

**DECISION No 37/2020
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS**

of 22 December 2020

**on the Products that can be taken into account in the
Single Day-Ahead Coupling**

THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 5(2)(b) thereof,

Having regard to Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management², and, in particular, Article 40 thereof,

Having regard to the outcome of the consultation with regulatory authorities, nominated electricity market operators, transmission system operators and market participants,

Having regard to the outcome of the consultation with the Agency's Electricity Working Group ('AEWG'),

Having regard to the favourable opinion of the Board of Regulators of 16 December 2020, delivered pursuant to Article 22(5) of Regulation (EU) 2019/942,

Whereas:

1. INTRODUCTION

- (1) Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (the 'CACM Regulation') laid down

¹ OJ L 158, 14.6.2019, p. 22.

² OJ L 197, 25.7.2015, p. 24.

a range of requirements for cross-zonal capacity allocation and congestion management in the day-ahead and intraday markets in electricity. Chapter 5 of the CACM Regulation specifies requirements for the single day-ahead coupling ('SDAC'), including products that can be taken into account in the SDAC ('SDAC products').

- (2) Pursuant to Articles 9(1), 9(6)(h) and 40(1) of the CACM Regulation, all nominated electricity market operators ('NEMOs') are required to propose products that can be taken into account in the SDAC and to submit it for approval to all regulatory authorities.
- (3) Pursuant to Article 9(13) of the CACM Regulation, the NEMOs responsible for developing a proposal for terms and conditions or methodologies may request amendments of these terms and conditions or methodologies.
- (4) Accordingly, on 24 June 2020, all NEMOs submitted to ACER a proposal for amendment of the products that can be taken into account in the SDAC ('Proposal'). This ACER Decision is hereby made to revise and approve the Proposal. Annex I to this Decision sets out the amended SDAC products.

2. PROCEDURE

2.1. Proceedings before ACER

- (5) On 8 April 2020, the NEMO Committee, on behalf of all NEMOs, started public consultation on the proposed amendments to the SDAC products, in accordance with Articles 9(13) and 12 of the CACM Regulation. The consultation finished on 15 May 2020.
- (6) By email, on 24 June 2020, the NEMO Committee, on behalf of all NEMOs, submitted the Proposal to ACER for decision.
- (7) On 6 October 2020, ACER launched a public consultation on the Proposal (including the amendments proposed by ACER), inviting all market participants to submit their comments by 27 October 2020. In particular, ACER asked stakeholders to provide comments on the choice of products proposed by all NEMOs for the SDAC.
- (8) During the decision-making process, ACER closely cooperated with all NEMOs and all regulatory authorities and extensively consulted them on the proposed amendments during numerous teleconferences and meetings and through exchanges of textual amendments via emails. In particular, the following procedural steps were taken in 2020:
 - 1 July: discussion during the meeting with the NEMOs, TSOs, regulatory authorities and the representatives of the European Commission;
 - 9 July: teleconference with the regulatory authorities;
 - 1 September: teleconference with NEMOs and regulatory authorities;

- 8 September: discussion with the regulatory authorities during the CACM Task Force meeting³;
- 22 September: discussion during the meeting with the NEMOs, TSOs, regulatory authorities and the representatives of the European Commission;
- 1 October: teleconference with NEMOs and regulatory authorities;
- 13 October: discussion with the regulatory authorities during the CACM Task Force meeting;
- 29 October: teleconference with NEMOs and regulatory authorities;
- 5-13 November: hearing with NEMOs and regulatory authorities (teleconferences on 5, 9 and 13 November); and
- 25 November: discussion with the regulatory authorities during the ACER Electricity Working Group meeting.

3. ACER'S COMPETENCE TO DECIDE ON THE PROPOSAL

- (9) According to Article 9(13) of the CACM Regulation, NEMOs responsible for developing a proposal for terms and conditions or methodologies may request amendments of these terms and conditions or methodologies, which shall be approved in accordance with the procedure set out in that Article.
- (10) According to Article 9(6)(h) of the CACM Regulation, a proposal for SDAC products (including their amendments) shall be subject to approval by all regulatory authorities.
- (11) According to Article 5(2)(b) of Regulation (EU) 2019/942, proposals for terms and conditions or methodologies, based on network codes and guidelines adopted before 4 July 2019 (i.e. the CACM Regulation), which require the approval of all regulatory authorities, shall be submitted to ACER for revision and approval.
- (12) Accordingly, on 24 June 2020, all NEMOs submitted the proposal for amendment of the SDAC products to ACER for revision and approval, thereby making ACER competent to adopt a decision in that respect.

