

DECISION No 01/2025
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS

of 29 January 2025

**on the amendment to the harmonised cross-zonal capacity allocation
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 5(2)(b) thereof,

Having regard to Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing², and, in particular, Articles 5(1), 5(2)(g) and 38(3) thereof,

Having regard to the outcome of the consultation with the concerned national regulatory authorities and transmission system operators ('TSOs') and the European Network of Transmission System Operators for Electricity ('ENTSO-E'),

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 28 January 2025, delivered pursuant to Article 22(5)(a) of Regulation (EU) 2019/942,

Whereas:

1. INTRODUCTION

(1) Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (the 'EB Regulation') laid down a range of

¹ OJ L 158, 14.6.2019, p. 22.

² OJ L 312, 23.11.2017, p. 6.

requirements for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves. In particular, Article 5(2)(g) and Article 38(3) of the EB Regulation require all TSOs to develop a proposal to harmonise the methodology for the allocation process of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves per timeframe pursuant to Article 40 of the EB Regulation and, where relevant, pursuant to Articles 41 and 42 of the EB Regulation (the ‘HCZCA methodology’) and submit it for revision and approval to ACER.

- (2) The proposal for the HCZCA methodology was developed by all TSOs pursuant to Article 38(3) of the EB Regulation and approved by ACER Decision No 11/2023 on 19 July 2023.
- (3) Article 27(1) of Annex I to ACER Decision No 11/2023 requires TSOs to submit by 31 July 2024 a proposal for an amendment of this methodology to complement it in accordance with Article 15(2) and Article 16(7).
- (4) On 31 July 2024, ENTSO-E, on behalf of all TSOs, submitted to ACER their proposed amendments to the HCZCA methodology (the ‘Proposal’).
- (5) This Decision follows from the assessment and revision of the Proposal. Annex I sets out the amendment to the HCZCA methodology, as revised and approved by ACER.
- (6) In the following, the term ‘Proposal’ refers to the submission made by TSOs, whereas the term ‘revised Proposal’ refers to the Proposal as revised by ACER

2. PROCEDURE

- (7) On 22 March 2024, all TSOs published a draft proposal of an amendment of the HCZCA methodology for public consultation. The consultation lasted until 23 May 2024.
- (8) On 31 July 2024, ENTSO-E, on behalf of all TSOs, submitted to ACER the ‘First amendment of Methodology for a harmonised allocation process of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves per timeframe in accordance with Article 38(3) of Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing’.
- (9) On 16 September 2024, ACER launched a public consultation on the Proposal, inviting all interested stakeholders to submit their comments by 14 October 2024. The summary and evaluation of the responses received are presented in Annex III to this Decision.
- (10) Between 12 September 2024 and 13 January 2025, ACER engaged in discussions on the proposed amendments through working meetings with TSOs, ENTSO-E and

regulatory authorities, as well as exchanges of documents and regular updates provided to the AEWG and ACER's Electricity Balancing Task Force³.

- (11) On 14 November 2024, ACER shared its preliminary position on the Proposal with TSOs and regulatory authorities, offered a possibility to request an oral hearing and invited them to submit their written inputs by 28 November 2024.
- (12) By 28 November 2024, ACER received written observations from ENTSO-E on behalf of all TSOs, from the Danish TSO (Energinet) on behalf of the TSOs of Denmark, Finland, Norway and Sweden (i.e. the Nordic TSOs), the Polish TSO (PSE) and from the regulatory authorities of Belgium, Denmark, Finland, Norway and Sweden. All those observations, except for the ones provided by the Belgian regulatory authority (CREG), included a request for an oral hearing, the regulatory authorities of Denmark, Finland, Norway and Sweden (i.e. the Nordic regulatory authorities) requesting a separate oral hearing. Oral hearings were held with these four regulatory authorities on 3 December 2024, with TSOs, regulatory authorities and ENTSO-E on 4 December 2024, and, due to its absence in the oral hearing on 4 December 2024, with the Belgian regulatory authority (CREG) on 5 December 2024 to clarify CREG's written observations.
- (13) The AEWG was consulted between 19 December 2024 and 10 January 2025 and provided its advice on 13 January 2025 (see Section 5.3).
- (14) On 28 January 2025, ACER's Board of Regulators issued a favourable opinion.

3. ACER'S COMPETENCE TO DECIDE ON THE PROPOSAL

- (15) According to Article 5(2)(b) of Regulation (EU) 2019/942, proposals for common terms and conditions or methodologies developed pursuant to network codes and guidelines adopted before 4 July 2019 which require the approval of all regulatory authorities, shall be submitted to ACER for revision and approval.
- (16) According to Articles 5(1) and 5(2)(g) of the EB Regulation, as initially adopted, namely as a guideline before 4 July 2019, the proposal for the HCZCA methodology was subject to approval by all regulatory authorities. Following the amendment of these provisions by Commission Implementing Regulation (EU) 2021/280, the proposal for the HCZCA methodology and any amendments thereof have been explicitly subjected to approval by ACER.
- (17) According to Article 5(6) of Regulation (EU) 2019/942 and Article 5(1) of the EB Regulation, ACER, before approving the terms and conditions or methodologies, shall revise the submitted proposals where necessary, after consulting the respective TSOs and ENTSO-E, in order to ensure that they are in line with the purpose of the EB

³ ACER's platform for discussing electricity balancing-related aspects with the regulatory authorities.

Regulation and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market.

- (18) On 31 July 2024, ENTSO-E, on behalf of all TSOs, submitted the Proposal to ACER for approval.
- (19) Therefore, ACER is competent to decide on the Proposal based on Article 5(2)(b) of Regulation (EU) 2019/942 as well as Articles 5(1) and 5(2)(g) of the EB Regulation.

