Wording proposals on the CACM Amendments - proposal from the TSOs

Date: 30 October 2025

The proposed wording adjustments complement and are without prejudice to the concerns on the alignment of CACM 2.0 proposal with its scope as an implementing legislation. These concerns include, but are not limited to, the following: the organisation of market coupling (e.g. Art. 18-19 of the proposal), the allocation of new supervisory roles for ACER (e.g. Art. 19(6) and 70(6)) and new operational roles of RCCs (e.g. Art. 26 of the proposal) within the scope of an implementing act, and the treatment of third country stakeholders (e.g. Art. 1(4), 4(2) and 30 of the proposal).
Disclaimer: not exhausted list of articles.

a) Objective

The objective of this document is to provide concrete wording proposal to facilitate the technical exchanges.

b) CACM wording proposal for General Provisions

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
11	1. ~~By eighteen months after the entry into force of this Regulation~~, All NEMOs and all TSOs shall jointly develop, review and where necessary propose amendments to the methodology of key information on single day-ahead and intraday coupling which ~~should~~ shall be published on the ENTSO-E transparency platform established in accordance with Regulation (EU) 543/2013. By 18 months after entry into force of this Regulation, all TSOs and all NEMOs shall jointly develop and submit the first proposal for this methodology. 2. The proposal referred to in paragraph 1 shall define from the list of entities in the entities that shall provide, free of charge and for free re-use, the information to the ENTSO for Electricity. These entities and ENTSO for Electricity shall ensure that information defined in the methodology referred to in paragraph 1 is published centrally, and at a point in time and in a format that does not create an actual or potential	1. ~~By eighteen months after the entry into force of this Regulation~~, All NEMOs and all TSOs shall jointly develop, review and where necessary propose amendments to the methodology of key information on single day-ahead and intraday coupling which ~~should~~ shall be published on the ENTSO-E transparency platform established in accordance with Regulation (EU) 543/2013. By 18 months after entry into force of this Regulation, all TSOs and all NEMOs shall jointly develop and submit the first proposal for this methodology. 2. The proposal referred to in paragraph 1 shall define from the list of entities in the entities that shall provide, free of charge and for free re-use, the information to the ENTSO for Electricity. These entities and ENTSO for Electricity shall ensure that information defined in the methodology referred to in paragraph 1 is published centrally, and at a point in time and in a format that does not create an actual or potential	All the data to be publicly available and not only key information. CNECs are already published on TP under 11.1.b, might lead to double reporting.

	competitive advantage or disadvantage to any individual or company, where historical data remains available with continuous updates. ~~2.~~ 3. The proposal referred to in paragraph 1 shall include harmonised definitions of data, as well as indicators for data quality and accuracy. All NRAs and ACER shall monitor data quality and accuracy and, where relevant, ACER or NRAs shall request improvements to the data referred to in paragraph 4. ~~3.~~ 4. The methodology referred to in paragraph 1 shall include at least the requirements to publish the following information: (a) information on capacity calculation provided by each ~~Regional Coordination Centre~~RCC: i. capacity calculation outputs, and allocation constraints where applicable ii. capacity reductions resulting from common or individual validation including a justification; iii. for each bidding zone and on a daily basis, the number and the list of non-anonymized critical network elements and a justification for any extraordinary addition of a critical network element, as well as data per each critical network element, needed for monitoring of minimum capacity targets pursuant to Article 16(8) of the Electricity Regulation; (b) information on single day-ahead coupling and intraday auctions: i. reference clearing prices for bidding zones and virtual bidding zones per market time unit, ii. traded volumes and net positions for NEMO trading hubs and bidding zones per market time unit; iii. scheduled exchanges between NEMO trading hubs and between bidding zones per market time unit; (c) Information on continuous trading: the aggregated traded volumes and prices per NEMO trading hubs and bidding zones. (d) shadow prices of all relevant capacity calculation outputs such as critical network elements, allocation constraints, and inclusions from	competitive advantage or disadvantage to any individual or company, where historical data remains available with continuous updates. ~~2.~~ 3. The proposal referred to in paragraph 1 shall include harmonised definitions of data, as well as indicators for data quality and accuracy. All NRAs and ACER shall monitor data quality and accuracy and, where relevant, ACER or NRAs shall request improvements to the data referred to in paragraph 4. ~~3.~~ 4. The methodology referred to in paragraph 1 shall include at least the requirements to publish the following information: (a) information on capacity calculation provided by each ~~Regional Coordination Centre~~RCC: i. capacity calculation outputs, and allocation constraints where applicable ii. capacity reductions resulting from common or individual validation including a justification; iii. for each bidding zone and on a daily basis, the number and the list of ~~non-anonymized~~ critical network elements and a justification for any extraordinary addition of a critical network element, as well as data per each critical network element, needed for monitoring of minimum capacity targets pursuant to Article 16(8) of the Electricity Regulation; (b) information on single day-ahead coupling and intraday auctions: i. reference clearing prices for bidding zones and virtual bidding zones per market time unit, ii. traded volumes and net positions for NEMO trading hubs and bidding zones per market time unit; iii. scheduled exchanges between NEMO trading hubs and between bidding zones per market time unit; (c) Information on continuous trading: the aggregated traded volumes and prices per NEMO trading hubs and bidding zones. (d) shadow prices of all relevant capacity calculation outputs such as critical network elements, allocation constraints, and inclusions	The list of non-anonymized critical network elements to be published could be sensitive from a security perspective as it can affect critical infrastructures. It is fundamental that any request for publication of information deriving from the CACM 2.0 is consistent with EU rules (Directive 2008/114/EC and Reg. 543/2013).

