
**Request for amendment 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 Arrangements
concerning more than one NEMO in one bidding zone in
accordance with Article 45 and 57**

16 April 2018

DISCLAIMER

For the purpose of the consultation this document has been developed by Nordic TSOs together as one common request for amendment for the arrangements concerning more than one NEMO in one bidding zone in accordance with Article 45 and 57 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management. When each Nordic TSO request for amendment for NRA approval, **TSO** will be substituted by Energinet, Fingrid, Statnett or Svenska kraftnät respectively, **relevant bidding zone** will be substituted with Danish, Finnish, Norwegian or Swedish bidding zone and **relevant regulatory authority** will be substituted with Danish, Finnish, Norwegian or Swedish regulatory authority and **approval date** will be substituted with the date of NRA approval of the original MNA Proposal.

TSO, taking into account the following,

Whereas

- (1) This document is a proposal for amendment (hereafter referred to as the “Proposal for Amendment”) developed by **TSO** to the Arrangement concerning more than one NEMO in a bidding zone (hereafter referred to as “MNA”) as defined in accordance with Articles 45 and 57 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management (hereafter referred to as the “CACM Regulation”). This document takes into account and aligns the work done in co-operation with the other Nordic TSOs for MNA (hereafter referred to as “Nordic TSOs”).
- (2) **The relevant regulatory authority** has approved the MNA Proposal on **approval date**.
- (3) In accordance with Article 9(13) of the CACM regulation, **TSO** hereby issues a Proposal for Amendment to the Arrangement concerning more than one NEMO in one bidding zone as defined in accordance with Articles 45 and 57 of the CACM Regulation.
- (4) This Proposal for Amendment takes into account the general principles and goals set in the CACM Regulation as well as Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity (hereafter referred to as “Regulation (EC) No 714/2009”). The goal of the CACM Regulation is the coordination and harmonization of capacity calculation and allocation in the day-ahead and intraday cross-border markets. To facilitate these aims, it is necessary to develop arrangements for providing non-discriminatory access to cross-zonal capacity in cases of more than one NEMO in one bidding zone.
- (5) According to Article 9 (9) of the CACM Regulation, the expected impact of the proposal on the objectives of the CACM Regulation has to be described. The impact is presented below (points (6) to (9) of this Whereas section).
- (6) This Proposal for Amendment contributes to, and does not hamper in any way, the achievement of the objectives of the CACM Regulation. In particular, the proposal serves the objectives of ensuring fair and non-discriminatory treatment of TSOs, NEMOs, the Agency, regulatory authorities and market participants (Article 3(e)), providing non-discriminatory access to cross-zonal capacity (Article 3(j) of the CACM Regulation), creating a level playing field for NEMOs (Article 3(i) of the CACM Regulation) and respecting the need for a fair and orderly market and fair and orderly price formation (Article 3(h) of the CACM Regulation).
- (7) Deleting the requirement on CCCs to validate that correct CZCs and ACs are used as input for the calculations by the MCO function meets the objective of ensuring fair and non-discriminatory treatment. By ensuring that responsibilities of the CCCs and the NEMOs are clear and in line with CACM Regulation Article 7(2)(b) and Article 46(1), the relevant CCC(s) for the **relevant bidding zone** borders are not required to perform a task not required by CCCs in general and thereby not treated unfairly.
- (8) Requiring NEMOs to deliver single day-ahead coupling results on a rotational basis ensures fair and non-discriminatory treatment of relevant NEMOs and does not hamper the level playing field for

NEMOs. The rotation between NEMOs to deliver the results is to be agreed by these NEMOs. In addition to enhance the process to verify the results, **TSO** can delegate the verification to the relevant CCC(s) or other relevant entities.

