Forsyningstilsynet

23. september 2022
22/01027
CAHE

Afgørelse om en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for Kapacitetsberegningsregion Hansa

RESUMÉ

Forsyningstilsynet skal i denne sag vurdere, om Energinet Systemansvar A/S' forslag til en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for Kapacitetsberegningsregion Hansa kan godkendes.

Energinet Systemansvar A/S er den danske transmissionssystemoperatør, Energinets, helejede datterselskab. Energinet Systemansvar A/S betegnes i det følgende som Energinet, transmissionssystemoperatør betegnes som TSO, og metoden til at fordele omkostninger til belastningsomfordeling og modkøb betegnes som oftest som metoden.

Energinet anmeldte den 1. april 2022 et forslag til en ændret metode til godkendelse hos Forsyningstilsynet. Der er således tale om en ændring af en metode, som Forsyningstilsynet senest har godkendt 15. marts 2021. Energinet indgår i den gældende metode som én blandt flere europæiske landes TSO'er i Kapacitetsberegningsregion Hansa, der betegnes CCR Hansa. En CCR, herunder CCR Hansa, er geografisk sammensat af flere budområdegrænser for grænseoverskridende el-handel mellem to budområder.

Den anmeldte metode indebærer som den væsentligste ændring, at en budområdegrænse, der overordnet er blevet lokaliseret til CCR Hansa, inkluderes i metoden. Det drejer sig om budområdegrænsen mellem budområdet Sydsverige og budområdet for Tyskland og Luxembourg, der betegnes budområdegrænsen SE4-DE/LU. Den anmeldte metode indebærer også som ændring, at omkostninger til belastningsomfordeling og modkøb på budområdegrænsen SE4-DE/LU fordeles 100 procent til det svensk indregistrerede selskab Baltic Cable AB, der er certificeret som TSO i Tyskland, og som driver el-transmissionsforbindelsen Baltic Cable på budområdegrænsen SE4-DE/LU.

Forsyningstilsynets afgørelse om forslaget til den ændrede metode for CCR Hansa skal træffes efter Kommissionens forordning (EU) 2015/1222 af 24. juli 2015 om fastsættelse af retningslinjer for kapacitetstildeling og håndtering af kapacitetsbegrænsninger, der betegnes CACM.

Forsyningstilsynet vurderer, at de generelle krav ifølge CACM til en regional metode til at fordele omkostninger til belastningsomfordeling og modkøb er opfyldt, idet ændringerne af den gældende metode viderefører og udbygger såvel metodens definitioner af de enkelte omkostninger til belastningsomfordeling og modkøb som metodens regler for, hvordan disse omkostninger skal fordeles mellem TSO'erne i CCR Hansa.

Forsyningstilsynet finder også, at ændringerne understøtter CACM's formål, herunder at fremme konkurrence inden for el-handel, at sikre, at blandt andre TSO'er og markedsdeltagere får en fair og ikke-diskriminerende behandling samt at sikre en ikke-diskriminerende adgang til overførselskapacitet. Forsyningstilsynet finder herefter at kunne godkende den ændrede metode efter CACM.

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AFGØRELSE

Forsyningstilsynet godkender en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for Kapacitetsberegningsregion Hansa ifølge forslag, der er anmeldt den 1. april 2022 af Energinet Systemansvar A/S (CVR-nr. 39314959).

Forsyningstilsynets afgørelse er truffet efter artikel 9, stk. 7, litra h, jf. artikel 74, i Kommissionens forordning (EU) 2015/1222 af 24. juli 2015 for kapacitetstildeling og håndtering af kapacitetsbegrænsninger.

Sagens baggrund og begrundelsen for Forsyningstilsynets afgørelse fremgår nedenfor.

SAGSFREMSTILLING

Forsyningstilsynet skal i denne sag vurdere, om Forsyningstilsynet kan godkende forslag til en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa, anmeldt af Energinet den 1. april 2022.

SAGENS FORLØB

En kapacitetsberegningsregion, der betegnes CCR, er defineret i CACM som det geografiske område, inden for hvilket den koordinerede kapacitetsberegning anvendes.

CCR Hansa, der er berørt af forslaget, består af budområdegrænserne:

Vestdanmark - Nederlandene	herefter betegnet DK1-NL
Vestdanmark - Tyskland/Luxembourg	herefter betegnet DK1-DE/LU
Østdanmark - Tyskland/Luxembourg	herefter betegnet DK2-DE/LU
Sydsverige - Tyskland/Luxembourg	herefter betegnet SE4-DE/LU
Sydsverige - Polen	herefter betegnet SE4-PL

De CCR Hansa TSO'er og de regulerende myndigheder, der betegnes regulatorer, og som er berørt af forslaget, er herefter følgende, fordelt på EU- og EØS-lande:

Berørte EU- og EØS-lande	**Berørte TSO'er**	**Berørte regulatorer**
Danmark	Energinet	Forsyningstilsynet
Nederlandene	TenneT NL	ACM
Norge	Statnett	NVE-RME
Polen	PSE	URE
Sverige	Svenska kraftnät	Ei
Tyskland	50Hertz	BNetzA
	TenneT DE	
	Baltic Cable AB	

Det skal bemærkes, at den norske regulator NVE-RME indgår i samarbejdet mellem Hansa-regulatorerne på et uformelt plan, idet EU's Agentur for Samarbejde mellem Energireguleringsmyndigheder, der betegnes ACER, endnu ikke har truffet en afgørelse om at lokalisere budområdegrænsen Sydnorge-Nederlandene, der betegnes NO2-NL, og budområdegrænsen Sydnorge-Tyskland/Luxembourg, der betegnes NO2-DE/LU, i CCR Hansa. NVE-RME's synspunkter tages dog i betragtning ved Hansa-regulatorernes drøftelser og beslutninger om metoder for CCR Hansa.

Forsyningstilsynet godkendte ved en national afgørelse af 20. februar 2019 i forhold til Energinet den oprindelige metode til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa. Forsyningstilsynet godkendte efterfølgende ved en national afgørelse af 15. marts 2021 en ændring af den oprindelige metode i forhold til Energinet.

Den aktuelt foreslåede ændring af metoden for CCR Hansa blev relevant, idet ACER traf afgørelse nr. 04/2021 af 7. maj 2021 om, at budområdegrænsen SE4-DE/LU skulle lokaliseres i CCR Hansa.

El-transmissionsforbindelsen Baltic Cable på budområdegrænsen SE4-DE/LU drives af det svensk indregistrerede selskab Baltic Cable AB, der er særskilt certificeret som TSO i Tyskland.

Den tyske regulator BNetzA anmodede derfor Baltic Cable AB om, i samarbejde med de øvrige Hansa-TSO'er, at udarbejde og anmelde forslag til ændringer af metoder, så budområdegrænsen SE4-DE/LU kunne blive omfattet af de metoder, der tidligere er blevet godkendt i regi af CCR Hansa, herunder metoden til at fordele omkostninger til belastningsomfordeling og modkøb.

Energinet anmeldte herefter den 1. april 2022 et forslag til en ændret metode for CCR Hansa til behandling hos Forsyningstilsynet. Energinets anmeldelsesbrev var vedlagt Hansa-TSO'ernes forslag af 23. marts 2022 til en ændret metode for CCR Hansa.

Forsyningstilsynet og de øvrige Hansa-regulatorer stillede den 29. april 2022 visse opklarende spørgsmål til Hansa-TSO'erne, som Hansa-TSO'erne besvarede den 20. maj 2022. Forsyningstilsynet og de øvrige Hansa-regulatorer blev herefter den 20. september 2022 enige om at godkende Hansa-TSO'ernes forslag til en ændret metode for CCR Hansa.

Forsyningstilsynet og de øvrige Hansa-regulatorer fandt imidlertid grundlag for at foretage en enkelt redaktionel rettelse i forslaget til den ændrede metode.

Hansa-regulatorerne har således udarbejdet et fælles "position paper" af 20. september 2022, hvorefter regulatorerne er enige om senest den 26. oktober 2022 at træffe hver deres nationale afgørelse om at godkende forslaget til en ændret metode for CCR Hansa i forhold til de respektive landes TSO'er.

