

COMMISSION REGULATION (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management

Incorporated and adapted by the Ministerial Council Decision 2022/03/MC-EnC of 15 December 2022 on the incorporation of Regulation (EU) 2019/942, Regulation (EU) 2019/943, Regulation (EU) 2015/1222, Regulation (EU) 2016/1719, Regulation (EU) 2017/2195, Regulation (EU) 2017/2196, Regulation (EU) 2017/1485 in the Energy Community acquis, amending Annex I of the Energy Community Treaty, and on the amendments of the Ministerial Council Decisions 2021/13/MC-EnC and 2011/02/MC-EnC.

*The adaptations made by Ministerial Council Decision 2022/03/MC-EnC are highlighted in **bold and blue**.*

TITLE I GENERAL PROVISIONS

Article 1

Subject matter and scope

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.
2. This Regulation shall apply to all transmission systems and interconnections in the **Energy Community** except the transmission systems <...> which are not connected with other transmission systems via interconnections.
3. In **Contracting Parties** where more than one transmission system operator exists, this Regulation shall apply to all transmission system operators within that **Contracting Party**. Where a transmission system operator does not have a function relevant to one or more obligations under this Regulation, **Contracting Parties** may provide that the responsibility for complying with those obligations is assigned to one or more different, specific transmission system operators.
4. <...>
5. <...>

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No **2019/943**, **as adapted and adopted by Ministerial Council Decision 2022/03/MCEnC**, Article 2 of Commission Regulation (EU) No 543/2013, **as adapted and adopted by Permanent High Level Group Decision 2015/01/PHLG-EnC**, and Article 2 of Directive (EU) **2019/944** of the European Parliament and of the Council, **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**, shall apply.

In addition, the following definitions shall apply:

1. 'individual grid model' means a data set describing power system characteristics (generation, load and grid topology) and related rules to change these characteristics during capacity calculation, prepared by the responsible TSOs, to be merged with other individual grid model components in order to create the-common grid model;
2. 'common grid model' means a <...> wide data set agreed **in accordance with Article 2 No 2 of Regulation (EU) 2015/1222, and extended to TSOs of Contracting Parties**;
3. 'capacity calculation region' means the geographic area in which coordinated capacity calculation is applied;
4. 'scenario' means the forecasted status of the power system for a given time-frame;
5. 'net position' means the netted sum of electricity exports and imports for each market time unit for a bidding zone;
6. 'allocation constraints' means the constraints to be respected during capacity allocation to maintain the transmission system within operational security limits and have not been translated into cross-zonal capacity or that are needed to increase the efficiency of capacity allocation;
7. 'operational security limits' means the acceptable operating boundaries for secure grid operation such as thermal limits, voltage limits, short-circuit current limits, frequency and dynamic stability limits;
8. 'coordinated net transmission capacity approach' means the capacity calculation method based on the principle of assessing and defining *ex ante* a maximum energy exchange between adjacent bidding zones;
9. 'flow-based approach' means a capacity calculation method in which energy exchanges between bidding zones are limited by power transfer distribution factors and available margins on critical network elements;
10. 'contingency' means the identified and possible or already occurred fault of an element, including not only the transmission system elements, but also significant grid users and distribution network elements if relevant for the transmission system operational security;
11. 'coordinated capacity calculator' means the entity or entities with the task of calculating transmission capacity, at regional level or above;
12. 'generation shift key' means a method of translating a net position change of a given bidding zone into estimated specific injection increases or decreases in the common grid model;
13. 'remedial action' means any measure applied by a TSO or several TSOs, manually or automatically, in order to maintain operational security;
14. 'reliability margin' means the reduction of cross-zonal capacity to cover the uncertainties within capacity calculation;
15. 'market time' means central European summer time or central European time, whichever is in effect;
16. 'congestion income' means the revenues received as a result of capacity allocation;
17. 'market congestion' means a situation in which the economic surplus for single day-ahead or intraday coupling has been limited by cross-zonal capacity or allocation constraints;

18. 'physical congestion' means any network situation where forecasted or realised power flows violate the thermal limits of the elements of the grid and voltage stability or the angle stability limits of the power system;
19. 'structural congestion' means congestion in the transmission system that can be unambiguously defined, is predictable, is geographically stable over time and is frequently reoccurring under normal power system conditions;
20. 'matching' means the trading mode through which sell orders are assigned to appropriate buy orders to ensure the maximisation of economic surplus for single day-ahead or intraday coupling;
21. 'order' means an intention to purchase or sell energy or capacity expressed by a market participant subject to specified execution conditions;
22. 'matched orders' means all buy and sell orders matched by the price coupling algorithm or the continuous trade matching algorithm;
23. 'nominated electricity market operator (NEMO)' means an entity designated by the competent authority to perform tasks related to single day-ahead or single intraday coupling;
24. 'shared order book' means a module in the continuous intraday coupling system collecting all matchable orders from the NEMOs participating in single intraday coupling and performing continuous matching of those orders;
25. 'trade' means one or more matched orders;
26. 'single day-ahead coupling' means the auctioning process **defined by Article 2 No 26 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties;**
27. 'single intraday coupling' means the continuous process **defined by Article 2 No 27 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties;**
28. 'price coupling algorithm' means the algorithm **defined by Article 2 No 28 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties;**
29. 'continuous trading matching algorithm' means the algorithm **defined by Article 2 No 29 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties;**
30. 'market coupling operator (MCO) function' means the task of matching orders from the day-ahead and intraday markets for different bidding zones and simultaneously allocating cross-zonal capacities;
31. 'clearing price' means the price determined by matching the highest accepted selling order and the lowest accepted buying order in the electricity market;
32. 'scheduled exchange' means an electricity transfer scheduled between geographic areas, for each market time unit and for a given direction;
33. 'scheduled exchange calculator' means the entity or entities with the task of calculating scheduled exchanges;
34. 'day-ahead market time-frame' means the time-frame of the electricity market until the day-ahead market gate closure time, where, for each market time unit, products are traded the day prior to delivery;

35. 'day-ahead firmness deadline' means the point in time after which cross-zonal capacity becomes firm;
36. 'day-ahead market gate closure time' means the point in time until which orders are accepted in the day-ahead market;
37. 'intraday market time-frame' means the time-frame of the electricity market after intraday cross-zonal gate opening time and before intraday cross-zonal gate closure time, where for each market time unit, products are traded prior to the delivery of the traded products;
38. 'intraday cross-zonal gate opening time' means the point in time when cross-zonal capacity between bidding zones is released for a given market time unit and a given bidding zone border;
39. 'intraday cross-zonal gate closure time' means the point in time where cross-zonal capacity allocation is no longer permitted for a given market time unit;
40. 'capacity management module' means a system containing up-to-date information on available cross-zonal capacity for the purpose of allocating intra-day cross-zonal capacity;
41. 'non-standard intraday product' means a product for continuous intraday coupling not for constant energy delivery or for a period exceeding one market time unit with specific characteristics designed to reflect system operation practices or market needs, for example orders covering multiple market time units or products reflecting production unit start-up costs;
42. 'central counter party' means the entity or entities with the task of entering into contracts with market participants, by novation of the contracts resulting from the matching process, and of organising the transfer of net positions resulting from capacity allocation with other central counter parties or shipping agents;
43. 'shipping agent' means the entity or entities with the task of transferring net positions between different central counter parties;
44. 'firmness' means a guarantee that cross-zonal capacity rights will remain unchanged and that a compensation is paid if they are nevertheless changed;
45. '*force majeure*' means any unforeseeable or unusual event or situation beyond the reasonable control of a TSO, and not due to a fault of the TSO, which cannot be avoided or overcome with reasonable foresight and diligence, which cannot be solved by measures which are from a technical, financial or economic point of view reasonably possible for the TSO, which has actually happened and is objectively verifiable, and which makes it impossible for the TSO to fulfil, temporarily or permanently, its obligations in accordance with this Regulation;
46. 'economic surplus for the single day-ahead or intraday coupling' means the sum of (i) the supplier surplus for the single day-ahead or intraday coupling for the relevant time period, (ii) the consumer surplus for the single day-ahead or intraday coupling, (iii) the congestion income and (iv) other related costs and benefits where these increase economic efficiency for the relevant time period, supplier and consumer surplus being the difference between the accepted orders and the clearing price per energy unit multiplied by the volume of energy of the orders.
47. '**Member State**' means a territory of the European Union referred to in Article 27 of the Treaty.

Article 3

Objectives of capacity allocation and congestion management cooperation

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 **for the Cooperation of Energy Regulators, the Energy Community Regulatory Board**, 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 **Energy Community**;
- (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 4

NEMOs designation and revocation of the designation

1. Each **Contracting Party** electrically connected to a bidding zone in another **Contracting Party or** Member State shall ensure that one or more NEMOs are designated by **six** months after the entry into force of this Regulation to perform the single day-ahead and/or intraday coupling. For that purpose, domestic and non-domestic market operators may be invited to apply to be designated as a NEMO.
2. Each **Contracting Party** concerned shall ensure that at least one NEMO is designated in each bidding zone on its territory. NEMOs shall be designated for an initial term of four years. Except where Article 5(1) applies, **Contracting Parties** shall allow applications for designation at least annually.
3. Unless otherwise provided by **Contracting Parties**, regulatory authorities shall be the designating authority, responsible for NEMO designation, monitoring of compliance with the designation criteria and, in the case of national legal monopolies, the approval of NEMO fees or the methodology to calculate NEMO fees. **Contracting Parties** may provide that authorities other than the regulatory authorities be the designating authority. In these circumstances **Contracting Parties** shall ensure that the designating authority has the same rights and obligations as the regulatory authorities in order to effectively carry out its tasks.
4. The designating authority shall assess whether NEMO candidates meet the criteria set out in Article 6. Those criteria shall apply regardless of whether one or more NEMOs are appointed. When deciding upon NEMO designations, any discrimination between applicants, notably between non-domestic and domestic applicants, shall be avoided. If the designating authority is not the regulatory authority, the regulatory authority shall give an opinion on the extent to which the applicant for designation meets the designation criteria laid down in Article

6. NEMO designations shall only be refused where the designation criteria in Article 6 are not met or in accordance with Article 5(1).

5. A NEMO designated in one **Contracting Party or Member State** shall have the right to offer day-ahead and intraday trading services with delivery in another **Contracting Party or Member State**. The trading rules in the latter **Contracting Party or Member State** shall apply without the need for designation as a NEMO in that **Contracting Party or Member State**. The designating authorities shall monitor all NEMOs performing single day-ahead and/or intra-day coupling within their **Contracting Party or Member State**. In accordance with Article 19 of Regulation (EC) No 714/2009, the designating authorities shall ensure compliance with this Regulation by all NEMOs performing single day-ahead and/or intra-day coupling within their **Contracting Party**, regardless of where the NEMOs were designated. The authorities in charge of NEMO designation, monitoring and enforcement shall exchange all information necessary for an efficient supervision of NEMO activities.

A designated NEMO must notify the designating authority of another **Contracting Party or Member State** if it proposes to perform single day-ahead or intraday coupling in that **Contracting Party or Member State** two months before commencing operation.

6. By way of exception to paragraph 5 of this Article, a **Contracting Party or Member State** may refuse the trading services by a NEMO designated in another **Contracting Party or Member State** if:

- (a) a national legal monopoly for day-ahead and intraday trading services exists in the **Contracting Party or Member State** or bidding zone of the **Contracting Party or Member State** where delivery takes place in accordance with Article 5(1); or
- (b) the **Contracting Party or Member State** where delivery takes place can establish that there are technical obstacles to delivery into that **Contracting Party or Member State** of electricity purchased on day-ahead and intraday markets using NEMOs designated in another **Contracting Party or Member State** linked to the need to ensure the objectives of this Regulation are met while maintaining operational security; or
- (c) the trading rules in the **Contracting Party or Member State** of delivery are not compatible with the delivery into that **Contracting Party or Member State** of electricity purchased on the basis of day-ahead and intraday trading services provided by a NEMO designated in another **Contracting Party or Member State**; or
- (d) the NEMO is a national legal monopoly in accordance with Article 5 in the **Contracting Party or Member State** where it is designated.

7. In case of a decision to refuse day-ahead and/or intraday trading services with delivery in another **Contracting Party or Member State**, the **Contracting Party** of delivery shall notify its decision to the NEMO and to the designating authority of the **Contracting Party or Member State** where the NEMO is designated, as well as to the **Energy Community Secretariat and the Energy Community Regulatory Board and, to the extent Member States are affected, the European Commission and the Agency for the Cooperation of Energy Regulators**. The refusal shall be duly justified. In the cases set out in subparagraphs 6(b) and 6(c), the decision to refuse trading services with delivery in another **Contracting Party or Member State** shall also set out how and by when the technical obstacles to trading can be overcome or the domestic trading rules can be made compatible with trading services with delivery in another **Contracting Party or Member State**. The designating authority of the **Contracting Party** refusing the trading services shall investigate the decision and publish an opinion on how to remove the obstacles to the trading services or how to make the trading services and the trading rules compatible.