4. SUMMARY OF THE PROPOSAL

- (13) The Proposal includes the following elements:
- a) the recitals;
 - b) general provisions, including the scope of application, definitions, publication and currency in Articles 1, 2 and 3;

³ ACER's platform for discussing all issues connected to the CACM Regulation with the regulatory authorities.

- c) the products that can be taken into account in the SDAC in Article 4; and
 - d) provisions on the timescale for implementation and language in Articles 5 and 6.
- (14) The Proposal consists of the following NEMOs' amendments of the SDAC products:
- a) redrafting of all recitals; and
 - b) an addition of a paragraph in Article 4 which introduces a new product: the scalable complex order.

5. SUMMARY OF THE OBSERVATIONS RECEIVED BY ACER

5.1. Consultation of all regulatory authorities, TSOs and NEMOs

- (15) All issues described in this decision were consulted with all regulatory authorities, TSOs and NEMOs as stated in paragraph (8) above.

5.2. Public consultation

- (16) On 6 October 2020, ACER launched a public consultation on ACER's proposed amendment to the Proposal inviting all market participants to submit their comments by 27 October 2020. In the consultation document, ACER asked stakeholders to provide views on the list of SDAC products as well as any other relevant comments and concerns.
- (17) In the public consultation document, ACER described the legal background of the SDAC products and provided a summary of the ACER's proposed amendment to the Proposal. ACER proposed a change in the structure of the document to enhance readability and to reflect the structure of the products that can be taken into account in the SDAC, as approved in accordance with Article 53 of the CACM Regulation. To this end, ACER proposed a similar separation of products: the mandatory products, which are explicitly required by Article 40 of the CACM Regulation and the optional products, which are not explicitly required by this Article.
- (18) The summary and the evaluation of the responses received from stakeholders during the public consultation are presented for information in Annex II to this Decision.

5.3. Hearing phase

- (19) ACER initiated the hearing phase on 2 November 2020 by providing all NEMOs and all regulatory authorities with ACER's proposed amendment to the Proposal, as well as the reasoning for the proposed changes. The hearing phase lasted until 13 November 2020. During this time, ACER received three requests for a hearing, which were held in a form of teleconferences on 5, 9 and 13 November.

- (20) The parties that requested a hearing with ACER raised the following concerns and issues:
- (a) Some NEMOs expressed concerns that the functioning and the implementation of corrective measures as defined in the Algorithm methodology⁴ is not clear, especially concerning their impact on the mandatory and optional products proposed by ACER.
 - (b) All NEMOs claimed that merit orders should be determined as mandatory products. ACER proposed that merit orders are determined as optional products, however, NEMOs alleged that they feature the same characteristics as simple (mandatory) orders and only apply a different acceptance criterion while being at-the-money. Therefore, in the NEMOs' opinion, they fulfil the conditions to become mandatory.
 - (c) All NEMOs provided a comment that Article 5(1) of the amended Proposal consulted during hearing can be misinterpreted, because it only takes into account the introduction of new products, while the aim should be to provide a link to the Algorithm methodology.
 - (d) One NEMO raised a concern that the decisions of all NEMOs after a submission of a request for change (as determined by the Algorithm methodology) only result in an increase of the research and development budget to accommodate that request for change. Therefore, the budget increase is in most instances the only solution used to address the challenges of dealing with the deteriorating performance of the price coupling algorithm. In this NEMO's view, two possible options to address the price coupling algorithm performance issues would be to (i) have a more standardised set of products across Europe or (ii) attempt to ensure that the TSOs consider the impact on the algorithm performance when making their requests for change.
 - (e) One NEMO requested a clarification, whether the terms and conditions or methodologies approved within the CACM Regulation supersede national legal requirements. This NEMO provided an example of the case where all NEMOs receive a request for change (as determined by the Algorithm methodology) to cease support of the PUN orders, because it establishes a burden to the price coupling algorithm's performance. In this case, this NEMO does not understand whether the request for change management established by the Algorithm methodology has stronger legal position (being the implementation of the European law) than the Italian law establishing the PUN.
 - (f) All NEMOs raised a comment that the application of corrective measures on an SDAC product (that would lead to a discontinuation of the availability of that

⁴ Methodology for the price coupling algorithm, the continuous trading matching algorithm and the intraday auction algorithm also incorporating a common set of requirements, approved in accordance with Article 37(5) of the CACM Regulation ('Algorithm methodology')

product) can distort the orderly price formation and effective competition, as determined by the CACM Regulation's objectives.