	long term allocation if relevant pursuant to articles 35, 36 and 39(4)(e)(ii). (e) information related to transmission access guarantee on a monthly basis or shorter frequency, including at least: i. counterfactual flows and prices in offshore bidding zones calculated based on modified outputs from Capacity Calculation and prices in offshore bidding zones ii. calculated and distributed transmission access guarantee compensation amounts, in euro, including a breakdown per bidding zone and per relevant offshore renewable electricity generation plant for the relevant market time units; iii. the identification of the transmission system operators requiring to compensate and their share of the compensation amounts in accordance with Article 54(3); ~~4.~~ 5. The methodology pursuant to paragraph 1 shall provide detailed requirements for information listed in paragraph 3 and may provide additional requirements to the publication and storage of these information. ~~5.~~ 6. ENTSO for Electricity shall publish the information referred to paragraph 3 in a commonly agreed harmonised format through the information transparency platform established pursuant to Article 3 of Regulation (EU) No 543/2013. No later than six months after the approval of the methodology referred to in paragraph 1, ENTSO-E shall update the manual of procedures as referred to in Article 5 of Regulation (EU) No 543/2013 and submit it to ACER for its opinion, which ACER shall provide within three months.	from long term allocation if relevant pursuant to articles 35, 36 and 39(4)(e)(ii). (e) information related to transmission access guarantee on a monthly basis or shorter frequency, including at least: i. counterfactual flows and prices in offshore bidding zones calculated based on modified outputs from Capacity Calculation and prices in offshore bidding zones ii. calculated and distributed transmission access guarantee compensation amounts, in euro, including a breakdown per bidding zone and per relevant offshore renewable electricity generation plant for the relevant market time units; iii. the identification of the transmission system operators requiring to compensate and their share of the compensation amounts in accordance with Article 54(3); ~~4.~~ 5. The methodology pursuant to paragraph 1 shall provide detailed requirements for information listed in paragraph 3 and may provide additional requirements to the publication and storage of these information. 5- ENTSO for Electricity shall publish the information referred to paragraph 3 in a commonly agreed harmonised format through the information transparency platform established pursuant to Article 3 of Regulation (EU) No 543/2013. No later than ~~six~~ twelve months after the approval of the methodology referred to in paragraph 1, ENTSO-E shall update the manual of procedures as referred to in Article 5 of Regulation (EU) No 543/2013 and submit it to ACER for its opinion, which ACER shall provide within three months.	One year could be necessary at least. Manual of Procedures (MoP) contains several documents (DDD, BRS, IG) to be reviewed by different parties step by step and to be approved by several committees within ENTSO-E.
12	**Delegation of tasks** 1- Except where otherwise provided, a TSO or NEMO may delegate all or part of any task assigned to it under this Regulation to one or more third parties seated in a Member	1- […].	

	State under the condition that the third party can carry out the respective function at least as effectively as the delegating entity.		
	2- Prior to the delegation, the third party concerned shall have clearly demonstrated to the delegating entity its ability to meet each of the obligations delegated in accordance with paragraph 1. The delegated entity shall guarantee the access to and the provision of all necessary information for monitoring to its delegating entity and to the competent regulatory authority. Neither the delegating entity nor the delegated entity shall conclude any contracts which hinder the efficient monitoring by the competent regulatory authority.	2- […]..	
	3- The relevant regulatory authority shall ensure regulatory oversight of the delegated entity in respect of the delegated tasks and obligations. The delegating entity shall also remain fully responsible for the delegated tasks and for ensuring compliance with the obligations under this Regulation such that all rights and obligations with related liabilities shall remain with the delegating entity. The delegating entity shall remain the default point of contact for the regulatory authority and shall ensure the access to and provision of all contracts and any other information necessary for monitoring requested by the regulatory authority.	3- The relevant regulatory authority shall ensure regulatory oversight of the delegated entity in respect of the delegated tasks and obligations. The delegating entity shall also remain fully responsible for the delegated tasks and for ensuring compliance with the obligations under this Regulation such that all rights and obligations with related liabilities shall remain with the delegating entity. The delegating entity shall remain the default point of contact for the regulatory authority and shall ensure the access to and provision of all contracts and any other information necessary for monitoring requested by the regulatory authority	The prohibition to involve TSOs in the technical Report preparation is a fundamental contradiction given the Association’s role under Article 28(1) of Regulation 2019/943 as a body through which TSOs cooperate in order to promote the completion and functioning of the internal market for electricity and cross-zonal trade and to ensure the optimal management, coordinated operation and
	4- For any tasks specified in this Regulation that are delegated to a third party, the delegating entity shall ensure that suitable confidentiality agreements in accordance with the confidentiality obligations of the delegating entity have been put in place prior to delegation.	4- For any tasks specified in this Regulation that are delegated to a third party, the delegating entity shall ensure that suitable confidentiality agreements in accordance with the confidentiality obligations of the delegating entity have been put in place prior to delegation.	
	5- The delegating entity shall not be allowed to charge any fees to the third party in relation to the task that is delegated.	5- The delegating entity shall not be allowed to charge any fees to the third party in relation to the task that is delegated.	
	6- The ENTSO for electricity shall not delegate the fulfilment of any of its obligation pursuant to this Regulation to any party, including to transmission system operators – unless provided otherwise in this Regulation.	~~6- The ENTSO for electricity shall not delegate the fulfilment of any of its obligation pursuant to this Regulation to any party, including to transmission system operators – unless provided otherwise in this Regulation.~~	
	7- The ~~Regional Coordination Centres~~RCCs shall not delegate the fulfilment of any of their obligation pursuant to this		