8. The **Contracting Party** where the NEMO has been designated shall ensure that designation is revoked if the NEMO fails to maintain compliance with the criteria in Article 6 and is not able to restore compliance within six months of being notified of such failure by the

designating authority **from a Member State or Contracting Party**. If the regulatory authority is not responsible for designation and monitoring, they shall be consulted on the revocation. The designating authority shall also notify the designating authority of the other **Contracting Party or Member States** in which that NEMO is active of its failure to maintain compliance at the same time it notifies the NEMO.

9. If a designating authority of a **Contracting Party** finds that a NEMO active but not designated in its country fails to maintain compliance with the criteria in Article 6 with respect to its activities in this country, it must notify the NEMO of its non-compliance. If the NEMO does not restore compliance within three months of being notified, the designating authority can suspend the right to offer intraday and day-ahead trading services in this **Contracting Party** until such time as the NEMO restores compliance. The designating authority shall notify the designating authority of the **Contracting Party or Member State** in which the NEMO is designated, **as well as the Energy Community Secretariat and the Energy Community Regulatory Board and, to the extent Member States are affected, the European Commission and the Agency for the Cooperation of Energy Regulators**.

10. The designating authority shall inform the **Energy Community Regulatory Board** of the designation and revocation of NEMOs. The **Energy Community Regulatory Board** shall maintain a list of designated NEMOs **in the Contracting Parties**, their status and where they operate on its website.

Article 5

NEMOs designation in case of a national legal monopoly for trading services

1. If a national legal monopoly for day-ahead and intraday trading services which excludes the designation of more than one NEMO already exists in a **Contracting Party or Contracting Party's** bidding zone at the time of the entry into force of this Regulation, the **Contracting Party** concerned must notify the **Energy Community Secretariat** within two months after entry into force of this regulation and may refuse the designation of more than one NEMO per bidding zone.

If there are several applicants to be designated as the only NEMO, the **Contracting Party** concerned shall designate the applicant which best meets the criteria listed in Article 6. If a **Contracting Party** refuses the designation of more than one NEMO per bidding zone, the competent national authority shall fix or approve the NEMO fees for trading in the day-ahead and intraday markets, sufficiently in advance of their entry into force, or specify the methodologies used to calculate them.

In accordance with Article 4(6), the **Contracting Party** concerned may also refuse cross-border trading services offered by a NEMO designated in another **Contracting Party or Member State**; however, the protection of existing power exchanges in that **Contracting Party or Member State** from economic disadvantages through competition is not a valid reason for refusal.

2. For the purposes of this regulation, a national legal monopoly is deemed to exist where national law expressly provides that no more than one entity within a **Contracting Party or Contracting Party's** bidding zone can carry out day-ahead and intraday trading services.

3. <...>

Article 6

NEMO designation criteria

1. An applicant shall only be designated as a NEMO if it complies with all of the following requirements:
 - (a) it has contracted or contracts adequate resources for common, coordinated and compliant operation of single day-ahead and/or intraday coupling, including the resources necessary to fulfil the NEMO functions, financial resources, the necessary information technology, technical infrastructure and operational procedures or it shall provide proof that it is able to make these resources available within a reasonable preparatory period before taking up its tasks in accordance with Article 7;
 - (b) it shall be able to ensure that market participants have open access to information regarding the NEMO tasks in accordance with Article 7;
 - (c) it shall be cost-efficient with respect to single day-ahead and intraday coupling and shall in its internal accounting keep separate accounts for MCO functions and other activities in order to prevent cross-subsidisation;
 - (d) it shall have an adequate level of business separation from other market participants;
 - (e) if designated as a national legal monopoly for day-ahead and intraday trading services in a **Contracting Party**, it shall not use the fees in Article 5(1) to finance its day-ahead or intraday activities in a **Contracting Party or Member State** other than the one where these fees are collected;
 - (f) it shall be able to treat all market participants in a non-discriminatory way;
 - (g) it shall have appropriate market surveillance arrangements in place;
 - (h) it shall have in place appropriate transparency and confidentiality agreements with market participants and the TSOs;
 - (i) it shall be able to provide the necessary clearing and settlement services;
 - (j) it shall be able to put in place the necessary communication systems and routines for coordinating with the TSOs of the Member State **and Contracting Party**.
2. The designation criteria set out in paragraph 1 shall be applied in such a way that competition between NEMOs is organised in a fair and non-discriminatory manner.

Article 7

NEMO tasks

1. NEMOs shall act as market operators in national or regional markets to perform in cooperation with TSOs single day-ahead and intraday coupling. Their tasks shall include receiving orders from market participants, having overall responsibility for matching and allocating orders in accordance with the single day-ahead and intraday coupling results, publishing prices and settling and clearing the contracts resulting from the trades according to relevant participant agreements and regulations.

With regard to single day-ahead and intraday coupling, NEMOs shall in particular be responsible for the following tasks:

- (a) implementing the MCO functions set out in paragraph 2 in coordination with other NEMOs;
- (b) **applying** the requirements for the single day-ahead and intraday coupling, requirements for MCO functions and the price coupling algorithm with respect to all matters related to

electricity market functioning in accordance with paragraph 2 of this Article, and Articles 36 <...>;

- (c) **applying** maximum and minimum prices in accordance with Articles 41 and 54;
 - (d) making anonymous and sharing the received order information necessary to perform the MCO functions provided for in paragraph 2 of this Article and Articles 40 and 53;
 - (e) assessing the results calculated by the MCO functions set out in paragraph 2 of this Article allocating the orders based on these results, validating the results as final if they are considered correct and taking responsibility for them in accordance with Articles 48 and 60;
 - (f) informing the market participants on the results of their orders in accordance with Articles 48 and 60;
 - (g) acting as central counter parties for clearing and settlement of the exchange of energy resulting from single day-ahead and intraday coupling in accordance with Article 68(3);
 - (h) **implementing** jointly with relevant NEMOs and TSOs back-up procedures for national or regional market operation in accordance with Article 36(3) if no results are available from the MCO functions in accordance with Article 39(2), taking account of fallback procedures provided for in Article 44;
 - (i) jointly providing single day-ahead and intraday coupling cost forecasts and cost information to competent regulatory authorities and TSOs where NEMO costs for establishing, amending and operating single day-ahead and intraday coupling are to be covered by the concerned TSOs' contribution in accordance with Articles 75 to 77 and Article 80;
 - (j) Where applicable, in accordance with Article 45 and 57, coordinate with TSOs to establish arrangements concerning more than one NEMO within a bidding zone and perform single day-ahead and/or intraday coupling in line with the approved arrangements.
2. NEMOs **may** carry out MCO functions jointly with NEMOs **from Member States**. Those functions shall include the following:
- (a) Developing, maintaining **and applying** the algorithms, systems and procedures for single day-ahead and intraday coupling in accordance with Articles 36 and 51;
 - (b) processing input data on cross-zonal capacity and allocation constraints provided by coordinated capacity calculators in accordance with Articles 46 and 58;
 - (c) operating the price coupling and continuous trading matching algorithms in accordance with Articles 48 and 60;
 - (d) validating and sending single day-ahead and intraday coupling results to the NEMOs in accordance with Articles 48 and 60.
3. By **twelve** months after the entry into force of this Regulation all NEMOs **from Contracting Parties and Member States** shall submit to all regulatory authorities, **the Energy Community Regulatory Board** and the **Agency for the Cooperation of Energy Regulators** a plan **on integration of e NEMOs from Contracting Parties in** the MCO functions set out in paragraph 2, **and in the** agreements between NEMOs and with third parties. The plan shall **be consistent with the plan drafted in accordance with Regulation (EU) 2015/1222 and shall** include a detailed description and the proposed timescale for implementation, <...> and a description of the expected impact of **such integration** on the <...> performance of the MCO functions in **Article 7 (2) of Regulation (EU) 2015/1222**.

4. Cooperation between NEMOs shall be strictly limited to what is necessary for the efficient and secure design, implementation and operation of single day-ahead and intraday coupling. The joint performance of MCO functions shall be based on the principle of non-discrimination and ensure that no NEMO can benefit from unjustified economic advantages through participation in MCO functions.

5. The **Energy Community Regulatory Board** shall monitor NEMOs' progress in <...> performing the MCO functions **pursuant to paragraph 2**, in particular regarding the contractual and regulatory framework and regarding technical preparedness to fulfil the MCO functions. <...>

6. <...>

Article 8

TSOs' tasks related to single day-ahead and intraday coupling

1. In **Contracting Parties** electrically connected to another **Contracting Party or Member State** all TSOs shall participate in the single day-ahead and intraday coupling.
2. TSOs shall:
 - (a) jointly **apply** TSO requirements for the price coupling and continuous trading matching algorithms for all aspects related to capacity allocation in accordance with Article 37(1)(a) **of Commission Regulation (EU) 2015/1222**;
 - (b) <...>
 - (c) establish and perform capacity calculation in accordance with Articles 14 to 30;
 - (d) where necessary, establish cross zonal capacity allocation and other arrangements in accordance with Articles 45 and 57;
 - (e) calculate and send cross zonal capacities and allocation constraints in accordance with Articles 46 and 58;
 - (f) verify single day-ahead coupling results in terms of validated cross-zonal capacities and allocation constraints in accordance with Articles 48(2) and 52;
 - (g) where required, establish scheduled exchange calculators for calculating and publishing scheduled exchanges on borders between bidding zones in accordance with Articles 49 and 56;
 - (h) respect the results from single day-ahead and intraday coupling calculated in accordance with Article 39 and Article 52;
 - (i) establish and operate fallback procedures as appropriate for capacity allocation in accordance with Article 44;
 - (j) **apply** the intraday cross-zonal gate opening and intraday cross-zonal gate closure times in accordance with Article 59;
 - (k) share congestion income in accordance with the methodology <...> developed in accordance with Article 73;
 - (l) where so agreed, act as shipping agents transferring net positions in accordance with Article 68(6).

Article 9

Adoption of terms and conditions or methodologies

1. **Where this Regulation requires** TSOs and NEMOs **to** develop the terms and conditions or methodologies, **they shall** submit them for approval to the **Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators** or the competent regulatory authorities within the respective deadlines set out in this Regulation. In exceptional circumstances, notably in cases where a deadline cannot be met due to circumstances external to the sphere of TSOs or NEMOs, the deadlines for terms and conditions or methodologies may be prolonged <...> jointly by all competent regulatory authorities in procedures pursuant to paragraph 7, and by the competent regulatory authority in procedures pursuant to paragraph 8.

Where a proposal for terms and conditions or methodologies pursuant to this Regulation needs to be developed and agreed by more than one TSO or NEMO, the participating TSOs and NEMOs shall closely cooperate. TSOs, with the assistance of the ENTSO for Electricity **where feasible**, and all NEMOs shall regularly inform the competent regulatory authorities, **the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators** about the progress of developing those terms and conditions or methodologies.

2. <...>

3. Except for Article 43(1), Article 44, Article 56(1), Article 63 and Article 74(1), where TSOs deciding on proposals for terms and conditions or methodologies listed in paragraph (7) are not able to reach an agreement and where the regions concerned are composed of more than five **Contracting Parties and/or** Member States, they shall decide by qualified majority voting. The qualified majority shall be reached within each of the respective voting classes of TSOs and NEMOs. A qualified majority for proposals for terms and conditions or methodologies listed in paragraph 7 shall require the following majority:

- (a) TSOs representing at least 72 % of the **Contracting Parties and/or** Member States concerned; and
- (b) TSOs representing **Contracting Parties and/or** Member States comprising at least 65 % of the population of the concerned region.

A blocking minority for decisions on proposals for terms and conditions or methodologies listed in paragraph 7 shall include at least the minimum number of TSOs representing more than 35 % of the population of the participating **Contracting Parties and/or** Member States, plus TSOs representing at least one additional **Contracting Party and/or** Member State concerned, failing of which the qualified majority shall be deemed attained.

TSOs deciding on proposals for terms and conditions or methodologies listed in paragraph 7 in relation to regions composed of five **Contracting Parties and/or** Member States or less shall decide by consensus.

For TSO decisions on proposals for terms and conditions or methodologies listed in paragraph 7, one vote shall be attributed per **Contracting Party or** Member State. If there is more than one TSO in the territory of a **Contracting Party or** Member State, the Member State shall allocate the voting powers among the TSOs.

NEMOs deciding on proposals for terms and conditions or methodologies listed in paragraph 7 shall decide by consensus.

4. If TSOs or NEMOs fail to submit an initial or amended proposal for terms and conditions or methodologies to the competent regulatory authorities or the Agency **for the Cooperation of Energy Regulators** in accordance with paragraphs 7, 8 or 12 within the deadlines set out in this Regulation, they shall provide the competent regulatory authorities, **the Energy**

Community Regulatory Board and the Agency for the Cooperation of Energy Regulators, with the relevant drafts of the proposals for the terms and conditions or methodologies, and explain what has prevented an agreement. The **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**, all competent regulatory authorities jointly, or the competent regulatory authority shall take the appropriate steps for the adoption of the required terms and conditions or methodologies in accordance with paragraphs 6, 7 and 8 respectively, for instance by requesting amendments or revising and completing the drafts pursuant to this paragraph, including where no drafts have been submitted, and approve them.