4. SUMMARY OF THE PROPOSAL

- (20) The Proposal describes the amendments to the relevant articles of the HCZCA methodology. The main amendments proposed by TSOs are as follows:
- a) Article 1: Addition of a definition for 'Interdependency' and 'Set of Requirements'.
 - b) Article 4: Addition of a provision on the governance for all market-based application TSOs on change requests for the cross-zonal capacity allocation optimisation function software.
 - c) Article 5: Further specification of some aspects related to the governance of the balancing capacity platforms.
 - d) Article 6: Addition of a proposal to develop a process and a governance framework to set a different maximum limit per critical network element with contingency (CNEC), for capacity calculation regions (CCRs) where the flow-based approach is applied, for the exchange of balancing capacity or sharing of reserves.
 - e) Article 10: Addition of formulas to devise a congestion income distribution methodology which considers the congestion income from the exchange of balancing capacity or sharing of reserves. These changes follow from the amended congestion income distribution methodology⁴ adopted pursuant to Article 73(1) of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management⁵ (the 'CACM Regulation'), as approved by ACER Decision No 16/2023⁶ in December 2023.

⁴ https://acer.europa.eu/sites/default/files/documents/Individual%20Decisions_annex/ACER_Ddecision_16-2023_on_CIDM-Annex_I.pdf.

⁵ OJ L 197, 25.7.2015, p. 24.

⁶ https://acer.europa.eu/sites/default/files/documents/Individual%20Decisions/ACER_Ddecision_16-2023_on_CIDM.pdf.

f) Article 13: Addition of an option for a derogation for already operational TSOs⁷ to switch to the harmonised market-based allocation process.

(21) Furthermore, the changes proposed by TSOs for the corresponding articles of the HCZCA methodology required an update of the relevant cross-references within the document. These amendments constitute the remaining articles of the Proposal.

5. SUMMARY OF THE OBSERVATIONS RECEIVED BY ACER

5.1. Public consultation on the Proposal

(22) Responses to ACER's public consultation are summarised in Annex III to this Decision.

5.2. Consultation on ACER's preliminary position

(23) During the hearing phase between 14 November 2024 and 17 December 2024, ACER received observations concerning in essence the following issues.

(24) All TSOs provided joint comments on the output of the cross-zonal capacity allocation optimisation function, on the governance and the decision-making process of the balancing capacity platforms, on the increase of the ten (10) % limit allocated to the exchange of balancing capacity or sharing of reserves and on the implementation deadlines of the HCZCA methodology.

(25) The Nordic TSOs and the Nordic regulatory authorities provided inputs on the implementation deadlines of the HCZCA methodology.

(26) CREG and PSE provided individual comments on the increase of the ten (10) % limit allocated to the exchange of balancing capacity or sharing of reserves.

(27) A detailed summary and assessment of the feedback received can be found in Section 6.2.

5.3. Consultation of the AEWG

(28) The German regulatory authority (BNetzA) provided comments during the AEWG consultation period with a request to improve clarity in the wording of Article 6(b) and Article 10(c) of the revised Proposal.

⁷ Throughout this document, the term 'already operational TSOs' refers to the TSOs whose regulatory authorities have approved a proposal pursuant to Article 38(1)(b) of the EB Regulation before the implementation deadline for the development of the harmonised market-based software.

- (29) The AEWG provided its advice on 13 January 2025, endorsing the draft Decision and inviting ACER to consider BNetzA's comments. ACER addressed this request in the final version of the revised Proposal, as set out in Annex I to the present Decision.

6. ASSESSMENT OF THE PROPOSAL

6.1. Legal framework

- (30) Article 4(1), Article 4(2) and Article 5(2)(g) in conjunction with Article 6(3) of the EB Regulation require all TSOs to submit proposed amendments to the HCZCA methodology to ACER for revision and approval in accordance with Article 5(2)(b) of Regulation (EU) 2019/942.
- (31) Article 5(5) in conjunction with Article 6(3) of the EB Regulation requires proposed amendments to the HCZCA methodology to include a proposed timescale for its implementation and a description of its impact on the objectives of the same Regulation.
- (32) Article 10 in conjunction with Article 6(3) of the EB Regulation requires draft proposals for amendments to the HCZCA methodology to be subject to a public consultation of not less than two months at European level.
- (33) Article 38(3) of the EB Regulation requires the harmonisation of processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves pursuant to Article 40 of the EB Regulation and, where relevant, pursuant to Articles 41 and 42 of the EB Regulation, no later than five years after the entry into force of the EB Regulation, i.e. by 18 December 2022⁸.
- (34) Article 38(1) and Article 38(2) of the EB Regulation address the voluntary initiative of TSOs for the application of cross-zonal capacity allocation processes for the exchange of balancing capacity or sharing of reserves.
- (35) Article 39(5) of the EB Regulation further elaborates that the forecasted market value of cross-zonal capacity shall be based on one of the following alternative principles:
- a) the use of transparent market indicators that disclose the market value of cross-zonal capacity; or
 - b) the use of a forecasting methodology enabling the accurate and reliable assessment of the market value of cross-zonal capacity.
- (36) Article 39(6) of the EB Regulation allows for a review of the efficiency of the forecasting methodology pursuant to Article 39(5)(b) of the EB Regulation, including a comparison of the forecasted and actual market values of the cross-zonal capacity,

⁸ The EB Regulation entered into force on 18 December 2017.

by the relevant regulatory authorities. Furthermore, it allows that where the contracting is done not more than two days in advance of the provision of the balancing capacity, the relevant regulatory authorities may, following this review, set a limit other than that specified in Article 41(2) of the EB Regulation.

- (37) Article 41(1) of the EB Regulation contains the provisions for the submission of the methodology for the market-based allocation process. Its subparagraphs list the required content for this methodology, as follows:
- a) Sub-paragraph (a) requires to include the notification process for the use of the market-based allocation process.
 - b) Sub-paragraph (b) requires to include a detailed description of how to determine the actual and the forecasted market value of cross-zonal capacity.
 - c) Sub-paragraph (c) requires to include a detailed description of the pricing method, the firmness regime and the sharing of congestion income for the cross-zonal capacity that has been allocated to bids for the exchange of balancing capacity or sharing of reserves.
 - d) Sub-paragraph (d) requires to include the process to define the maximum volume of allocated cross-zonal capacity for the exchange of balancing capacity or sharing of reserves.
- (38) Article 41(2) of the EB Regulation specifies that cross-zonal capacity allocated on a market-based process shall be limited to ten (10) % of the available capacity. Its second sub-paragraph clarifies that this limit may not apply where the contracting is done not more than two days in advance of the provision of the balancing capacity.
- (39) Article 41(4) of the EB Regulation requires that the pricing method, the firmness regime and the sharing of congestion income for cross-zonal capacity that has been allocated for the exchange of balancing capacity or sharing of reserves via the market-based allocation process must ensure equal treatment with the cross-zonal capacity allocated for the exchange of energy.