	Regulation to any party, including to transmission system operators – unless provided otherwise in this Regulation. 8- The following MCO tasks may be delegated to one or more third parties in the methodology pursuant to article 17 (3): a. ~~Performing the fallback procedures as laid down in Article 23(1) k);~~ ~~b.~~a. Acting as a central counterparty to each NEMO for the exchange of energy between NEMO trading hubs as laid down in Article 23(1) n~~m~~); ~~c.~~b. ~~Collecting~~ Distributing the congestion income as laid down in Article 23(1) ~~o~~q); ~~d.~~c. ~~Calculating and~~ D~~d~~istributing the transmission access guarantees as laid down in Article 23(1) ~~p~~s). If the methodology pursuant to Article 17(3) allows for delegation of both the MCO tasks regarding the distribution of the congestion income in Article 23(1)(o) and regarding the calculation and distribution of transmission access guarantees as laid down in Article 23(1)(p), it shall stipulate that both tasks may only be delegated to the same party.	7- ~~The Regional Coordination Centres~~RCCs ~~shall not delegate the fulfilment of any of their obligation pursuant to this Regulation to any party, including to transmission system operators – unless provided otherwise in this Regulation~~.	sound technical evolution of the European electricity transmission network. It is also proposed to remove the prohibition upon RCCs to delegate fulfilment of their tasks in Article 12(7) as such prohibition could lead to inefficiencies and contradictions with existing arrangements.

c) CACM wording proposal for third countries

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
1	**Article 1 - Subject matter and scope** 1. This Regulation lays down detailed guidelines on capacity allocation and congestion management in the day-ahead and intraday markets, including the requirements for single day-ahead and single intraday coupling in the Union, the establishment of common methodologies for determining the volumes of cross-zonal capacity available between bidding zones and criteria to assess efficiency for defining bidding zones. 2. This Regulation shall notably apply to nominated electricity market operators ('NEMOs'), transmission system operators ('TSOs'), regional coordination centres ('RCCs'), the Single Market Coupling Operator ('SMCO'), regulatory authorities of Member States, the Agency for the Cooperation of Energy Regulators ('ACER'), the European Network of TSOs for Electricity ('ENTSO-E'), the Single Market Coupling Operator, to other third parties established to perform the tasks defined in this Regulation or to whom responsibilities have been delegated or assigned and to any other market ~~participants~~ actors. 3. This Regulation shall notably apply to all transmission systems and interconnectors in the territory of the Union except the transmission systems of islands that are not connected with other transmission systems via interconnections. 4. Transmission capacity between the Union and third countries shall be allocated explicitly, unless an agreement concluded between the Union and a third country provides otherwise. Article 30 sets out the provisions for ~~explicit~~ capacity calculation with third countries that are, absent such agreement, not integrated into the single day-ahead and single intraday coupling in the Union. ~~the Capacity calculation with third countries that do not fulfill the consditions of Aarticle 1(6) and~~	**Article 1 - Subject matter and scope** [...]	It is proposed to focus on aligning the conditions for market coupling participation with the existence of an intergovernmental agreement between the EU and a third country. To this end, the legislation that each third country should have incorporated needs to be the one specified in the respective intergovernmental agreement. When it comes to the TCMs implementation, the focus is shifted in having the framework to constantly align and enforce them, while acknowledging the existence of the implementation lag enshrined in all the agreements that the EU has with the third countries. The current text of CACM draft is also in direct conflict with the EnC legislation which provides for direct application of pan European TCMs to EnC TSOs. Reference to transposition rather than "incorporation" of the EU acquis is made, as it is easier to assess in practice. The provision also aims at addressing the implementation gap