5. Each regulatory authority or where applicable **the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**, as the case may be, shall approve the terms and conditions or methodologies used to calculate or set out the single day-ahead and intraday coupling developed by TSOs and NEMOs. They shall be responsible for approving the terms and conditions or methodologies referred to in paragraphs <...> 7 and 8. Before approving the terms and conditions or methodologies, the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** or the competent regulatory authorities shall revise the proposals where necessary, after consulting the respective TSOs or NEMOs, in order to ensure that they are in line with the purpose of this Regulation **and consistent with Regulation (EU) 2015/1222** and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market.

6. **TSOs and NEMOs shall apply the** following terms and conditions or methodologies and any amendments thereof shall be subject to approval by the Agency **for the Cooperation of Energy Regulators**:

- (a) the plan on joint performance of MCO functions in accordance with Article 7(3);
- (b) the capacity calculation regions in accordance with Article 15(1), **when adjusting pursuant to Article 1(2) of the Annex to this Regulation**;
- (c) the generation and load data provision methodology in accordance with Article 16(1) **of Regulation (EU) 2015/1222**;
- (d) the common grid model methodology in accordance with Article 17(1) **of Regulation (EU) 2015/1222**;
- (e) the proposal for a harmonised capacity calculation methodology in accordance with Articles **9(2), 9(6) and 21(4) of Regulation (EU) 2015/1222**;
- (f) back-up methodology in accordance with Article 36(3) **of Regulation (EU) 2015/1222**;
- (g) the algorithm submitted by NEMOs in accordance with Article 37(5) **of Regulation (EU) 2015/1222**, including the TSOs' and NEMOs' sets of requirements for algorithm development in accordance with Article 37(1) **of Regulation (EU) 2015/1222**;
- (h) products that can be taken into account by NEMOs in the single day-ahead and intraday coupling process in accordance with Articles **40(1) and 53(1) of Regulation (EU) 2015/1222**;
- (i) the maximum and minimum prices in accordance with Articles 41(1) and 54(2) **of Regulation (EU) 2015/1222**;
- (j) the intraday capacity pricing methodology to be developed in accordance with Articles **9(2), 9(6) and 55(1) of Regulation (EU) 2015/1222**;

- (k) the intraday cross-zonal gate opening and intraday cross-zonal gate closure times in accordance with Article 59(1) of Regulation (EU) 2015/1222;
- (l) the day-ahead firmness deadline in accordance with Article 69 of Regulation (EU) 2015/1222;
- (m) the congestion income distribution methodology in accordance with Article 73(1) of Regulation (EU) 2015/1222;

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

- (a) the common capacity calculation methodology in accordance with Article 20(2);
- (b) decisions on the introduction and postponement of flow-based calculation in accordance with Article 20(2) to (6) and on exemptions in accordance with Article 20(7);
- (c) the methodology for coordinated redispatching and countertrading in accordance with Article 35(1);
- (d) the common methodologies for the calculation of scheduled exchanges in accordance with Articles 43(1) and 56(1);
- (e) the fallback procedures in accordance with Article 44;
- (f) complementary regional auctions in accordance with Article 63(1);
- (g) <...>
- (h) the redispatching or countertrading cost sharing methodology in accordance with Article 74(1).

8. The following terms and conditions or methodologies and any amendments thereof shall be subject to individual approval by each regulatory authority or other competent authority of the **Contracting Parties** concerned:

- (a) where applicable, NEMO designation and revocation or suspension of designation in accordance with Article 4(2), (8) and (9);
- (b) if applicable, the fees or the methodologies used to calculate the fees of NEMOs relating to trading in the day-ahead and intraday markets in accordance with Article 5(1);
- (c) proposals of individual TSOs for a review of the bidding zone configuration in accordance with Article 32(1)(d);
- (d) where applicable, the proposal for cross-zonal capacity allocation and other arrangements in accordance with Articles 45 and 57;
- (e) capacity allocation and congestion management costs in accordance with Articles 75 to 79;
- (f) if applicable, cost sharing of regional costs of single day-ahead and intraday coupling in accordance with Article 80(4).

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 for terms and conditions or methodologies subject to the approval by several regulatory authorities in accordance with paragraph 7 shall be submitted to the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** within 1 week of their submission to regulatory authorities. Proposals for terms and conditions or methodologies subject to the approval by

one regulatory authority in accordance with paragraph 8 may be submitted to the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**, within 1 month of their submission at the discretion of the regulatory authority while they shall be submitted upon the request of **Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** in case <...> the proposal is considered to have a cross-border impact. Upon request by the competent regulatory authorities, **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** shall issue an opinion within 3 months on the proposals for terms and conditions or methodologies.

10. Where the approval of the terms and conditions or methodologies in accordance with paragraph 7 or the amendment in accordance with paragraph 12 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 to reach an agreement. Where applicable, the competent regulatory authorities shall take into account the opinion of **the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**. Regulatory authorities or, where competent, **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** shall take decisions concerning the submitted terms and conditions or methodologies in accordance with paragraphs <...> 7 and 8, within 6 months following the receipt of the terms and conditions or methodologies by **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** or the regulatory authority or, where applicable, by the last regulatory authority concerned. The period shall begin on the day following that on which the proposal was submitted **in accordance with paragraph 9** to the last regulatory authority concerned in accordance with paragraph 7 or, where applicable, to the regulatory authority in accordance with paragraph 8.

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, or upon the **request of Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**, the **Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** shall adopt a decision concerning the submitted proposals for terms and conditions or methodologies within 6 months <...>.

12. In the event that the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators**, or all competent regulatory authorities jointly, or the competent regulatory authority request an amendment to approve the terms and conditions or methodologies submitted in accordance with paragraphs <...> 7 and 8 respectively, the relevant TSOs or NEMOs shall submit a proposal for amended terms and conditions or methodologies for approval within 2 months following the request from the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators** or the competent regulatory authorities or the competent regulatory authority. The **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency**

for the **Cooperation of Energy Regulators** or the competent regulatory authorities or the competent regulatory authority shall decide on the amended terms and conditions or methodologies within 2 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 paragraph 7 within the 2-month deadline, or upon their joint request, or upon the **request of the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators <...>, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** shall adopt a decision concerning the amended terms and conditions or methodologies within 6 months <...>. 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.

13. The **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**, or all competent regulatory authorities jointly, or the competent regulatory authority, where they are responsible for the adoption of terms and conditions or methodologies in accordance with paragraphs <...> 7 and 8, may respectively request proposals for amendments of those terms and conditions or methodologies and determine a deadline for the submission of those proposals. TSOs or NEMOs responsible for developing a proposal for terms and conditions or methodologies may propose amendments to regulatory authorities and the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**.

The proposals for amendment to the terms and conditions or methodologies shall be submitted to consultation in accordance with the procedure set out in Article 12 and approved in accordance with the procedure set out in this Article.

14. TSOs and NEMOs responsible for establishing the terms and conditions or methodologies in accordance with this Regulation shall publish them on the internet after approval by the **Energy Community Regulatory Board, the Agency for the Cooperation of Energy Regulators** or the competent regulatory authorities or, if no such approval is required, after their establishment, except where such information is considered as confidential in accordance with Article 13.'

Article 10

Day-to-day management of the single day-ahead and intraday coupling

TSOs and NEMOs shall jointly **contribute to organisation of** the day-to-day management of the single day-ahead and intraday coupling. They shall meet regularly to discuss and decide on day-to-day operational issues. TSOs and NEMOs **from Member States acting in accordance with Regulation (EU) 2015/1222** shall invite the **Energy Community Regulatory Board and the Energy Community Secretariat** as observers to these meetings and shall publish summary minutes of the meetings.

Article 11

Stakeholder involvement

The **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC**, in close cooperation with ENTSO for Electricity <...>, shall organise stakeholder involvement regarding single day-ahead and intraday coupling and other aspects of the implementation of this Regulation. This shall include regular meetings with stakeholders to identify problems and propose improvements notably related to the single day-ahead and intraday coupling. This shall not replace the stakeholder consultations in accordance with Article 12.

Article 12

Consultation

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 **Contracting Party and** 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. <...> 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 **Contracting Parties and** 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 13

Confidentiality obligations

1. Any confidential information received, exchanged or transmitted pursuant to this Regulation shall be subject to the conditions of professional secrecy laid down in paragraphs 2, 3 and 4.
2. The obligation of professional secrecy shall apply to any person subject to the provisions of this Regulation.
3. Confidential information received by the persons referred to in paragraph 2 in the course of their duties may not be divulged to any other person or authority, without prejudice to cases covered by national law, the other provisions of this Regulation or other relevant **Energy Community or national** legislation.
4. Without prejudice to cases covered by national law, regulatory authorities, bodies or persons which receive confidential information pursuant to this Regulation may use it only for the purpose of the performance of their functions under this Regulation.

TITLE II REQUIREMENTS FOR TERMS, CONDITIONS AND METHODOLOGIES CONCERNING CAPACITY ALLOCATION AND CONGESTION MANAGEMENT

CHAPTER 1 Capacity calculation

Section 1

General requirements

Article 14

Capacity calculation time-frames

1. All TSOs shall calculate cross-zonal capacity for at least the following time-frames:
 - (a) day-ahead, for the day-ahead market;
 - (b) intraday, for the intraday market.
2. For the day-ahead market time-frame, individual values for cross-zonal capacity for each day-ahead market time unit shall be calculated. For the intraday market time-frame, individual values for cross-zonal capacity for each remaining intraday market time unit shall be calculated.
3. For the day-ahead market time-frame, the capacity calculation shall be based on the latest available information. The information update for the day-ahead market time-frame shall not start before 15:00 market time two days before the day of delivery.
4. All TSOs in each capacity calculation region **as defined by Article 15(1)** shall ensure that cross-zonal capacity is recalculated within the intraday market time-frame based on the latest available information. The frequency of this recalculation shall take into consideration efficiency and operational security.

Article 15

Capacity calculation regions

1. **The capacity calculations regions including Contracting Parties and Member States (for their interconnections with Contracting Parties) are established by Annex 1 to this Regulation.**
2. **Annex I¹** shall define the bidding zone borders attributed to TSOs who are members of each capacity calculation region. The following requirements shall be met:
 - (a) it shall take into consideration the **capacity calculation** regions **defined in accordance with Article 15(1) of Regulation (EU) 2015/1222**;
 - (b) each bidding zone border, or two separate bidding zone borders if applicable, through which interconnection between two bidding zones exists, shall be assigned to one capacity calculation region;
 - (c) at least those TSOs shall be assigned to all capacity calculation regions in which they have bidding zone borders.

¹ There is a clerical error in the Ministerial Council Decision D/2022/03/MC-EnC.

3. Capacity calculation regions **as established under this Regulation or in accordance with Article 15(1) of Regulation (EU) 2015/1222** applying a flow-based approach shall be merged into one capacity calculation region if the following cumulative conditions are fulfilled:
- (a) their transmission systems are directly linked to each other;
 - (b) they participate in the same single day-ahead or intraday coupling area;
 - (c) merging them is more efficient than keeping them separate. The competent regulatory authorities may request a joint cost-benefit analysis from the TSOs concerned to assess the efficiency of the merger.

Section 2

The common grid model

Article 16

Generation and load data provision methodology

1. <...>
2. The <...> generation and load data provision methodology shall specify which generation units and loads are required to provide information to their respective TSOs for the purposes of capacity calculation.
3. <...>
4. The methodology shall specify the deadlines applicable to generation units and loads for providing the information referred to in paragraph 3.
5. **For application of the generation and load data provision methodology** each TSO shall use and share with other TSOs **at least** the **following** information:
 - (a) information related to their technical characteristics;**
 - (b) information related to the availability of generation units and loads;**
 - (c) information related to the schedules of generation units;**
 - (d) relevant available information relating to how generation units will be dispatched.**These information <...> shall be used for capacity calculation purposes only.
6. No later than **eight** months after the **entry into force of this Regulation**, ENTSO for Electricity, **acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC** shall publish <...>:
 - (a) a list of the entities required to provide information to the TSOs;
 - (b) a list of the information referred to in paragraph 3 to be provided;
 - (c) deadlines for providing information.

Article 17

Common grid model methodology

<...>

Article 18

Scenarios

1. <...> TSOs shall **apply** the common scenarios for each capacity calculation time-frame referred to in Article 14(1)(a) and (b) **developed in line with Article 18(1) of Regulation (EU) 2015/1222**. <...>
2. **TSOs shall apply the** common rules **developed in line with Article 18(3) of Regulation (EU) 2015/1222** for determining the net position in each bidding zone and the flow for each direct current line. <...>

Article 19

Individual grid model

1. For each bidding zone and for each scenario:
 - (a) all TSOs in the bidding zone shall jointly provide a single individual grid model which complies with Article 18(3); or
 - (b) each TSO in the bidding zone shall provide an individual grid model for its control area, including interconnections, provided that the sum of net positions in the control areas, including interconnections, covering the bidding zone complies with Article 18(3).
2. Each individual grid model shall represent the best possible forecast of transmission system conditions for each scenario specified by the TSO(s) at the time when the individual grid model is created.
3. Individual grid models shall cover all network elements of the transmission system that are used in regional operational security analysis for the concerned time-frame.
4. All TSOs shall harmonise to the maximum possible extent the way in which individual grid models are built.
5. Each TSO shall provide all necessary data in the individual grid model to allow active and reactive power flow and voltage analyses in steady state.
6. Where appropriate, and upon agreement between all TSOs within a capacity calculation region, each TSO in that capacity calculation region shall exchange data between each other to enable voltage and dynamic stability analyses.