- (g) All NEMOs stated that in case the algorithm cannot accommodate all products, they would prefer to give higher priority to maintaining the current complexity of products compared to the implementation of the quarter and half-hourly products. In their views, these complex products better reflect market participant's needs.

6. ASSESSMENT OF THE PROPOSAL

6.1. Legal framework

- (21) Article 40 of the CACM Regulation sets out specific requirements for all NEMOs' joint proposal concerning products that can be taken into account in the SDAC.
- (22) According to Article 40(1) of the CACM Regulation, NEMOs shall submit a joint proposal concerning products that can be taken into account in the SDAC. Furthermore, NEMOs shall ensure that all orders resulting from these products submitted to the price coupling algorithm are expressed in euros and make reference to the market time⁵.
- (23) According to Article 40(2) of the CACM Regulation, all NEMOs shall ensure that the price coupling algorithm is able to accommodate orders resulting from these products covering one market time unit ('MTU') and multiple market time units.
- (24) According to Article 40(3) of the CACM Regulation, by two years after the entry into force of this Regulation and in every second subsequent year, all NEMOs shall consult in accordance with Article 12 of the CACM Regulation:
- (a) market participants, to ensure that available products reflect their needs;
 - (b) all TSOs, to ensure products take due account of operational security; and
 - (c) all regulatory authorities, to ensure that the available products comply with the objectives of the CACM Regulation.
- (25) According to Article 40(4) of the CACM Regulation, all NEMOs shall amend the products, if needed, pursuant to the results of the consultation referred to in Article 40(3).
- (26) As a general requirement, Article 9(9) of the CACM Regulation sets out that every proposal for terms and conditions or methodologies includes a proposed timescale for their implementation and a description of their expected impact on the objectives set out in Article 3 of the CACM Regulation.

⁵ See recital (33) on the difference between market time and market time unit.

6.2. Assessment of the legal requirements

6.2.1. Assessment of the requirements for the development and for the content of the proposal

6.2.1.1. Development of the proposal

- (27) The Proposal fulfils the requirements of Articles 9(1) and 9(6)(h) of the CACM Regulation, as all NEMOs jointly developed the Proposal and submitted it to ACER for revision and approval.
- (28) The first sentence of Article 40(1) of the CACM Regulation is not relevant for the current amendment process, because it refers to a procedure, which started 18 months after the entry into force of the CACM Regulation, when all NEMOs jointly proposed products that can be taken into account in SDAC to all regulatory authorities for approval. The procedure for amendment of the SDAC products has been initiated in accordance with Article 9(13) of the CACM Regulation.
- (29) Articles 40(3) and 40(4) of the CACM Regulation set out an obligation to all NEMOs to consult the SDAC products every two years and to request an amendment if needed, pursuant to the results of the consultation. However, ACER understands from the Proposal and from consulting with NEMOs that the Proposal is not resulting from the consultation process pursuant to Articles 40(3) and 40(4) of the CACM Regulation, but rather the Proposal has been submitted on NEMOs' own initiative pursuant to Article 9(13) of the CACM Regulation.

6.2.1.2. Proposed timescale for implementation

- (30) The Proposal meets the criteria of Article 9(9) of the CACM Regulation, because Article 5 of the Proposal adequately describes the proposed timescale for implementation.

6.2.1.3. Description of the expected impact on the objectives of the CACM Regulation

- (31) The Proposal meets the criteria of Article 9(9) of the CACM Regulation, because its recitals (3) to (9) provide the description of the impact on the objectives set out in Article 3 of the CACM Regulation.
- (32) Article 4 of the Proposal includes a sufficient range of SDAC products, which support the objectives of the CACM Regulation, therefore, the Proposal is compliant with Article 3 of the CACM Regulation.

6.2.2. Assessment of the legal requirements for SDAC products

- (33) The Proposal fulfils the requirements of the second sentence of Article 40(1) of the CACM Regulation, because Article 3(2) of the Proposal requires that all orders

resulting from these products submitted to the price coupling algorithm shall be expressed in euros and make reference to the market time unit⁶.

