Mr Alberto Pototschnig
Director
ACER

Cc: Dr Klaus-Dieter Borchardt
Director
Internal Energy Market, DG ENER
European Commission

Cc: Mr Laurent Schmitt
Secretary General
ENTSO-E

By email only

02 October 2018

Subject: referral of the decision on the all TSOs CCR amendment proposal to the Agency

Dear Alberto,

I write on behalf of all Regulatory Authorities regarding the all Transmission System Operators' (TSOs) proposal to amend the Capacity Calculation Regions (CCR amendment proposal), submitted in accordance with Article 9(13) of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management on the Determination of Capacity Calculation Regions.

The all TSOs CCR amendment proposal in accordance with Article 9(6)(b) of Regulation 2015/1222 was received by the last regulatory authority on 23 May 2018.
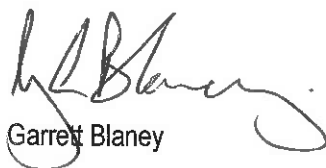
Article 9(10) of Regulation 2015/1222 requires all regulatory authorities to consult and closely cooperate and coordinate with each other to reach an agreement and come to a decision within six months following receipt of submissions to the last NRA, which is 23 November 2018.

Regulatory authorities have closely cooperated among each other on the CCR amendment proposal. However, after extensive discussion among regulatory authorities it became evident that consensus on the CCR amendment proposal would not be reached.

As laid out in Article 9(11) of Regulation 2015/1222, where regulatory authorities have not been able to reach agreement within the period referred to in paragraph 10, or upon their joint request, the Agency shall adopt a decision within six months, in accordance with Article 8(1) of Regulation (EC) No 713/2009.

Therefore, on 27 September 2018 regulatory authorities unanimously agreed, ahead of the expiration of the deadline for national decisions (23 November 2018), to request the Agency to adopt a decision on the all TSOs CCR amendment proposal, pursuant to 9(11) Regulation 2015/1222.

Yours sincerely,

Garrett Blaney