

**DECISION No 06/2023  
OF THE EUROPEAN UNION AGENCY  
FOR THE COOPERATION OF ENERGY REGULATORS**

**of 22 March 2023**

**on the TSOs' proposal for amendments to the Congestion Income  
Distribution (CID) methodology**

THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS,

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

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators<sup>1</sup>, and, in particular, Article 5(2)(b) thereof,

Having regard to Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation<sup>2</sup>, and, in particular, Articles 4(5), 4(6)(e), 4(12) and 57 thereof, thereof,

Having regard to the outcome of the consultation with the concerned regulatory authorities and transmission system operators,

Having regard to the outcome of the consultation with ACER's Electricity Working Group,

Having regard to the favourable opinion of the Board of Regulators of 17 March 2023, delivered pursuant to Article 22(5)(a) of Regulation (EU) 2019/942,

Whereas:

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<sup>1</sup> OJ L 158, 14.6.2019, p. 22.

<sup>2</sup> OJ L 259, 27.9.2016, p. 42.

## **1. INTRODUCTION**

- (1) Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation ('FCA Regulation') lays down rules on cross-zonal capacity allocation in the forward markets. These rules include requirements for a methodology for sharing congestion income from forward capacity allocation, developed by all transmission system operators ('TSOs') in accordance with Article 57 of the FCA Regulation ('FCA-CID methodology').
- (2) On 15 March 2019, all TSOs submitted to all regulatory authorities their proposal for the FCA-CID methodology. On 22 May 2019, all regulatory authorities approved the TSOs' proposal.
- (3) By Decision No 10/2022 of 18 July 2022, ACER approved an all TSOs' amendment proposal to the FCA-CID methodology of 26 April 2022. The amendment intended to make the FCA-CID methodology applicable also to the Finish TSO ('Fingrid') and to enable the allocation of long-term transmission rights on the Finish-Estonian bidding zone border. The amendment was therefore limited to the scope of application of the FCA-CID methodology, while otherwise not modifying its content. Accordingly, ACER assessed only the extension of the application of the SAP methodology to Fingrid but not the FCA-CID methodology in itself.
- (4) Upon ACER's request, on 28 September 2022, all TSOs submitted to ACER a proposal for amendment of the FCA-CID methodology, as approved by the regulatory authorities and as amended by ACER Decision No 10/2022.
- (5) The present Decision concerns the TSOs' amendment proposal of 28 September 2022. Annex I to this Decision sets out the FCA-CID methodology pursuant to Article 57 of the FCA Regulation, as amended and approved by ACER.

## **2. PROCEDURE**

- (6) In a letter dated 12 July 2021, ACER requested all TSOs under Article 4(12) of the FCA Regulation, to submit, as soon as possible, and no later than 1 June 2022, their proposals for amendments of the four methodologies listed in Article 4(6), points (c), (d), (e) and (g) of the FCA Regulation for ACER's approval. As argued in ACER's letter, amending the above methodologies, including the FCA-CID methodology, was necessary to allow for a timely implementation of the long-term flow-based auctions in the Core and Nordic capacity calculation regions ('CCRs'). The European Network of Transmission System Operators for Electricity ('ENTSO-E') asked ACER, on behalf of all TSOs, to postpone the submission date for the relevant proposals, to which ACER agreed in a letter dated 26 January 2022. The new submission date for the proposed amendments to the FCA CID methodology was 1 October 2022.
- (7) On 28 September 2022, ENTSO-E, on behalf of all TSOs, submitted to ACER an 'All TSOs' proposal for amendment of the methodology for sharing congestion income from forward capacity allocation in accordance with Article 57 of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation' ('Proposal'), along with a list of submitting TSOs.

