



Besluit

Besluit van de Autoriteit Consument en Markt op grond van artikel 4, vijfde lid, en artikel 4, zevende lid, onder e, van Verordening (EU) 2016/1719 van de Commissie van 26 september 2016 tot vaststelling van richtsnoeren betreffende capaciteitstoewijzing op de langere termijn (hierna: FCA Verordening) en op grond van artikel 2, tweede lid, van het Besluit van 19 december 2018, houdende regels ter uitvoering van Europese verordeningen betreffende de interne energiemarkt over het voorstel van TenneT TSO B.V. voor wijziging van de regionale specifieke eisen voor de Core capaciteitsberekeningsregio betreffende de geharmoniseerde toewijzingsregels voor langetermijnrechten betreffende transmissie.

Ons kenmerk : ACM/UIT/520483

Zaaknummer : ACM/19/035925

Op 8 augustus 2019 heeft de Autoriteit Consument en Markt (hierna: de ACM) een aanvraag ontvangen van TenneT TSO B.V. (hierna: TenneT) tot goedkeuring van het voorstel voor wijziging van de regionale specifieke eisen voor de Core capaciteitsberekeningsregio betreffende de geharmoniseerde toewijzingsregels voor langetermijnrechten betreffende transmissie.

TenneT heeft dit voorstel overeenkomstig de artikelen 51 en artikel 52 van de FCA Verordening ontwikkeld samen met de andere transmissiesysteembeheerders van de Core regio.

De ACM heeft het voorstel met bijbehorende documenten van 16 augustus 2019 tot en met 30 augustus 2019 ter inzage gelegd en gepubliceerd op haar internetpagina. Van de terinzagelegging is kennis gegeven in Staatscourant 46085 van 16 augustus 2019. Naar aanleiding van de terinzagelegging zijn geen zienswijzen ontvangen.

De ACM concludeert dat het voorstel niet in strijd is met de doelstellingen en eisen van de FCA Verordening. De ACM keurt daarom het voorstel goed op grond van artikel 4, vijfde lid, en artikel 4, zevende lid, onder e, van de FCA Verordening en artikel 2, tweede lid, van het Besluit van 19 december 2018, houdende regels ter uitvoering van Europese verordeningen betreffende de interne energiemarkt.

Van dit besluit wordt mededeling gedaan in de Staatscourant. Voorts publiceert de ACM dit besluit op haar internetpagina. Dit besluit treedt in werking op de dag na publicatie in de Staatscourant.

's-Gravenhage,

Datum: w.g. 10 oktober 2019

Autoriteit Consument en Markt,
voor deze:

mr. P.C.M. Bijlenga
Teammanager Directie Energie

Tegen dit besluit kan degene, wiens belang rechtstreeks bij dit besluit is betrokken, binnen zes weken na de dag van bekendmaking van dit besluit een gemotiveerd bezwaarschrift indienen bij ACM, Directie Juridische Zaken, Postbus 16326, 2500 BH Den Haag. In dit bezwaarschrift kan een belanghebbende op basis van artikel 7:1a, eerste lid, van de Algemene wetbestuursrecht, ACM verzoeken in te stemmen met rechtstreeks beroep bij de administratieve rechter.

Regional Specific Annex for the CCR Core to the Harmonised Allocation Rules for long-term transmission rights in accordance with Article 52 of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation

18th July 2019

Purpose:	<input type="checkbox"/> methodology draft	<input type="checkbox"/> for public consultation
	<input checked="" type="checkbox"/> for NRA approval	<input type="checkbox"/> for final publication
Status:	<input type="checkbox"/> draft	<input checked="" type="checkbox"/> final
TSO approval:	<input type="checkbox"/> for approval	<input checked="" type="checkbox"/> approved
NRA approval:	<input checked="" type="checkbox"/> outstanding	<input type="checkbox"/> approved