	~~(7) shall not result inprioritisation of flows with these third countries.~~ 5. TSOs and NEMOs from third countries may only be integrated into the single day-ahead and single intraday coupling in the Union under the conditions set out in paragraph 6 and 7. 6. TSOs and NEMOs from third countries may only be integrated into the single day-ahead and single intraday coupling in the Union provided that: a) the third country has concluded an international agreement with the Union providing for such integration and b) the third country has incorporated and implemented in its domestic legal system the relevant Union's acquis as provided for in the international agreement, including the requirements set out in this Regulation and the terms and conditions or methodologies adopted pursuant to Articles 4 and 5 of this Regulation ~~organising the single electricity market~~, ~~as well as the relevant terms, conditions and methodologies, and other rules relevant to the organisation of the single electricity market the relevant rules on renewableenergy, on system operation, on consumer participation and protection, and ---- on environment and competition, as well as rules ensuring administrative enforcement and judicial oversight over its TSOs and NEMOs .~~ National regulatory authorities, TSOs, and NEMOs of the third country shall apply, and comply with, the relevant Union acquis as set out in the International agreement between the Union and the third country, including ~~and~~ the requirements set out in this Regulation and, the ~~including with~~ terms and conditions or	6. TSOs and NEMOs from third countries may only be integrated into the single day-ahead and single intraday coupling in the Union provided that: a) the third country has concluded an international agreement with the Union providing for such integration, and b) the third country has transposed ~~has incorporated and implemented~~ in its domestic legal system the relevant Union's acquis as provided for in the respective international agreement. ~~including the requirements set out in this Regulation and the terms and conditions or methodologies adopted pursuant to Articles 4 and 5 of this Regulation.~~ National regulatory authorities, TSOs, and NEMOs of the third country shall apply, and comply with, the relevant Union acquis as set out in the relevant international agreement between the Union and the third country. ~~including and the requirements set out in this~~	when it comes to ACER Regulation. Explicit allocation should be limited to countries not having an agreement with the EU. A degree of flexibility would allow for solutions that better reflect the technical realities of third-country borders. Moreover, ACER has no competences in relation to the assessment of transposition in the third countries, and the provisions related to this role shall be deleted. Finally, it should be confirmed that the timeline provided for EC (deciding within 12 months from receiving the request), may, however, still conflict with the corresponding provisions of the international agreement. We understand that the "without prejudice"point refers exactly to the fact that in such case the int/ agreement prevails.

	methodologies adopted pursuant to Articles 4 and 5.~~ of this Regulation~~. 7. Without prejudice to specific procedures laid down in an the international agreement concluded between a third country and the Union referred to in paragraph 6, ~~Upon request of~~ a third country, which has concluded with the Union an such international agreement ~~referred to in paragraph 6~~ but whose TSOs and NEMOs are not yet integrated into the single day ahead and single intraday market, may submit to the European Commission a request for its TSOs and NEMOs to be integrated into the single day-ahead and single intraday coupling of the Union. This request shall be supported by written evidence. 8. Upon receipt of such request, the European Commission shall assess whether that third country meets the requirements set out in paragraph 6 for its TSOs and NEMOs to be integrated into single day-ahead and single intraday coupling of the Union. The Commission may request ACER to provide an opinion on whether TSOs and NEMOs of the third country meet the requirements set out in paragraph 6. ACER shall provide its opinion to the Commission within 6 months from the request. Taking into account ACER's opinion, if applicable, the Commission shall, within 12 months from the receipt of the request of the third country take a decision on whether the requirements of paragraph 6 are met and ~~hence~~ the third country's TSOs and NEMOs may be integrated into the single day-ahead and single intraday coupling of the Union.	~~Regulation and, the terms and conditions or methodologies adopted pursuant to Articles 4 and 5.~~. 7. Without prejudice to the specific procedures laid down in ~~an~~ the international agreement concluded between a third country and the Union referred to in paragraph 6, the third country, which has concluded with the Union such international agreement referred to in paragraph 6 but whose TSOs and NEMOs are not yet integrated into the single day ahead and single intraday market, may submit to the European Commission a request for its TSOs and NEMOs to be integrated into the single day-ahead and single intraday coupling of the Union. This request shall be supported by evidence that the respective third country, as well as its TSOs and NEMOs, satisfy the conditions outlined in paragraph 6 of this article. 8. Upon receipt of the request specified in paragraph 7 of this Article, the European Commission shall assess whether that third country meets the requirements set out in paragraph 6 for its TSOs and NEMOs to be integrated into single day-ahead and single intraday coupling of the Union. The Commission shall, within 12 months from the receipt of the request of the third country, take a decision on whether the requirements of paragraph 6 are met and hence the third country's TSOs and NEMOs may be integrated into the single day-ahead and single intraday coupling of the Union.	

