

IV. ANNOUNCEMENT OF APPEAL^{2*}

Case: A-013-2021

Appellant: Bundesnetzagentur

Appeal received on: 13 October 2021

Subject matter: Cross-zonal capacity Core CCR

Keywords:

Contested decision: *Decision No. 11/2021 of 13 August 2021 on the market-based allocation process of cross-zonal capacity for the Core CCR*

Language of the case: English

Remedy sought by the Appellant (including procedural requests)

The Appellant requests the Board of Appeal to:

- rescind the following provisions of ACER Decision No 11/2021 of 13 August 2021 on the Core MB CZCA and refer the matter back to the responsible ACER office, pursuant to Article 28(5) of the ACER Regulation:
 - Article 3(5) of its Annex I thereof,
 - Article 10(3) of Annex I thereof, and
 - all sections and provisions of ACER Decision No 11/2021 and Annex I thereof that explicitly or implicitly refer to the provisions of Article 3(5) and Article 10(3) of Annex [...]

The Appellant includes the following procedural requests:

- an oral hearing under Article 18 of the Rules of Procedure of the Board of Appeal

Pleas in law and main arguments

The contested decision was adopted on 13 August 2021

The Appellant contests the Agency's decision. The Appellant's claims and arguments can be summarised as follows:

1. The decision lacks a legal basis for setting the pricing principle and thus infringes the legally provided possibility of Commission Regulation (EU) 2017/2195 of 23 November 2017 for TSOs to set the pricing principle in balancing capacity cooperations
2. In its decision ACER infringes its scope for judgement evaluation

² Announcement published in accordance with Article 9 of Decision BoA No1-2011 Laying down the rules of organisation and procedure of the Board of Appeal of the Agency for the Cooperation of the Energy Regulators.

Date of Submission: 19.11.2021	Name: Jochen Homann	Signature: [Signed]
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Further information

More information on the appeal procedure can be found on the 'Appeals' section of the Agency's website:

https://www.acer.europa.eu/en/The_agency/Organisation/Board_of_Appeal/Pages/Procedural-Documents.aspx

Date of Submission: 19.11.2021	Name: Jochen Homann	Signature: [Signed]
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