Den norske regulator NVE-RME har taget Hansa-regulatorernes enighed til efterretning således, at den ændrede metode vil få faktisk virkning for den norske TSO, Statnett.

EL-ENGROSMARKEDERNE

Engrosmarkedet for el-handel kan inddeles i 4 faser: Forwardmarkedet, day-ahead-markedet, intraday-markedet og regulerkraft- eller balancemarkedet.

Handel med el på forwardmarkedet sker fra måneder og år før driftsdøgnet og frem til dagen før driftsdøgnet. Der sælges på forwardmarkedet finansielle produkter til at sikre den fremtidige el-pris på day-ahead-markedet. Der foretages på day-ahead-markedet handel på dagen før driftsdøgnet, mens der på intraday-markedet foretages handel frem til en time før driftstimen eller driftsøjeblikket med henblik på at balancere el-systemet.

CACM regulerer day-ahead-markedet og intraday-markedet. CACM har herunder til formål at skabe et velfungerende og indbyrdes sammenkoblet indre marked for handel med el, herunder at gennemføre en markedskobling, hvor el handles fra lavprisområder til højprisområder, og hvor el-transmissionsforbindelserne udnyttes optimalt.

Markedskoblingen har til hensigt at fremme handlen med el i EU og sikre en mere lønsom udnyttelse af el-nettet samt øge konkurrenceevnen i sidste ende til gavn for forbrugeren. De el-handelsbørser, som afvikler handlen med el på engrosmarkedet, er vigtige aktører i forbindelse med at gennemføre markedskoblingen.

Kernen i markedskoblingen er én algoritme, som el-handelsbørserne har udarbejdet i fællesskab. Algoritmen er et stykke software, der matcher de forskellige købs- og salgsbud, der bliver indleveret til de forskellige el-handelsbørser. Algoritmen beregner priser i alle budområder og flows af el på overførselsforbindelserne og bestemmer på denne baggrund, hvilke købs- og salgsbud der bliver aktiveret i markedet.

FORMÅLET MED METODEN

Forsyningstilsynet skal herved gøre rede for den del af sagens baggrund, der angår formålet med en regional metode til at fordele omkostninger til belastningsomfordeling og modkøb.

Belastningsomfordeling udgør en foranstaltning, herunder en afkortning, der aktiveres af en eller flere TSO'er eller distributionssystemoperatører ved at ændre produktions- og/eller forbrugsmønstret for at ændre de fysiske strømme i el-systemet og afhjælpe en fysisk kapacitetsbegrænsning eller på anden måde sikre systemsikkerheden.

Modkøb udgør en budområdeoverskridende udveksling, der igangsættes af TSO'er mellem to budområder for at afhjælpe fysisk kapacitetsbegrænsning.

Belastningsomfordeling og modkøb udgør således hver især økonomiske virkemidler i forhold til at afhjælpe fysiske kapacitetsbegrænsninger i el-systemet. Det fungerer nærmere ved, at TSO'erne køber el ét sted og sælger el ét andet sted for på den måde at mindske den fysiske belastning ét specifikt sted i el-systemet. Det er omkostningerne til disse køb og salg af el, som skal fordeles i kraft af en regional metode til at fordele omkostninger til belastningsomfordeling og modkøb.

En regional metode til at fordele omkostninger til belastningsomfordeling og modkøb skal definere de enkelte typer af omkostninger til belastningsomfordeling og modkøb samt fastsætte regler for, hvordan disse omkostninger nærmere skal fordeles mellem TSO'erne inden for den pågældende region.

Forslaget til en ændret metode for CCR Hansa til at fordele omkostninger til belastningsomfordeling og modkøb viderefører fra den gældende metode følgende definitioner af omkostningerne til belastningsomfordeling og modkøb til fordeling mellem regionens TSO'er:

- Omkostninger ved forøgelse eller fald i produktions- og/eller forbrugsmønstre.
- Tilgængelig betaling for yderligere op- og nedregulering af generatorer.
- Begrænsning af generatorer af energi fra vedvarende energikilder.

- Aktivering og startomkostninger.
- Aktivering af bud på balanceringsenergi efter bestemmelser i Kommissionens forordning (EU) 2017/2195 af 23. november 2017 om fastsættelse af retningslinjer for balancering af elektricitet, der betegnes EBGL.

Forslaget til en ændret metode for CCR Hansa til at fordele omkostninger til belastningsomfordeling og modkøb viderefører endvidere fra den gældende metode, at omkostninger til belastningsomfordeling og modkøb, der kan henføres til en el-transmissionsforbindelse inden for CCR Hansa, skal fordeles ifølge specifikke fordelingsnøgler på baggrund af TSO'ernes respektive ejerandele af den pågældende enkelte el-transmissionsforbindelse på den enkelte budområdegrænse inden for CCR Hansa.

Hansa-TSO'ernes, herunder Energinets, forslag til en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa indebærer som noget nyt, at budområdegrænsen SE4-DE/LU inkluderes i metoden.

Den ændrede metode indebærer herefter også, at omkostninger til belastningsomfordeling og modkøb på budområdegrænsen SE4-DE/LU skal fordeles 100 procent til det svensk indregistrerede selskab Baltic Cable AB, der er særskilt certificeret som TSO i Tyskland, og som driver el-transmissionsforbindelsen Baltic Cable på budområdegrænsen SE4-DE/LU.

Den ændrede metode indebærer også, at en ny type af omkostninger til belastningsomfordeling og modkøb vil skulle fordeles. Det drejer sig om omkostninger, der hidrører fra ubalancer, der ikke kan håndteres ved indbyrdes afregning mellem TSO'er ved tilsigtet og utilsigtet udveksling af energi efter bestemmelser i EBGL.

Denne ændring beror på, at hvis der på el-transmissionsforbindelsen Baltic Cable foretages en planlagt forøgelse eller reduktion af den aktive effekt af el, betegnet ramping, vil herved fremkomne ubalancer blive håndteret i kraft af afregninger mellem markedsaktører og Baltic Cable AB i sidstnævntes egenskab af balanceansvarlig aktør og ej i egenskab af TSO. Det samme vil være tilfældet ved en nødsituation eller ved uplanlagt belastningsomfordeling eller modkøb.

SAGENS PARTER

Forsyningstilsynet har som led i behandlingen af sagen vurderet, hvem der kan anses som sagens parter.

Forsyningstilsynet anser Energinets helejede datterselskab, Energinet Systemansvar A/S, CVR-nr. 39314959, som part i sagen i dansk forvaltningsretlig forstand.

Forsyningstilsynet lægger herved vægt på, at Forsyningstilsynets aktuelle og konkrete afgørelse fastsætter, hvad der er eller skal være ret for Energinet Systemansvar A/S, der som forretningsområde bl.a. har systemansvaret for det danske el-transmissionsnet.

Forsyningstilsynet korresponderer som led i tilsynets behandling af sagen med Energinet Selvstændig Offentlig Virksomhed, CVR-nr. 28980671, Myndighedsenheden, der har funktion som Energinets kontaktpunkt for kommunikation med andre myndigheder.

HØRING

Forsyningstilsynet har ikke gennemført en partshøring af sagens part over et udkast til tilsynets afgørelse, da tilsynet ikke har revideret vilkår og betingelser for den anmeldte metode forud for tilsynets afgørelse om metoden. Afgørelsen indeholder i øvrigt ikke oplysninger af faktisk karakter, der er til ugunst for sagens part, og som sagens part ikke i forvejen er bekendt med.