6.2. ACER's assessment and revisions

6.2.1. Assessment of the requirements for the development and for the content of the Proposal

- (40) The Proposal was submitted by ENTSO-E, on behalf of all TSOs, which are the entities responsible for developing the HCZCA methodology. The submission was made on 31 July 2024, respecting the deadline specified in Article 27(1) of the HCZCA methodology.
- (41) Prior to its submission to ACER, the Proposal was subject to a public consultation held by ENTSO-E, on behalf of all TSOs, between 22 March 2024 and 23 May 2024.

- (42) Regarding the impacts on the objectives of the EB Regulation, ACER considers that the proposed amendments do not affect the initial assessment of impacts that the entire HCZCA methodology has on the objectives of the EB Regulation, as set out in the recitals of the HCZCA methodology.
- (43) The Proposal therefore complies with the requirements for the development and for the content of the Proposal specified in Article 5(5), Article 6(3) and Article 10 of the EB Regulation.

6.2.2. Amendments to the definitions

6.2.2.1. *Interdependency of applications*

- (44) During the working-level meetings held between September and October 2024, TSOs clarified that the main reason for replacing ‘interdependency of cross-zonal capacity’ with ‘two or more applications being part of one flow-based regime’ is that, in their view, the wording under Article 16 of Annex I to ACER Decision No 11/2023 does not provide sufficient clarity on the role of advanced hybrid coupling to determine whether an interdependency between different applications exists.
- (45) ACER agrees with the TSOs’ view that the description of the concept and the conditions to establish an interdependency between different applications could be improved. Nonetheless, ACER considers that the TSOs’ proposal fails to provide any further clarity given that a flow-based approach may or may not be represented with advanced hybrid coupling at its external borders.
- (46) Therefore, ACER decided to delete the references to ‘interdependency’ in the revised Proposal and to provide a clear description of the condition under which two or more applications must cease to operate independently. This condition is set out under Article 6(b) of the revised Proposal and intends to encompass both elements of the previous definition, namely the influence in terms of cross-zonal capacity allocation and the procurement of one or more standard products for balancing capacity (SPBC) outside the geographic scope of the considered application. According to this condition, an application TSO may in any event participate in just one application, implying that the procurement of the different SPBC needs to be co-optimised within a single run of the cross-zonal capacity allocation optimisation function software. This requirement is also captured in the amended wording of Article 4(a) and Article 6(p) of the revised Proposal.
- (47) Additionally, ACER’s revisions clarify that, in case of overlap between two or more applications, the TSOs of these applications need to submit a joint application proposal in accordance with Article 38(1)(b) of the EB Regulation which, among others, must indicate which balancing capacity platform is to be used by the concerned application TSOs.
- (48) ACER considers that the concept and the conditions for interdependency as revised offer the additional benefit that they remove any potential unclarity about which entity(ies) is (are) competent to establish whether an interdependency exists.

6.2.2.2. *Other definitions*

- (49) ACER added the definition of ‘Additional aggregated flow’, ‘Advanced hybrid coupling’, ‘Allocation constraint’, ‘Application TSO’, ‘Expert group’, ‘Shadow price’, ‘Steering committee’ and ‘Virtual hub’ under Article 1(a) of the revised Proposal since these terms are widely used throughout the document. The definitions of ‘Additional aggregated flow’, ‘Advanced hybrid coupling’, ‘Allocation constraint’, ‘Shadow price’ and ‘Virtual hub’ refer to the corresponding term as defined in the congestion income distribution methodology and are used in Article 9 of the revised Proposal, whereas the definition of ‘Expert group’ and ‘Steering committee’ are taken from the implementation frameworks of the balancing energy platforms⁹ and are used in Article 6 of the revised Proposal.

6.2.3. Amendments to the governance for change requests for the cross-zonal capacity allocation optimisation function software

- (50) ACER added a sentence under Article 5(b) of the revised Proposal to clarify that any change request to the cross-zonal capacity allocation optimisation function software, which is not in line with the set of requirements, and which is not in accordance with the HCZCA methodology, must be pursued via an amendment of the HCZCA methodology in accordance with Article 6(3) of the EB Regulation. This addition clarifies that, for such amendment to become effective, a previous regulatory approval is required according to the regular amendment procedure for methodologies as defined in Article 6(3) of the EB Regulation. This addition helps avoid possible misunderstanding on the scope of the set of requirements and ensures compliance with the principles which govern the interaction between the set of requirements and the underlying HCZCA methodology.

6.2.4. Amendments to the governance and decision-making process of the balancing capacity platforms

- (51) ACER introduced several additions and changes to Article 5 of the Proposal to ensure transparent and effective functioning of the balancing capacity platforms.
- (52) First, ACER considers that the Proposal includes only a limited set of provisions on governance and the decision-making process. During the working-level meetings, TSOs expressed the view that, in the drafting of Article 5 of the Proposal, the relevant provisions of the implementation frameworks for the balancing energy platforms have been taken as guidance to the extent possible.
- (53) ACER acknowledges that a few fundamental differences exist between the setup of the balancing energy platforms and the balancing capacity platforms, in particular: i) the pan-European (balancing energy) versus the local/regional (balancing capacity)

⁹ See e.g. [ACER Decision 15-2022 on the Amendment of the aFRRIF - Annex II.pdf](#).

scope; and ii) the obligatory (balancing energy) versus optional (balancing capacity) requirement to establish and join them. However, ACER finds the TSOs' selection of provisions related to the governance and the decision-making process of the balancing capacity platforms rather rudimentary given that the basic provisions included in the Proposal do not provide clear guidance and transparency on the decision-making process. Moreover, in ACER's view, the implementation frameworks of the balancing energy platforms include further elements which are suitable for providing clarity and simplifying the overall approach for the governance and the decision-making of the balancing capacity platforms. Therefore, in its preliminary position, ACER had included the following elements:

- a) the principle of no unjustified economic advantage of application TSOs;
- b) a two-level governance structure, comprising a steering committee and an expert group;
- c) the appointment of at least one regular representative for both steering committee and expert group;
- d) tasks and responsibilities of the steering committee;
- e) voting modalities (e.g. in physical meetings, conference calls, ...) for decisions taken by the steering committee; and
- f) explicit mention of the possibility for the designated entities to contract third parties for the execution of supporting tasks.