- (8) On 26 October 2022, ACER launched a public consultation on the Proposal, inviting all stakeholders to submit their comments by 28 November 2022. Annex II to this Decision provides a summary and evaluation of stakeholders' responses.
- (9) Between 28 September 2022 and 6 February 2023, ACER held regular discussions concerning the Proposal with the TSOs and the regulatory authorities. In particular, the following procedural steps were taken:
- 30 September 2022: discussion with the TSOs and regulatory authorities at the FCA coordination group meeting<sup>3</sup>;
  - 8 November 2022: discussion with the TSOs and regulatory authorities;
  - 9 November 2022: discussion with the regulatory authorities at the FCA task force (TF) meeting<sup>4</sup>;
  - 17 November 2022: public workshop on the Proposal;
  - 22 November 2022: discussion with the regulatory authorities at ACER's Electricity Working Group ('AEWG') meeting;
  - 30 November 2022: discussion with the TSOs and regulatory authorities;
  - 2 December 2022: discussion with the TSOs and regulatory authorities;
  - 13 December 2022: discussion with the TSOs and regulatory authorities;
  - 14 December 2022: discussion with the regulatory authorities at the FCA TF meeting;
  - 11 January 2023: discussion with the regulatory authorities at the AEWG meeting;
  - 19 January 2023: discussion with the regulatory authorities at the FCA TF meeting;
  - 6 February 2023: discussion with the regulatory authorities at AEWG meeting;
- (10) On 23 December 2022, ACER shared its preliminary position on the Proposal with all TSOs and the regulatory authorities, inviting them to submit their written observations by 13 January 2023, and offering a possibility to request an oral hearing.
- (11) By 13 January 2023, ACER received all written observations from the concerned TSOs and regulatory authorities. ACER received no requests for an oral hearing.
- (12) The AEWG was consulted between 1 February and 8 February 2023, and provided its advice on 10 February 2023 (see Section 5.3).

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<sup>3</sup> Joint platform between ACER, TSOs, the European Commission and regulatory authorities for discussing issues connected to the FCA Regulation.

<sup>4</sup> ACER's platform to discuss FCA issues with regulatory authorities;

(13) On 17 March 2023, ACER's Board of Regulators issued a favourable opinion.

### **3. ACER'S COMPETENCE TO DECIDE ON THE PROPOSAL**

- (14) According to Article 5(2)(b) of Regulation (EU) 2019/942, proposals for common terms and conditions or methodologies developed pursuant to network codes and guidelines adopted before 4 July 2019, which require the approval of all regulatory authorities, shall be submitted to ACER for revision and approval.
- (15) According to Article 4(5) and Article 4(6)(e) of the FCA Regulation, as initially adopted, namely as a guideline before 4 July 2019, the proposal for the FCA-CID methodology pursuant to Article 57 of the same Regulation, was subject to approval by all regulatory authorities. Following the amendments of these provisions by Commission Implementing Regulation (EU) 2021/2808, the proposal for the FCA-CID methodology, and any amendments thereof, have been explicitly subjected to approval by ACER.
- (16) According to Article 4(12) of the FCA Regulation, ACER may request proposals for amendments of those terms and conditions or methodologies, where ACER is responsible for their approval, and, in addition, the TSOs responsible for developing a proposal for the FCA-CID methodology may propose amendments thereto to ACER. Those proposals for amendments are to be approved in accordance with the procedure set out in Article 4 of the FCA Regulation.
- (17) According to Article 5(6) of Regulation (EU) 2019/942 and Article 4(5) of the FCA Regulation, ACER, before approving terms and conditions or methodologies, shall revise the proposals where necessary, after consulting the respective TSOs, in order to ensure that they are in line with the purpose of the FCA Regulation and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market.
- (18) On 28 September 2022, in response to ACER's request for amendments of 12 July 2021, ENTSO-E, on behalf of all TSOs submitted the Proposal for amendment of the congestion income distribution methodology for ACER's approval.
- (19) Therefore, ACER is competent to decide on the Proposal based on Article 5(2)(b) of Regulation (EU) 2019/942 as well as Articles 4(5), 4(6)(e) and 4(12) of the FCA Regulation.

### **4. SUMMARY OF THE PROPOSAL**

- (20) The Proposal includes the following elements:
- a) a 'Whereas' section;
  - b) general provisions, including the scope of application and definitions, in Title 1;
  - c) provisions on the collection of long-term congestion income and distribution to the bidding zone borders, in Title 2;
  - d) provisions on the congestion income distribution on the bidding zone border, in Title 3;