RETSGRUNDLAG

KOMMISSIONENS FORORDNING (EU) NR. 2015/1222 AF 24. JULI 2015 OM FASTSÆTTELSE AF RETNINGSLINJER FOR KAPACITETSTILDELING OG HÅNDTERING AF KAPACITETSBEGRÆNSNINGER (CACM)

ARTIKEL 3, LITRA A, E OG F
Denne forordning har til formål at:
a) fremme effektiv konkurrence inden for produktion af, handel med og forsyning af elektricitet
e) sikre, at TSO'er, agenturet, regulerende myndigheder og markedsdeltagere får en fair og ikke-diskriminerende behandling
f) sikre og forbedre oplysningernes gennemsigtighed og pålidelighed

ARTIKEL 9, STK. 7, LITRA H
7. Forslagene til følgende vilkår, betingelser og metoder godkendes af alle regulerende myndigheder i den berørte region:
h) metoden til fordeling af udgifterne i forbindelse med belastningsomfordeling og modkøb, jf. artikel 74

ARTIKEL 9, STK. 13, 1.-2. PKT.
Agenturet eller alle kompetente regulerende myndigheder i fællesskab eller den enkelte kompetente regulerende myndighed kan, alt efter hvem der er ansvarlig for vedtagelsen af vilkår og betingelser eller metoder i henhold til stk. 6, 7 og 8, anmode om forslag til ændringer af disse vilkår og betingelser eller metoder og fastsætte en frist for fremlæggelse af forslagene. TSO'er eller NEMO'er, der er ansvarlige for at udarbejde et forslag til vilkår og betingelser eller metoder, kan fremlægge forslag om ændringer heraf for de regulerende myndigheder og agenturet.

ARTIKEL 74, STK. 1-6
1. udarbejder TSO'erne i hver kapacitetsberegningsregion et forslag til en fælles metode til fordeling af udgifterne til belastningsomfordeling og modkøb.

2. Metoden til fordeling af udgifterne til belastningsomfordeling og modkøb skal omfatte løsninger for deling af udgifter til tiltag, der har grænseoverskridende betydning.

3. Udgifter til belastningsomfordeling og modkøb, der er egnede til fordeling mellem de relevante TSO'er, beregnes på en gennemsigtig og reviderbar måde.

4. Metoden til fordeling af udgifterne til belastningsomfordeling og modkøb skal som minimum:

a) fastlægge, hvilke udgifter som følge af anvendelsen af afhjælpende tiltag, for så vidt angår udgifter, der er taget i betragtning ved kapacitetsberegningen, samt tiltag, af hvilke der er fastlagt en fælles ramme for anvendelse, der er egnede til for deling mellem TSO'erne i en kapacitetsberegningsregion, jf. den i artikel 20 og 21 omhandlede kapacitetsberegningsmetode
b) definere, hvilke udgifter som følge af belastningsomfordeling og modkøb, som har til formål at garantere bindende overførselskapacitet, der er egnede til fordeling mellem TSO'erne i en kapacitetsberegningsregion, jf. den i artikel 20 og 21 omhandlede kapacitetsberegningsmetode
c) fastsætte regler for fordeling af udgifter i hele regionen i henhold til litra a) og b).

5. Den metode, der udarbejdes i henhold til stk. 1, skal omfatte:
a) en mekanisme til verificering af de faktisk behov for belastningsomfordeling og modkøb blandt de involverede TSO'er
b) en mekanisme til efterfølgende overvågning af anvendelsen af omkostningskrævende afhjælpende tiltag
c) en mekanisme til vurdering af virkningen af de afhjælpende tiltag på baggrund af driftssikkerheden og økonomiske kriterier
d) en proces, der gør det muligt at forbedre de afhjælpende tiltag
e) en proces, der gør det muligt for de kompetente regulerende myndigheder at overvåge hver kapacitetsberegningsregion.

6. Den metode, der udarbejdes i henhold til stk. 1, skal også:
a) give incitamenter til effektivt at håndtere kapacitetsbegrænsninger, herunder afhjælpende tiltag og incitamenter til investeringer
b) være i overensstemmelse med de involverede TSO'ers ansvar og forpligtelser
c) sikre en retfærdig fordeling af omkostninger og fordele mellem de involverede TSO'er
d) være i overensstemmelse med andre relaterede mekanismer, herunder som minimum:
i) metoden til fordeling af flaskehalsindtægter, jf. artikel 73
ii) mekanismen for kompensation mellem TSO'erne, jf. artikel 13 i forordning (EF) nr. 714/2009 og Kommissionens forordning (EU) nr. 838/201
e) fremme en lønsom udvikling og drift af det forbundne europæiske system på langt sigt og en lønsom drift af det fælleseuropæiske elektricitetsmarked
f) fremme overholdelsen af de almindelige principper for håndtering af kapacitetsbegrænsninger, der er fastsat i artikel 16 i forordning (EF) nr. 714/2009
g) muliggøre fornuftig finansiel planlægning
h) være kompatibel på tværs af tidsrammerne for day-ahead- og intraday-markederne og
i) overholde principperne om gennemsigtighed og ikke-diskrimination.

EUROPA-PARLAMENTETS OG RÅDETS FORORDNING (EU) 2019/943 AF 5. JUNI 2019 OM DET INDRE MARKED FOR ELEKTRICITET (ELMARKEDSFORORDNINGEN)

ARTIKEL 2, DEFINITIONER
I denne forordning forstås ved:

26) »belastningsomfordeling«: en foranstaltning, herunder en afkortning, der aktiveres af en eller flere transmissionssystemoperatører eller distributionssystemoperatører ved at ændre produktionsmønstret, forbrugsmønstret eller begge dele med henblik på at ændre de fysiske strømme i elektricitetssystemet og afhjælpe en fysisk kapacitetsbegrænsning eller på anden måde sikre systemsikkerhed

27) »modkøb«: budområdeoverskridende udveksling, der igangsættes af systemoperatører mellem to budområder for at afhjælpe fysisk kapacitetsbegrænsning

FORSYNINGSTILSYNETS BEGRUNDELSE FOR AFGØRELSEN

Forsyningstilsynet skal i denne sag vurdere, om Forsyningstilsynet kan godkende Energinets anmeldelse den 1. april 2022 af Hansa-TSO'ernes forslag af 23. marts 2022 til en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa. Forsyningstilsynet skal træffe afgørelse efter CACM. Forsyningstilsynet skal herunder påse, at den ændrede metode er i overensstemmelse med formålet med CACM.

Forsyningstilsynet har efter CACM artikel 9, stk. 7, litra h, jf. artikel 74, kompetence til at godkende en ændring af en regional metode til at fordele omkostninger til belastningsomfordeling og modkøb. Forsyningstilsynets godkendelse af en regional metode skal herved ske i samråd med de øvrige regulatorer i regionen, aktuelt i CCR Hansa.

Energinet og de øvrige Hansa-TSO'er har efter den processuelle bestemmelse i CACM artikel 9, stk. 13, anmeldt et forslag af 23. marts 2022 til at ændre en hidtidigt godkendt regional metode. Nærmere bestemt metoden til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa. Hansa-TSO'ernes forslag til en ændret metode blev senest modtaget af en Hansa-regulator den 26. april 2022. Forsyningstilsynet har herefter en 6-måneders-frist efter CACM artikel 9, stk. 9, til senest den 26. oktober 2022 at træffe afgørelse om at godkende forslaget til den ændrede metode for CCR Hansa.

Forsyningstilsynet skal herved vurdere, om forslaget til den ændrede metode for CCR Hansa i overensstemmelse med kravene i CACM artikel 74 definerer de enkelte omkostninger til belastningsomfordeling og modkøb samt fastsætter regler for, hvordan de enkelte omkostninger nærmere skal fordeles mellem TSO'erne i CCR Hansa.

Forsyningstilsynet skal endvidere vurdere, om forslaget til en ændret metode for CCR Hansa understøtter CACM's formål, herunder at fremme konkurrence inden for el-handel, at sikre, at blandt andre TSO'er og markedsdeltagere behandles fair og ikke-diskriminerende, samt at sikre en ikke-diskriminerende adgang til overførselskapacitet.

Forsyningstilsynet bemærker, at den ændrede metode viderefører den gældende metode. Herunder definitionerne af de budområdegrænser inden for CCR Hansa, som metoden omfatter, definitionerne af omkostningerne til belastningsomfordeling og modkøb, og reglerne for, hvordan disse omkostninger nærmere skal fordeles mellem TSO'erne.

Forsyningstilsynet bemærker også, at den anmeldte metode som den væsentligste ændring vil indebære, at budområdegrænsen SE4-DE/LU bliver inkluderet i metoden, og at omkostninger til belastningsomfordeling og modkøb på budområdegrænsen SE4-DE/LU skal fordeles som 100 procent til den særskilt certificerede, tyske TSO Baltic Cable AB.