	~~6.~~ 9. If the decision referred to in paragraph 8 concludes that the requirements of paragraph 6 are not met~~assessment is negative~~, the Commission shall issue recommendations to the third country on how to meet the requirements set out in paragraph 6. If the decision referred to in paragraph 8 concludes that the requirements of paragraph 6 are met~~assessment is positive~~, the Commission decision shall request the Joint Steering Committee referred to in Article 18 to start takinge the necessary steps to implement the integration of the third country TSOs and NEMOs in the single day-ahead and single intraday coupling in the Union. The Joint Steering Committee shall regularly inform the Commission and ACER on the status of the implementation and the envisaged end date for completing all necessary steps. ~~7.~~10. Following a ~~positive~~ decision of the Commission concluding that the requirements of paragraph 6 are met: ~~pursuant to the second subparagraph:~~ a) the third-country TSOs and NEMOs shall start the preparatory work~~have the right~~ to participate, ~~respectively, in the work of relevant bodies provided for in this Regulation which are involved~~ the processes involving TSOs and NEMOs related to~~in~~ the operation of the single day-ahead and intraday coupling, under the conditions defined in the Iinternational agreement referred to in paragraph 6; b) Relevant NEMOs and TSOs of the Union shall conclude cooperation agreements with relevant NEMOs and relevant TSOs of the third country concerned to ensure an undistorted functioning of the single day-ahead and single intraday coupling in the Union. 11. Following the conclusion of the preparatory work and the cooperation agreements referred to in paragraph 10, TSOs and NEMOs shall, through the Joint Steering Committee,	9. If the decision referred to in paragraph 8 concludes that the requirements of paragraph 6 are not met, the Commission shall issue recommendations to the third country on how to meet the requirements set out in paragraph 6. If the decision referred to in paragraph 8 concludes that the requirements of paragraph 6 are met, the Commission decision shall request the Joint Steering Committee referred to in Article 18 to start taking the necessary steps to implement the integration of the third country TSOs and NEMOs in the single day-ahead and single intraday coupling in the Union. The Joint Steering Committee shall regularly inform the Commission on the status of the implementation and the envisaged end date for completing all necessary steps. 10. Following the decision of the Commission concluding that the requirements of paragraph 6 are met: a) the third-country TSOs and NEMOs shall start the preparatory work to participate in the processes involving TSOs and NEMOs related to the operation of the single day-ahead and intraday coupling, under the conditions defined in the International agreement referred to in paragraph 6; b) Relevant NEMOs and TSOs of the Union shall conclude cooperation agreements with relevant NEMOs and relevant TSOs of the third country concerned to ensure an undistorted functioning of the single day-ahead and single intraday coupling in the Union. 11. Following the conclusion of the preparatory work and the cooperation agreements referred to in paragraph 10, TSOs and NEMOs shall, through the Joint Steering Committee, unanimously adopt a decision as soon as a	

	unanimously adopt a decision as soon as a third country TSO or NEMO is technically ready to join the market coupling, to organize the operational go-live. ~~8.~~12. With a view to ensuring an undistorted functioning of the single day-ahead and single intraday coupling in the Union and taking into account the requirements set out in paragraph 6, ACER may, pursuant to Article 3(1) of Regulation (EU) 2019/942, provide an opinion to the Commission on the compliance with EU acquis of the third country TSOs and NEMOs which are integrated in the day-ahead and intraday coupling in the Union, identifying the possible distortions and ~~recommending~~ outlining possible remedy actions. When preparing its opinion, ACER shall, as a minimum, consult the regulatory authority of the third country concerned and of the neighbouring Member States ~~Member States of that third country~~.	third country TSO or NEMO is technically ready to join the market coupling, to organize the operational go-live.	
1	4. Transmission capacity between the Union and third countries shall be allocated explicitly, unless an agreement concluded between the Union and a third country provides otherwise. Article 30 sets out the provisions for explicit capacity calculation with third countries that are, absent such agreement, not integrated into the single day-ahead and single intraday coupling in the Union. the Capacity calculation with third countries that do not fulfill the consditions of Aarticle 1(6) and	4. Transmission capacity between the Union and third countries shall be allocated explicitly, unless an agreement concluded between the Union and a third country provides otherwise. Article 30 sets out the provisions for explicit capacity calculation with third countries that are, absent such agreement, not integrated into the single day-ahead and single intraday coupling in the Union. [placeholder to exclude microstates]	TSOs see the need to clarify that this provision does not apply to microstates, as some national regulation (at least in Spain) consider the interconnection with microstates (example: Andorra) as transmission lines

	Article 4 - Development and submission of proposals for terms and conditions or methodologies 1. TSOs and NEMOs shall develop the proposals for terms and conditions or methodologies required by this Regulation and submit them for approval to ACER or the competent regulatory authorities within the respective deadlines set out in this Regulation. 2. Where TSOs or NEMOs are legally obliged to develop a proposal for terms and conditions or methodologies pursuant to this Regulation which needs to be developed and agreed by more than one TSO or NEMO, the ~~participating~~ relevant TSOs and NEMOs shall closely cooperate ~~and take all necessary measures to avoid delays~~ and ~~to~~ distribute their respective responsibilities clearly and with time-limits each step of the development, in order to avoid delays and allow for effective regulatory oversight and, where necessary, enforcement. 3. TSOs and NEMOs shall define, in line with paragraph 2, a decision-making procedure which they shall apply to the development and submission of each proposal for terms and conditions or methodologies referred to in Article 5(1) and 5(2). Regarding third country TSOs and NEMOs which have been integrated in Union's single day-ahead and intraday coupling pursuant to Article 1(6) and (7), the decision-making procedure shall provide for clear rules of their engagement, consistent with the relevant agreement between the Union and a third country. Third country TSOs or NEMOs that are not integrated pursuant to Article 1(6) and (7) shall only be given the possibility to participate in the consultation of stakeholders referred to in Article 9. TSOs and NEMOs shall submit the	**Article 4 – Development and submission of proposals for terms and conditions or methodologies** 1. TSOs and NEMOs shall develop the proposals for terms and conditions or methodologies required by this Regulation and submit them for approval to ACER or the competent regulatory authorities within the respective deadlines set out in this Regulation. 2. [...]. 3. [NEW PROPOSAL:] TSOs and NEMOs shall define, in line with paragraph 2, a decision-making procedure which they shall apply to the submission of each proposal for terms and conditions or methodologies referred to in Article 5(1) and 5(2). Regarding third country TSOs and NEMOs which have been integrated in Union's single day-ahead and intraday coupling pursuant to Article 1(6) and (7), the decision-making procedure shall provide for clear rules of their engagement, consistent with the relevant agreement between the Union and a third country. ~~TSOs and NEMOs shall submit the decision-making procedures to ACER or the competent regulatory authorities for approval, as applicable~~. Third country	The approval by ACER or the NRAS of the decision-making procedures for terms and conditions or methodologies would confer to ACER and the NRAs competences that are not foreseen by Regulation 2019/943. The proposed wording in article 4.3 aims at ensuring that (a) certain TSOs and NEMOS located in a third country are allowed to participate in the development of proposals for terms and conditions or methodologies (TCMs) and under which conditions; and (b) these TSOs cannot vote unless provided in an agreement between the Union and the third country in question. Excluding third countries TSOs undermines operational cooperation and grid security, and would be in contradiction with: (a) the agreements between the EU and third countries (Energy Community or EEA Treaties);