- (54) Based on the comments provided by all TSOs in the hearing phase, ACER has revised its preliminary position regarding points a) to e) above, as follows.
- (55) On the principle of no unjustified economic advantage of application TSOs, TSOs argued that this principle is mentioned in the EB Regulation explicitly only for the mandatory European balancing energy platforms (e.g. Article 21(3)(d)) and that its application cannot be extended to the voluntary and local/regional balancing capacity platforms. In view of this distinction, ACER has decided not to include this principle in the revised Proposal.
- (56) On the two-level governance structure, TSOs argued that the requirement of an expert group may be unnecessary, especially for the TSOs that are already successfully engaged in an application (e.g. the Nordic TSOs) and where such expert group does not exist. In its revised Proposal, ACER has removed the mandatory nature of the expert group and made its establishment conditional on a decision of the steering committee of each balancing capacity platform. Yet, ACER recommends TSOs to consider the adoption of the two-level governance structure since i) it provides technical experts from the TSOs of the different applications with a platform for exchanging knowledge and experiences and ii) it facilitates any potential merger of different applications. Following from this change, each application TSO is only required to appoint at least one regular representative to the expert group where such

a group has been established by the steering committee (Article 6(f) of the revised Proposal).

- (57) On the tasks and responsibilities of the steering committee (Article 6(c) of the revised Proposal), following TSOs' suggestion, ACER has removed the requirement to 'meet regularly' since it does not provide any clarity on the frequency of such meetings and, in any case, it is assumed that the steering committee is convened to discuss any relevant developments and to vote on decisions. For the same reasons, ACER has decided to remove the provision on the voting modalities for decisions taken by the steering committee.
- (58) Second, ACER finds it relevant to define a deadline by when the steering committee and the expert group of a balancing capacity platform must be established to make those requirements actionable. Article 6(e) of the revised Proposal sets this deadline as the approval date of a new application proposal in accordance with Article 38(1)(b) of the EB Regulation. The same paragraph clarifies that, in case at least another application runs on the same balancing capacity platform, TSOs of the concerned applications must be integrated into the existing steering committee of the considered balancing capacity platform.
- (59) Third, ACER considers it important for facilitating timely participation in a balancing capacity platform that any TSO with the prospect of joining a balancing capacity platform be granted the possibility to participate in the steering committee and, where it is established, in the expert group as observer. This has been reflected in Article 6(g) of the revised Proposal.
- (60) Fourth, ACER amended the voting rules for decisions related to the governance and operation of a balancing capacity platform (Article 6(n) of the revised Proposal) by following the voting principles defined in Article 4(4) of the EB Regulation. ACER considers these voting principles relevant for this case given the current regional geographical scope of the balancing capacity platforms. Moreover, following these voting principles contributes to establishing a consistent voting approach for the balancing capacity platforms. Based on these principles, a qualified majority requires a majority of:
- a) Application TSOs representing at least 72 % of the Member States being part of the affected balancing capacity platform; and
 - b) Application TSOs representing Member States comprising at least 65 % of the population of Member States of the affected balancing capacity platform.

A blocking minority must include at least a minimum number of application TSOs representing more than 35 % of the population of the Member States of the affected balancing capacity platform, plus TSOs representing at least one additional Member State concerned, failing of which the qualified majority shall be deemed attained.

- (61) Fifth, ACER extended the duration of the public consultation which serves as input for TSOs' decision on the single gate closure time per balancing capacity platform

(Article 6(o) of the revised Proposal). Based on the feedback provided by market participants in the public consultation run by ACER between mid-September and mid-October 2024, the minimum duration of such public consultation has been set to four weeks (instead of two weeks). ACER finds that this extended duration would considerably facilitate stakeholder participation and allow to align this duration with the minimum consultation requirements laid down under Article 10 of the EB Regulation, while it would not threaten an adequate performance of the subsequent steps to be taken by TSOs in this regard.

6.2.5. Amendments to the process and governance framework for the increase of maximum limits

- (62) With its revised Proposal (Article 7), ACER aims to improve clarity on the requirements and the modalities under which an increase of the default maximum volume limits for the exchange of balancing capacity or sharing of reserves can be achieved.
- (63) Article 6(c)(d) of the Proposal grants any TSO of the concerned flow-based CCR the right to veto any increase of the intended maximum limit per border as part of the application proposal in accordance with Article 38(1)(b) of the EB Regulation. In the TSOs' view, this veto should be based on market concerns and must be justified showing the expected negative impact on the (day-ahead) market.
- (64) In its revised Proposal, ACER deleted this requirement for the following main reasons:
- a) ACER sees an incompliance with Article 38(1), Article 39(6) and Article 41(2) of the EB Regulation, which leave the competence to decide on an increase of the maximum volume limits to the relevant regulatory authorities.
 - b) The Proposal lacks concrete indicators to define what a negative impact means.
- (65) In its preliminary position, ACER had indicated that TSOs may propose different thresholds, compared to the ones defined under Article 7(a)(a), (a)(b) and (a)(c) of the revised Proposal, within an application proposal in accordance with Article 38(1)(b) of the EB Regulation and after consulting all TSOs of the concerned flow-based CCR. In ACER's view, this application proposal should contain an assessment, carried out by the relevant application TSOs, of the forecast efficiency of the concerned application. ACER had clarified that Article 39(6) of the EB Regulation and Article 18(8) of Annex I to ACER Decision No 11/2023 lay down the legal and regulatory framework for such assessment.
- (66) In that regard, all TSOs, PSE and CREG observed that a mere consultation of the TSOs of the concerned flow-based CCR does not seem sufficient to safeguard the interests of non-application TSOs, which may be negatively impacted by an increase of the maximum limit. In the view of all TSOs and PSE, any increase of the maximum limit, which is not covered under Article 7(a)(b) and (a)(c) of the revised Proposal, needs to be unanimously approved by the regulatory authorities of the concerned CCR only in case TSOs of the concerned CCR cannot agree on a proposal to increase the

maximum limit. However, while all TSOs recommend applying the CCR voting rules for the TSOs' approval process of such proposal (e.g. the ones laid down under Article 4(4) of the EB Regulation), PSE suggests requiring a unanimous approval of all TSOs of the concerned CCR. On the other hand, CREG believes that a process compliant with the EB Regulation would require a CCR proposal for any increase beyond the maximum ten (10) % limit, i.e. also for the cases covered by Article 17(1)(b) and (c) of Annex I to ACER Decision No 11/2023, and to have a unanimous regulatory approval at the level of the CCR independently on whether TSOs find an agreement. In CREG's view, the agreement for TSOs needs to be based on the rules laid down under Article 4(4) of the EB Regulation.