Forsyningstilsynet finder, at inklusionen af budområdegrænsen SE4-DE/LU i metoden for CCR Hansa udgør en relevant opfølgning på ACER's afgørelse nr. 04/2021 af 7. maj 2021, hvorefter budområdegrænsen SE4-DE/LU er blevet lokaliseret i CCR Hansa.

Forsyningstilsynet bemærker dernæst, at den anmeldte metode indebærer som en yderligere ændring, at omkostninger, der hidrører fra ubalancer, der ikke kan håndteres ved indbyrdes afregning mellem TSO'er efter EBGL, vil blive håndteret ved afregninger mellem markedsaktører og Baltic Cable AB i egenskab af balanceansvarlig aktør. Det samme vil være tilfældet ved en nødsituation eller ved uplanlagt belastningsomfordeling eller modkøb.

Forsyningstilsynet bemærker endvidere, at Forsyningstilsynet i samråd med de øvrige Hansa-regulatorer har fundet grundlag for at foretage en enkelt redaktionel rettelse i forslaget til den ændrede metode efter CACM artikel 74. Det præciseres således i præambel-betragtning nr. 6 til metoden, at metoden angår omkostninger og indtægter ved belastningsomfordeling og modkøb til fordeling på regionalt niveau ifølge de relevante bestemmelser i den sammenhængende, godkendte metode for belastningsomfordeling og modkøb for CCR Hansa efter CACM artikel 35.

Forsyningstilsynet finder herefter, at metoden til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa, herunder metodens regler, der videreføres og uddybes som led i den aktuelle ændring, er i overensstemmelse med de generelle krav ifølge CACM artikel 74. Herunder navnlig kravene til, at metoden skal definere omkostningerne til belastningsomfordeling og modkøb, samt til, at metoden skal fastsætte regler for, hvordan disse omkostninger nærmere skal fordeles mellem de regionale TSO'er.

Forsyningstilsynet bemærker, at CACM artikel 3 indeholder forordningens formålsbestemmelser, og at navnlig CACM artikel 3, litra a, e og f, fastsætter formål af relevans for den aktuelle sag om fordeling af omkostninger til belastningsomfordeling og modkøb:
- At fremme effektiv konkurrence inden for produktion af, handel med og forsyning af el
- At sikre, at blandt andre TSO'er og markedsdeltagere får en fair og ikke-diskriminerende behandling
- At sikre og forbedre oplysningernes gennemsigtighed og pålidelighed

Forsyningstilsynet finder i sammenhæng med blandt andre disse formål med CACM, at forslaget til den ændrede metode til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa tydeliggør, at budområdegrænsen SE4-DE/LU bliver inkluderet i metoden.

Forslaget til den ændrede metode for CCR Hansa tydeliggør endvidere, at omkostninger til belastningsomfordeling og modkøb på budområdegrænsen SE4-DE/LU skal fordeles som 100 procent til den særskilt certificerede, tyske TSO Baltic Cable AB.

Forslaget til den ændrede metode tydeliggør endeligt, at omkostninger, der hidrører fra ubalancer, der ikke kan håndteres ved indbyrdes afregning mellem TSO'er efter EBGL, vil blive håndteret ved afregninger mellem markedsaktører og Baltic Cable AB i egenskab af balanceansvarlig aktør, og at det samme vil være tilfældet ved en nødsituation eller ved uplanlagt belastningsomfordeling eller modkøb.

Forsyningstilsynet vurderer herefter, at den ændrede metode for CCR Hansa alt andet lige vil fremme og understøtte en effektiv konkurrence inden for el-handel, vil sikre en fair og ikke-diskriminerende behandling af blandt andre TSO'er og markedsdeltagere samt vil sikre og forbedre oplysningernes gennemsigtighed og pålidelighed.

Forsyningstilsynet vurderer således sammenfattende, at den ændrede metode for CCR Hansa er i overensstemmelse med de relevante formål ifølge CACM artikel 3, litra a, e og f.

OFFENTLIGGØRELSE AF AFGØRELSEN

Forsyningstilsynets afgørelse offentliggøres i Forsyningstilsynets Afgørelsesdatabase på Forsyningstilsynets hjemmeside, https://afg.forsyningstilsynet.dk/.

Offentliggørelsen sker i ét samlet dokumentformat inklusive de berørte regulatorers redaktionelt ændrede version af de berørte TSO'ers forslag af 23. marts 2022 til en ændret metode til at fordele omkostninger til belastningsomfordeling og modkøb for CCR Hansa samt de berørte regulatorers position paper af 20. september 2022 om godkendelse af den ændrede metode.

Offentliggørelsen sker på grundlag af elforsyningslovens § 78 b, stk. 1, fortolket i lyset af artikel 59, stk. 8, jf. stk. 7, i direktiv (EU) 2019/944. Denne fortolkning indebærer, at der skal ske offentliggørelse af Forsyningstilsynets afgørelser, hvad enten de træffes efter elforsyningsloven eller efter EU-retsakter med direkte virkning, herunder den aktuelt relevante EU-forordning 2015/1222, der betegnes CACM.

KLAGEVEJLEDNING

Eventuel klage over denne afgørelse kan indbringes for Energiklagenævnet, jf. § 89, stk. 1, i lov om elforsyning, jf. lovbekendtgørelse nr. 984 af 12. maj 2021.

Klagen skal være skriftlig og skal være indgivet til klagenævnet inden 4 uger efter, at Forsyningstilsynets afgørelse er meddelt.

Klagen indgives til:

Energiklagenævnet
Nævnenes Hus
Toldboden 2
8800 Viborg
Telefon +45 72 40 56 00
E-mail-adresse ekn@naevneneshus.dk

Energiklagenævnets kontortid kan have betydning for, om klagen er indgivet i rette tid. Nærmere information om klagefristen, hvem der kan klage (klageberettiget), og nævnets klagebehandling, fremgår af Energiklagenævnets hjemmeside, www.ekn.dk.

Med venlig hilsen

Carl Helman
Fuldmægtig

Approval by All Regulatory Authorities in the capacity calculation region Hansa

on

the revised Hansa TSOs' common methodology for regional redispatching and countertrading cost sharing in the capacity calculation region Hansa in accordance with Article 74 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management

20 September 2022

I. Introduction and legal context

This document elaborates an agreement of all relevant Capacity Calculation Region ("CCR") Hansa Regulatory Authorities, reached on 20 September 2022, on the revision and on the approval of the amended proposal for the methodology for regional redispatching and countertrading cost sharing in the capacity calculation region Hansa (hereinafter referred to as "RCCS methodology") in accordance with Article 74 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (hereinafter referred to as "CACM Regulation").

The TSOs of the CCR Hansa ("Hansa TSOs") are therefore the German TSOs TenneT TSO GmbH, 50Hertz Transmission GmbH and Baltic Cable AB, the Dutch TSO TenneT TSO NL B.V., the Danish TSO Energinet, the Swedish TSO Svenska kraftnät, and the Polish TSO Polskie Sieci Elektroenergetyczne S.A. The Hansa TSOs cooperate with the Norwegian TSO Statnett on the development of the regional terms, conditions, and methodologies, which the Hansa TSOs are obliged to submit for regulatory approval.

The Regulatory Authorities of the CCR Hansa ("Hansa NRAs") are therefore Bundesnetzagentur ("BNetzA"), Autoriteit Consument & Markt ("ACM"), Danish Utility Regulator ("DUR"), Energimarknadsinspektionen ("Ei"), and Urząd Regulacji Energetyki ("URE"). However, the views of Reguleringsmyndigheten for energi ("NVE-RME") have been acknowledged in the process.

II. Introduction and legal context

This agreement of the Hansa NRAs shall provide evidence that a decision on the amended RCCS methodology does not need to be adopted by ACER pursuant to Article 9(11), (12) of the CACM Regulation. This document is intended to constitute the basis on which all NRAs will each subsequently issue national decisions pursuant to Article 9(7)(h) of the CACM Regulation to approve the amended RCCS methodology.

The legal provisions relevant to the submission and approval of the amended RCCS methodology are Articles 1(1), 3, 9(7)(h), (9), (10), (11), (12), 12, 35(5), (6), 74 of the CACM Regulation and Articles 5(3), (6) and 6(10) of Regulation (EU) 2019/942 of the European Parliament and the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (hereinafter referred to as "ACER Regulation").