- e) final provisions on the timeline for implementation and language disclaimer, in Title 4;
- (21) The Proposal therefore consists of a complete FCA-CID methodology as approved by ACER Decision No 10/2022, but including the proposed amendments as follows:<sup>5</sup>
- a) In the ‘Whereas’ section, the TSOs proposed to:
- i. add a recital referring to the 2019 approval of the FCA-CID methodology;
  - ii. add a recital referring to ACER’s request for amendments of 12 July 2021;
  - iii. add a recital referring to the principles and objectives of Regulation (EU) 2019/943 of 5 June 2019 on the internal market for electricity (‘Electricity Regulation’);
  - iv. delete the clarification that congestion income distribution under a flow-based approach is outside the scope of the FCA-CID methodology;
  - v. delete a recital stating that the methodology shall apply similarly to all types of transmission rights;
  - vi. add a recital listing the TSOs responsible for the development of the FCA-CID methodology under the relevant legislation;
- b) In Article 1, the TSOs proposed to:
- i. add a paragraph defining the application of the FCA-CID methodology in situations where there are several TSOs on the same side of a bidding zone border (‘BZB’);
  - ii. add a paragraph defining the application of the FCA-CID methodology in case where the regulatory authorities decide that the relevant TSOs do not issue long-term transmission rights (‘LTTRs’);
  - iii. delete a paragraph listing the TSOs to which the FCA-CID methodology applies;
- c) In Article 3, the TSOs proposed to:
- i. add a paragraph extending the scope of Article 3 to CCRs applying the flow-based approach for which the sum of the congestion income generated within a CCR is calculated and pooled, and then assigned to the different bidding zone borders according to the sharing keys defined in Annex 1 to ACER Decision 16/2021 of 17 December 2021 on the TSOs’ proposal for

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<sup>5</sup> Amendments of editorial nature, i.e. not affecting the content of the methodology, are not listed here.

- amendment of the congestion income distribution methodology ('CACM-CID methodology');
  - ii. add a sub-paragraph defining how to calculate congestion income in case of price convergence across the whole CCR;
  - iii. add a sub-paragraph defining the conditions that would apply in case the single day-ahead coupling process is unable to produce results; and
- d) In Article 6, the TSOs proposed to:
- i. remove obsolete provisions specifying conditions for amending the FCA-CID methodology.

## **5. OBSERVATIONS RECEIVED BY ACER**

### **5.1. Public consultation one the Proposal**

(22) Responses to ACER's public consultation are summarised in Annex II to this Decision.

### **5.2. Consultation on ACER's preliminary position**

(23) In its preliminary position of 23 December 2022 , ACER envisaged introducing the following main changes to the Proposal<sup>6</sup>:

- a) In the 'Whereas' section:
  - i. adding recital 5 to define the exceptions regarding the application of the methodology to certain TSOs;
  - ii. introducing changes to the assessment of the Proposal against the objectives of the FCA Regulation;
  - iii. clarifying the scope of application of the FCA-CID methodology to BZBs on which congestion income would be generated;
- b) In Article 1 ('Subject matter and scope'), specifying the scope of application of the FCA-CID methodology, by referring to a new Annex 1 with a list of the TSOs to which the FCA-CID methodology applies.
- c) In Article 2 ('Definitions and interpretation'), updating the list of definitions and acronyms;
- d) In Article 3 ('Calculation of long-term congestion income per CCR'):

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<sup>6</sup> Numbering corresponds to Annex I.

- i. introducing clarification and structural changes, aiming to align the FCA-CID methodology with the CACM-CID methodology, such as:
    1. splitting Article 3 of the Proposal into Article 3 ('Calculation of long-term congestion income per CCR') and Article 4 ('Distribution of long-term congestion income to bidding zone borders');
    2. introducing equations to complement textual descriptions;
    3. editorial changes;
  - e) In Article 4 ('Distribution of long-term congestion income to bidding zone borders'):
    - i. introducing equations to complement textual descriptions;
    - ii. clarifying the wording regarding the CCRs where the regulatory authorities decided that LTTRs shall not be issued by the respective TSOs on specific borders or that other long-term cross-zonal hedging products shall be made available by the respective TSOs according to Article 30(7) of the FCA Regulation;
    - iii. introducing the concept of a 'slack hub' (defined in the CACM-CID methodology) as being more accurate than the reference to 'external borders' in the Proposal;
    - iv. removing the paragraphs describing the interactions between the FCA-CID methodology and other methodologies of the FCA Regulation;
    - v. editorial changes;
  - f) In Article 6 ('Publication and implementation of the FCA CID methodology'):
    - i. clarifying the legal context of the publication of the FCA-CID methodology by the TSOs;
    - ii. clarifying the implementation deadline of the methodology;
  - g) In Article 7 ('Amendment of the Congestion Income methodology'):
    - i. deleting this Article since this aspect is governed by the FCA Regulation; and
  - h) Annex 1:
    - i. introducing a list of the TSOs subject to the approved methodology, containing all TSOs submitting the Proposal, except for the TSOs exempted from issuing LTTRs according to Article 30(7) of the FCA Regulation and Creos.
- (24) The following paragraphs provide a summary of views on ACER's preliminary position. ACER received written comments from:
- a) Austrian regulatory authority ('E-Control');
  - b) Danish regulatory authority ('DUR');