Section 3

Capacity calculation methodologies

Article 20

Introduction of flow-based capacity calculation methodology

1. For the day-ahead market time-frame and intraday market time-frame the approach used in the common capacity calculation methodologies shall be a flow-based approach, except where the requirement under paragraph 7 is met.

2. No later than **6** months after the **establishment of** a capacity calculation region in accordance with **Annex I**, all TSOs in each capacity calculation region shall submit a proposal for a common coordinated capacity calculation methodology within the respective region. The proposal shall be subject to consultation in accordance with Article 12. **The proposal shall be aligned with the capacity calculation methodology applicable in the neighbouring capacity calculation regions. <...>**

3. <...>

4. No later than six months after at least all South East Europe Energy Community Contracting Parties participate in the single day-ahead coupling, the TSOs **from these Contracting Parties together with the TSOs** from at least Croatia, Romania, Bulgaria, **Hungary** and Greece <...> shall jointly submit a proposal to introduce a common capacity calculation methodology using the flow-based approach for the day-ahead and intraday market time-frame. The proposal shall provide for an implementation date of the common capacity calculation methodology using the flow-based approach of no longer than two years after the participation of all SEE Energy Community Contracting Parties in the single day-ahead coupling. The TSOs from **Contracting Parties** which have borders with other regions are encouraged to join the initiatives to implement a common flow-based capacity calculation methodology with these regions.

5. At the time when two or more adjacent capacity calculation regions in the same synchronous area implement a capacity calculation methodology using the flow-based approach for the day-ahead or the intraday market time-frame, they shall be considered as one region for this purpose and the TSOs from this region shall submit within six months a proposal for applying a common capacity calculation methodology using the flow-based approach for the day-ahead or intraday market time-frame. The proposal shall provide for an implementation date of the common cross regional capacity calculation methodology of no longer than 12 months after the implementation of the flow-based approach in these regions for the methodology for the day-ahead market time-frame, and 18 months for the methodology for the intraday time-frame. The timelines indicated in this paragraph may be adapted in accordance with paragraph 6.

The methodology in the two capacity calculation regions which have initiated developing a common capacity calculation methodology may be implemented first before developing a common capacity calculation methodology with any further capacity calculation region.

6. If the TSOs concerned are able to demonstrate that the application of common flow-based methodologies in accordance with paragraphs 4 and 5 would not yet be more efficient assuming the same level of operational security, they may jointly request the competent regulatory authorities to postpone the deadlines.

7. TSOs may jointly request the competent regulatory authorities to apply the coordinated net transmission capacity approach in regions and bidding zone borders <...>, if the TSOs concerned are able to demonstrate that the application of the capacity calculation methodology using the flow-based approach would not yet be more efficient compared to the coordinated net transmission capacity approach and assuming the same level of operational security in the concerned region.

8. To enable market participants to adapt to any change in the capacity calculation approach, the TSOs concerned shall test the new approach alongside the existing approach and involve market participants for at least six months before implementing a proposal for changing their capacity calculation approach.

9. The TSOs of each capacity calculation region applying the flow-based approach shall establish and make available a tool which enables market participants to evaluate the interaction between cross-zonal capacities and cross-zonal exchanges between bidding zones.

Article 21

Capacity calculation methodology

1. The proposal for a common capacity calculation methodology for a capacity calculation region determined in accordance with Article 20(2) shall include at least the following items for each capacity calculation time-frame:
 - (a) methodologies for the calculation of the inputs to capacity calculation, which shall include the following parameters:
 - (i) a methodology for determining the reliability margin in accordance with Article 22;
 - (ii) the methodologies for determining operational security limits, contingencies relevant to capacity calculation and allocation constraints that may be applied in accordance with Article 23;
 - (iii) the methodology for determining the generation shift keys in accordance with Article 24;
 - (iv) the methodology for determining remedial actions to be considered in capacity calculation in accordance with Article 25.
 - (b) a detailed description of the capacity calculation approach which shall include the following:
 - (i) a mathematical description of the applied capacity calculation approach with different capacity calculation inputs;
 - (ii) rules for avoiding undue discrimination between internal and cross-zonal exchanges to ensure compliance with **Article 16(9) of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2002/03/MC-EnC**;
 - (iii) rules for taking into account, where appropriate, previously allocated cross-zonal capacity;
 - (iv) rules on the adjustment of power flows on critical network elements or of cross-zonal capacity due to remedial actions in accordance with Article 25;
 - (v) for the flow-based approach, a mathematical description of the calculation of power transfer distribution factors and of the calculation of available margins on critical network elements;
 - (vi) for the coordinated net transmission capacity approach, the rules for calculating cross-zonal capacity, including the rules for efficiently sharing the power flow capabilities of critical network elements among different bidding zone borders;
 - (vii) where the power flows on critical network elements are influenced by cross-zonal power exchanges in different capacity calculation regions, the rules for sharing the power flow capabilities of critical network elements among different capacity calculation regions in order to accommodate these flows.
 - (c) a methodology for the validation of cross-zonal capacity in accordance with Article 26.
2. For the intraday capacity calculation time-frame, the capacity calculation methodology shall also state the frequency at which capacity will be reassessed in accordance with Article 14(4), giving reasons for the chosen frequency.
3. The capacity calculation methodology shall include a fallback procedure for the case where the initial capacity calculation does not lead to any results.
4. All TSOs in each capacity calculation region shall, as far as possible, use harmonised capacity calculation inputs. <...>

Article 22

Reliability margin methodology

1. The proposal for a common capacity calculation methodology shall include a methodology to determine the reliability margin. The methodology to determine the reliability margin shall consist of two steps. First, the relevant TSOs shall estimate the probability distribution of deviations between the expected power flows at the time of the capacity calculation and realised power flows in real time. Second, the reliability margin shall be calculated by deriving a value from the probability distribution.
2. The methodology to determine the reliability margin shall set out the principles for calculating the probability distribution of the deviations between the expected power flows at the time of the capacity calculation and realised power flows in real time, and specify the uncertainties to be taken into account in the calculation. To determine those uncertainties, the methodology shall in particular take into account:
 - (a) unintended deviations of physical electricity flows within a market time unit caused by the adjustment of electricity flows within and between control areas, to maintain a constant frequency;
 - (b) uncertainties which could affect capacity calculation and which could occur between the capacity calculation time-frame and real time, for the market time unit being considered.
3. In the methodology to determine the reliability margin, TSOs shall also set out common harmonised principles for deriving the reliability margin from the probability distribution.
4. On the basis of the methodology adopted in accordance with paragraph 1, TSOs shall determine the reliability margin respecting the operational security limits and taking into account uncertainties between the capacity calculation time-frame and real time, and the remedial actions available after capacity calculation.
5. For each capacity calculation time-frame, the TSOs concerned shall determine the reliability margin for critical network elements, where the flow-based approach is applied, and for cross-zonal capacity, where the coordinated net transmission capacity approach is applied.

Article 23

Methodologies for operational security limits, contingencies and allocation constraints

1. Each TSO shall respect the operational security limits and contingencies used in operational security analysis.
2. If the operational security limits and contingencies used in capacity calculation are not the same as those used in operational security analysis, TSOs shall describe in the proposal for the common capacity calculation methodology the particular method and criteria they have used to determine the operational security limits and contingencies used for capacity calculation.
3. If TSOs apply allocation constraints, they can only be determined using:
 - (a) constraints that are needed to maintain the transmission system within operational security limits and that cannot be transformed efficiently into maximum flows on critical network elements; or

- (b) constraints intended to increase the economic surplus for single day-ahead or intraday coupling.

Article 24

Generation shift keys methodology

1. The proposal for a common capacity calculation methodology shall include a proposal for a methodology to determine a common generation shift key for each bidding zone and scenario developed in accordance with Article 18.
2. The generation shift keys shall represent the best forecast of the relation of a change in the net position of a bidding zone to a specific change of generation or load in the common grid model. That forecast shall notably take into account the information from the generation and load data provision methodology.

Article 25

Methodology for remedial actions in capacity calculation

1. Each TSO within each capacity calculation region shall individually define the available remedial actions to be taken into account in capacity calculation to meet the objectives of this Regulation.
2. Each TSO within each capacity calculation region shall coordinate with the other TSOs in that region the use of remedial actions to be taken into account in capacity calculation and their actual application in real time operation.
3. To enable remedial actions to be taken into account in capacity calculation, all TSOs in each capacity calculation region shall agree on the use of remedial actions that require the action of more than one TSO.
4. Each TSO shall ensure that remedial actions are taken into account in capacity calculation under the condition that the available remedial actions remaining after calculation, taken together with the reliability margin referred to in Article 22, are sufficient to ensure operational security.
5. Each TSO shall take into account remedial actions without costs in capacity calculation.
6. Each TSO shall ensure that the remedial actions to be taken into account in capacity calculation are the same for all capacity calculation time-frames, taking into account their technical availabilities for each capacity calculation time-frame.

Article 26

Cross-zonal capacity validation methodology

1. Each TSO shall validate and have the right to correct cross-zonal capacity relevant to the TSO's bidding zone borders or critical network elements provided by the coordinated capacity calculators in accordance with Articles 27 to 31.
2. Where a coordinated net transmission capacity approach is applied, all TSOs in the capacity calculation region shall include in the capacity calculation methodology referred to in

Article 21 a rule for splitting the correction of cross-zonal capacity between the different bidding zone borders.

3. Each TSO may reduce cross-zonal capacity during the validation of cross-zonal capacity referred to in paragraph 1 for reasons of operational security.

4. Each coordinated capacity calculator shall coordinate with the neighbouring coordinated capacity calculators during capacity calculation and validation.

5. Each coordinated capacity calculator shall, every three months, report all reductions made during the validation of cross-zonal capacity in accordance with paragraph 3 to all regulatory authorities of the capacity calculation region. This report shall include the location and amount of any reduction in cross-zonal capacity and shall give reasons for the reductions.

6. All the regulatory authorities of the capacity calculation region shall decide whether to publish all or part of the report referred to in paragraph 5.

Section 4

The capacity calculation process

Article 27

General provisions

1. <...>

2. No later than **six** months after the **establishment of** the capacity calculation **regions** referred to in Article **15(1)**, all the TSOs in each capacity calculation region shall jointly set up the coordinated capacity calculators and establish rules governing their operations.

3. All TSOs of each capacity calculation region shall review the quality of data submitted within the capacity calculation every second year as part of the biennial report on capacity calculation and allocation produced in accordance with Article 31.

4. Using the latest available information, all TSOs shall regularly and at least once a year review and update:

- (a) the operational security limits, contingencies and allocation constraints used for capacity calculation;
- (b) the probability distribution of the deviations between expected power flows at the time of capacity calculation and realised power flows in real time used for calculation of reliability margins;
- (c) the remedial actions taken into account in capacity calculation;
- (d) the application of the methodologies for determining generation shift keys, critical network elements and contingencies referred to in Articles 22 to 24.

Article 28

Merging into the common grid model

1. For each capacity calculation time-frame referred to in Article 14(1), each generator or load unit subject to Article 16 shall provide the data specified in the generation and load data provision methodology to the TSO responsible for the respective control area within the specified deadlines.

2. Each generator or load unit providing information pursuant to Article 16(5) shall deliver the most reliable set of estimations practicable.
3. For each capacity calculation time-frame, each TSO shall establish the individual grid model for each scenario in accordance with Article 19, in order to merge individual grid models into a common grid model.
4. Each TSO shall deliver to the TSOs responsible for merging the individual grid models into a common grid model the most reliable set of estimations practicable for each individual grid model.
5. For each capacity calculation time-frame a single, <...> common grid model **as referred to Article 9(6)(d) is** created <...>.