CACM Regulation

Article 1(1)
This Regulation lays down detailed guidelines on cross-zonal capacity allocation and congestion management in the day-ahead and intraday markets, including the requirements for the establishment of common methodologies for determining the volumes of capacity simultaneously available between bidding zones, criteria to assess efficiency and a review process for defining bidding zones.

Article 3

This Regulation aims at:

a) *promoting effective competition in the generation, trading and supply of electricity;*
b) *ensuring optimal use of the transmission infrastructure;*
c) *ensuring operational security;*
d) *optimising the calculation and allocation of cross-zonal capacity;*
e) *ensuring fair and non-discriminatory treatment of TSOs, NEMOs, the Agency, regulatory authorities and market participants;*
f) *ensuring and enhancing the transparency and reliability of information;*
g) *contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector in the Union;*
h) *respecting the need for a fair and orderly market and fair and orderly price formation;*
i) *creating a level playing field for NEMOs;*
j) *providing non-discriminatory access to cross-zonal capacity.*

Article 9(7)(h)

The proposals for the following terms and conditions or methodologies shall be subject to approval by all regulatory authorities of the concerned region:

…

h) *the redispatching or countertrading cost sharing methodology in accordance with Article 74(1).*

Article 9(9)

The proposal for terms and conditions or methodologies shall include a proposed timescale for their implementation and a description of their expected impact on the objectives of this Regulation. Proposals on terms and conditions or methodologies subject to the approval by several or all regulatory authorities shall be submitted to the Agency at the same time that they are submitted to regulatory authorities. Upon request by the competent regulatory authorities, the Agency shall issue an opinion within three months on the proposals for terms and conditions or methodologies.

Article 9(10)

Where the approval of the terms and conditions or methodologies requires a decision by more than one regulatory authority, the competent regulatory authorities shall consult and closely cooperate and coordinate with each other in order reach an agreement. Where applicable, the competent regulatory authorities shall take into account the opinion of the Agency. Regulatory authorities shall take decisions concerning the submitted terms and conditions or methodologies in accordance with paragraphs 6, 7 and 8, within six months following the receipt of the terms and conditions or methodologies by the regulatory authority or, where applicable, by the last regulatory authority concerned.

Article 9(11)

Where the 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 concerning the submitted proposals for terms and conditions or methodologies within six months, in accordance with Article 8(1) of Regulation (EC) No 713/2009.

Article 9(12)

In the event that one or several regulatory authorities request an amendment to approve the terms and conditions or methodologies submitted in accordance with paragraphs 6, 7 and 8, the relevant TSOs or NEMOs shall submit a proposal for amended terms and conditions or methodologies for approval within two months following the requirement from the regulatory authorities. The competent regulatory authorities shall decide on the amended terms and conditions or methodologies within two months following their submission. Where the competent regulatory authorities have not been able to reach an agreement on terms and conditions or methodologies pursuant to paragraphs (6) and (7) within the two-month deadline, or upon their joint request, the Agency shall adopt a decision concerning the amended terms and conditions or methodologies within six months, in accordance with Article 8(1) of Regulation (EC) No 713/2009. If the relevant TSOs or NEMOs fail to submit a proposal for amended terms and conditions or methodologies, the procedure provided for in paragraph 4 of this Article shall apply.

Article 12

1. *TSOs and NEMOs responsible for submitting proposals for terms and conditions or methodologies or their amendments in accordance with this Regulation shall consult stakeholders, including the relevant authorities of each Member State, on the draft proposals for terms and conditions or methodologies where explicitly set out in this Regulation. The consultation shall last for a period of not less than one month.*

2. *The proposals for terms and conditions or methodologies submitted by the TSOs and NEMOs at Union level shall be published and submitted to consultation at Union level. Proposals submitted by the TSOs and NEMOs at regional level shall be submitted to consultation at least at regional level. Parties submitting proposals at bilateral or at multilateral level shall consult at least the Member States concerned.*

3. *The entities responsible for the proposal for terms and conditions or methodologies shall duly consider the views of stakeholders resulting from the consultations undertaken in accordance with paragraph 1, prior to its submission for regulatory approval if required in accordance with Article 9 or prior to publication in all other cases. In all cases, a clear and robust justification for including or not the views resulting from the consultation shall be developed in the submission and published in a timely manner before or simultaneously with the publication of the proposal for terms and conditions or methodologies.*

Article 35(5)

The relevant generation units and loads shall give TSOs the prices of redispatching and countertrading before redispatching and countertrading resources are committed. Pricing of redispatching and countertrading shall be based on: (a) prices in the relevant electricity markets for the relevant time-frame; or (b) the cost of redispatching and countertrading resources calculated transparently on the basis of incurred costs.

Article 35(6)

Generation units and loads shall ex-ante provide all information necessary for calculating the redispatching and countertrading cost to the relevant TSOs. This information shall be shared between the relevant TSOs for redispatching and countertrading purposes only.

Article 74

1. *No later than 16 months after the decision on the capacity calculation regions is taken, all TSOs in each capacity calculation region shall develop a proposal for a common methodology for redispatching and countertrading cost sharing.*

2. *The redispatching and countertrading cost sharing methodology shall include cost-sharing solutions for actions of cross-border relevance.*

3. *Redispatching and countertrading costs eligible for cost sharing between relevant TSOs shall be determined in a transparent and auditable manner.*

4. *The redispatching and countertrading cost sharing methodology shall at least:* [1]
   - (a) *determine which costs incurred from using remedial actions, for which costs have been considered in the capacity calculation and where a common framework on the use of such actions has been established, are eligible for sharing between all the TSOs of a capacity calculation region in accordance with the capacity calculation methodology set out in Articles 20 and 21;*
   - (b) *define which costs incurred from using redispatching or countertrading to guarantee the firmness of cross-zonal capacity are eligible for sharing between all the TSOs of a capacity calculation region in accordance with the capacity calculation methodology set out in Articles 20 and 21;*
   - (c) *set rules for region-wide cost sharing as determined in accordance with points (a) and (b).*

5. *The methodology developed in accordance with paragraph 1 shall include:*
   - (a) *a mechanism to verify the actual need for redispatching or countertrading between the TSOs involved;*
   - (b) *an ex post mechanism to monitor the use of remedial actions with costs;*
   - (c) *a mechanism to assess the impact of the remedial actions, based on operational security and economic criteria;*
   - (d) *a process allowing improvement of the remedial actions;*
   - (e) *a process allowing monitoring of each capacity calculation region by the competent regulatory authorities.*

6. *The methodology developed in accordance with paragraph 1 shall also:*
   - (a) *provide incentives to manage congestion, including remedial actions and incentives to invest effectively;*
   - (b) *be consistent with the responsibilities and liabilities of the TSOs involved;*
   - (c) *ensure a fair distribution of costs and benefits between the TSOs involved;*
   - (d) *be consistent with other related mechanisms, including at least:*
   - (i) *the methodology for sharing congestion income set out in Article 73;*
   - (ii) *the inter-TSO compensation mechanism, as set out in Article 13 of Regulation (EC) No 714/2009 and Commission Regulation (EU) No 838/2010 (1);*
   - (e) *facilitate the efficient long-term development and operation of the pan-European interconnected system and the efficient operation of the pan-European electricity market;*

[1] Commission Regulation (EU) No 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and common regulatory approach to transmission charging (OJ L 250, 24.9.2010, p. 5).