- c) Luxembourgish regulatory authority ('ILR');
  - d) all TSOs;
- (25) E-Control proposed to remove the TSO 'Vorarlberger Übertragungsnetz GmbH' ('VUEN') from the list of the TSOs in Annex 1, as the competent Austrian ministry has formally designated responsibilities under Article 1(3) of the FCA Regulation to the TSO 'Austrian Power Grid AG' ('APG');
- (26) DUR proposed to amend recital (5) with criteria for exempting the TSOs referring to a particular exempted BZB;
- (27) ILR proposed to replace the word "which" with "as long as it" in recital 5(b), in order to provide flexibility in terms of potential change of the application of the FCA-CID methodology to the Luxembourgish TSO ('Creos');
- (28) All TSOs provided the following written observations in response to ACER's preliminary position:
- a) Whereas:
    - i. all TSOs welcomed the exemption for Creos;
    - ii. all TSOs regretted that the Baltic Cable ('BCAB') has not been exempted, considering that the regulatory authorities are considering to exempt BCAB;
    - iii. all TSOs also considered that the paragraphs on the exemption conditions would be better placed under Article 1 ('Subject, matter and scope'), and not in the Whereas section.
  - b) Article 1 ('Subject matter and scope'): all TSOs highlighted that the approach to list in Annex 1 the TSOs subject to the methodology deviates from the recommendations from ACER Informal Guidance to ENTSO-E and TSOs on how to draft proposals for terms and conditions or methodologies. Instead, the TSOs would rather include a similar wording as in recital (5).
  - c) Article 3 ('Calculation of long-term congestion income per CCR'): all TSOs highlighted that the formulas proposed in ACER's preliminary position referred to MWh instead of MW;
  - d) Annex 1 (the new annex added by ACER): all TSOs suggested to remove VUEN and BCAB from the list of the TSOs subject to the approved methodology, and to rename HOPS according to their new status (joint stock company);

### **5.3. Consultation of the AEWG**

- (29) The AEWG provided its advice on 10 February 2023 and endorsed the draft Decision.
- (30) During the AEWG's consultation period, ILR suggested minor linguistic changes to the draft Decision and provided the following comment. ILR suggested to remove "such as currently Creos Luxembourg S.A." from Recital (5)(b) of Annex I to the draft Decision. In ILR's view, it was not necessary to explicitly name Creos in point (b), noting that point (a) of the same Recital also doesn't name the relevant TSOs.



## **6. ASSESSMENT OF THE PROPOSAL**

### **6.1. Legal framework**

- (31) Article 57 of the FCA Regulation sets out specific requirements for the congestion income distribution methodology.
- (32) Article 4(8) of the FCA Regulation requires that a proposal for amendments includes a proposed timescale for its implementation and a description of the expected impact of such amendments on the objectives of the FCA Regulation.
- (33) Article 30(7) of the FCA Regulation provides that Article 57 of the same Regulation shall not apply to the TSOs of the bidding zone borders in the event that regulatory authorities decide that LTTRs shall not be issued by the respective TSOs or that other long-term cross-zonal hedging products shall be made available by the respective TSOs.

### **6.2. Assessment of the legal requirements**

#### 6.2.1. Assessment of the requirements of Article 57 of the FCA Regulation

- (34) Article 57(2) of the FCA Regulation requires the TSOs developing the FCA-CID methodology to take into account the CACM-CID methodology. A high-level assessment of this requirement is provided in the Whereas section of the Proposal.
- (35) Article 3 of the Proposal defines a process to calculate and distribute the long-term congestion income per CCR to the BZBs. This process, for CCRs applying the flow-based approach, relies on the sharing key defined in Article 5 of the CACM-CID methodology. In case of price convergence across the whole CCR, calculation of long-term congestion income is also performed in accordance with the CACM-CID methodology.
- (36) The Proposal takes into account the wording, principles (i.e. regional sharing and socialisation based on realised cross-border trades) and rules of sharing of the CACM-CID methodology. However, Article 3 of the Proposal does not follow the structure of the CACM-CID methodology, and lacks a formula to increase the readability of the congestion income calculation and distribution process. To fully meet the requirement of Article 57(2) of the FCA Regulation and to improve clarity, ACER has decided to split Article 3 into two separate articles and add a mathematical formula. The formula included in Article 3 of Annex I to this Decision takes into account the written observations submitted by all TSOs (see recital (28) of this Decision). ACER has also replaced 'external borders' with 'slack hubs' in line with the wording of the CACM-CID methodology.
- (37) According to Article 57(3) of the FCA Regulation, when developing the FCA-CID methodology, the requirements set in Article 73 of Regulation (EU) 2015/1222 ('CACM Regulation) shall apply. As described in recitals (34) to (36) of this Decision, Annex I to this Decision takes into account the CACM-CID methodology which is bound to respect the requirements set in Article 73 of the CACM Regulation.