- (9) Requiring **TSO** to define file formats and communication protocol between TSOs and NEMOs for data exchange based on international or ENTSO-E standards ensures fair and non-discriminatory treatment of TSOs and NEMOs. TSOs are not required to change already implemented formats and protocols or to accept non-international or non-ENTSO-E standards to allow for multiple NEMO arrangements. In addition, NEMOs are not facing non-discriminatory treatment since they are treated equally. A level playing field for NEMOs is ensured as they will be following equal data exchange requirements. Besides, NEMOs shall define the file formats and communication protocols for data exchange between NEMOs in accordance with corresponding SDAC and/or NEMO procedures.

SUBMITS THE FOLLOWING PROPOSAL FOR AMENDMENT TO THE RELEVANT REGULATORY AUTHORITY:

TITLE 1 **Amendments**

Article 1

Amendment to Article 5 on Pre-coupling arrangements for single day-ahead coupling

1. **TSO** proposes to amend Article 5(1) in following way:

The coordinated capacity calculators established in accordance with Article 27 (2) of the CACM Regulation (hereafter “CCCs”) shall be responsible for providing the cross-zonal capacities (hereafter referred to as “CZCs”) and allocation constraints (hereafter referred to as “ACs”) for the **relevant bidding zone** borders to the relevant NEMOs in accordance with article 46(1) of the CACM Regulation to ensure the publication of CZCs and ACs to the market by the relevant NEMOs.

2. **TSO** proposes to amend Article 5(3) in following way:

The relevant NEMOs shall be responsible for the necessary arrangements between them in order to process the information.

3. **TSO** proposes to delete Article 5(4).

Article 2

Amendment to Article 6 on Delivery and validation of single day-ahead result

1. **TSO** proposes to amend Article 6 in the following way:

1. NEMOs offering services in the **relevant bidding zone(s)** shall deliver on a rotational basis to be agreed by these NEMOs the single day-ahead coupling results to **TSO** and the relevant CCC(s).
2. **TSO** is responsible for verifying that the results have been calculated in accordance with the validated CZCs and ACs. This verification can be delegated to the relevant CCC(s) or other relevant entities according to Article 81 of CACM Regulation.
3. Each NEMO in the **relevant bidding zone(s)** shall verify that the results have been calculated in accordance with the orders of the concerned NEMO.

Article 3 **New article on Data Exchange**

1. **TSO** proposes to include a new article 14 on Data Exchange as follows:
 1. **TSO** shall define the file formats and communication protocols for data exchange between **TSO** (including relevant CCC(s) and relevant settlement entity(ies)), and relevant NEMOs (including relevant CCP(s)) in the **relevant bidding zone(s)**. For this purpose:
 - a. the technical specifications used in the common single day-ahead and/or single intraday solution shall be favoured to the extent possible; and
 - b. the file formats and communication protocols based on international or ENTSO-E standards shall be relied on where possible.
 2. NEMOs shall define the file formats and communication protocols for data exchange between NEMOs (including relevant CCP(s)) in accordance with corresponding SDAC, SIDC and/or NEMO procedures.

Article 4 **Renumbering of articles**

1. **TSO** proposes to renumbering the following articles:
 - a) Article 14 on Financial arrangements to be renumbered to Article 15
 - b) Article 15 on Publication and implementation of MNA Proposal to be renumbered to Article 16
 - c) Article 16 on Language to be renumbered to Article 17

TITLE 2 **Final Provisions**

Article 4 **Implementation date of the amendments**

TSO shall apply the amendments described under Title 1 as soon as the amendments have been approved by the **relevant regulatory authority** taking into account the implementation of MNA Proposal as set in Article 15 of MNA proposal approved by **relevant regulatory authority** on **approval date**.

Article 5

Language

The reference language for this Proposal for Amendment shall be English. For the avoidance of doubt, where TSOs need to translate this Proposal for Amendment into their national language(s), in the event of inconsistencies between the English version published by TSOs in accordance with Article 9(14) of the CACM Regulation and any version in another language the relevant TSOs shall, in accordance with national legislation, provide the relevant national regulatory authorities with an updated translation of this Proposal for Amendment.