(f) *facilitate adherence to the general principles of congestion management as set out in Article 16 of Regulation (EC) No 714/2009;*
(g) *allow reasonable financial planning;*
(h) *be compatible across the day-ahead and intraday market time-frames; and*
(i) *comply with the principles of transparency and non-discrimination.*

ACER Regulation

Article 5(3)
Where one of the following legal acts provides for the development of proposals for terms and conditions or methodologies for the implementation of network codes and guidelines which require the approval of all the regulatory authorities of the region concerned, those regulatory authorities shall agree unanimously on the common terms and conditions or methodologies to be approved by each of those regulatory authorities:

a) *a legislative act of the Union adopted under the ordinary legislative procedure;*
b) *network codes and guidelines that were adopted before 4 July 2019 and subsequent revisions of those network codes and guidelines; or*
c) *network codes and guidelines adopted as implementing acts pursuant to Article 5 of Regulation (EU) No 182/2011*

The proposals referred to in the first subparagraph shall be notified to ACER within one week of their submission to those regulatory authorities. The regulatory authorities may refer the proposals to ACER for approval pursuant to point (b) of the second subparagraph of Article 6(10) and shall do so pursuant to point (a) of the second subparagraph of Article 6(10) where there is no unanimous agreement as referred to in the first subparagraph.
The Director or the Board of Regulators, acting on its own initiative or on a proposal from one or more of its members, may require the regulatory authorities of the region concerned to refer the proposal to ACER for approval. Such a request shall be limited to cases in which the regionally agreed proposal would have a tangible impact on the internal energy market or on security of supply beyond the region.

Article 5(6)
Before approving the terms and conditions or methodologies referred to in paragraphs 2 and 3, the regulatory authorities, or, where competent, ACER, shall revise them where necessary, after consulting the ENTSO for Electricity, the ENTSO for Gas or the EU DSO entity, in order to ensure that they are in line with the purpose of the network code or guideline and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market. ACER shall take a decision on the approval within the period specified in the relevant network codes and guidelines. That period shall begin on the day following that on which the proposal was referred to ACER.

Article 6(10)
ACER shall be competent to adopt individual decisions on regulatory issues having effects on cross-border trade or cross-border system security which require a joint decision by at least two regulatory authorities, where such competences have been conferred on the regulatory authorities under one of the following legal acts:

a) *a legislative act of the Union adopted under the ordinary legislative procedure;*

b) network codes and guidelines adopted before 4 July 2019 and subsequent revisions of those network codes and guidelines; or
c) network codes and guidelines adopted as implementing acts pursuant to Article 5 of Regulation (EU) No 182/2011.

ACER shall be competent to adopt individual decisions as specified in the first subparagraph in the following situations:
a) where the competent regulatory authorities have not been able to reach an agreement within six months of referral of the case to the last of those regulatory authorities, or within four months in cases under Article 4(7) of this Regulation or under point (c) of Article (59)(1) or point (f) of Article 62(1) of Directive (EU) 2019/944; or
b) on the basis of a joint request from the competent regulatory authorities.
The competent regulatory authorities may jointly request that the period referred to in point (a) of the second subparagraph of this paragraph be extended by a period of up to six months, except in cases under Article 4(7) of this Regulation or under point (c) of Article 59(1) or point (f) of Article 62(1) of Directive (EU) 2019/944.

III. The RCCS methodology

On 15 March 2021 Hansa NRAs ACM, BNetzA, DUR, EI and URE approved the proposal by the Hansa TSOs 50Hertz, Energinet.dk, PSE, Svenska Kraftnät, TenneT TSO B.V. and TenneT DE for the regional RCCS methodology in the capacity calculation region Hansa.

In its Decision 04-2021 on the Determination of Capacity Calculation Regions (dated 07 May 2021) ACER has contributed the bidding zone border DE/LU – SE4 ("Baltic Cable") to CCR Hansa, thus leading the CACM to be applicable for this new bidding zone border. Subsequently, already approved methodologies of CCR Hansa that need to be adapted accordingly, have to be submitted by each Hansa TSO to their respective Hansa NRA.

Subsequently, the last NRA received the TSOs' proposal for amendment of the methodology for regional RCCS in the capacity calculation region Hansa on 26 April 2022 and the necessary national translations. According to Article 9(10) of the CACM Regulation, the deadline for agreement of NRAs would end on 26 October 2022.

The proposal continues the basic and principal characteristics of the current RCCS methodology and amends provisions taking into account the characteristics of the bidding zone border DE/LU – SE4 operated by Baltic Cable AB.

The proposed changes in Article 2(2) of the methodology concern the definition of "costs" in the context of the methodology. Due to Baltic Cable AB's specific status, deviations stemming from ramping restrictions due to redispatch and countertrade actions are not clearly within scope of Commission Regulation (EU) 2017/2195 Articles 50(4) and 51(2) methodologies. This is because Baltic Cable's ramping deviations are treated as Balance Responsibility Party (BRP) imbalances and settled like any market party rather than as TSO-TSO costs. Further deviations are possible in case of an emergency or unplanned redispatch and countertrade actions taken on Baltic Cable (automated). The imbalance associated with this is also treated as a BRP imbalance,

with the cost being settled by Baltic Cable. These costs should be regulated and correctly assigned based on the principles within the RCCS methodology article 3.

With the proposed amendment in the annex of the methodology, the Hansa TSOs introduce a sharing key for the bidding zone border DE/LU – SE4. Due to the fact that the bidding zone border DE/LU – SE4 is solely operated by Baltic Cable AB, Baltic Cable AB bears the costs for countertrade and redispatch to 100%.

The other proposed amendments by Hansa TSOs concern editorial changes.

Beyond the submitted wording of the proposal Hansa NRAs have adopted some editorial changes and a minor omission by the TSO's regarding article 2(4). This omission is regarding that the TSO's shall inform the NRA's when costs are applied for the first time, they forgot in their proposal to include the new added cost category of article 2(2)(a)(vi). After consulting the TSO's by e-mail they clarified that these costs also should be included in article 2(4). However, these do not trigger the proceedings to due Article 5(6) of ACER Regulation 2019/942 and Article 9(4) CACM Regulation.

The NRAs closely cooperate and coordinate with each other in order to reach an agreement on the revision and adoption of the amended proposal.

The NRAs also agreed on some minor wording and clarification issues.

IV. Conclusion

The Hansa NRAs have assessed, consulted, coordinated, and closely cooperated with each other, to reach an agreement for approval of the proposal for amendment of the Redispatch and Countertrade Cost Sharing methodology for CCR Hansa.

On the basis of the actual common agreement among the Hansa NRAs, a decision on approval of the Hansa TSOs' proposal for amending the Redispatch and Countertrade Cost Sharing methodology for CCR Hansa is required by each of the Hansa NRAs by 26 October 2022 at the latest, pursuant to the 6-months deadline, following from Article 9(10) and 9(13) of the CACM Regulation.

Following national decisions on approval, adopted by each of the Hansa NRAs, each of the Hansa TSOs is then required to publish the amended Redispatch and Countertrade Cost Sharing methodology for CCR Hansa pursuant to Article 9(14) of the CACM Regulation.

Capacity Calculation Region Hansa TSOs' Common Redispatching and Countertrading Cost Sharing Methodology in accordance with Article 74 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management

23 March 2022

All TSOs of the Capacity Calculation Region Hansa, taking into account the following:

Whereas

(1) This document is a common methodology of the TSOs of Capacity Calculation Region (hereafter referred to as "CCR") Hansa as described in ACER decision 04-2019 of 1 April 2019 and associated annexes[1] and any amendments thereof by all NRAs or ACER in line with Article 9 of 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").

(2) This Methodology is a common methodology for redispatching and countertrading cost sharing (hereafter referred to as "RCCS Methodology") in accordance with CACM Regulation Article 74.

(3) This RCCS Methodology takes into account the general principles, goals and other methodologies set in the CACM Regulation, Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation (hereafter referred to as "SO Regulation"), Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market of electricity (hereafter referred to as "Regulation (EU) 2019/943"), the Commission Decision (EU) 2020/2123 of 11 November 2020 on the derogation for Krieger's Flak Combined Grid Solution (hereafter referred to as "KF CGS") following article 64 of Regulation (EU) 2019/943. The CACM Regulation sets out rules to ensure optimal use of the transmission infrastructure, operational security and optimising the calculation and allocation of cross-zonal capacity, and it sets requirements for the TSOs to cooperate on the level of CCRs, on a pan-European level and across bidding-zone borders. The SO Regulation defines rules and requirements for methodology development for the purpose of safeguarding operational security, frequency quality and the efficient use of the interconnected system and resources.