- (67) To address these points, ACER has decided to amend its preliminary position, as set out under Article 7(b) of the revised Proposal. This provision now gives the possibility to all TSOs of a CCR to submit a proposal to the relevant regulatory authorities to apply different maximum limits, except for the cases covered under Article 7(a)(b) and (a)(c) of the revised Proposal, and, in case of flow-based CCR, this proposal may also include a process to derive a different limit per CNEC starting from intended limits per bidding zone border. For CCRs applying either a net transmission capacity approach or a flow-based approach, this proposal must include an assessment of the forecast efficiency in accordance with Article 39(6) of the EB Regulation and Article 8(a) of the revised Proposal.
- (68) In ACER's view, this approach is also in line with Article 39(6) of the EB Regulation in joint reading with Article 41(1) and Article 41(2) of the EB Regulation. Article 39(6) of the EB Regulation requires any deviation from the default maximum volume limitation for the share of cross-zonal capacity allocated to the exchange of balancing capacity or sharing of reserves due to an increased efficiency of the forecasting methodology to be approved by the relevant regulatory authorities. The default maximum limit of ten (10) % referred to in Article 39(6) of the EB Regulation is set under Article 41(2) of the EB Regulation and explicitly referred to in Article 41(1)(d) of the EB Regulation in relation to the elements that must be covered in the proposal described in the same paragraph. This context implies that the relevant regulatory authorities referred to in Article 39(6) of the EB Regulation are the ones which are responsible for approving the TSOs' proposal under Article 41(1) of the EB Regulation, and according to the legal text of Article 41(1) of the EB Regulation, these are all the regulatory authorities of the same CCR. Such understanding is also supported by the fact that an increase of the maximum volume limit has an impact on all TSOs of the same CCR in terms of reduction of the available cross-zonal capacity allocated to the exchange of energy. Accordingly, for the TSOs' proposal described under Article 7(b) of the revised Proposal, the voting rules set out under Article 4(4) of the EB Regulation for regional should apply.
- (69) Regarding CREG's recommendation to require a TSOs' proposal also for any increase of the maximum limit due to unsatisfied TSO's demand in a bidding zone, i.e. for the cases covered under Article 7(a)(b) and (a)(c) of the revised Proposal, ACER considers that the rather lengthy process necessary to achieve the intended maximum limits would not be compatible with the immediate needs of ensuring operational

security for the affected TSOs. Additionally, ACER emphasises that the EB Regulation allows to request amendments to this methodology and that the first months and years of experience with the application of this methodology would be instrumental to assess any potential needs to amend the current requirements.

- (70) Finally, to enhance clarity, ACER moved part of the content of Article 6(a) of the Proposal to Article 7(c) of the revised Proposal. This is justified by the fact that this text addresses publication and notification requirements rather than requirements and modalities for any increase of the maximum volume limits for the exchange of balancing capacity or sharing of reserves.

6.2.6. Amendments to the sharing of congestion income resulting from exchanging balancing capacity or sharing reserves

- (71) ACER followed the voting principles under Article 4(4) of the EB Regulation for the setting of a different adjustment factor used for the calculation of CI'_{CCR,T_m} (Article 9(c) of the revised Proposal). To this end, a qualified majority requires a majority of:

- a) TSOs representing at least 72 % of the Member States being part of the concerned CCR; and
- b) TSOs representing Member States comprising at least 65 % of the population of the Member States of the concerned CCR.

A blocking minority must include at least a minimum number of TSOs representing more than 35 % of the population of the Member States being part of the concerned CCR, plus TSOs representing at least one additional Member State concerned, failing of which the qualified majority shall be deemed attained.

- (72) ACER's revisions are motivated by two reasons. First, ACER deems it relevant to follow the spirit of this methodology by harmonising processes and decisions to be taken by TSOs belonging to different balancing capacity platforms or CCRs. Second, ACER considers that the TSOs' proposal of leaving this decision to the voting arrangement of each CCR risks creating discrimination among TSOs belonging to different CCRs. Additionally, to ensure transparency and effective regulatory oversight, ACER considers it necessary to require TSOs of the concerned CCR to communicate any change in the value of the adjustment factor and a justification for it to the relevant regulatory authorities and ACER without delay (Article 9(d) of the revised Proposal).

- (73) Furthermore, ACER amended the voting arrangement for TSOs deciding to not apply the compensation process described under Article 9(a) of the revised Proposal. In this regard, ACER finds that the Proposal does not fully align with the argumentation provided by TSOs in the explanatory document, whereby TSOs state that the compensation process may be omitted in case all TSOs of a CCR are part of a balancing capacity platform. ACER agrees with this condition and has taken it on board, as laid down under Article 9(e) of the revised Proposal.

