

PUBLIC NOTICE

ACER-ELE-2024-011

The European Union Agency for the Cooperation of Energy Regulators (ACER) initiates the procedure ref. ACER-ELE-2024-011 following a request from the Dutch regulatory authority pursuant to Article 6(10), second subparagraph, point (b), of [Regulation \(EU\) 2019/942](#) to adopt a decision under Article 30(5) of Commission [Regulation \(EU\) 2016/1719](#) establishing a guideline on forward capacity allocation.

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 communication of 16th August 2024, the Dutch regulatory authority informed ACER that they and the Norwegian regulatory authority have identified insufficient hedging opportunities in the Dutch and Norwegian bidding zones, but that they are not able to adopt coordinated decisions pursuant to Article 30(5) of Commission Regulation (EU) 2016/1719 to address these insufficient hedging opportunities. Therefore, the regulatory authorities have requested ACER and the EFTA Surveillance Authority respectively to adopt a decision either under Article 30(5)(a) or under Article 30(5)(b) with respect to the relevant bidding zone border between the two countries (NL-NO2).

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 17th February 2025.

The EFTA Surveillance Authority will decide on the request from the Norwegian regulatory authority based on a separate procedure, in accordance to point 47(d) of Annex IV to the [EEA Agreement](#).