

PRESS RELEASE No 5/21

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The Board of Appeal closes case A-012-2021 following the withdrawal of ACER Decision No. 08/2021 on the definition of System Operation Regions

On 26 August 2021, the Board of Appeal received an appeal brought by ENTSO-E requesting the Board of Appeal to rule that the Appellant's appeal was well-founded, and to remit to the competent body of ACER Article 1 of ACER Decision No. 08/2021 and Article 3 of Annex I to ACER Decision No. 08/2021 insofar as they include ENTSO-E's proposed SWE SOR in the Central Europe SOR and fail to define a separate SWE SOR. The Appellant also requested the Board of Appeal to provide to the competent body of ACER sufficient reasoning as to the correct interpretation of the relevant provisions of Regulation (EU) 2019/943 to enable it to make a new decision in accordance with Article 28(5) of Regulation (EU) 2019/942 and Article 21(2) of the Rules of Organisation and Procedure of the Board of Appeal. The appeal was assigned the case number A-012-2021.

On 19 October 2021, ACER adopted Decision No. 13/2021, by which it withdrew ACER Decision No. 08/2021.

After careful consideration of the admissibility, merits and hearing of the parties, the Board of Appeal has adopted Decision A-012-2021, which closes the case given that there is no need to decide on the Appeal.

Decision A-012-2021 of the Board of Appeal has been published on the website of the Agency on 20 December 2021.

Questions should be directed to BoA@acer.europa.eu