- (74) Finally, ACER introduced minor changes to the description of the formulas under Article 9(a) and 9(f) of the revised Proposal to ensure that all terms are sufficiently defined and explained and, where relevant, to provide references to the congestion income distribution methodology. When doing so, ACER noticed that the formula for the calculation of $EBCI_{CCR,T,m}$ is not included either in the congestion income distribution methodology, approved by ACER Decision No 16/2023 in December 2023, or in the present methodology. ACER expects that the next amendment of the congestion income distribution methodology, where this specific element will be rectified, will be adopted before the relevant calculation process described under Article 9 of the revised Proposal starts to be applied.
- 6.2.7. Amendments to the implementation deadline for the market-based cross-zonal capacity allocation optimisation function software and for the application of the harmonised methodology
- (75) First, ACER finds it relevant to highlight that the implementation deadlines set out in Article 27(3) and Article 27(5) of Annex I to ACER Decision No 11/2023 were already part of the TSOs' proposal for the HCZCA methodology submitted to ACER in December 2022. At the same time, ACER appreciates the efforts invested by TSOs so far into the development of the market-based software and acknowledges the difficulties in achieving an efficient level of cooperation between the TSOs which are currently subject to this obligation (i.e. the Nordic TSOs and the TSOs of Estonia, Latvia and Lithuania, i.e. the Baltic TSOs) and the TSOs which voluntarily participate in this project given their intention to apply the market-based allocation process in the future.
- (76) Nevertheless, ACER deleted the derogation option introduced by TSOs under Article 13(b) of the Proposal. ACER considers that the TSOs' proposal does not allow to identify whether a delay may be expected for the implementation of the market-based cross-zonal capacity allocation optimisation function software, for the 'switchover' from the regional to the harmonised process for already operational TSOs, or for both, and therefore lacks criteria which are clear enough for actionable derogations. In any case, ACER sees no legal ground for national derogations from the HCZCA methodology, which has the very aim to establish processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves that are harmonised across the EU. Considering that regulatory authorities of the different regions could have different views on whether to grant a derogation to their respective TSOs, the TSOs' proposal would bear also a relevant risk of the HCZCA methodology not being implemented and applied effectively.
- (77) During the working-level meetings with TSOs, ACER requested TSOs to provide a detailed update on the status of the implementation of the market-based software, including justifications for any delay compared to the original timeline. Based on the information provided by TSOs on 31 October 2024, ACER understood that the market-based software is expected to be ready for operation by the end of Q2 2026. ACER also understood that, at this stage, the TSOs which already have an approved application proposal pursuant to Article 38(1)(b) of the EB Regulation (i.e. the Nordic

TSOs and the Baltic TSOs¹⁰) do not expect to face challenges in respecting the twelve-month period to switch from the regional to the harmonised market-based allocation process.

- (78) Considering the above, in its preliminary position, ACER had extended the implementation deadline for the market-based cross-zonal capacity allocation optimisation function software from 31 July 2025 to 30 June 2026, as reflected in Article 10(a) of the revised Proposal, without affecting the twelve-month deadline for the ‘switchover’ from the regional to the harmonised process for already operational TSOs.
- (79) During the hearing phase, the Nordic regulatory authorities, all TSOs and the Nordic TSOs provided comments on this proposal.
- (80) The Nordic regulatory authorities expressed concerns that the Nordic TSOs would be left alone in implementing this methodology while, in doing so, the expected benefits for the Nordic balancing capacity market are expected to be limited. At the same time, the Nordic regulatory authorities and the Nordic TSOs would have to spend resources which cannot be deployed to work on co-optimisation. In their view, this concern is exacerbated by other TSOs not applying for an implementation proposal pursuant to Article 38(1)(b) of the EB Regulation.
- (81) All TSOs stressed that the implementation of the cross-zonal capacity allocation optimisation function software and the local implementation projects should be considered as two separate projects with a natural interdependency between them. As a result, extending the deadline for the implementation of the software would not necessarily provide more time for the local implementation projects. According to all TSOs, the intention of the derogation option was to allow for more flexibility in the local implementation projects depending on the level of complexity experienced when implementing the cross-zonal capacity allocation optimisation function software locally.
- (82) The Nordic TSOs shared the same views as all TSOs. Additionally, they emphasised the importance of ensuring that the implementation of the HCZCA methodology would not become completely obsolete due to the lack of interest from other TSOs to apply the market-based allocation process in the foreseeable future as well as the ongoing efforts towards the implementation of co-optimisation.
- (83) Following the oral hearing of 4 December 2024, the Nordic TSOs shared with ACER an alternative proposal compared to the derogation option: a stepwise implementation of the HCZCA methodology. In their view, this stepwise implementation would consist of three steps: i) the development of the cross-zonal capacity allocation optimisation function software, to be completed by 30 June 2026, ii) for already

¹⁰ The Baltic balancing capacity market is not yet operational; however, it is expected to enter into operation upon the synchronisation of the Baltic TSOs with the TSOs of continental Europe, planned for February 2025.

operational TSOs, the implementation of the functionalities of the harmonised market-based methodology which are expected to bring more benefits to the respective TSOs; and iii) for already operational TSOs, the implementation of all the remaining functionalities related to the harmonised market-based process. According to the Nordic TSOs, this third step would only be triggered in case of an approved application proposal pursuant to Article 33(1) and Article 38(1)(b) of the EB Regulation which applies to TSOs other than the ones which are already subject to an application proposal in this regard.

- (84) In the Nordic TSOs' view, this proposal would allow to achieve the same outcome as the derogation option, i.e. avoiding risks and insecurities in the local implementation phase, while harvesting most benefits made available in the HCZCA methodology until more TSOs decide to apply the market-based allocation process.
- (85) Following the oral hearing of 3 December 2024, the Nordic regulatory authorities shared their views on the stepwise implementation of the HCZCA methodology as suggested by the Nordic TSOs. The Nordic regulatory authorities emphasised that a stepwise implementation represents the most efficient solution to handle the technical and procedural complexities associated with the harmonised market-based process. However, they observed that the Nordic TSOs' proposal lacks deadlines for the second and third step of the approach; at the same time, the Nordic regulatory authorities argued that they do not have specific views on which deadlines to enforce for these two steps.
- (86) Regarding the provisions to be implemented by already operational TSOs under step 2 and step 3 of the stepwise approach, the Nordic regulatory authorities proposed that step 2 would cover all requirements of the harmonised market-based process, except for the forecasting of day-ahead energy bids (Article 18 of Annex I to ACER Decision No 11/2023) and the forecast validation process (Article 19 of Annex I to ACER Decision No 11/2023) as well as the other articles of the HCZCA methodology which are dependent on their implementation. Additionally, the Nordic regulatory authorities advocated for making the performance of step 3 dependent on the submission of an application proposal pursuant to Article 38(1)(b) of the EB Regulation for a region other than the ones already bound by this requirement.
- (87) Moreover, the Nordic regulatory authorities proposed to amend Article 28(1) of Annex I to ACER Decision No 11/2023 so that all TSOs which take part in decisions and work regarding the harmonised market-based process are bound by the duties of Article 28.
- (88) Finally, the Nordic regulatory authorities advised to provide for a check point as part of the stepwise implementation. By way of example, an amendment process of this methodology could be triggered to remove the provisions related to the forecasting of day-ahead energy bids (Article 18 of Annex I to ACER Decision No 11/2023) if the TSOs are able to show that the net welfare gains of implementing such requirement are negative.