	decision- making procedures to ACER or the competent regulatory authorities for approval, as applicable.HH.	TSOs or NEMOs that are not integrated pursuant to Article 1(6) and (7), but that have concluded an agreement with the Union or are under the obligation to apply specific provisions of a network code or guideline, shall be given the possibility to participate in the development of each proposal for terms and conditions or methodologies referred to in Article 5(1) and 5(2); however, they shall not participate in the vote approving the terms and conditions or methodologies, unless otherwise provided according to the agreement between the Union and the third country in question.”	(b) certain decisions requiring to take third country TSOs into account, for instance, ACER Decision 04/2024 on determination of Capacity Calculation Regions (CCRs) which requires to consider the interdependencies of CCRs North Italy and Core with Switzerland (this can only effectively be done if the third country TSO participates in the development); (c) the Synchronous Area Framework Agreement which aims at ensuring that all TSOs from the synchronous area comply with the same technical rules on operational security; (d) multiple CCR arrangements validated by/ or being in the process of being validated by NRAs, which contractually integrate third country TSOs as technical counterparties. These frameworks are either already implemented or in
	4. TSOs and NEMOs shall regularly – and at least on a quarterly basis - ~~inform~~ update the competent regulatory authorities and ACER, either in writing or orally during relevant working groups, about the progress of developing those terms and conditions or methodologies, and shall inform the competent regulatory authorities and ACER within 5 working days in case a potential delay has been identified. 5. The implementation process shall be specified in the proposals for terms, conditions and methodologies with such implementation process and timeline taking into account the technical challenges associated with the implementation of the said methodologies. The implementation period of the proposed terms, conditions and methodologies shall be agreed between the submitting parties and the relevant regulatory authorities or ACER. In absence of such agreement, the implementation period shall ~~not~~ be by default no longer than 12 months after the approval by the relevant regulatory authorities or ACER., except where relevant regulatory authorities or ACER agree to extend the implementation period - including following a request from TSOs and NEMOs - or where different periods are stipulated in	a. 4. TSOs and NEMOs shall regularly – and at least on a quarterly basis - ~~inform~~ update the competent regulatory authorities and ACER, either in writing or orally during relevant working groups, about the progress of developing those terms and conditions or methodologies, and shall inform the competent regulatory authorities and ACER within 14 ~~working~~ days in case a potential delay has been identified.	

	this Regulation. During implementation, TSOs and NEMOs shall perform a parallel testing of existing and new solutions to allow for market participants to prepare for new solutions, where appropriate. 6. The proposals for terms and conditions or methodologies shall include: (b) a period for their implementation, with clear implementation deadlines (c) an implementation plan that includes clear implementation tasks, identifies the entity or entities responsible for each task and sets out concrete milestones and deliverables, and takes into account the possible interaction with other terms and conditions or methodologies; (d) the assignment of individual responsibilities to the entity or entities responsible for the implementation of the tasks pursuant to point (b); (e) an assessment and a description of their expected impact on the objectives of this Regulation; and (f) where necessary, specific procedures to support implementation decisions or to prevent operational issues ~~TSOs and NEMOs shall notify to ACER proposals for terms and conditions or methodologies subject to the approval by several regulatory authorities in accordance with Article 5(2), within 1 week of their submission to regulatory authorities.~~ 7. Proposals for terms and conditions or methodologies subject to the approval by one or several regulatory authority in accordance with Article 5(2) and Article 5(3) shall be ~~notified~~		the process of being developed and should not be undermined; (e) it contradicts Article 30 CACM 2.0 which provides for the inclusion of third countries in capacity calculation, particularly in cases where third-country TSOs and NEMOs have not yet been integrated into the Union's market coupling. Continued participation of third country TSOs in the development of methodologies is important to ensure that methodologies function effectively in practice and in line with the legal framework. A longer period is proposed in article 4(4) regarding notification of potential delays - at least 14 days is needed- to take into account internal processes.