- (34) The Proposal partially fulfils the requirements of Article 40(2) of the CACM Regulation. Article 4 of the Proposal lists the products that can be taken into account in the SDAC covering one market time unit and multiple market time units. Therefore, it fulfils the requirement to propose these products. Nevertheless, the Proposal fails to take into account the fact that some of the proposed products are explicitly required by the Article 40(2) of the CACM Regulation and some of the proposed products are not. ACER understands that the products explicitly required by the Article 40(2) of the CACM Regulation represent a set of minimum requirements regarding the products, therefore, the products resulting from these minimum requirements are legally mandatory. Other products, which are not explicitly required by Article 40(2) of the CACM Regulation are, therefore, not legally mandatory and should be considered as optional. This distinction is important in cases where the price coupling algorithm is not able to accommodate all the products listed in the Proposal and some of the products would need to be removed from the list of products that the algorithm accommodates. In such cases, ACER finds it necessary to ensure that the list of legally mandatory products should not be among those products that the algorithm may discontinue to accommodate, due to performance problems. Therefore, only the optional products are the ones which the algorithm may discontinue to accommodate in case of performance problems.
- (35) Therefore, ACER separated Article 4 of the Proposal into two Articles (Articles 4 and 5 of Annex I of this Decision). In Article 4, ACER listed only those products which are mandatory and represent the minimum legal requirements set by Article 40(2) of the CACM Regulation that establishes an obligation for the price coupling algorithm to accommodate at least these products. In Article 5, ACER listed optional products, which can be accommodated by the price coupling algorithm in addition to the mandatory ones, but only if the price coupling algorithm can accommodate them without endangering the performance of the algorithm.
- (36) As a result of these amendments, Annex I of this Decision contains the same list of products to those proposed by all NEMOs, ACER only divided them into two different categories, one representing the minimum legal requirements (i.e. the mandatory products) and the second one representing other possible products that the algorithm should accommodate if possible (optional products).
- (37) During the hearing, all NEMOs expressed the view that merit orders should be defined as mandatory products. All NEMOs claimed that these merit orders feature the same

⁶ All NEMOs, regulatory authorities and ACER agree that the reference to ‘market time’ in Article 40(1) of the CACM Regulation is a typo and its intended meaning is to read the whole paragraph as: ‘NEMOs shall ensure that orders resulting from these products submitted to the price coupling algorithm are expressed in euros and make reference to the market time *unit*’

characteristics as simple (mandatory) orders and only apply a different acceptance criterion while being at-the-money. Therefore in the NEMOs' opinion, these products fulfil the conditions to be determined mandatory.

- (38) ACER understands that merit orders are MTU orders that have a specific acceptance criteria in case these orders are marginal or at-the-money (the standard pro-quota criteria is replaced by priority determined by market participants) and that these orders may have a marginal effect on the performance of the price coupling algorithm. Nevertheless, ACER considers that these orders are not within the scope of the meaning of the minimum requirements set out in Article 40(2) of the CACM Regulation. While the standard pro-quota criteria is applied by the algorithm for all MTU products as a standard acceptance criterion that is accommodating the needs of all NEMOs except one, the merit orders have specific additional condition (i.e. the merit order number), which needs to be additionally accommodated by the price coupling algorithm as a specific acceptance criterion.
- (39) Therefore, ACER concludes that the merit orders should be determined as optional products. If the effect on the price coupling algorithm's performance is marginal, there should be no concerns regarding their accommodation by the algorithm. However, in the unlikely event that the algorithm cannot accommodate both standard MTU orders and merit orders, the rules governing the SDAC products need to ensure that standard MTU orders have the priority. Finally, ACER would like to emphasise that the purpose of Article 40(2) of the CACM Regulation is to ensure that the algorithm accommodates at least the basic and standard products and such standardisation is crucial in defining the mandatory products. ACER acknowledges that the complex products (determined as optional) brings benefits to the functioning of the SDAC because it offers flexibility to market participants and may better serve their particular needs. Nevertheless, the use of these products is possible only to the extent that enables the price coupling algorithm to accommodate these products without endangering the performance of the algorithm.
- (40) All NEMOs provided a comment during the hearing that Article 5(1) of the amended Proposal submitted for the hearing was not clear enough because it was only referring to the introduction of new products rather than providing a reference to the Algorithm methodology.
- (41) Therefore, ACER agreed to redraft Article 5(1) of the amended Proposal submitted for the hearing, because it contained a simplification of the SDAC product's governance that could be misinterpreted. The rules of how the SDAC products are governed (i.e. introduced or discontinued) with regard to the price coupling algorithm should indeed be addressed only in the Algorithm methodology. Therefore, ACER amended the aforementioned Article 5(1) in a way that it only contains a link to the Algorithm methodology, thus making it clear and unambiguous that governance of introducing or discontinuing the products is within the scope of the Algorithm methodology.