Article 29

Regional calculation of cross-zonal capacity

1. For each capacity calculation time-frame, each TSO shall provide the coordinated capacity calculators and all other TSOs in the capacity calculation region with the following items: operational security limits, generation shift keys, remedial actions, reliability margins, allocation constraints and previously allocated cross-zonal capacity.
2. Each coordinated capacity calculator shall perform an operational security analysis applying operational security limits by using the common grid model created for each scenario in accordance with Article 28(5).
3. When calculating cross-zonal capacity, each coordinated capacity calculator shall:
 - (a) use generation shift keys to calculate the impact of changes in bidding zone net positions and of flows on direct current lines;
 - (b) ignore those critical network elements that are not significantly influenced by the changes in bidding zone net positions according to the methodology set out in Article 21; and,
 - (c) ensure that all sets of bidding zone net positions and flows on direct current lines not exceeding cross-zonal capacity comply with reliability margins and operational security limits in accordance with Article 21(1)(a)(i) and (ii), and take into account previously allocated cross-zonal capacity in accordance with Article 21(1)(b)(iii).
4. Each coordinated capacity calculator shall optimise cross-zonal capacity using available remedial actions taken into account in capacity calculation in accordance with Article 21(1)(a)(iv).
5. Each coordinated capacity calculator shall apply the sharing rules established in accordance with Article 21(1)(b)(vi).
6. Each coordinated capacity calculator shall respect the mathematical description of the applied capacity calculation approach established in accordance with Article 21(1)(b)(i).
7. Each coordinated capacity calculator applying the flow-based approach shall:
 - (a) use data on operational security limits to calculate the maximum flows on critical network elements;
 - (b) use the common grid model, generation shift keys and contingencies to calculate the power transfer distribution factors;

- (c) use power transfer distribution factors to calculate the flows resulting from previously allocated cross-zonal capacity in the capacity calculation region;
 - (d) calculate flows on critical network elements for each scenario (taking into account contingencies), and adjust them by assuming no cross-zonal power exchanges within the capacity calculation region, applying the rules for avoiding undue discrimination between internal and cross-zonal power exchanges established in accordance with Article 21(1)(b)(ii);
 - (e) calculate the available margins on critical network elements, taking into account contingencies, which shall equal the maximum flows reduced by adjusted flows referred to in point (d), reliability margins, and flows resulting from previously allocated cross-zonal capacity;
 - (f) adjust the available margins on critical network elements or power transfer distribution factors using available remedial actions to be considered in capacity calculation in accordance with Article 25.
8. Each coordinated capacity calculator applying the coordinated net transmission capacity approach shall:
- (a) use the common grid model, generation shift keys and contingencies to calculate maximum power exchange on bidding zone borders, which shall equal the maximum calculated exchange between two bidding zones on either side of the bidding zone border respecting operational security limits;
 - (b) adjust maximum power exchange using remedial actions taken into account in capacity calculation in accordance with Article 25;
 - (c) adjust maximum power exchange, applying rules for avoiding undue discrimination between internal and cross-zonal exchanges in accordance with Article 21(1)(b)(ii);
 - (d) apply the rules set out in accordance with Article 21(1)(b)(vi) for efficiently sharing the power flow capabilities of critical network elements among different bidding zone borders;
 - (e) calculate cross-zonal capacity, which shall be equal to maximum power exchange adjusted for the reliability margin and previously allocated cross-zonal capacity.
9. Each coordinated capacity calculator shall cooperate with the neighbouring coordinated capacity calculators. Neighbouring TSOs shall ensure such cooperation by exchanging and confirming information on interdependency with the relevant regional coordinated capacity calculators, for the purposes of capacity calculation and validation. Neighbouring TSOs shall provide information on interdependency to the coordinated capacity calculators before capacity calculation. An assessment of the accuracy of this information and corrective measures shall be included in the biennial report drafted in accordance with Article 31, where appropriate.
10. Each coordinated capacity calculator shall set:
- (a) flow-based parameters for each bidding zone within the capacity calculation region, if applying the flow-based approach; or
 - (b) cross-zonal capacity values for each bidding zone border within the capacity calculation region, if applying the coordinated net transmission capacity approach.
11. Each coordinated capacity calculator shall submit the cross-zonal capacity to each TSO within its capacity calculation region for validation in accordance with Article 21(1)(c).

Article 30

Validation and delivery of cross-zonal capacity

1. Each TSO shall validate the results of the regional capacity calculation for its bidding zone borders or critical network elements, in accordance with Article 26.

2. Each TSO shall send its capacity validation and allocation constraints to the relevant coordinated capacity calculators and to the other TSOs of the relevant capacity calculation regions.
3. Each coordinated capacity calculator shall provide the validated cross-zonal capacities and allocation constraints for the purposes of allocating capacity in accordance with Articles 46 and 58.

Section 5

Biennial report on capacity calculation and allocation

Article 31

Biennial report on capacity calculation and allocation

1. **Within three** years after the entry into force of this Regulation, ENTSO for Electricity, **acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC**, shall **include the Contracting Parties' bidding zones in the <...> report on capacity calculation and allocation <...> drafted in accordance with Article 31(1) of Regulation (EU) 2015/1222.**
2. <...>
3. For each bidding zone, bidding zone border and capacity calculation region, the report on capacity calculation and allocation shall contain at least:
 - (a) the capacity calculation approach used;
 - (b) statistical indicators on reliability margins;
 - (c) statistical indicators of cross-zonal capacity, including allocation constraints where appropriate for each capacity calculation time-frame;
 - (d) quality indicators for the information used for the capacity calculation;
 - (e) where appropriate, proposed measures to improve capacity calculation;
 - (f) for regions where the coordinated net transmission capacity approach is applied, an analysis of whether the conditions specified in Article 20(7) are still fulfilled;
 - (g) indicators for assessing and following in the longer term the efficiency of single day-ahead and intraday coupling, including the merging of capacity calculation regions in accordance with Article 15(3) where relevant;
 - (h) recommendations for further development of single day-ahead and intraday coupling, including further harmonisation of methodologies, processes and governance arrangements.
4. After consulting the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators**, all TSOs shall jointly agree on the statistical and quality indicators for the report. The **Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators** may require the amendment of those indicators, prior to the agreement by the TSOs or during their application.
5. <...>

CHAPTER 2
Bidding zone configuration

Article 32

Reviewing existing bidding zone configurations

1. A review of an existing bidding zone configuration may be launched by:
 - (a) the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators**, in accordance with Article 34(7);
 - (b) several regulatory authorities, pursuant to a recommendation from the **Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators** in accordance with Article 34;
 - (c) TSOs of a capacity calculation region, together with all concerned TSOs whose control areas, including interconnectors, are within the geographic area in which the bidding zone configuration shall be assessed in accordance with paragraph 2(a);
 - (d) one single regulatory authority or TSO with the approval of its competent regulatory authority, for the bidding zones inside the TSO's control area, if the bidding zone configuration has negligible impact on neighbouring TSOs' control areas, including interconnectors, and the review of bidding zone configuration is necessary to improve efficiency, or to maintain operational security;
 - (e) Member States **and Contracting Parties** in a capacity calculation region.
2. If a review is launched in accordance with paragraph 1(a),(b), (c) or (e), the entity launching the review shall specify:
 - (a) the geographic area in which bidding zone configuration shall be assessed and the neighbouring geographic areas for which impacts shall be taken into account;
 - (b) the participating TSOs;
 - (c) the participating regulatory authorities.
3. If a review is launched in accordance with paragraph 1(d), the following conditions shall apply:
 - (a) the geographic area in which bidding zone configuration is assessed shall be limited to the control area of the relevant TSO, including interconnectors;
 - (b) the TSO of the relevant control area shall be the only TSO participating in the review;
 - (c) the competent regulatory authority shall be the only regulatory authority participating in the review;
 - (d) the relevant TSO and regulatory authority, respectively, shall give the neighbouring TSOs and regulatory authorities mutually agreed prior notice of the launch of the review, giving reasons; and
 - (e) the conditions for the review shall be specified, and the results of the review and proposal for the relevant regulatory authorities shall be published.
4. The review process shall consist of two steps.
 - (a) In the first step, the TSOs participating in a review of bidding zone configuration shall develop the methodology and assumptions that will be used in the review process and propose alternative bidding zone configurations for the assessment.

The proposal on methodology and assumptions and alternative bidding zone configuration shall be submitted to the participating regulatory authorities, which shall be able to require coordinated amendments within three months.

- (b) In the second step, the TSOs participating in a review of bidding zone configuration shall:
 - (i) assess and compare the current bidding zone configuration and each alternative bidding zone configuration using the criteria specified in Article 33;
 - (ii) hold a consultation in accordance with Article 12 and a workshop regarding the alternative bidding zone configuration proposals compared to the existing bidding zone configuration, including timescales for implementation, unless the bidding zone configuration has negligible impact on neighbouring TSOs' control areas;
 - (iii) submit a joint proposal to maintain or amend the bidding zone configuration to the participating **Contracting Parties and Member States (for their interconnections with Contracting Parties)** and the participating regulatory authorities within 15 months of the decision to launch a review.
- (c) On receiving the joint proposal to maintain or to amend the bidding zone configuration in accordance with point (iii) above, the participating Member States **and Contracting Parties or, where provided by Member States and Contracting Parties**, the regulatory authorities shall within six months reach an agreement on the proposal to maintain or amend the bidding zone configuration.
 - 1. NEMOs or market participants shall, if requested by TSOs, provide the TSOs participating in a review of a bidding zone with information to enable them to assess bidding zone configurations. This information shall be shared only between the participating TSOs for the sole purpose of assessing bidding zone configurations.
 - 2. The initiative for the review of the bidding zones configuration and its results shall be published by ENTSO for Electricity, **acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC**, or if the review was launched in accordance with paragraph 1(d), by the participating TSO.

Article 33

Criteria for reviewing bidding zone configurations

- 1. If a review of bidding zone configuration is carried out in accordance with Article 32, at least the following criteria shall be considered:
 - (a) in respect of network security:
 - (i) the ability of bidding zone configurations to ensure operational security and security of supply;
 - (ii) the degree of uncertainty in cross-zonal capacity calculation.
 - (b) in respect of overall market efficiency:
 - (i) any increase or decrease in economic efficiency arising from the change;
 - (ii) market efficiency, including, at least the cost of guaranteeing firmness of capacity, market liquidity, market concentration and market power, the facilitation of effective competition, price signals for building infrastructure, the accuracy and robustness of price signals;

- (iii) transaction and transition costs, including the cost of amending existing contractual obligations incurred by market participants, NEMOs and TSOs;
 - (iv) the cost of building new infrastructure which may relieve existing congestion;
 - (v) the need to ensure that the market outcome is feasible without the need for extensive application of economically inefficient remedial actions;
 - (vi) any adverse effects of internal transactions on other bidding zones to ensure compliance with **Article 16(9) of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2002/03/MC-EnC**;
 - (vii) the impact on the operation and efficiency of the balancing mechanisms and imbalance settlement processes.
- (c) in respect of the stability and robustness of bidding zones:
- (i) the need for bidding zones to be sufficiently stable and robust over time;
 - (ii) the need for bidding zones to be consistent for all capacity calculation time-frames;
 - (iii) the need for each generation and load unit to belong to only one bidding zone for each market time unit;
 - (iv) the location and frequency of congestion, if structural congestion influences the delimitation of bidding zones, taking into account any future investment which may relieve existing congestion.
2. A bidding zone review in accordance with Article 32 shall include scenarios which take into account a range of likely infrastructure developments throughout the period of 10 years starting from the year following the year in which the decision to launch the review was taken.

Article 34

Regular reporting on current bidding zone configuration <...>

1. The **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC** shall assess the efficiency of current bidding zone configuration every three years.

They shall:

- (a) request ENTSO for Electricity, **acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC and Article 14 of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, to extend the technical report on current bidding zone configuration drafted in accordance with Article 34(1)(a) of Regulation (EU) 2015/1222 to include the Contracting Parties<...>** and
 - (b) draft a market report evaluating the impact of current bidding zone configuration on market efficiency.
2. The technical report referred to in paragraph 1 second subparagraph point (a) shall include at least:
- (a) a list of structural congestion and other major physical congestion, including locations and frequency;
 - (b) an analysis of the expected evolution or removal of physical congestion resulting from investment in networks or from significant changes in generation or in consumption patterns;

- (c) an analysis of the share of power flows that do not result from the capacity allocation mechanism, for each capacity calculation region, where appropriate;
 - (d) congestion incomes and firmness costs;
 - (e) a scenario encompassing a ten year time-frame.
3. Each TSO shall provide data and analysis to allow the technical report on current bidding zone configuration to be produced in a timely manner.
4. ENTSO for Electricity shall deliver to the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators**, the technical report on current bidding zone configuration no later than nine months after the request by the **Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators**.
5. **Where feasible, the report under this Regulation shall be aligned with the technical report delivered pursuant to Article 34(3) of Regulation (EU) 2015/1222, and shall cover the last three full calendar years preceding the request by the Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators.**
6. Without prejudice to the confidentiality obligations provided for in Article 13, ENTSO for Electricity shall make the technical report available to the public.
7. If the technical or market report reveals inefficiencies in the current bidding zone configuration, the **Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators**, may request TSOs to launch a review of an existing bidding zone configuration in accordance with Article 32(1).

CHAPTER 3

Redispatching and countertrading

Article 35

Coordinated redispatching and countertrading

1. Within 16 months **upon entry into force of this Regulation**, all the TSOs in each capacity calculation region shall develop a proposal for a common methodology for coordinated redispatching and countertrading. The proposal shall be subject to consultation in accordance with Article 12.
2. The methodology for coordinated redispatching and countertrading shall include actions of cross-border relevance and shall enable all TSOs in each capacity calculation region to effectively relieve physical congestion irrespective of whether the reasons for the physical congestion fall mainly outside their control area or not. The methodology for coordinated redispatching and countertrading shall address the fact that its application may significantly influence flows outside the TSO's control area.
3. Each TSO may redispatch all available generation units and loads in accordance with the appropriate mechanisms and agreements applicable to its control area, including interconnectors.