- (89) In its revised Proposal, ACER has maintained the essence of the proposal made by the Nordic TSOs and the Nordic regulatory authorities, however introducing the necessary adaptations to ensure its full clarity and applicability, as further described below.
- (90) First, ACER considers that the Nordic TSOs' stepwise implementation proposal does not provide clarity on which elements of the HCZCA methodology would need to be implemented under the second and third step. ACER agrees with the Nordic regulatory authorities' recommendation to mandate the implementation of all requirements of the harmonised market-based methodology under step 2, except for the forecasting of day-ahead energy bids (Article 18 of Annex I to ACER Decision No 11/2023) and the forecast validation process (Article 19 of Annex I to ACER Decision No 11/2023) as well as the other articles of the HCZCA methodology which are dependent on their implementation. This is reflected under Article 10(c)(a) of the revised Proposal. ACER considers that the latest evaluation report of the Nordic aFRR balancing capacity market¹¹, published in April 2024 by the Nordic TSOs, clearly shows that a very large share of the potential welfare gains related to the market-based process are already captured by the currently applicable forecasting methodology in the Nordic region. Regarding the implementation deadline of step 2, ACER considers that twelve months are sufficient for the Nordic TSOs to implement the respective requirements of the harmonised market-based process, acknowledging that two of the most complex requirements have been moved to the third implementation step.
- (91) Second, as set out under Article 10(c)(b) of the revised Proposal, ACER has made the performance of step 3 conditional on the approval of an application proposal pursuant to Article 38(1)(b) of the EB Regulation for TSOs other than the ones which are already subject to such a methodology. More specifically, if at least one new application proposal is approved before 30 June 2026 (i.e. the deadline for the implementation of the market-based cross-zonal capacity allocation optimisation function software), already operational TSOs must implement all the remaining requirements of the harmonised market-based methodology by 30 September 2027. On the other hand, if a new application proposal is approved on or after 30 June 2026, step 3 will have to be completed either by 31 December 2027 or within six (6) months of the date of approval of the above-mentioned application proposal, whichever occurs later. In ACER's view, a minimum of additional three months (i.e. in case the application proposal is approved between 30 June 2026 and 30 June 2027) would be needed for already operational TSOs to adapt their planning to accommodate for these initially not foreseen tasks. Table 1 summarises the stepwise implementation approach as set out by ACER.

¹¹ <https://nordicbalancingmodel.net/wp-content/uploads/2024/04/Evaluation-report-for-2023-for-the-Nordic-aFRR-market.pdf>.

Table 1: Stepwise implementation approach as set out by ACER

	Step 1: Development of the software		Step 2: Local implementation for already operational TSOs		Step 3: Full local implementation of all requirements	
	What	By when	What	By when	What	By when
Already operational TSOs	Software fully developed	30 June 2026	Local implementation of all requirements, except for forecast and forecast validation	30 June 2027	Local implementation of the remaining requirements	<ul style="list-style-type: none"> • If the new application proposal comes before 30 June 2026: By 30 September 2027 • If the new application proposal comes after 30 June 2026: By 31 December 2027 or six months after the approval of this application proposal, whichever is later
Other TSOs	Software fully developed	30 June 2026			Local implementation of all requirements	

- (92) Third, in contrast to what was suggested by the Nordic TSOs, ACER has not included any reference to Article 33(1) of the EB Regulation since, in ACER’s view, this Article does not imply an obligation for TSOs to apply the market-based allocation process. ACER considers that only an application proposal pursuant to Article 38(1)(b) of the EB Regulation would represent a commitment for any TSOs, other than the already operational ones, to apply the market-based allocation process by a set deadline.
- (93) Fourth, regarding the suggestion of the Nordic regulatory authorities to amend Article 28(1) of Annex I to ACER Decision No 11/2023, ACER notes that paragraphs 10 and 11 of this Article already provide for the participation of all TSOs which start applying the market-based process after the deadline for the development of the market-based cross-zonal capacity allocation optimisation function software in the distribution of the costs previously incurred by the already operational TSOs. ACER sees no legal ground for any other set of TSOs to be made accountable for costs related to the application of this methodology given the voluntary nature of the application of the market-based allocation process as laid down under Article 38(1) of the EB Regulation.
- (94) Fifth, regarding the request of the Nordic regulatory authorities to include a check point as part of the stepwise implementation, ACER emphasises that the EB Regulation allows to request amendments to this methodology and that the first months and years of experience with the application of this methodology would be instrumental to assess any potential needs to amend the current requirements.

- (95) Finally, ACER added at the end of Article 10(c) of the revised Proposal that, after the deadline specified in the same paragraph, any market-based allocation process must be operated in accordance with the HCZCA methodology. ACER considers that this requirement is already implied by the joint reading of Article 38 and Article 41 of the EB Regulation. Furthermore, Article 38(1) of the EB Regulation implies that any two or more TSOs may apply a market-based allocation process, independently on whether the rest of the TSOs belonging to the concerned CCR(s) are willing to enter such cooperation. In view of this proposed revision, ACER deems Article 13(c) of the Proposal as redundant and hence deleted it.
- (96) ACER considers that its revised Proposal allows to achieve a meaningful and, to the extent possible, flexible harmonisation of the market-based allocation process by focusing first on the elements which bring more added value to the TSOs currently subject to an application proposal under Article 38(1)(b) of the EB Regulation, while still maintaining an obligation to implement all requirements of the HCZCA methodology by a set deadline. In doing so, ACER deems that the interests of all TSOs have been duly considered.
- (97) ACER recommends all TSOs and regulatory authorities which currently do not have an approved application proposal pursuant to Article 38(1)(b) of the EB Regulation to engage with their neighbouring counterparts to discuss the preparatory steps needed for a potential application of the market-based process in the respective Member States and the expected timeline to achieve this objective. In this regard, ACER invites TSOs and regulatory authorities to consider the findings of ACER's study on the welfare benefits of co-optimising energy and reserves¹², according to which the expected benefits of procuring balancing capacity and exchanging it via the market-based allocation process can be significant.

