



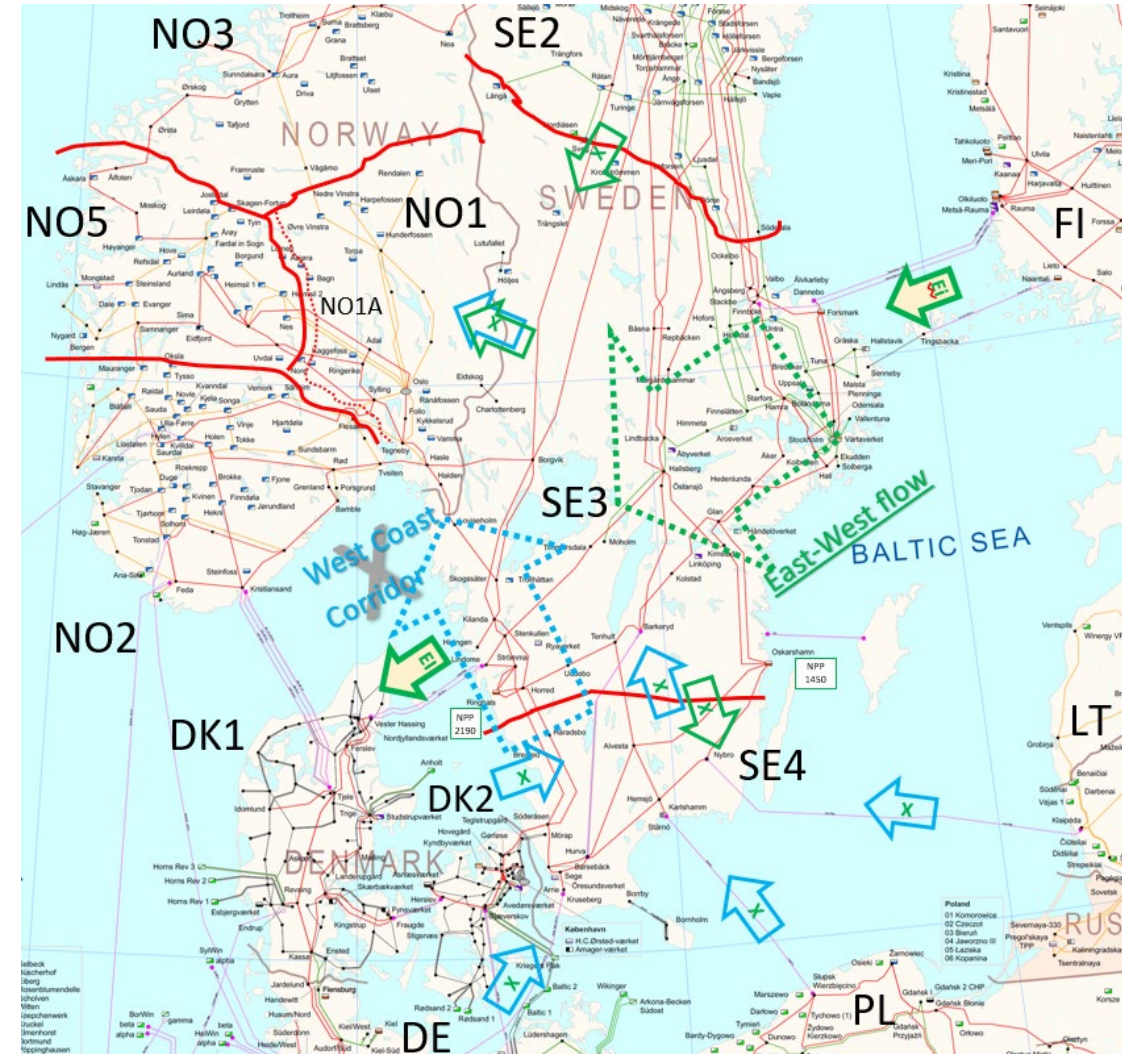
European Union Agency for the Cooperation
of Energy Regulators

Update on SvK Derogation request

Information for MESC

14 September 2022

- SvK asked the Swedish NRA (Ei) for the derogation from the 70% requirement on a number of borders, for 2022 →
- Related to:
 - **West-Coast corridor congestions** (already derogated 2020, 2021)
 - **East-West flow congestions** (new)
- Swedish NRA accepted only **the request for the borders FI-SE3 and SE3-DK1, related to East-West flow**
- Finish NRA (EV) and Danish NRA (DUR) opposed granting the derogation at all
- This brought the case to ACER (end April), to decide until end of October
- Currently: Hearing procedure with concerned NRAs&TSOs



Article 16(9) of Regulation 943/2019, first section:

“At the request of the transmission system operators in a capacity calculation region, the relevant regulatory authorities may grant a derogation from paragraph 8 on foreseeable grounds where necessary for maintaining operational security. Such derogations, which shall not relate to the curtailment of capacities already allocated pursuant to paragraph 2, shall be granted for no more than one-year at a time, or, provided that the extent of the derogation decreases significantly after the first year, up to a maximum of two years. The extent of such derogations shall be strictly limited to what is necessary to maintain operational security and they shall avoid discrimination between internal and cross-zonal exchanges.”

ACER is working on:

- **Analysing the performance of SvK regarding the 70% requirement for SE3 borders in the past period**
- **Assessing the criteria on derogation requests stemming out from ER Article 16(9)**
 - Is it necessary for maintaining network security?
 - If yes, is its extent strictly limited to what is necessary?
 - Is it related to the curtailment of already allocated capacities?
 - What is the maximal period of derogation(s)?
 - How does it treat avoiding the discrimination between internal and cross-zonal exchanges?
- **Assessing other related elements**
 - Application of 70% requirements to the internal bidding zone borders
 - Information & data transparency

Thank you for your attention.



European Union Agency for the Cooperation
of Energy Regulators

✉ info@acer.europa.eu
🖱 acer.europa.eu

🐦 [@eu_acer](https://twitter.com/eu_acer)
🌐 [linkedin.com/in/EU-ACER/](https://www.linkedin.com/in/EU-ACER/)