By 26 months **upon entry into force of this Regulation**, all TSOs in each capacity calculation region shall develop a report, subject to consultation in accordance with Article 12, assessing

the progressive coordination and harmonisation of those mechanisms and agreements and including proposals. The report shall be submitted to their respective regulatory authorities for their assessment. The proposals in the report shall prevent these mechanisms and agreements from distorting the market.

4. Each TSO shall abstain from unilateral or uncoordinated redispatching and countertrading measures of cross-border relevance. Each TSO shall coordinate the use of redispatching and countertrading resources taking into account their impact on operational security and economic efficiency.

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.

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.

CHAPTER 4

Algorithm development

Article 36

General provisions

1. All NEMOs shall **apply**:
 - (a) **the** price coupling algorithm, **and**
 - (b) **the** continuous trading matching algorithm **developed in accordance with Article 37 of Regulation (EU) 2015/1222**.
2. NEMOs shall ensure that the price coupling algorithm and the continuous trading matching algorithm meet the requirements provided for in Articles 39 and 52 respectively.
3. **Upon integration into the single day-ahead coupling**, NEMOs shall in cooperation with TSOs **apply** back-up methodology **referred to Article 9(6)(f)**.
4. Where possible, NEMOs shall use already agreed solutions to efficiently implement the objectives of this Regulation.

Article 37

Algorithm development

<...>

CHAPTER 5

Single day-ahead coupling

Section 1

The price coupling algorithm

Article 38

Objectives of the price coupling algorithm

1. The price coupling algorithm shall produce the results set out in Article 39(2), in a manner which:
 - (a) aims at maximising economic surplus for single day-ahead coupling for the price-coupled region for the next trading day;
 - (b) uses the marginal pricing principle according to which all accepted bids will have the same price per bidding zone per market time unit;
 - (c) facilitates efficient price formation;
 - (d) respects cross-zonal capacity and allocation constraints;
 - (e) is repeatable and scalable.
2. The price coupling algorithm shall be developed in such a way that it would be possible to apply it to a larger or smaller number of bidding zones.

Article 39

Inputs and results of the price coupling algorithm

1. In order to produce results, the price coupling algorithm shall use:
 - (a) allocation constraints established in accordance with Article 23(3);
 - (b) cross-zonal capacity results validated in accordance with Article 30(c) orders submitted in accordance with Article 40.
2. The price coupling algorithm shall produce at least the following results simultaneously for each market time unit:
 - (a) a single clearing price for each bidding zone and market time unit in EUR/MWh;
 - (b) a single net position for each bidding zone and each market time unit;
 - (c) the information which enables the execution status of orders to be determined.
3. All NEMOs shall ensure the accuracy and efficiency of results produced by the single price coupling algorithm.
4. All TSOs shall verify that the results of the price coupling algorithm are consistent with cross-zonal capacity and allocation constraints.

Article 40

Products accommodated

1. <...> NEMOs shall ensure that orders resulting from **the** products **available** to the price coupling algorithm are expressed in euros and make reference to the market time.

2. All NEMOs shall ensure that the price coupling algorithm is able to accommodate orders resulting from these products covering one market time unit and multiple market time units.
3. 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:
 - (a) market participants, to ensure that available products reflect their needs;
 - (b) all TSOs, to ensure products take due account of operational security;
 - (c) all regulatory authorities, to ensure that the available products comply with the objectives of this Regulation.
4. All NEMOs shall amend the products if needed pursuant to the results of the consultation referred to in paragraph 3.

Article 41

Maximum and minimum prices

1. **Upon integration into the single day-ahead coupling, <...>** NEMOs shall, in cooperation with the relevant TSOs, **apply the** maximum and minimum **<...>** prices **referred to in Article 9(6)(i). <...>**
2. **<...>**

Article 42

Pricing of day-ahead cross-zonal capacity

1. The day-ahead cross-zonal capacity charge shall reflect market congestion and shall amount to the difference between the corresponding day-ahead clearing prices of the relevant bidding zones.
2. No charges, such as imbalance fees or additional fees, shall be applied to day-ahead cross-zonal capacity except for the pricing in accordance with paragraph 1.

Article 43

Methodology for calculating scheduled exchanges resulting from single day-ahead coupling

1. By 16 months after **expiry of the deadline for transposition**, TSOs which intend to calculate scheduled exchanges resulting from single day-ahead coupling shall develop a proposal for a common methodology for this calculation. The proposal shall be subject to consultation in accordance with Article 12.
2. The methodology shall describe the calculation and shall list the information which shall be provided by the relevant NEMOs to the scheduled exchange calculator established in accordance with Article 8(2)(g) and the time limits for delivering this information. The time limit for delivering information shall be no later than 15.30 market time day-ahead.
3. The calculation shall be based on net positions for each market time unit.
4. No later than two years after the approval by the regulatory authorities of the concerned region of the proposal referred to in paragraph 1, TSOs applying scheduled exchanges shall

review the methodology. Thereafter, if requested by the competent regulatory authorities, the methodology shall be reviewed every two years.

Article 44

Establishment of fallback procedures

By 16 months after the entry into force of this Regulation, each TSO, in coordination with all the other TSOs in the capacity calculation region, shall develop a proposal for robust and timely fallback procedures to ensure efficient, transparent and non-discriminatory capacity allocation in the event that the single day-ahead coupling process is unable to produce results.

The proposal for the establishment of fallback procedures shall be **aligned with the procedure established under Article 44 of Regulation (EU) 2015/1222 and shall be** subject to consultation in accordance with Article 12.

Article 45

Arrangements concerning more than one NEMO in one bidding zone and for interconnectors which are not operated by certified TSOs

1. TSOs in bidding zones- where more than one NEMO is designated and/or offers trading services, or where interconnectors which are not operated by TSOs certified according to Article 51 of Regulation (EC) No **2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC** exist, shall develop a proposal for cross-zonal capacity allocation and other necessary arrangements for such bidding zones in cooperation with concerned TSOs, NEMOs and operators of interconnectors who are not certified as TSOs to ensure that the relevant NEMOs and interconnectors provide the necessary data and financial coverage for such arrangements. These arrangements must allow additional TSOs and NEMOs to join these arrangements.

2. The proposal shall be submitted to the relevant national regulatory authorities for approval within **twelve**² months after more than one NEMO has been designated and/or allowed to offer trading services in a bidding zone or if a new interconnector is not operated by a certified TSO. For existing interconnectors which are not operated by certified TSOs the proposal shall be submitted within **twelve** months after entry into force of this Regulation.

Section 2

The single day-ahead coupling process

Article 46

Provision of input data

1. Each coordinated capacity calculator shall ensure that cross-zonal capacity and allocation constraints shall be provided to relevant NEMOs in time to ensure the publication of

² There is a clerical error in the Ministerial Council Decision 2022/03/MC-EnC.

cross-zonal capacity and of allocation constraints to the market no later than 11.00 market time day-ahead.

2. If a coordinated capacity calculator is unable to provide for cross-zonal capacity and allocation constraints one hour prior to the day-ahead market gate closure time, that coordinated capacity calculator shall notify the relevant NEMOs. These NEMOs shall immediately publish a notice for market participants.

In such cases, cross-zonal capacity and allocation constraints shall be provided by the coordinated capacity calculator no later than 30 minutes before the day-ahead market gate closure time.

Article 47

Operation of single day-ahead coupling

1. The day-ahead market gate opening time shall be at the latest 11:00 market time day-ahead.
2. The day-ahead market gate closure time in each bidding zone shall be noon market time day-ahead. TSOs or NEMOs <...> may set a different gate closure time **they have** joined single day-ahead coupling.
3. Market participants shall submit all orders to the relevant NEMOs before day-ahead market gate closure time, in accordance with Articles 39 and 40.
4. Each NEMO shall submit the orders received in accordance with paragraph 3 to perform the MCO functions in accordance with Article 7(2) **in line with the price coupling algorithm applied in accordance with Article 36.**
5. Orders matched in single day-ahead coupling shall be considered firm.
6. MCO functions shall ensure anonymity of submitted orders.

Article 48

Delivery of results

1. <...> All NEMOs performing MCO functions shall deliver the single day-ahead coupling results:
 - (a) to all TSOs, all coordinated capacity calculators and all NEMOs, for the results specified in Article 39(2)(a) and (b);
 - (b) to all NEMOs, for the results specified in Article 39(2)(c).
2. Each TSO shall verify that the single day-ahead coupling results of the price coupling algorithm referred to in Article 39(2)(b) have been calculated in accordance with the allocation constraints and validated cross-zonal capacity.
3. Each NEMO shall verify that the single day-ahead coupling results of the price coupling algorithm referred to in Article 39(2)(c) have been calculated in accordance with the orders.
4. Each NEMO shall inform market participants on the execution status of their orders without unjustifiable delay.

Article 49

Calculation of scheduled exchanges resulting from single day-ahead coupling

1. Each scheduled exchange calculator shall calculate scheduled exchanges between bidding zones for each market time unit in accordance with the methodology established in Article 43.
2. Each scheduled exchange calculator shall notify relevant NEMOs, central counter parties, shipping agents and TSOs of the agreed scheduled exchanges.

Article 50

Initiation of fallback procedures

1. In the event that all NEMOs performing MCO functions are unable to deliver part or all of the results of the price coupling algorithm **applied in accordance with Article 36**, the fallback procedures established in accordance with Article 44 shall apply.
2. In cases where there is a risk that all NEMOs performing MCO functions are unable to deliver part or all of the results within the deadline, all NEMOs shall notify all TSOs as soon as the risk is identified. All NEMOs performing MCO functions shall immediately publish a notice to market participants that fallback procedures may be applied.

CHAPTER 6

Single intraday coupling

Section 1

Objectives, conditions and results of single intraday coupling

Article 51

Objectives of the continuous trading matching algorithm

1. From the intraday cross-zonal gate opening time until the intraday cross-zonal gate closure time, the continuous trading matching algorithm shall determine which orders to select for matching such that matching:
 - (a) aims at maximising economic surplus for single intraday coupling per trade for the intraday market time-frame by allocating capacity to orders for which it is feasible to match in accordance with the price and time of submission;
 - (b) respects the allocation constraints provided in accordance with Article 58(1);
 - (c) respects the cross-zonal capacity provided in accordance with Article 58(1);
 - (d) respects the requirements for the delivery of results set out in Article 60;
 - (e) is repeatable and scalable.
2. The continuous trading matching algorithm shall produce the results provided for in Article 52 and correspond to the product capabilities and functionalities set out in Article 53.

Article 52

Results of the continuous trading matching algorithm

1. All NEMOs, as part of their MCO function, shall ensure that the continuous trading matching algorithm produces at least the following results:
 - (a) the execution status of orders and prices per trade;
 - (b) a single net position for each bidding zone and market time unit within the intraday market.
2. All NEMOs shall ensure the accuracy and efficiency of results produced by the continuous trading matching algorithm.
3. All TSOs shall verify that the results of the continuous trading matching algorithm are consistent with cross-zonal capacity and allocation constraints in accordance with Article 58(2).

Article 53

Products accommodated

1. <...> NEMOs shall ensure that all orders resulting from **the** products **available** to the MCO functions to be performed in accordance with Article 7 are expressed in euros and make reference to the market time and the market time unit.
2. All NEMOs shall ensure that orders resulting from these products are compatible with the characteristics of cross-zonal capacity, allowing them to be matched simultaneously.
3. All NEMOs shall ensure that the continuous trading matching algorithm is able to accommodate orders covering one market time unit and multiple market time units.
4. 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:
 - (a) market participants, to ensure that available products reflect their needs;
 - (b) all TSOs, to ensure products take due account of operational security;
 - (c) all regulatory authorities, to ensure that the available products comply with the objectives of this Regulation.
5. All NEMOs shall amend the products if needed pursuant to the results of the consultation referred to in paragraph 4.

Article 54

Maximum and minimum prices

1. <...> NEMOs shall, in cooperation with the relevant TSOs, **apply the** maximum and minimum prices **referred to in Article 9(6)(i)**. <...>
2. <...>
3. <...>

Article 55

Pricing of intraday capacity

1. <...>
2. <...>
3. <...> All TSOs shall **apply the** single methodology for pricing intraday cross-zonal capacity **referred to in Article 9(6)(j)**. <...>
4. No charges, such as imbalance fees or additional fees, shall be applied to intraday cross-zonal capacity except for the pricing in accordance with paragraphs 1, 2 and 3 **of Regulation (EU) 2015/1222**.

Article 56

Methodology for calculating scheduled exchanges resulting from single intraday coupling

1. By 16 months after the **integration into single intraday coupling**, the TSOs which intend to calculate scheduled exchanges resulting from single intraday coupling shall develop a proposal for a common methodology for this calculation.

The proposal shall be subject to consultation in accordance with Article 12.

2. The methodology shall describe the calculation and, where required, shall list the information which the relevant NEMOs shall provide to the scheduled exchange calculator and the time limits for delivering this information.
3. The calculation of scheduled exchanges shall be based on net positions as specified in Article 52(1)(b).
4. No later than two years after the approval by the regulatory authorities of the concerned region of the proposal referred to in paragraph 1, the relevant TSOs shall review the methodology. Thereafter, if requested by the competent regulatory authorities, the TSOs shall review the methodology every two years.