(4) In accordance with CACM Regulation Article 9(9), the proposed RCCS Methodology across CCR Hansa contributes to and does not in any way hinder the achievement of the objectives of CACM Regulation Article 3 . The RCCS Methodology ensures operational security and fair and non-discriminatory treatment of TSOs (Article 3(c) and CACM Regulation Article 3(e) and Article 74(6)(i)). It ensures operational security by specifying the cost sharing principles for the process of coordinated countertrading and redispatching (hereafter referred to as "RD and CT") with cross-border relevance thus enabling the use of RD and CT in a regionally coordinated way. This ensures equal treatment of TSOs. Further, the RCCS Methodology ensures transparency in the measures taken by TSOs by obliging them to record all measures taken and the subsequent cost of these measures and allowing for CCR Hansa NRAs to request the information recorded.

(5) The RCCS Methodology identifies the cost sharing principles between relevant TSOs for RD and CT actions of cross-border relevance, according to the requirements from CACM Regulation Article 74(2), and follows the principles of the CCR Hansa Coordinated Redispatching and Countertrading Methodology according to CACM Regulation Article 35 (hereafter referred to as "CRC Methodology").

[1] ACER decision 04-2019 on electricity TSOs proposal for amendments of CCRs of 1 April 2019 (https://acer.europa.eu/Official_documents/Acts_of_the_Agency/Individual%20decisions/ACER%20Decision%2004-2019%20on%20electricity%20TSOs%20proposal%20for%20amendments%20of%20CCRs.pdf), and associated annexes (https://acer.europa.eu/Official_documents/Acts_of_the_Agency/Pages/Annexes-to-the-DECISION-OF-THE-AGENCY-FOR-THE-COOPERATION-OF-ENERGY-REGULATORS-No-04-2019.aspx).

(6) This RCCS Methodology defines costs and income and sets rules for region-wide cost sharing from using RD and CT in the situations defined in Article 35 (2) of the CACM Regulation and the respective article of the CRC Methodology

(7) Only costs of RD and CT measures that are consistent with CACM Regulation Articles 35(4) and 74(2), hence which are coordinated and of cross-border relevance, are relevant for the CRC Methodology and the RCCS Methodology.

(8) The eligible costs are determined in a transparent and auditable manner, as required by CACM Regulation Article 74(3) as it is clearly defined which costs can be included in the cost sharing and that, to the extent possible, existing markets mechanisms and appropriate mechanisms and agreements are used as stated in the CRC Methodology Article 4(1)(a).

(9) Following Article 78(2)(a) of the SO Regulation, the CCR Hansa RSC is obliged to recommend to the relevant TSOs the most effective and economically efficient remedial actions, following the updated list of possible remedial actions and their anticipated costs. Each TSO is obliged to submit the list to the RSC, following Article 78(1)(b) of the SO Regulation. Ex post the activation of RD and CT, the eligible realised costs will be documented by the TSOs as part of the requirements in this RCCS Methodology Article 4.

(10) The RCCS Methodology follows the requirements by CACM Regulation Articles 74(6)(a), (b), (c) and (f) as it provides incentives for TSOs to manage congestions. This includes using RD and CT and thereby incentivises TSOs to invest effectively, as this RCCS Methodology states that costs and incomes are, depending on the situation, either:

a. fairly distributed to the owners of the CCR Hansa interconnectors,
b. to be covered by the TSO in whose control area the physical congestion took place,
c. split between TSOs of neighbouring CCR, according to the cost sharing methodology of that CCR.

This transparent and closely coordinated procedure allows the TSOs to have a reasonable financial planning as required by CACM Regulation Article 74(6)(g).

(11) The RCCS Methodology is consistent with the relevant methodologies, as the cost sharing principles ensure that the cost of the RD and CT is distributed to the TSOs who benefit from the methodology for sharing congestion income as set out in CACM Regulation Article 73, and the inter-TSO compensation mechanism as set out in Article 13 of Regulation (EU) 2019/943 and Commission Regulation (EU) No 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging. Thus, it complies with CACM Regulation 74(6)(d).

(12) The RCCS Methodology follows the requirements by CACM Regulation Articles 74(5)(a) and (c) as the need to utilise RD and CT is analysed and verified through the operational security analysis carried out by the RSC and in real-time by the TSOs. If RD and CT has been recommended, following Article 4(1)(b) in the CRC Methodology and SO Regulation 78(2)(a), the CCR Hansa RSC has verified the RD and CT of cross-border relevance to have been the most effective and economically efficient solution to violations of the operational security limits in the operational security analysis. In the CRC Methodology Article 7, the TSOs oblige the CCR Hansa RSC to document the use of RD and CT and the costs in order to monitor the use of RD and CT with costs ex post following the requirements by CACM Regulation Article 74(5)(b).

(13) The RCCS Methodology follows the requirements by CACM Regulation Article 74(5)(d) as planning the use of remedial actions, including RD and CT, will take place from the moment the market participants' schedules are known in day-ahead and throughout the day of operation, while the activation of measures will be done as close to the time of operation as possible. The time slot for activation of measures should be coordinated between TSOs as this will allow for the planning to be updated with the latest information, as specified in Article 3(5) of the RCCS Methodology. This allows for improvement of the selection of RD and CT measures, and has been specified in the CRC Methodology and also in the requirements by the SO Regulation Article 76(1)(b). The time frame for the proposed process for CCR Hansa is compatible across the day-ahead and intraday market time frames as the RD and CT identified in one process step are also taken into account in the following process steps and coordinated as close to operation as possible, thus complying with CACM Regulation Article 74(6)(h).

(14) Article 4(3) of this RCCS Methodology specifies a process to allow the monitoring of the CCR Hansa by the competent regulatory authorities, as the CCR Hansa TSOs are obliged to provide a complete record of the items stated in Article 4(1) of this RCCS Methodology. The similar process is specified in Article 7(8) in the CRC Methodology.

(15) The RCCS Methodology facilitates the efficient long-term development and operation of the pan-European interconnected system and the efficient operation of the pan-European electricity market as required by CACM Regulation Article 74(6)(e), as specified in whereas (4) and (8), the methodology provides the incentives to invest effectively, to coordinate the use of RD and CT to allow improvements in the use of remedial actions and to ensure an efficient utilisation of the transmission grid. Whereas (12) also specifies why the methodology helps ensuring an efficient operation of the pan-European electricity market, as it allows for further coordination and improved use of RD and CT.

(16) With the Commission Decision (EU) 2020/2123 of 11 November 2020 on the derogation for KF CGS following Article 64 of Regulation (EU) 2019/943 the KF CGS was granted a 10 year exception. This RCCS Methodology is in line with the Commission Decision. The decision sets out that the capacity to be used for calculating the minimum capacity shall be the residual capacity after deduction of the capacity necessary for transporting the forecasted electricity production by the wind farms connected to the KF CGS grid network at the day ahead stage to the respective national onshore systems, rather than the total transmission capacity.

SUBMIT THE FOLLOWING RCCS METHODOLOGY TO ALL REGULATORY AUTHORITIES OF THE CCR HANSA:

Article 1
Subject, matter and scope

1. This RCCS Methodology shall be considered the common methodology of the CCR Hansa TSOs in accordance with Article 74 of CACM Regulation and covers the sharing of costs of coordinated RD and CT actions realised in line with the CRC Methodology developed in accordance with Article 35 of the CACM Regulation on bidding-zone borders included in CCR Hansa.

Article 2
Definitions and interpretation

1. For the purposes of the RCCS Methodology, terms used in this document shall have the meaning of the definitions included in Article 2 of the CACM Regulation, of Regulation (EU) 2019/943, Directive (EU) 2019/944, Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets (hereafter referred to as "Transparency Regulation") and the Commission Decision (EU) 2020/2123 of 11 November 2020 on the derogation for KF CGS following article 64 of Regulation (EU) 2019/943.