6.2.8. Other amendments

- (98) ACER replaced 'country' with 'Member State' throughout the document to ensure consistency with the terminology used in the EB Regulation, which distinguishes between Member States and third countries.
- (99) ACER added a reference to RCCs under Article 6(i)(a) and (i)(b) of the revised Proposal in consideration of their role in supporting TSOs with the procurement of the required amount of balancing capacity (see, in particular, point 8.2 of Annex 1 to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity¹³). This also clarifies that RCCs may also

¹² [Welfare Benefits of Co-Optimising Energy and Reserves](#), commissioned by ACER, 2024. The study assesses the expected benefits from implementing co-optimisation in the single day-ahead coupling compared to the current market design and the (alternative) market-based allocation method, focused on Core CCR.

¹³ OJ L 158, 14.6.2019, p.54.

be designated to perform the cross-zonal capacity allocation optimisation function and the forecasting process of day-ahead energy bids.

- (100) ACER amended Article 4(4) of Annex I to ACER Decision No 11/2023 by removing the reference to a delegated TSO for the submission of bids from balancing service providers. ACER considers that having an explicit reference to the possibility for TSOs to delegate the task of receiving balancing service providers bids is not necessary in light of Article 13 of the EB Regulation. Conversely, such explicit reference may convey the wrong impression that other tasks under this methodology should not or could not be delegated. Additionally, the structure of Article 2(a) of the revised Proposal has been substantially redrafted to enhance clarity, while not affecting the requirements therein.
- (101) ACER amended Article 5(3) of Annex I to ACER Decision No 11/2023 to ensure consistency with the reasoning put forward in recital 85(b) of ACER Decision No 11/2024¹⁴ on the amendment to the Algorithm methodology. ACER considers that, for CCRs applying the flow-based approach, there is no need for the relevant cross-zonal capacity allocation optimization function to provide the results also in the form of net transmission capacity values. Accordingly, this requirement has been deleted, as reflected in Article 3(b) of the revised Proposal.
- (102) In response to ACER's preliminary position, all TSOs observed that, in flow-based CCRs, providing results only in the form of flow-based parameters may not be sufficient to ensure a feasible allocation of cross-zonal capacity because the list of CNECs and their parameters may change once the results of the capacity calculation process are final. In this regard, all TSOs shared the view that the cross-zonal capacity allocation optimisation function should also provide the resulting exchanges between bidding zones, which can then be applied to the final flow-based domain.
- (103) In its revised Proposal, ACER has addressed TSOs' comments by specifying that the results listed under Article 3(a) of the revised Proposal, to be provided by the cross-zonal capacity allocation optimisation function, are not exhaustive and may be complemented by any additional output as deemed relevant by TSOs. Additionally, under Article 3(b) of the revised Proposal, ACER clarified that the results in the form of flow-based parameters are complementary to the ones listed under Article 3(a)(a) of the revised Proposal instead of replacing them.

7. CONCLUSION

- (104) For all the above reasons, ACER considers that the Proposal complies with the requirements of the EB Regulation, provided that the amendments described in this Decision are integrated in the Proposal, as presented in Annex I. The amendments,

¹⁴ https://acer.europa.eu/sites/default/files/documents/Individual%20Decisions/ACER_Decision_11-2024_Algorithm_Methodology.pdf.

which have been consulted with TSOs and ENTSO-E, are necessary to ensure that the Proposal is in line with the purpose of the EB Regulation and contributes to market integration, non-discrimination, effective competition and the proper functioning of the market.

(105) 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 amendment to the methodology for harmonising processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves pursuant to Article 38(3) of Regulation (EU) 2017/2195 is adopted as set out in Annex I to this Decision.

Article 2

This Decision is addressed to:

- 50Hertz – 50Hertz Transmission GmbH
- Amprion – Amprion GmbH
- APG – Austrian Power Grid AG
- Augstsprieguma tīkls – AS Augstsprieguma tīkls
- BCAB – Baltic Cable AB
- ČEPS – ČEPS a.s.
- CREOS Luxembourg – CREOS Luxembourg S.A.
- CNTEE Transelectrica SA – Compania Nationala de Transport al Energiei Electrice
- Croatian Transmission System Operator Plc. (HOPS d.d.)
- Eirgrid – Eirgrid plc.
- Elering – Elering AS
- ELES – ELES, d.o.o.
- Elia – Elia Transmission Belgium SA/NV

- Energinet – Energinet
- ESO - Electroenergien Systemen Operator EAD
- Fingrid – Fingrid Oyj
- IPTO – Independent Power Transmission Operator S.A.
- Kraftnät Åland – Kraftnät Åland Ab
- LITGRID – LITGRID AB
- MAVIR ZRt. – MAVIR Magyar Villamosenergia-ipari Átviteli Rendszerirányító Zártkörűen Működő Részvénytársaság ZRt.
- PSE – Polskie Sieci Elektroenergetyczne S.A.
- REE – Red Eléctrica de España S.A.
- REN – Rede Eléctrica Nacional, S.A.
- RTE – Réseau de Transport d'Electricité, S.A.
- SEPS – Slovenská elektrizačná prenosová sústava, a.s.
- SONI – System Operator for Northern Ireland Lt.
- Svenska Kraftnät – Affärsverket Svenska Kraftnät
- TenneT GER – TenneT TSO GmbH
- TenneT TSO – TenneT TSO B.V.
- Terna S.p.A.
- TransnetBW – TransnetBW GmbH
- VÜEN-Vorarlberger Übertragungsnetz GmbH

Done at Ljubljana, on 29 January 2025.

- SIGNED -

*For the Agency
The Director*

C. ZINGLERSEN

Annexes:

Annex I – Amendment to the Methodology for harmonising processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves

Annex Ia – Amendment to the Methodology for harmonising processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves – with track changes of the Proposal to Annex I – (for information only)

Annex II – Consolidated version of the amended Methodology for harmonising processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves (for information only)

Annex IIa – Consolidated version of the amended Methodology for harmonising processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves – with track changes of Annex I to ACER Decision No 11/2023 – (for information only)

Annex III – Evaluation of responses to the public consultation on the amendment to the Methodology for harmonising processes for the allocation of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves (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.