Article 57

Arrangements concerning more than one NEMO in one bidding zone and for interconnectors which are not operated by certified TSOs

1. TSOs in bidding zones where more than one NEMO is designated and/or offers trading services, or where interconnectors which are not operated by TSOs certified according to Article 51 of Regulation (EC) No **2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC** exist, shall develop a proposal for cross-zonal capacity allocation and other necessary arrangements for such bidding zones in cooperation with concerned TSOs, NEMOs and operators of interconnectors who are not certified as TSOs to ensure that the relevant NEMOs and interconnectors provide the necessary data and financial coverage for such arrangements. These arrangements must allow additional TSOs and NEMOs to join these arrangements.

2. The proposal shall be submitted for approval by the relevant national regulatory authorities within **twelve** months of more than one NEMO being designated and/or allowed to offer trading services in a bidding zone or if a new interconnector is not operated by a certified TSO. For existing interconnectors which are not operated by certified TSOs the proposal shall be submitted within **twelve** months after entry into force of this Regulation.

Section 2

The single intraday coupling process

Article 58

Provision of input data

1. Each coordinated capacity calculator shall ensure that cross-zonal capacity and allocation constraints are provided to the relevant NEMOs no later than 15 minutes before the intraday cross-zonal gate opening time.
2. If updates to cross-zonal capacity and allocation constraints are required, due to operational changes on the transmission system, each TSO shall notify the coordinated capacity calculators in its capacity calculation region. The coordinated capacity calculators shall then notify the relevant NEMOs.
3. If any coordinated capacity calculator is unable to comply with paragraph 1, that coordinated capacity calculator shall notify the relevant NEMOs. These NEMOs shall publish a notice to all market participants without unjustifiable delay.

Article 59

Operation of single intraday coupling

1. <...> TSOs shall **apply** the intraday cross-zonal gate opening and intraday cross-zonal gate closure times **referred to in Article 9(6)(k)**. <...>
2. The intraday cross-zonal gate closure time shall be set in such a way that it:
 - (a) maximises market participants' opportunities for adjusting their balances by trading in the intraday market time-frame as close as possible to real time; and
 - (b) provides TSOs and market participants with sufficient time for their scheduling and balancing processes in relation to network and operational security.
3. One intraday cross-zonal gate closure time shall be established for each market time unit for a given bidding zone border. It shall be at most one hour before the start of the relevant market time unit and shall take into account the relevant balancing processes in relation to operational security.
4. The intraday energy trading for a given market time unit for a bidding zone border shall start at the latest at the intraday cross-zonal gate opening time of the relevant bidding zone borders and shall be allowed until the intraday cross-zonal gate closure time.
5. Before the intraday cross-zonal gate closure time, market participants shall submit to relevant NEMOs all the orders for a given market time unit. All NEMOs shall submit the orders

for a given market time unit for single matching immediately after the orders have been received from market participants.

6. Orders matched in single intraday coupling shall be considered firm.
7. MCO functions shall ensure the anonymity of orders submitted via the shared order book.

Article 60

Delivery of results

1. All NEMOs performing MCO functions shall deliver the continuous trading matching algorithm results:
 - (a) to all other NEMOs, for results on the execution status per trade specified in Article 52(1)(a);
 - (b) to all TSOs and scheduled exchange calculators, for results single net positions specified in Article 52(1)(b).
2. If, in accordance with paragraph 1(a), any NEMO, for reasons outside its responsibility, is unable to deliver these continuous trading matching algorithm results, it shall notify all other NEMOs.
3. If, in accordance with paragraph 1(b), any NEMO, for reasons outside its responsibility, is unable to deliver these continuous trading matching algorithm results, it shall notify all TSOs and each scheduled exchange calculator as soon as reasonably practicable. All NEMOs shall notify the market participants concerned.
4. All NEMOs shall send, without undue delay, the necessary information to market participants to ensure that the actions specified in Articles 68 and 73(3) can be undertaken.

Article 61

Calculation of scheduled exchanges resulting from single intraday coupling

1. Each scheduled exchange calculator shall calculate scheduled exchanges between bidding zones for each market time unit in accordance with the methodology established in accordance with Article 56.
2. Each scheduled exchange calculator shall notify the relevant NEMOs, central counter parties, shipping agents, and TSOs of the agreed scheduled exchanges.

Article 62

Publication of market information

1. As soon as the orders are matched, each NEMO shall publish for relevant market participants at least the status of execution of orders and prices per trade produced by the continuous trading matching algorithm in accordance with Article 52(1)(a).
2. Each NEMO shall ensure that information on aggregated executed volumes and prices is made publicly available in an easily accessible format for at least 5 years. <...>

Article 63

Complementary regional auctions

1. <...> The relevant NEMOs and TSOs on bidding zone borders may jointly submit a common proposal for the design and implementation of complementary regional intraday auctions. **The proposal shall be consistent with the proposals submitted pursuant to Article 63(1) of Regulation (EU) 2015/1222 on complementary regional intraday auctions and Article 55(1) on intraday capacity pricing.** The proposal shall be subject to consultation in accordance with Article 12.
2. Complementary regional intraday auctions may be implemented within or between bidding zones in addition to the single intraday coupling solution referred to in Article 51. In order to hold regional intraday auctions, continuous trading within and between the relevant bidding zones may be stopped for a limited period of time before the intraday cross-zonal gate closure time, which shall not exceed the minimum time required to hold the auction and in any case 10 minutes.
3. For complementary regional intraday auctions, the methodology for pricing intraday cross-zonal capacity may differ from the methodology established in accordance with Article 55(3) but it shall nevertheless meet the principles provided for in Article 55(1) **of Regulation (EU) 2015/1222.**
4. The competent regulatory authorities may approve the proposal for complementary regional intraday auctions if the following conditions are met:
 - (a) regional auctions shall not have an adverse impact on the liquidity of the single intraday coupling;
 - (b) all cross-zonal capacity shall be allocated through the capacity management module;
 - (c) the regional auction shall not introduce any undue discrimination between market participants from adjacent regions;
 - (d) the timetables for regional auctions shall be consistent with single intraday coupling to enable market participants to trade as close as possible to real-time;
 - (e) regulatory authorities shall have consulted the market participants in the **Contracting Parties and** Member States concerned.
5. At least every two years after the decision on complementary regional auctions, the regulatory authorities of the **Contracting Parties and** Member States concerned shall review the compatibility of any regional solutions with single intraday coupling to ensure that the conditions above continue to be fulfilled.

Section 3

Transitional intraday arrangements

Article 64

Provisions relating to explicit allocation

<...>

Article 65

Removal of explicit allocation

<...>

Article 66

Provisions relating to intraday arrangements

<...>

Article 67

Explicit requests for capacity

<...>

CHAPTER 7

Clearing and settlement for single day-ahead and intraday coupling

Article 68

Clearing and settlement

1. The central counter parties shall ensure clearing and settlement of all matched orders in a timely manner. The central counter parties shall act as the counter party to market participants for all their trades with regard to the financial rights and obligations arising from these trades.
2. Each central counter party shall maintain anonymity between market participants.
3. Central counter parties shall act as counter party to each other for the exchange of energy between bidding zones with regard to the financial rights and obligations arising from these energy exchanges.
4. Such exchanges shall take into account:
 - (a) net positions produced in accordance with Articles 39(2)(b) and 52(1)(b);
 - (b) scheduled exchanges calculated in accordance with Articles 49 and 61.
5. Each central counter party shall ensure that for each market time unit:
 - (a) across all bidding zones, taking into account, where appropriate, allocation constraints, there are no deviations between the sum of energy transferred out of all surplus bidding zones and the sum of energy transferred into all deficit bidding zones;
 - (b) electricity exports and electricity imports between bidding zones equal each other, with any deviations resulting only from considerations of allocation constraints, where appropriate.

6. Notwithstanding paragraph 3, a shipping agent may act as a counter party between different central counter parties for the exchange of energy, if the parties concerned conclude a specific agreement to that effect. If no agreement is reached, the shipping arrangement shall be decided by the regulatory authorities responsible for the bidding zones between which the clearing and settlement of the exchange of energy is needed.

7. All central counter parties or shipping agents shall collect congestion incomes arising from the single day-ahead coupling specified in Articles 46 to 48 and from the single intraday coupling specified in Articles 58 to 60.

8. All central counter parties or shipping agents shall ensure that collected congestion incomes are transferred to the TSOs no later than two weeks after the date of settlement.

9. If the timing of payments is not harmonised between two bidding zones, the **Contracting Parties** and Member States concerned shall ensure that an entity is appointed to manage the timing mismatch and to bear the relevant costs.

CHAPTER 8

Firmness of allocated cross-zonal capacity

Article 69

<...> Day-ahead firmness deadline

<...> TSOs shall **apply** a <...> single day-ahead firmness deadline, which shall not be shorter than half an hour before the day-ahead market gate closure time. <...>

Article 70

Firmness of day-ahead capacity and allocation constraints

1. Prior to the day-ahead firmness deadline, each coordinated capacity calculator may adjust cross-zonal capacity and allocation constraints provided to relevant NEMOs.

2. After the day-ahead firmness deadline, all cross-zonal capacity and allocation constraints shall be firm for day-ahead capacity allocation unless the requirements of Article 46(2) are met, in which case cross-zonal capacity and allocation constraints shall be firm as soon as they are submitted to relevant NEMOs.

3. After the day-ahead firmness deadline, cross-zonal capacity which has not been allocated may be adjusted for subsequent allocations.

Article 71

Firmness of intraday capacity

Cross-zonal intraday capacity shall be firm as soon as it is allocated.

Article 72

Firmness in the event of *force majeure* or emergency situations

1. In the event of *force majeure* or an emergency situation <...>, where the TSO shall act in an expeditious manner and redispatching or countertrading is not possible, each TSO shall have the right to curtail allocated cross-zonal capacity. In all cases, curtailment shall be undertaken in a coordinated manner following liaison with all directly concerned TSOs.
2. A TSO which invokes *force majeure* or an emergency situation shall publish a notice explaining the nature of the *force majeure* or the emergency situation and its probable duration. This notice shall be made available to the market participants concerned through NEMOs. If capacity is allocated explicitly to market participants, the TSO invoking *force majeure* or an emergency situation shall send notice directly to contractual parties holding cross-zonal capacity for the relevant market time-frame.
3. If allocated capacity is curtailed because of *force majeure* or an emergency situation invoked by a TSO, the TSO shall reimburse or provide compensation for the period of *force majeure* or the emergency situation, in accordance with the following requirements:
 - (a) if there is implicit allocation, central counter parties or shipping agents shall not be subject to financial damage or financial benefit arising from any imbalance created by such curtailment;
 - (b) in the event of *force majeure*, if capacity is allocated via explicit allocation, market participants shall be entitled to reimbursement of the price paid for the capacity during the explicit allocation process;
 - (c) in an emergency situation, if capacity is allocated via explicit allocation, market participants shall be entitled to compensation equal to the price difference of relevant markets between the bidding zones concerned in the relevant time-frame; or
 - (d) in an emergency situation, if capacity is allocated via explicit allocation but the bidding zone price is not calculated in at least one of the two relevant bidding zones in the relevant timeframe, market participants shall be entitled to reimbursement of the price paid for capacity during the explicit allocation process.
4. The TSO invoking *force majeure* or an emergency situation shall limit the consequences and duration of the *force majeure* situation or emergency situation.
5. Where a **Contracting Party** has so provided, upon request by the TSO concerned the national regulatory authority shall assess whether an event qualifies as *force majeure*.

TITLE III COSTS

CHAPTER 1

Congestion income distribution methodology for single day-ahead and intraday coupling

Article 73

Congestion income distribution methodology

1. <...> TSOs shall **apply the** methodology for sharing congestion income **referred to in Article 9(6)(m)**.

2. The methodology **from** paragraph 1 shall:
 - (a) facilitate the efficient long-term operation and development of the electricity transmission system and the efficient operation of the electricity market of the **Energy Community**;
 - (b) comply with the general principles of congestion management provided for in Article 16 of Regulation (EC) No **2019/943**;
 - (c) allow for reasonable financial planning;
 - (d) be compatible across time-frames;
 - (e) establish arrangements to share congestion income deriving from transmission assets owned by parties other than TSOs.
3. TSOs shall distribute congestion incomes in accordance with the methodology in paragraph 1 as soon as reasonably practicable and no later than one week after the congestion incomes have been transferred in accordance with Article 68(8).

CHAPTER 2

Redispatching and countertrading cost sharing methodology for single day-ahead and intraday coupling

Article 74

Redispatching and countertrading cost sharing methodology

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:
 - (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 49 of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC and Commission Regulation (EU) No 838/2010 as adapted and adopted by Permanent High Level Group Decision 2013/01-PHLG-EnC;
 - (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;
 - (f) facilitate adherence to the general principles of congestion management as set out in Article 16 and 19 of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC;
 - (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.
7. <...> TSOs of each capacity calculation region shall further harmonise as far as possible between the regions the redispatching and countertrading cost sharing methodologies applied within their respective capacity calculation region.