	~~to~~shared with ACER at the same time that they are submitted to the relevant regulatory authorities~~by the receiving regulatory authority~~. Where ACER considers the proposal for terms and conditions or methodologies to have a cross-border impact, ACER may request the receiving regulatory authority to submit additional information~~the proposal for information purposes~~ in accordance with Article 3(2) of the Regulation (EU) 2019/942. ~~5~~.8.TSOs or NEMOs responsible for developing a proposal for terms and conditions or methodologies or their amendments, may propose amendments of these terms and conditions or methodologies on their own initiative. ~~6.~~ 9. ACER or regulatory authorities responsible for the adoption of terms, conditions and methodologies in accordance with Article 5, paragraphs (1) to (3),(1) , Article 5(2) and Article 5(3) may request proposals for amendments of already adopted terms, conditions and methodologies from the concerned TSOs or NEMOs. 10. ~~Regulatory authorities responsible for the adoption of regional terms and conditions or methodologies in accordance with Article 5(2) may request proposals for amendments of already adopted terms, conditions and methodologies to the concerned TSOs or NEMOs~~. When several regulatory authorities are responsible for the adoption, s~~S~~uch request may be initiated by at least one regulatory authority, as per Commission Regulation (EU) 2021/280. Such requests for amendment from individual NRA shall be coordinated by ACER to avoid delays or legal uncertainty related to inconsistency between several requests. This coordination may entail all regulatory authorities of the concerned region to jointly agree on the request for amendments. ~~and~~ Iin case all regulatory authorities of the concerned region cannot agree on such request ~~within 3 months,~~ they shall refer the case to ACER for decision, pursuant to article 6(10) from Regulation (EU) 2019/942.		

	~~For the purpose of this Regulation, the term 'proposal' refers to both initial proposal and proposal for amendment, as they are subject to the same procedure~~		
29	1. All TSOs shall jointly develop, review and, where necessary, propose amendments to the determination of capacity calculation regions. 2. The determination referred to in paragraph 1 shall define the bidding zone borders, the bidding zones and the TSOs that are assigned to each capacity calculation region. The following requirements shall be met: a. The assignment of bidding zone borders, bidding zones and TSOs to capacity calculation regions shall maximise the overall economic efficiency of capacity calculation, capacity allocation and regional operational security coordination in all time frames and shall consider the impact of exchanges on other bidding zone borders within or outside the capacity calculation region; b. Each capacity calculation region shall include the TSOs which are assigned to its bidding zone borders.	1.All TSOs shall jointly develop, review and, where necessary, propose amendments to the determination of capacity calculation regions. 2.The determination referred to in paragraph 1 shall define the bidding zone borders, ~~the bidding zones~~ and the TSOs that are assigned to each capacity calculation region. The following requirements shall be met: a. The assignment of bidding zone borders, bidding zones and TSOs to capacity calculation regions shall maximise the overall economic efficiency of capacity calculation, capacity allocation and regional operational security coordination in all time frames and shall consider the impact of exchanges on other bidding zone borders within or outside the capacity calculation region; b. Each capacity calculation region shall at least include the TSOs which are assigned to its bidding zone borders.	**TSOs kindly request EC to provide feedback/clarity as below points remained unanswered so far.** Removal of bidding zones : TSOs would like to have clarity if adding a bidding zone to the CCR would also imply that all NRAs and all TSOs of this bidding zone become tied to the CCR. If that is the case, this provision would affect every BZ where more than one NRA and/or more than one TSO is or will be present. This in turn raises the following concerns re. practical implications • All NRAs / TSOs of the bidding zone have to become formally involved in the approval processes

			of the TCMs. For example, adding the DE/LU bidding zone to CCR Hansa: does this lead to the Luxembourgian NRA having to approve the Hansa methodologies? Does this lead to all TSOs of the DE-LU bidding zone to be incorporated into CCR Hansa?" • All TSOs of the bidding zone have to become formally involved in the cooperation agreements governing for instance the cost sharing of the implementation and operation of the TCMs. • Some methodologies would need to have wording changed only to keep in line with CACM 2.0 without change in essence, which would add extra administrative burden on NRAs and TSOs. This would affect all regional methodologies where any additional TSO would be involved. Addition of at least : The reason to remove the wording 'at least' is unclear. Its removal creates unclarity and uncertainty whether

			it remains possible to attribute a TSO to a CCR which is not assigned to the bidding zone border. Example of attributing SONI to Core/CE CCR.
30	3.When the third country TSOs and NEMOs have not been integrated in the day-ahead and intraday coupling in the Union, TSOs of the concerned capacity calculation region shall submit the proposal for a capacity calculation methodology, to be applied on the bidding zone borders with the third country, to the regulatory authorities of that region for adoption. If regulatory authorities fail to agree, ACER shall be competent to take a decision pursuant to Article 5 Regulation (EU) 2019/942. Once the methodology is approved, it shall be included as an annex to the regional capacity calculation methodology pursuant to Article 33.	3. When the third country TSOs and NEMOs have not been integrated in the day-ahead and intraday coupling in the Union, TSOs of the concerned capacity calculation region shall submit the proposal for a capacity calculation methodology, to be applied on the bidding zone borders with the third country, to the regulatory authorities of that region for adoption, <u>unless in a cNTC region the flows with such third country are assessed by TSOs and relevant NRAs as having non-significant impact in the capacity calculation outcomes.</u> If regulatory authorities fail to agree, ACER shall be competent to take a decision pursuant to Article 5 Regulation (EU) 2019/942. <u>During a transitional period of [5] years the capacity calculation methodologies may be defined separately per interconnector/bidding zone border between the relevant CCR and the 3rd country.</u>	30(3) cNTC region assessment : To avoid inefficiency and unnecessary over-complication of CC methodologies, we propose to make the requirement conditional to the assessment by TSOs -duly informed and approved by relevant NRAs- of the significance for the capacity calculated with the TSOs in the CCR of the impact of flows programmed with third countries. 30(3) Five years transitional period : A harmonized capacity calculation methodology covering all the bidding zone borders to a 3rd country is the target. However, it takes time to define, approve and implement this. To foster continuity and at the same time move away from unilaterally decided approaches, a transitional period of 5 years is requested during which the methodologies are allowed to be defined on individual bidding zone border / interconnector level. This enables existing agreements as well as

