procurement task by the deadline of 19 January 2026. During this meeting, the Baltic RCC explained that the implementation is possible due to the balancing platforms integration endpoints being available. ACER understands that this is the case for all TSOs and RCCs. Furthermore, ACER observes that the Baltic RCC was able to progress the implementation of the task despite limited experience with non-contracted platform bids¹⁰ Based on this, ACER understands that other RCCs and TSOs should have been able to make progress on this task to meet the implementation deadline of 19 January 2026. Additionally, implementing this task would allow RCCs and TSOs to gradually build experience with non-contracted platform bids and improve their processes as more TSOs join the platforms.

¹⁰ Baltic TSOs announced their connection to the MARI platform on 10 October 2024, and the last of the three Baltic TSOs connected to PICASSO on 10 April 2025.

- (50) ENTSO-E argued in their response to ACER's preliminary position that the Baltic RCC will be able to implement the procurement task by the regulatory deadline primarily because it was prioritised within their SOR. In contrast, other SORs have not given similar priority to this task. ACER considers that the fact that most SORs have not prioritised the task does not provide sufficient grounds for derogations or for extending the implementation deadline. In fact, the current deadline of 19 January 2026 was set based on the feasible implementation timelines proposed by ENTSO-E and supported by RCCs at the time of the Methodology's approval in 2023¹¹.
- (51) In the AEWG consultation, ARERA commented that RCCs and TSOs are significantly delayed in the implementation process and that the original deadline (January 2026) appears unlikely to be achieved. ARERA suggested that ACER considers a pragmatic revision of the deadline to better align with the actual (delayed) implementation status, without entering into the merits of the reasons provided by the TSOs. In ARERA's view, keeping the deadline unchanged would risk triggering an additional enforcement process, without providing added value in terms of ensuring a timely and effective implementation.
- (52) ACER acknowledges the concerns raised by ARERA regarding the challenges for the RCCs and TSOs to implement the RCC task on time. However, ACER considers that extending the original deadline of January 2026 is neither pragmatic nor constructive. In ACER's view, the explanations provided by ENTSO-E do not offer sufficient justification for the extension (see recitals (47) to (50)). Allowing an extension without compelling justifications could set a precedent that undermines the legitimacy of regulatory processes. A perception that deadlines may be adjusted based on actual implementation status or to avoid enforcement actions may reduce the urgency to comply. In this case, it would likely lead to further deprioritisation of the RCC task. ACER considers that upholding the original deadline is essential for fostering a culture of accountability and commitment, and necessary to ensure the timely implementation of the RCC task without additional delays.
- (53) Considering the above, ACER has removed Article 2 of the Proposal, which pertains to the proposed derogation, and did not extend the deadline for the implementation of the procurement task.
- 6.3.3. Proposed amendment of the geographical delineation in the methodology from load frequency control blocks to smaller areas
- (54) ACER sees the opportunity to introduce an improvement to the Methodology concerning the geographical delineation, which is currently limited to within and between load frequency control blocks. While the current scope generally meets its

¹¹ The 2023 [Explanatory Document](#) accompanying ENTSO-E's proposal for the Methodology included a detailed implementation timeline demonstrating that ENTSO-E considered it realistic to implement the methodology by the deadline of 19 January 2026. ENTSO-E confirmed this in their response of 5 June 2023 to ACER's preliminary position, explicitly stating that the proposed deadline provides sufficient time to implement the RCC task.

purpose, there are certain instances in Europe where the geographical boundaries of load frequency control blocks, countries, bidding zones and load frequency control areas do not align. This issue affects Nordics, Baltics, Germany-Luxembourg-Denmark and Italy.

- (55) In line with point 8.1 of Annex I to the Electricity Regulation, the RCCs must support the TSOs in the SOR in determining the amount of balancing capacity that needs to be procured. Every TSO and RCC should be able to follow the same process, resulting in the opportunity to reduce the amount of procured balancing capacity by relying on non-contracted platform bids.
- (56) The Methodology does not explicitly permit TSOs operating within the same load frequency control block to rely on non-contracted platform bids from neighbouring countries. Enabling RCCs and TSOs of all SORs to adapt the geographical delineation to the different area definitions and thereby maximising the value of the procurement task would require amendments to Article 4 of the Methodology.
- (57) ACER raised this issue and discussed with ENTSO-E, RCCs and TSOs at the working meeting of 8 October 2025, and included it in its preliminary position. The proposal was supported by ENTSO-E and the Nordic RCC. ACER also agrees with ENTSO-E's suggestion to include the TSOs of the SOR in the process of defining the geographical delineation.
- (58) Considering the above, ACER has amended Article 4 of the Methodology accordingly (Article 2 of the approved Proposal as laid down in Annex I). ACER notes that this amendment does not impose any additional obligations on RCCs and TSOs. Rather, it provides them with the option to consider a different geographical delineation only if they consider it relevant and/or beneficial.

7. CONCLUSION

- (59) For all the above reasons, ACER considers the Proposal in line with the requirements of the Electricity Regulation, provided that the amendments described in this Decision are integrated in the Proposal, as presented in Annex I.
- (60) Therefore, ACER approves the Proposal subject to the necessary amendments. 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 Regional Procurement of Balancing Capacity Methodology according to Article 37(1)(k) of Regulation (EU) 2019/943 is amended and approved as set out in Annex I to this Decision.

Article 2

This Decision is addressed to ENTSO-E.

Done at Ljubljana, on 12 December 2025.

- SIGNED -

*For the Agency
The Director ad interim*

V. ZULEGER

Annexes:

Annex I – First amendment to the methodology for the regional procurement of balancing capacity

Annex Ia – First amendment to the methodology for the regional procurement of balancing capacity – with track changes of the Proposal to Annex I – (for information only)

Annex II – Consolidated version of the amended methodology for the regional procurement of balancing capacity (for information only)

Annex IIa – Consolidated version of the amended methodology for the regional procurement of balancing capacity – with track changes of Annex I to ACER Decision No 13/2023 – (for information only)

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 the Agency 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.