TSOs of the Core CCR (“Core TSOs”), taking into account the following,

Whereas

- (1) This document (hereafter referred to as the “Core Specific Annex”) is developed by the Transmission System Operators of the CCR Core (hereafter referred to as “Core TSOs”) as defined in the decision No 06/2016 of the Agency for the Cooperation of Energy Regulators of 17 November 2016 pursuant to Article 15(1) of the Commission Regulation (EU) 2015/1222.
- (2) The Core Specific Annex sets out specific requirements applicable to the CCR at regional and bidding zone border level pursuant to Article 52(3) of Commission Regulation (EU) 2016/1719 establishing a guideline on Forward Capacity Allocation (hereafter referred to as the “FCA Regulation”).
- (3) The Core Specific Annex constitutes an Annex to the harmonised allocation rules for long-term transmission rights on EU level (hereafter referred to as “HAR”) in accordance with Article 51 of the FCA Regulation as approved by ACER with its decision No. 03/2017 from 02 October 2017.
- (4) The initial Core Specific Annex was proposed by the Core TSOs on 13 April 2017 and approved by all National Regulatory Authorities of the CCR Core (hereafter referred to as the “Core NRAs”) by 20 October 2017 (CERRF Decision on 03 October 2017).
- (5) On 08 May 2018 Core TSOs proposed an amendment to the Core Specific Annex for the introduction of a compensation cap for the newly introduced long-term allocations as of 2019 on the CZ-SK bidding zone border. On 16 November 2018 Core TSOs received a request for amendment on this proposal by the Core NRAs (CERRF Decision on 05 September 2018). On 16 January 2019 Core TSOs responded to the request for amendment and the amended Core Specific Annex was approved by the Core NRAs on 08 April 2019 (CERRF Decision on 18 March 2019).
- (6) With the present amendment of the Core Specific Annex the Core TSOs:
 - a. Add a cap on compensation which shall be applicable to the BE-DE/LU border in accordance with Article 59(2) of the HAR
 - b. Delete border specific stipulations for the Hungarian/Romanian bidding zone border according to previous Article 21
- (7) The present amendment of the Core Specific Annex was consulted in accordance with Article 6 of the FCA Regulation from 20 May 2019 until 20 June 2019.
- (8) This document includes the following titles:
 - a. The first title covers general provisions of the proposal;
 - b. The second title addresses the applicability of a cap on compensations for curtailments in accordance with Article 59 of the HAR;
 - c. The third title details further regional or bidding zone border specificities applicable to the CCR Core in accordance with Article 52(3) of the FCA Regulation.

agreed on the following regional specific annex for the CCR Core to the Harmonised Allocation Rules for long-term transmission rights:

TITLE 1

General Provisions

Article 1

Subject matter and scope

1. In accordance with Article 4 of the HAR, regional or border specificities may be introduced for one or more Bidding Zone borders. Rules described in this regional specific annex apply to the borders of the CCR Core.
2. This annex may be reviewed based on request of the relevant National Regulatory Authorities. In case this annex needs to be amended based on a decision of the National Regulatory Authorities, Article 68 of the HAR shall apply.
3. If there is an inconsistency between any of the provisions in the main body of the HAR and this annex, the provisions in this annex shall prevail. The capitalised terms used in this annex are defined in the HAR to which this annex is attached.

TITLE 2

Cap on compensation

Article 2

Bidding zone borders where a cap is applicable

For the purposes of this proposal and the HAR, a cap on compensation shall only apply to the bidding zone borders listed in the present title.

Article 3

Austria - Czech Republic (AT-CZ)

A cap on compensation shall be applicable to the AT-CZ border in accordance with Article 59(2) of the HAR.

Article 4

Austria - Germany/Luxembourg (AT-DE/LU)

A cap on compensation shall be applicable to the AT-DE/LU border in accordance with Article 59(2) of the HAR.

Article 5

Austria - Hungary (AT-HU)

A cap on compensation shall be applicable to the AT-HU border in accordance with Article 59(2) of the HAR.

Article 6

Austria - Slovenia (AT-SI)

A cap on compensation shall be applicable to the AT-SI border in accordance with Article 59(2) of the HAR.