- (38) Furthermore, Annex I to this Decision is in line with the requirements set out in Article 73(2) of the CACM Regulation.
- (39) More specifically, ACER notes that the requirement of Article 73(2)(a) of the CACM Regulation to facilitate the efficient long-term operation and development of the electricity transmission system and the efficient operation of the electricity market of the Union, in fact corresponds to the objective set out in Article 3(g) of the FCA Regulation, which is discussed in recital 17 of Annex I to this Decision. ACER agrees in this respect with the TSOs' assessment (see section 6.2.2).
- (40) The Proposal also complies with the requirement of Article 73(2)(b) of the CACM Regulation. Since the Proposal only addresses the distribution of congestion income, but not its use, it does not, in ACER's view, have any negative impact on the general principles of congestion management provided for in Article 16 and Article 19 of the Electricity Regulation.<sup>7</sup>
- (41) By following the principles and sharing rules of the CACM-CID methodology, the Proposal also provides a fully predictable framework for congestion income distribution. Thereby, it enables a reasonable financial planning for the TSOs and the regulatory authorities, in line with Article 73(2)(c) of the CACM Regulation.
- (42) Regarding Article 73(2)(d) of the CACM Regulation, Annex I to this Decision is compatible with the day-ahead timeframe as it takes into account the CACM-CID methodology (see recitals (34) to (36)). Its compatibility with the methodologies relevant for the balancing timeframe cannot be evaluated at this stage as the latter are not yet fully developed. However, ACER also does not see any potential incompatibilities of the Proposal with these future methodologies.
- (43) With regard to the arrangements to share congestion income deriving from transmission assets owned by parties other than the TSOs, the Proposal clearly identifies the cases where interconnectors may be owned by other parties and establishes that, in such cases, those parties shall be entitled to receive all or a part of the congestion income. The Proposal is therefore in line with the requirement set out in Article 73(2)(e) of the CACM Regulation.
- (44) By taking into account the CACM-CID methodology and the requirements set out in Article 73(2) of the CACM Regulation, the Proposal therefore meets the requirement of Article 57(3) of the FCA Regulation.

#### 6.2.2. Assessment of the requirements of Article 4(8) of the FCA Regulation

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<sup>7</sup> Former Article 16 of Regulation (EC) 714/2019

- (45) Article 4(8) of the FCA Regulation requires that the Proposal includes a proposed timescale for its implementation. The proposed timescale is provided in Article 5 of the Proposal. ACER considers that linking the timescale for implementation of the FCA-CID methodology with the implementation of the methodology for sharing costs incurred to ensure firmness and remuneration of long-term transmission rights in accordance with Article 61 of the FCA Regulation, could lead to unnecessary delays of implementation to the FCA-CID methodology. ACER has therefore removed this link from the implementation timeline (now Article 6 of Annex I to this Decision).
- (46) Article 4(8) of the FCA Regulation also requires that the Proposal includes a description of its impact on the objectives of the FCA Regulation. In ACER's view, the 'Whereas' section of the Proposal did not provide a comprehensive assessment of impacts in this respect, and has amended the respective parts of the 'Whereas' section accordingly (recitals 11 to 17 of Annex I to this Decision). According to ACER's assessment, the Proposal, as amended by ACER, has either a positive or no impact on the objectives of the FCA Regulation.

