

Public Notice

ACER initiates the procedure ref. ACER-ELE-2022-005 following a joint request from the Finnish and the Swedish regulatory authorities pursuant to Article 6(10), second subparagraph, point (b), of Regulation (EU) 2019/942¹ to adopt a decision under Article 30(5) of Commission Regulation (EU) 2016/1719 establishing a guideline on forward capacity allocation.²

Pursuant to Article 30(5) of Commission Regulation (EU) 2016/1719, in case insufficient cross-zonal risk hedging opportunities are identified in one or more bidding zones, the competent regulatory authorities of the bidding zone border shall request the relevant TSOs:

- (a) to issue long-term transmission rights; or
- (b) to make sure that other long-term cross-zonal hedging products are made available to support the functioning of wholesale electricity markets.

By communications of 3rd and 11th March 2022, the Finnish and the Swedish regulatory authorities respectively informed ACER that they have identified insufficient hedging opportunities in the Finnish bidding zone, but that they are not able to adopt coordinated decisions pursuant to Article 30(5) of Commission Regulation (EU) 2016/1719 in order to address these insufficient hedging opportunities. Therefore, the regulatory authorities have jointly requested ACER to adopt a decision either under Article 30(5)(a) or under Article 30(5)(b) with respect to the relevant bidding zone borders between the two countries (FI-SE3 and FI-SE1).

According to Article 6(12)(a) of Regulation (EU) 2019/942, ACER shall issue a decision within 6 months from the date of referral, i.e. by 12th September 2022.

¹ OJ L 158, 14.6.2019, p. 22.

² OJ L 259, 27.9.2016, p. 42.