6.2.3. Assessment of the requirements for consultation, transparency and stakeholder involvement

(42) Article 12 of the CACM Regulation requires that the NEMOs consult stakeholders, including the relevant authorities of each Member State. All NEMOs consulted the SDAC products as described in paragraph (5) above, therefore, fulfilling the requirements of Article 12 of the CACM Regulation.

6.3. Assessment of other provisions

(43) ACER deleted paragraph 5 of the recitals, because it does not contribute to the reasoning and/or assessment of the objectives of the CACM Regulation and rather describes the obligation of NEMOs to consult the SDAC products with market participants as set out in Article 40(3) of the CACM Regulation.

(44) ACER has updated the definitions to reflect the recent legislative changes, i.e. sorted the definitions provided in Article 2(3) of the Proposal alphabetically and deleted the definition of market time unit, which is defined in Article 2 of Regulation (EU) 543/2013.

(45) Moreover, ACER amended the drafting of definitions (2) and (3) of Article 2 of the Proposal and replaced the term ‘MTU’ by ‘period’ for the purpose of keeping consistency and aligning the definitions with the Products that can be taken into account by nominated electricity market operators in single intraday coupling auctions approved in accordance with Articles 53 and 55 of the CACM Regulation.

(46) ACER has deleted Article 3(3) of the Proposal in order to remove the connection to the request for change, which is already defined in the Algorithm methodology. Instead, ACER provided a general link to the aforementioned Algorithm methodology in a newly introduced Article 5(1) of Annex I of this Decision.

6.4. Assessment of other inputs received during the hearing phase

(47) Paragraphs (48) to (55) below provide ACER’s response to other concerns raised during the hearing, which were not assessed above (in particular concerns of paragraphs 20(a), (d), (e), (f) and (g) of Chapter 5.3):

(48) Some NEMOs expressed concerns that the functioning and the implementation of corrective measures as defined in the Algorithm methodology is not clear, especially concerning their impact on the mandatory and optional products proposed by ACER. ACER clarified to NEMOs that the mandatory products cannot be subject to application of corrective measures, because they constitute a minimum legal requirement set out by Article 40 of the CACM Regulation. Moreover, this minimum requirement is reflected in the Algorithm methodology, which allows the application of the corrective measures only on products that are not the direct legal requirements stemming from the CACM Regulation.

- (49) One NEMO raised a concern that the decisions of all NEMOs after a submission of a request for change (as determined by the Algorithm methodology) only result in an increase of the research and development budget to accommodate that request for change. Therefore, the budget increase is in most instances the only solution used to address the challenges of dealing with the deteriorating performance of the price coupling algorithm. In this NEMO's view, two possible options to address the price coupling algorithm performance issues would be to (i) have a more standardised set of products across Europe or (ii) attempt to ensure that the TSOs consider the impact on the algorithm performance when making their requests for change.
- (50) ACER considers that this concern is already addressed in the Algorithm methodology, which sets out the governance for NEMOs' processes regarding the requests for change. The Algorithm methodology sets the governance in a way that allows the NEMOs to make decisions which can fulfil the CACM Regulation's objectives. Therefore, if the NEMOs see it more efficient to replace or remove some of the legally non-binding functionalities of the price coupling algorithm (including products), they can submit a request for change proposing more efficient solution, instead of relying only on research and development to improve the algorithm's performance. Moreover, Algorithm methodology ensures that the NEMOs are able to request amendments to the requests for change in case they are not proportionate to their benefit. In conclusion, the choice, whether the increased research and development or limitations of functionalities or and introduction of more standardised products are more efficient, is given to the NEMOs, within the governance framework established in the Algorithm methodology.
- (51) One NEMO requested a clarification, whether the terms and conditions or methodologies approved within the CACM Regulation supersede national legal requirements. This NEMO provided an example of the case where all NEMOs receive a request for change (as determined by the Algorithm methodology) to cease support of the PUN orders, because it establishes a burden to the price coupling algorithm's performance. In this case, this NEMO does not understand whether the request for change management established by the Algorithm methodology has stronger legal position (being the implementation of the European law) than the Italian law establishing the PUN.
- (52) ACER provided its understanding that the terms and conditions or methodologies are approved in accordance with the relevant EU Regulations, in the present case: the CACM Regulation and Regulation (EU) 2019/943 of the European parliament and of the Council of 5 June 2019 on the internal market for electricity ('Electricity Regulation'), which are directly applicable. The approval decision of ACER establishing the terms and conditions or methodologies is directly applicable, too. As directly applicable EU law provisions, those provisions have primacy over conflicting national legal requirements.
- (53) All NEMOs raised a comment that the application of corrective measures on an SDAC product (that would lead to a discontinuation of the availability of that product) can distort the orderly price formation and effective competition, as determined by the

