



Energinet's 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

21 June 2018

Energinet, taking into account the following,

Whereas

- (1) This document is a proposal for amendment (hereafter referred to as the “Proposal for Amendment”) developed by Energinet 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 Danish Energy Regulatory Authority has approved the MNA Proposal on 10 April 2017.
- (3) In accordance with Article 9(13) of the CACM regulation, Energinet 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 (8) 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 Danish borders are not required to perform a task not required by CCCs in general and thereby not treated unfairly.
- (8) Requiring Energinet 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 single day-ahead coupling, single intraday coupling and/or NEMO procedures.

SUBMITS THE FOLLOWING PROPOSAL FOR AMENDMENT TO THE DANISH ENERGY REGULATORY AUTHORITY (ENERGITILSYNET) AS THE NATIONAL REGULATORY AUTHORITY IN DENMARK:

TITLE 1 Amendments

Article 1

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

1. Energinet proposes to amend Article 5(1) in the 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 Danish 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. Energinet proposes to amend Article 5(3) in the following way:

The relevant NEMOs shall be responsible for the necessary arrangements between them in order to process the information provided to them in accordance with Article 5(2).

3. Energinet proposes to delete Article 5(4).

Article 2

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

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

1. NEMOs offering services in the Danish bidding zones shall deliver the single day-ahead coupling results to Energinet and the relevant CCC(s) in accordance with Article 48 of the CACM Regulation.
2. Energinet 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 Danish bidding zones 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. Energinet proposes to include a new article 14 on Data Exchange as follows:
 1. Energinet shall define the file formats and communication protocols for data exchange between Energinet (including relevant CCC(s) and relevant settlement entity(ies)), and relevant NEMOs (including relevant CCP(s)) in the Danish bidding zones. 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 single day-ahead coupling, single intraday coupling and/or NEMO procedures.

Article 4
Renumbering of articles

1. Energinet proposes to renumber 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 5
Publication and implementation of the amendments

1. Energinet shall publish the amendments without undue delay after the Danish Energy Regulatory Authority has approved the Proposal for Amendment.
2. The implementation date of this proposal shall follow the implementation of the MNA Proposal as set in Article 15 of the MNA proposal approved by The Danish Energy Regulatory Authority.

Article 6
Language

The reference language for this Proposal for Amendment shall be English.