

IV. ANNOUNCEMENT OF APPEAL²

Case:	A-001-2021
Appellant:	Polskie Sieci Elektroenergetyczne S.A.
Appeal received on:	[DD Month YYYY]
Subject matter:	Appeal against Decision No 30/2020 of the European Union Agency for the Cooperation of Energy Regulators of 30 November 2020 on the Core CCR TSO's proposal for the methodology for cost sharing of redispatching and countertrading
Keywords:	Cost sharing, redispatching, countertrading
Contested decision Number:	No 30/2020
Language of the case:	English

Remedy sought by the Appellant (including procedural requests)

1. The Appellant respectfully requests the Board of Appeal to rule that the Appellant's appeal is well-founded, and to rule that according to and following applicable procedures and replace the Contested Decision by a new one. The new decision should indicate the modification of CS Methodology as follows:
 - i. to amend Article 6(6) and Article 6(7) in accordance with the correct GSK/LSK approach to flow decomposition which is compliant with the definitions of flow components;
 - ii. to add precise criteria for amendments to CC Methodologies;
 - iii. to introduce a provision making the implementation of the CS Methodology conditional upon earlier implementation of CC Methodologies amended according to the criteria defined in CS Methodology;
 - iv. to lower the common threshold set in Article 7(3) of CS Methodology and to change recital (8) of the preamble to CS Methodology in line with this modification.

The case should be remitted to the competent body of ACER to modify the Contested Decision by amending the contested articles in accordance with Article 28(5) of Regulation 2019/942.

Pleas in law and main arguments

The contested decision was adopted on 30 November 2020.

The Appellant specifically contests the lawfulness of Article 1 of the Contested Decision and Articles 6 and 7 of Annex I to the Contested Decision (CS Methodology):

- i. the first plea indicates the overestimation of loop flow (LF) and internal flow (IF) of importing zones, which, in turn, according to CS Methodology, results in incorrect cost allocation for importing zones. For this reason, the Contested Decision violates Articles 74(6)(c) and 74(6)(i) of Regulation 2015/1222 as well as Article 16(13) of Regulation 2019/943.
- ii. The second plea indicates an excessive level of LF threshold. This plea is in line with the "polluter pays" principle as described in Article 16(13) of Regulation 2019/943.

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

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: 29 January 2021	Name: Leszek Jesień	SIGNED
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