CACM Regulation's objectives. Moreover, All NEMOs stated that in case the algorithm cannot accommodate all products, they would prefer to give higher priority to maintaining the current complexity of products compared to the implementation of the quarter and half-hourly products. In their views, these complex products better reflect market participant's needs.

- (54) ACER clarified to NEMOs that the quarter- and half-hourly products are not a new requirement established by an ACER decision, but rather an existing requirement established in Article 8(2) of the Electricity Regulation. ACER generally supports that the algorithm should accommodate complex products, because they reflect the needs of market participants as referred to in Article 40(3)(a) of the CACM Regulation. Nevertheless, ACER notes that the obligation to accommodate quarter- and half-hourly products directly stems from Article 8(2) of the Electricity Regulation and thus cannot be considered as optional. The complex products on the other hand are not directly required by the applicable legal framework and therefore their use may be facilitated to the degree that is possible.
- (55) Finally, ACER notes that this Decision will have no impact on the range of optional products supported by the price coupling algorithm, because it only sets out the list of available products that shall (mandatory) or can (optional) be accommodated by the price coupling algorithm. All the governance and rules that enable the NEMOs to make choices and to develop/operate the functionalities of the price coupling algorithm are established in the Algorithm methodology.

7. CONCLUSION

- (56) For all the above reasons, ACER considers the Proposal in line with the requirements of the CACM Regulation, provided that the amendments described in this Decision are integrated in the Proposal, as presented in Annex I. The amendments ensure that the Proposal is in line with the purpose of the CACM Regulation and contributes to market integration, non-discrimination, effective competition and the proper functioning of the market.
- (57) Therefore, ACER approves the Proposal subject to the necessary amendments. To provide clarity, Annex I to this Decision sets out the Proposal as amended and approved by ACER,

HAS ADOPTED THIS DECISION:

Article 1

The products that can be taken into account in the single day-ahead coupling, developed pursuant to Article 40 of Regulation EU 2015/1222, are adopted as set out in Annex I to this Decision.

Article 2

This Decision is addressed to:

BSP Regionalna Energetska Borza d.o.o.,
CROPEX Ltd,
EirGrid plc,
EPEX Spot SE,
EXAA AG,
GME Spa,
HEnEx SA,
HUPX Zrt.,
Independent Bulgarian Power Exchange (IBEX),
Nasdaq Oslo ASA,
Nord Pool European Market Coupling Operator AS,
OKTE a.s.,
OMIE S.A.,
OPCOM S.A.,
OTE a.s.,
SONI Ltd, and
Towarowa Gielda Energii S.A.

Done at Ljubljana, on 22 December 2020.

- SIGNED -

*For the Agency
The Director*

C. ZINGLERSEN

Annexes:

Annex I – Products that can be taken into account in the Single Day-Ahead Coupling in accordance with Article 40 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management

Annex Ia (for information only) – Products that can be taken into account in the Single Day-Ahead Coupling in accordance with Article 40 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management - with track changes

Annex II (for information only) – Evaluation of Responses to the Public Consultation on the Products that can be taken into account in the Single Day-Ahead Coupling

In accordance with Article 28 of Regulation (EU) 2019/942, the addressees may appeal against this Decision by filing an appeal, together with the statement of grounds, in writing at the Board of Appeal of the Agency within two months of the day of notification of this Decision.

In accordance with Article 29 of Regulation (EU) 2019/942, the addressees may bring an action for the annulment before the Court of Justice only after the exhaustion of the appeal procedure referred to in Article 28 of that Regulation.