

***ORDER TO CLOSE THE PROCEEDINGS***

**Case number:** A-002-2024

**Language of the case:** English

**Appellant:** *RWE Supply & Trading GmbH* (“RWE” or “the Appellant”)

Represented by: U. SCHOLZ, H. WESSLING, M. VON ARMANSPERG

**Defendant:** *European Union Agency for the Cooperation of Energy Regulators* (“ACER” or “the Defendant”)

Represented by: V. ZULEGER

**Contested Decision:** Decision No. 09/2024 of the European Union Agency for the Cooperation of Energy Regulators of 5 July 2024 on the second amendment to the methodology for pricing balancing energy and cross-zonal capacity used for the exchange of balancing energy or operating the imbalance netting process.

**THE CHAIRPERSON**

pursuant to Article 31 of the Rules of Procedure of the Board of Appeal, gives the following

**ORDER**

1. On 5 July 2024, ACER adopted Decision No. 09/2024 on the second amendment to the methodology for pricing balancing energy and cross-zonal capacity used for the exchange of balancing energy or operating the imbalance netting process (hereinafter “the Contested Decision”).
2. On 6 September 2024, the Appellant lodged an appeal against the Contested Decision, requesting the Board of Appeal (hereinafter “the BoA”) to declare the Contested Decision invalid or annul it and remit the case to the competent body of ACER. The Appellant also sought the stay of the appeal proceedings.
3. On 24 September 2024, the Defendant provided its views on the stay of the appeal proceedings.
4. On 1 October 2024, the Chairperson of the BoA ordered the stay of the proceedings in case A-002-2024 until a legally binding decision was reached on the action for annulment before the General Court in case T-95/23 and the suspension of all procedural time-limits in case A-002-2024.
5. On 25 June 2025, the General Court delivered its judgement in case T-95/23.

*THE BOARD OF APPEAL*

6. On 9 September 2025, the Appellant submitted to the Registry of the Board of Appeal an application for an extension to stay the proceedings in case A-002-2024.
7. On 18 September 2025, the Defendant provided its views on the stay of the appeal proceedings.
8. On 23 September 2025, the Chairperson of the BoA ordered the stay of the proceedings in case A-002-2024 until a legally binding decision has been rendered in the action for annulment before the General Court in case T-487/24 and the suspension of all procedural time-limits in case A-002-2024.
9. On 7 January 2026, the Appellant submitted to the Registry of the Board of Appeal a declaration of the withdrawal of the appeal in case A-002-2024.
10. Pursuant to Article 31 of the Rules of Procedure of the Board of Appeal, where an appeal is withdrawn, the Chairperson shall close the proceedings. The closure is to be published on the website of the Agency.
11. On those grounds, the Chairperson of the BoA hereby orders:  
**the case A-002-2024 is closed.**

Done at Ljubljana, 8 January 2026.

*The Registrar*

*The Chairperson*

*J. NORDSTROM*

*M. PREK*