CHAPTER 3

Capacity allocation and congestion management cost recovery

Article 75

General provisions on cost recovery

1. Costs relating to the obligations imposed on TSOs in accordance with Article 8, including the costs specified in Article 74 and Articles 76 to 79, shall be assessed by the competent regulatory authorities. Costs assessed as reasonable, efficient and proportionate shall be recovered in a timely manner through network tariffs or other appropriate mechanisms as determined by the competent regulatory authorities.
2. **Contracting Parties'** share of the common costs referred to in Article 80(2)(a), regional costs referred to in Article 80(2)(b) and national costs referred to in Article 80(2)(c) assessed as reasonable, efficient and proportionate shall be recovered through NEMO fees, network tariffs or other appropriate mechanisms as determined by the competent regulatory authorities.

3. If requested by the regulatory authorities, relevant TSOs, NEMOs and delegates in accordance with Article 78 shall, within three months of the request, provide information necessary to facilitate the assessment of the costs incurred.

Article 76

Costs of establishing, amending and operating single day-ahead and intraday coupling

1. <...> NEMOs **from Contracting Parties** shall **contribute <...> to bearing** the following costs:

- (a) common, regional and national costs of establishing, updating or further developing the price coupling algorithm and single day-ahead coupling;
- (b) common, regional and national costs of establishing, updating or further developing the continuous trading matching algorithm and single intraday coupling;
- (c) common, regional and national costs of operating single day-ahead and intraday coupling.

2. Subject to agreement with the NEMOs concerned, TSOs may make a contribution to the costs provided for in paragraph 1 subject to approval by the relevant regulatory authorities. In such cases, within two months of receiving a forecast from the NEMOs concerned, each TSO shall be entitled to provide a cost contribution proposal to the relevant regulatory authority for approval.

3. The NEMOs concerned shall be entitled to recover costs in accordance with paragraph 1 which have not been borne by TSOs in accordance with paragraph 2 by means of fees or other appropriate mechanisms only if the costs are reasonable and proportionate, through national agreements with the competent regulatory authority.

Article 77

Clearing and settlement costs

1. All costs incurred by central counter parties and shipping agents shall be recoverable by means of fees or other appropriate mechanisms if they are reasonable and proportionate.

2. The central counter parties and shipping agents shall seek efficient clearing and settlement arrangements avoiding unnecessary costs and reflecting the risk incurred. The cross-border clearing and settlement arrangements shall be subject to approval by the relevant national regulatory authorities.

Article 78

Costs of establishing and operating the coordinated capacity calculation process

1. Each TSO shall individually bear the costs of providing inputs to the capacity calculation process.

2. All TSOs shall bear jointly the costs of merging the individual grid models.

All TSOs in each capacity calculation region shall bear the costs of establishing and operating the coordinated capacity calculators.

3. Any costs incurred by market participants in meeting the requirements of this Regulation shall be borne by those market participants.

Article 79

Costs of ensuring firmness

The costs of ensuring firmness in accordance with Articles 70(2) and 71 shall be borne by the relevant TSOs, to the extent possible in accordance with Article 19(2)(a) of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC. These costs shall include the costs from compensation mechanisms associated with ensuring the firmness of cross-zonal capacities as well as the costs of redispatching, countertrading and imbalance associated with compensating market participants.

Article 80

Cost sharing between NEMOs and TSOs in different Member States and Contracting Parties

1. All relevant NEMOs and TSOs shall provide a yearly report to the regulatory authorities in which the costs of establishing, amending and operating single day-ahead and intraday coupling are explained in detail. This report shall be published by the Agency **for the Cooperation of Energy Regulators** taking due account of sensitive commercial information. Costs directly related to single day-ahead and intraday coupling shall be clearly and separately identified and auditable. The report shall also provide full details of contributions made to NEMO costs by TSOs in accordance with Article 76(2).
2. The costs referred to in paragraph 1 shall be broken down into:
 - (a) common costs resulting from coordinated activities of all NEMOs or TSOs from **Contracting Parties and Member States (for their interconnection with Contracting Parties)**, participating in the single day-ahead and intraday coupling;
 - (b) regional costs resulting from activities of NEMOs or TSOs cooperating in a certain region;
 - (c) national costs resulting from activities of the NEMOs or TSOs in that **Contracting Party**.
3. Common costs referred to in paragraph 2(a) shall be shared among the TSOs and NEMOs in Member States **and Contracting Parties in accordance with Article 80(3) of Regulation (EU) 2015-1222. <...>**
4. NEMOs and TSOs cooperating in a certain region shall jointly agree on a proposal for the sharing of regional costs in accordance with paragraph 2(b). The proposal shall then be individually approved by the competent national authorities of each of the **Contracting Party and Member States** in the region. NEMOs and TSOs cooperating in a certain region may alternatively use the cost sharing arrangements **<...>**.
5. The cost sharing principles shall apply to costs incurred from the entry into force of this Regulation. This is without prejudice to existing solutions used for the development of single day-ahead and intraday coupling and costs incurred prior to the entry into force of this Regulation shall be shared among the NEMOs and TSOs based on the existing agreements governing such solutions.

TITLE IV DELEGATION OF TASKS AND MONITORING

Article 81

Delegation of tasks

1. A TSO or NEMO may delegate all or part of any task assigned to it under this Regulation to one or more third parties in the case the third party can carry out the respective function at least as effectively as the delegating entity. The delegating entity shall remain responsible for ensuring compliance with the obligations under this Regulation, including ensuring access to information necessary for monitoring by the regulatory authority.
2. Prior to the delegation, the third party concerned shall have clearly demonstrated to the delegating party its ability to meet each of the obligations of this Regulation.
3. In the event that all or part of any task specified in this Regulation is delegated to a third party, the delegating party shall ensure that suitable confidentiality agreements in accordance with the confidentiality obligations of the delegating party have been put in place prior to delegation.

Article 82

Monitoring of the implementation of single day-ahead and intraday coupling

1. The entity or entities performing the MCO functions shall be monitored by the regulatory authorities or relevant authorities of the territory where they are located. Other regulatory authorities or relevant authorities, **the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC**, shall contribute to the monitoring where adequate. The regulatory authorities or relevant authorities primarily responsible for monitoring a NEMO and the MCO functions shall fully cooperate and shall provide access to information for other regulatory authorities, **the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators** and in order to ensure proper monitoring of single day-ahead and intraday coupling in accordance with **Article 61 of Directive 2019/944 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**.
2. Monitoring of the implementation **of the Contracting Party integration into single day-ahead and intraday coupling by the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC, shall be performed in coordination with the Energy Community Secretariat. <...>**
3. <...>
4. <...>
5. All TSOs shall submit to **the Agency for the Cooperation of Energy Regulators and the Energy Community Secretariat** the information required to perform the tasks in accordance with paragraph 2 <...>.
6. NEMOs, market participants and other relevant organisations regarding single day-ahead and intraday coupling shall, at the joint request of the **Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators and the ENTSO for Electricity, acting in accordance with Articles 2**

and 3 of Procedural Act No 2022/01/MC, submit to the ENTSO for Electricity the information required for monitoring in accordance with paragraph 2 <...>, except for information already obtained by the regulatory authorities, the **Energy Community Regulatory Board, the Agency for the Cooperation of Energy Regulators** or the ENTSO for Electricity in the context of their respective implementation monitoring tasks.

TITLE V TRANSITIONAL AND FINAL PROVISIONS

Article 83

Transitional provisions for Ireland and Northern Ireland

<...>

Article 84

Entry into force

This Decision D/2022/03/MC-EnC enters into force upon its adoption and is addressed to the Parties and institutions of the Energy Community.³

Article 2 of Decision D/2022/03/MC-EnC

Each Contracting Party shall bring into force the laws, regulations and administrative provisions necessary to comply with <...>, Regulation (EU) 2015/1222, <...> by 31 December 2023.

Each Contracting Party shall notify the Energy Community Secretariat of completed transposition by sending the text of the provisions of national law which they adopt in the field covered by this Decision and of any subsequent changes within two weeks following the adoption of such measures.

³ The text displayed here corresponds to Article 13 of Decision D/2022/03/MC-EnC.

ANNEX I

Capacity Calculation Regions

Article 1

Subject matter and scope

1. The capacity calculation regions (CCRs) cover all existing bidding zone borders between the Contracting Parties and Contracting Parties and Member States as defined in this Annex.
2. Adjustments of the configuration of the CCRs listed in this Annex shall be subject to a proposal of all transmission system operators pursuant to Article 15 paragraphs 2 and 3 of Regulation (EU) 2015/1222 in consultation with the TSOs from Contracting Parties to the Agency for the Cooperation of Energy Regulators.

Article 2

Capacity Calculation Regions

The following are defined as the CCRs of the Energy Community:

- Capacity Calculation Region Shadow South-East Europe (Shadow SEE CCR)
- Capacity Calculation Region Italy-Montenegro (ITME CCR)
- Capacity Calculation Region Eastern Europe (EE CCR)

Article 3

Capacity Calculation Region: Shadow SEE CCR

The Shadow South-East Europe CCR shall include bidding zone borders between Contracting Parties:

- Bosnia and Hercegovina – Serbia (BA-RS), Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH) and Elektromreza Srbije AD (EMS)
- Montenegro – Bosnia and Hercegovina (ME-BA), Crnogorski elektroprenosni sistem AD (CGES) and Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH)
- Montenegro – Albania (ME-AL), Crnogorski elektroprenosni sistem AD (CGES) and Operatori i Sistemit te Transmetimit sh.a. (OST)
- Albania – North Macedonia (AL-MK), Operatori i Sistemit te Transmetimit sh.a. (OST) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
- Serbia – North Macedonia (RS-MK), Elektromreza Srbije AD (EMS) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
- Montenegro – Serbia (ME-RS), Crnogorski elektroprenosni sistem AD (CGES) and Elektromreza Srbije AD (EMS)
- Montenegro – Kosovo* (ME-KS), Crnogorski elektroprenosni sistem AD (CGES) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT)
- Albania – Kosovo* (AL-KS), Operatori i Sistemit te Transmetimit sh.a. (OST) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT)

- North Macedonia – Kosovo* (MK-KS), Makedonski Elektroprenosen Sistem Operator AD (MEPSO) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT)
- Serbia – Kosovo* (RS-KS), Elektromreza Srbije AD (EMS) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT).

All TSOs of the Shadow SEE CCR shall by 6 months after the entry into force of this Regulation conclude an agreement with the TSOs of the EU SEE CCR as a basis for the cooperation of the TSOs of Member States and Contracting Parties in the SEE Shadow CCR. This agreement shall apply to the following TSOs for the following borders:

- Croatia – Bosnia and Hercegovina (HR - BA), Croatian Transmission System Operator Ltd. (HOPS) and Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH)
- Croatia – Serbia (HR - RS), Croatian Transmission System Operator Ltd. (HOPS) and Elektromreza Srbije AD (EMS)
- Hungary – Serbia (HU - RS), Hungarian Independent Transmission Operator Company Ltd (MAVIR) and Elektromreza Srbije AD (EMS)
- Romania – Serbia (RO - RS), Compania Națională de Transport al Energiei Electrice “Transelectrica” S.A. and Elektromreza Srbije AD (EMS)
- Bulgaria – Serbia (BG - RS), Elektroenergien Sistemen Operator EAD (ESO) and Elektromreza Srbije AD (EMS)
- Bulgaria – North Macedonia (BG - MK), Elektroenergien Sistemen Operator EAD (ESO) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
- Greece – North Macedonia (BG - MK), Independent Power Transmission Operator S.A. (IPTO) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
- Greece – Albania (GR - AL), Independent Power Transmission Operator S.A. (IPTO) and Operatori i Sistemit te Transmetimit sh.a. (OST)

Article 4

Capacity Calculation Region: ITME CCR

The ITME CCR shall include the bidding zone border between Italy and Montenegro (IT-ME), TERNA Rete Elettrica Nazionale S.p.A (TERNA) and Crnogorski elektroprenosni sistem AD (CGES)

Article 5

Capacity Calculation Region: EE CCR

The Eastern Europe CCR shall include bidding zone border between Ukraine and Moldova (UA - MD), Ukrenergo NPC SE (Ukrenergo) and I.S. Moldelectrica (MED).

With regards to bidding zone borders between Contracting Parties and Member States, all TSOs of the EE CCR shall by 6 months after the entry into force of this Regulation conclude an agreement with the TSOs of EU SEE CCR setting the basis for the cooperation of the EU and non-EU TSOs in the EE CCR. This should apply to the following TSOs for the following borders:

- Ukraine - Poland (UA - PL), Ukrenergo NPC SE (Ukrenergo) and PSE S.A. (PSE)

- Ukraine - Slovakia (UA - SL), Ukrenergo NPC SE (Ukrenergo) and Slovenská elektrizaná prenosová sústava, a.s. (SEPS)
- Ukraine - Hungary (UA - HU), Ukrenergo NPC SE (Ukrenergo) and Hungarian Independent Transmission Operator Company Ltd (MAVIR)
- Ukraine - Romania (UA - RO), Ukrenergo NPC SE (Ukrenergo) and Compania Națională de Transport al Energiei Electrice "Transelectrica" S.A (TEL)
- Moldova . Romania (MD - RO), I.S. Moldelectrica (MED) and Compania Națională de Transport al Energiei Electrice "Transelectrica" S.A (TEL).