#### 6.2.3. Assessment of other points of the Proposal

- (47) ACER found it necessary to add in the Proposal a new paragraph 2 in Article 1, referring to a new Annex 1, which describes the personal scope of application of the SAP methodology and lists the TSOs to which the SAP methodology applies. The new recital (5) explains the categories of TSOs for which the non-application of the SAP methodology is legally justified.
- (48) In that regard, ACER fully considered the input received from E-Control, DUR and ILR and detailed in recitals (25), (26), (27) and (30) of this Decision. As far as the input from all TSOs, detailed in recital (28), is concerned, ACER disagrees with exempting BCAB from the scope of application of the FCA-CID methodology and with including the reasons for which the FCA-CID methodology is not applicable to certain TSOs in Article 1. First, no valid legal ground for justifying the exemption of BCAB has been invoked or identified. As BCAB has not been exempted under Article 30(7) of the FCA Regulation and is commercializing its transmission capacity on the single day-ahead market, Article 57 of the FCA Regulation applies to it. Second, since Article 1(2) in conjunction with Annex 1 defines the personal scope of application of the FCA-CID methodology positively, by listing all the TSOs covered, it is neither necessary nor appropriate to include additional criteria to explain why TSOs are not listed. Those criteria are only of secondary relevance and explanatory nature, and are therefore better placed in the corresponding recital (5).
- (49) Finally, ACER has introduced some necessary editorial changes to improve the readability and the structure of the Proposal.

## 7. CONCLUSION

- (50) For all the above reasons, ACER considers that the Proposal is in line with the requirements of the FCA Regulation, as long as the amendments described in this Decision are integrated in the Proposal for amendment, as presented in Annex I to this Decision. The amendments, which have been consulted with the TSOs, are necessary to ensure that the Proposal is in line with the purpose of the FCA Regulation and contributes to market integration, non-discrimination, effective competition and the proper functioning of the market.
- (51) Therefore, ACER approves the Proposal subject to the necessary amendments. Annex I to this Decision sets out the FCA-CID methodology, as amended and approved by ACER,

HAS ADOPTED THIS DECISION:

### *Article 1*

The congestion income distribution methodology pursuant to Article 57 of Regulation (EU) 2016/1719 is amended and approved as set out in Annex I to this Decision.

### *Article 2*

This Decision is addressed to:

1. 50Hertz - 50Hertz Transmission GmbH
2. Amprion - Amprion GmbH
3. APG - Austrian Power Grid AG
4. Augstsprieguma tīkls - AS Augstsprieguma tīkls
5. BCAB - Baltic Cable AB
6. ČEPS - ČEPS a.s.
7. CREOS Luxembourg - CREOS Luxembourg S.A.
8. EirGrid - EirGrid plc
9. Elering - Elering AS
10. ELES - ELES, d.o.o.
11. Elia - Elia Transmission Belgium S.A.
12. Energinet - Energinet

13. ESO – Electroenergien Sistemen Operator EAD
14. Fingrid - Fingrid OyJ
15. HOPS d.d. - Croatian Transmission System Operator Plc
16. IPTO - Independent Power Transmission Operator S.A.
17. Kraftnät Åland - Kraftnät Åland Ab
18. LITGRID - LITGRID AB
19. MAVIR ZRt. - MAVIR Magyar Villamosenergia-ipari Átviteli Rendszerirányító Zártkörűen Működő Részvénytársaság ZRt.
20. PSE - Polskie Sieci Elektroenergetyczne S.A.
21. REE - Red Eléctrica de España S.A.
22. REN - Rede Eléctrica Nacional, S.A.
23. RTE - Réseau de Transport d'Electricité S.A.
24. SEPS - Slovenská elektrizačná prenosová sústava, a.s.
25. SONI - System Operator for Northern Ireland Ltd
26. Svenska Kraftnät - Affärsverket Svenska Kraftnät
27. TenneT GER - TenneT TSO GmbH
28. TenneT TSO - TenneT TSO B.V.
29. Terna - Terna S.p.A.
30. Transelectrica - Compania Nationala de Transport al Energiei Electrice S.A.
31. TransnetBW - TransnetBW GmbH

Done at Ljubljana, on 22 March 2023.

**- SIGNED -**

*For the Agency  
The Director*

C. ZINGLERSEN

Annexes:

Annex I – Amendment to the Congestion Income Distribution (CID) methodology according to Article 57 of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on Forward Capacity Allocation Regulation

Annex Ia – Amendment to the Congestion Income Distribution (CID) methodology according to Article 57 of Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on Forward Capacity Allocation Regulation in track change compared to the Proposal (for information only)

Annex II - Evaluation of responses to the consultation of regulatory authorities, TSOs and other market participants on the Proposal (for information only)

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

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