Article 7

Belgium - France (BE-FR)

A cap on compensation shall be applicable to the BE-FR border in accordance with Article 59(2) of the HAR.

Article 8

Belgium - Germany/Luxembourg (BE-DE/LU)¹

A cap on compensation shall be applicable to the BE-DE/LU border in accordance with Article 59(3) of the HAR.

Article 9

Belgium - Netherlands (BE-NL)

A cap on compensation shall be applicable to the BE-NL border in accordance with Article 59(2) of the HAR.

Article 10

Croatia - Hungary (HR-HU)

A cap on compensation shall be applicable to the HR-HU border in accordance with Article 59(2) of the HAR.

Article 11

Croatia - Slovenia (HR-SI)

A cap on compensation shall be applicable to the HR-SI border in accordance with Article 59(2) of the HAR.

Article 12

Czech Republic - Germany/Luxembourg (CZ-DE/LU)

A cap on compensation shall be applicable to the CZ-DE/LU border in accordance with Article 59(2) of the HAR.

Article 13

Czech Republic - Poland (CZ-PL)

A cap on compensation shall be applicable to the CZ-PL border in accordance with Article 59(2) of the HAR.

Article 14

France - Germany/Luxembourg (FR-DE/LU)

A cap on compensation shall be applicable to the FR-DE/LU border in accordance with Article 59(2) of the HAR.

Article 15

Germany/Luxembourg - Netherlands (DE/LU-NL)

A cap on compensation shall be applicable to the DE/LU-NL border in accordance with

¹ As soon as the bidding zone border Belgium-Germany/Luxembourg becomes effective.

Article 59(2) of the HAR.

Article 16
Hungary - Slovakia (HU-SK)

A cap on compensation shall be applicable to the HU-SK border in accordance with Article 59(2) of the HAR.

Article 17
Hungary - Romania (HU-RO)

A cap on compensation shall be applicable to the HU-RO border in accordance with Article 59(2) of the HAR.

Article 18
Poland - Slovakia (PL-SK)

A cap on compensation shall be applicable to the PL-SK border in accordance with Article 59(2) of the HAR.

Article 19
Poland - Germany/Luxembourg (PL-DE/LU)

A cap on compensation shall be applicable to the PL-DE/LU border in accordance with Article 59(2) of the HAR.

Article 20
Slovakia-Czech Republic (SK-CZ)

A cap on compensation shall be applicable to the SK-CZ border in accordance with Article 59(2) of the HAR.

TITLE 3

Further regional or bidding zone border specific requirements

Article 21

Constraints of the optimization function for CZ-SK-DE/LU-PL borders

1. The following definition is added:

Technical Profile means a combination of Bidding Zone borders which have a common technical limit and represent the limit for commercial transactions on Interconnectors or parts of a national transmission system creating constraint of the optimisation function in form of relevant Offered Capacity in accordance with Article 35(3) of Allocation Rules.

2. Some bidding zone borders and their subsets between Czech Republic, Germany/Luxembourg, Poland and Slovakia have a common technical limit and therefore may create a Technical Profile.
3. Technical Profiles are listed below:

Set of Bidding Zone borders and/or their subsets having a common technical limit List of responsible TSOs	Technical Profile
Czech Republic (CZ) CEPS <>	
Slovakia (SK) SEPS <>	Poland (PL) PSE
Germany/Luxembourg (DE/LU) 50Hertz <>	PSE->(50Hertz+CEPS+SEPS) (50Hertz+CEPS+SEPS)->PSE
Poland (PL) PSE <>	Germany/Luxembourg (DE/LU) 50Hertz -> (PSE+CEPS)
Czech Republic (CZ) CEPS <>	(PSE+CEPS) -> 50Hertz

Article 22
Entry into force

This annex, as amended, shall enter into force at the date and time specified in the amendment notice sent to Registered Participants by the Allocation Platform according to the procedure laid down in Article 68(2) of the HAR and subject to prior approval by the relevant National Regulatory Authorities in accordance with the procedure laid down in Article 4 of the FCA Regulation.