2. In addition, in this RCCS Methodology, the following terms shall have the meaning below:

    a. "Costs" are the actual costs incurred by TSOs according to the appropriate mechanisms and agreements, as stated in CACM Regulation Article 35(3), for coordinated RD and CT in accordance with the CRC Methodology, needed to relieve physical congestion. If applicable, this is limited to:

        i. Cost of increase or decrease of generation and/or load pattern;

        ii. Availability payments for additional upward and downward regulation;

        iii. Curtailment of renewables;

        iv. Activation and start-up costs;

        v. Activation of balancing energy bids according to Commission Regulation (EU) 2017/2195 Article 29 in connection with Title V Articles 44 to 57;

        vi. Costs related to imbalances, in the absence of settlement mechanisms for deviations pursuant to Commission Regulation (EU) 2017/2195 Articles 50(4) and 51(2);

    b. "Incomes" are the actual revenues received by TSOs according to the appropriate mechanisms and agreements, as stated in CACM Regulation Article 35(3), for coordinated RD and CT in accordance with the CRC Methodology, needed to relieve physical congestion. If applicable, this is limited to:

        i. income from increase or decrease of generation and/or load pattern;

    c. 'RSC' means the Regional Security Coordinator(s) (RSC(s)) appointed for CCR Hansa, unless it is explicitly otherwise stated, according to Article 77(1)(a) of the SO Regulation that will perform the tasks allocated to this(these) RSC(s) according to Article 77(1)(c)(i) of the SO Regulation;

    d. 'TSO' means the CCR Hansa TSO(s) unless it is explicitly otherwise stated.

3. In this RCCS Methodology, unless the context requires otherwise:

a. The singular indicates the plural and vice versa;

b. Headings are inserted for convenience only and do not affect the interpretation of the RCCS Methodology;

c. References to an "Article" are, unless otherwise stated, references to an article of this RCCS Methodology;

d. Any reference to legislation, regulations, directives, orders, instruments, codes or any other enactment includes any modification, extension or re-enactment of it when in force.

4. If a TSO plans to apply cost sharing for the first time of one or more of the types of Costs, referred to in Article 2(2)(a)(ii) to (vi), the TSO shall inform the all CCR Hansa regulatory authorities on the TSO's cost sharing of those types of Costs, at the latest 2 months in advance. The TSO is to accompany this information by explanations, elaborating how the cost sharing of the types of Costs will be consistent with the RCCS Methodology, and showing examples how the cost sharing of those types of Costs will work in practice.

Article 3
Cost-sharing methodology for redispatching and countertrading measures

1. Costs and Incomes relating to a RD and CT measure in accordance with CACM Regulation Article 35(5), which is applied in order to:
    a. maintain minimum technical limits for stable operation of a CCR Hansa HVDC interconnector, following the CRC Methodology Article 3(1)(a),
    b. handle fault, failure or unplanned outage of a CCR Hansa interconnector including the converter stations, following the CRC Methodology Article 3(1)(b),
    c. maintain the capacity on the KF CGS interconnector in case a congestion occurs that is due to wind forecast error for one of the windfarms, following the CRC Methodology Article 3(1)(c),

    shall be split between the owners of the relevant CCR Hansa interconnector according to the sharing key in Annex 1.

2. Costs and Incomes relating to a RD and CT measure in accordance with CACM Regulation Article 35(5), which is applied:
    a. In case the RD and CT related to the CCR Hansa bidding-zone borders is proposed based on the operational security analysis carried out by the RSC other than referred to in Articles 3(1)(a), 3(1)(b) and 3(1)(c) of the RCCS Methodology, following the CRC Methodology Article 3(1)(d),
    b. In case the RD and CT is coordinated between neighbouring TSOs of CCR Hansa in situations, other than referred to in Articles 3(1)(a), 3(1)(b), 3(1)(c) and 3(2)(a) of the RCCS Methodology, following the CRC Methodology Article 3(1)(e),

    shall be covered by the TSO in whose control area the physical congestion took place.

3. Costs and Incomes relating to a RD and CT measure in accordance with CACM Regulation Article 35(5), for cross-regionally coordinated RD and CT across CCR Hansa bidding-zone borders, in order to handle a physical congestion in the adjacent AC grid, following the CRC Methodology Articles 6(1)(a) and 6(1)(b), shall be covered by TSOs of the relevant CCR, according to the cost sharing methodology of that CCR.

4. Costs and Incomes relating to TSOs requesting RD and CT measures in accordance with CACM Regulation Article 35(5), , from adjacent CCRs in the following situations:
    a. The RSC requesting RD and CT measures through the RSC of neighbouring CCRs, following the CRC Methodology Article 6(2),
    b. After the last relevant coordinated operational security analysis carried out by the RSC, the TSOs can request RD and CT measures from neighbouring CCR through the relevant connected TSO participating in that CCR, following the CRC Methodology Article 6(3),

    shall be covered by the TSO in whose control area the physical congestion took place.

5. The mechanism to verify the actual need for RD and CT as required by CACM Regulation Article 74(5)(a) follows the requirements put out by Articles 78(2) and 78(3) of the SO Regulation to the RSC's coordinated regional operational security assessment and the individual TSO's assessment following Article 78(4) of the SO Regulation.

6. The assessment of the impact on operational security and economic criteria of the RD and CT is performed by the CCR Hansa RSC in the coordinated regional operational security assessment as required in Article 74(5)(c) in CACM Regulation and Article 78(2)(a) of the SO Regulation, specifying that when the CCR Hansa RSC detects a constraint, it shall recommend to the relevant TSOs the most effective and economically efficient remedial actions.

Article 4
Documentation of the Costs and Incomes of activated redispatching and countertrading

1. The RSC shall record the following information, on a market time-unit basis, for each redispatching measure activated, in line with the Transparency Regulation:
    a. the measure taken (i.e. production increase or decrease, load increase or decrease, in MW);
    b. the duration of the measure (in multiples of the market time unit);
    c. the identification, location and type of network elements concerned by the measure;
    d. the reason for the measure; and
    e. capacity affected by the measure taken (in MW).

2. The RSC shall record the following information, on a market time-unit basis, for each countertrading measure activated in their control area, in line with the Transparency Regulation:
    a. The measure taken (i.e. cross-zonal exchange increase or decrease, in MW);
    b. the duration of the measure (in a multiple of the market-time unit);
    c. the bidding zone concerned;
    d. the reason for the measure; and
    e. change in cross-zonal exchange (in MW).

3. For the activated RD and CT measures recorded in accordance with the above Article 4(1) and Article 4(2), and following Article 7 of the CRC Methodology, developed in line with Article 35 of

CACM Regulation, the RSC is obliged to keep a record, for 5 years, of the Costs and Incomes incurred separately for the RD and CT measures applied.

4. Each TSO has to inform the RSC of the Costs and Incomes incurred from measures referred to in Article 4(1) and Article 4(2).

5. Upon request of NRAs, the TSOs are obliged to provide a complete record of the items stated in Article 4 of this RCCS Methodology.

Article 5
Implementation of the RCCS Methodology

The implementation of this RCCS Methodology is subject to the implementation of the CRC Methodology in accordance with Article 35 of the CACM Regulation.

Article 6
Language

The reference language for this RCCS Methodology shall be English. For the avoidance of doubt, where TSOs need to translate this RCCS Methodology 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 be obliged to dispel any inconsistencies by providing a revised translation of this RCCS Methodology to their relevant national regulatory authorities.

Annex 1

Current CCR Hansa bidding zone borders

CCR Hansa bidding zone border	Interconnector	Involved TSOs/Parties	Sharing key
Denmark (DK2) – Germany/Luxembourg (DE/LU)	Kontek	Energinet, 50Hertz Transmission GmbH, Vattenfall AB	Southbound direction (585MW): Energinet: 190/585 50Hertz: 195/585 Vattenfall AB: 200/585 Northbound direction (600MW): Energinet: 1/3 50Hertz: 1/3 Vattenfall AB: 1/3
	Krieger's Flak Combined Grid Solution	Energinet, 50Hertz Transmission GmbH	For Articles 3(1)(a), 3(1)(b): 50%/50% For Article 3(1)(c): The TSO whose wind forecast leads to RD or CT shall cover the cost.
Denmark (DK1) – Germany/Luxembourg (DE/LU)	All	Energinet, TenneT TSO GmbH	50% / 50%
Sweden (SE4) – Poland (PL)	SwePol Link	Svenska Kraftnät, PSE S.A.	50% / 50%
Denmark (DK1) – The Netherlands (NL)	COBRAcable	Energinet, TenneT TSO B.V.	50% / 50%
Sweden (SE4) – Germany (DE/LU)	Baltic Cable	Baltic Cable AB	100%