			potential new agreements for new bidding zone borders/interconnectors to be scrutinized and obtain approval by all NRAs of the CCR.
	6.When, pursuant to paragraph 3, the capacity calculation methodology applied on the borders with a third country has been approved by regulatory authorities of the relevant capacity calculation region and implemented, flows resulting from exchanges with this third country calculated pursuant to Article 39(4)(e)(iv) shall be counted towards compliance with Article 16(8) of Regulation 2019/943.	6.From Jan 2028 onwards, when, pursuant to paragraph 3, the capacity calculation methodologies applied on the borders with a third country have been approved by regulatory authorities of the relevant capacity calculation region, flows resulting from exchanges with this third country calculated pursuant to Article 39(4)(e)(iv) shall be counted towards compliance with Article 16(8) of Regulation 2019/943.	30(6) : A grace period is needed to prepare and organize the approval process on CCR-level of the existing capacity calculation approaches which are defined on interconnector/bidding zone border level.

2. CACM wording for Organisation of Market Coupling (Title II)

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
18	**Article 18 - Establishment of the Single Market Coupling Operator** 1. All NEMOs and all TSOs shall jointly develop, review and, where necessary, propose amendments to the methodology for the establishment of the Single Market Coupling Operator aimed to perform the MCO tasks pursuant to Article 23. By 18 months after entry into force of this Regulation, all NEMOs and all TSOs shall jointly develop the first proposal for this methodology. ~~1.~~2. , The proposal pursuant to paragraph 1~~which~~ shall at least contain the following elements: a. the Member State where the Single Market Coupling Operator is legally established and maximum two other Member States where operations would take place for back-up purposes, taking into account criteria such as easiness for attracting qualified staff, regional expertise, IT infrastructure requirements, costs, and overall efficiency, robustness and security of market operations; … ~~g.~~h. A deadline for the implementation plan referred to in lit. g. If the proposed deadline is later than 5 years after the entry into force of this Regulation, the proposal pursuant to paragraph 1 shall provide an explanation~~explanation~~ for the chosen deadline. ~~to be established by a deadline fixed by the methodology referred to in paragraph 1by no later than 5 years after entry into force of this Regulation~~;	**Under further review by TSOs.**	**Under further review by TSOs.**

	~~By 12 months after entry into force of this Regulation, all NEMOs and all TSOs shall jointly develop the first proposal for this methodology.~~ ~~5. By 1 month after the legal establishment of the Single Market Coupling Operator, all TSOs and all NEMOs, acting through the Joint Steering Committee, shall submit to ACER for regulatory approval a proposal appointing the management board of the Single Market Coupling Operator.~~ 6. By 1 month after the legal establishment of the Single Market Coupling Operator, all TSOs and all NEMOs, acting through the Joint Steering Committee, shall appoint the management board of the Single Market Coupling Operator in line with the criteria set out in Article 19(5). 7. ~~By 6 months after entry into force of this Regulation,~~ Aall NEMOs and all TSOs shall jointly develop a proposal for accessing to the market coupling systems by the Single Market Coupling Operator. By 18 months after entry into force of this Regulation, all TSOs and all NEMOs shall jointly develop and submit the first proposal for this methodology. ~~6.~~8.~~This~~ The proposal pursuant to paragraph 7 shall be supported by an assessment of several options for the Single Market Coupling Operator for accessing the market coupling systems. This assessment shall: d. efficiently mitigate conflicts-of-interest linked to algorithm ownership~~, including, if needed, by excluding certain NEMOs or TSOs from discussions or voting processes.~~		
19	**1.** The company structure of the Single Market Coupling Operator shall be organised through both a supervisory board and a management board: b. The	**Under further review by TSOs.**	**Under further review by TSOs.**

	Management Board shall be in charge of the development of market coupling IT systems in accordance with Article 18 and day-to-day operations linked to the exercise of the market coupling operations pursuant to Article 23. 3. The Joint Steering Committee shall: c.~~-Submit~~ Prepare ~~its~~ the statutes, rules of procedure, governance structure and organigram for the SMCO ~~to ACER for regulatory approval~~ and publish them on ~~its~~ the SMCO website; 4. Both the joint Steering Committee and the MCO working structure referred to in Art 17(4) shall only involve market actors from third country in accordance with the principles defined in Article 4(3).		
19	5. The Joint Steering Committee shall submit to the Commission and to ACER any initial draft or draft amendments to the statutes or rules of procedure of the SMCO. Within two months of receipt of the draft amendments to the statutes or rules of procedure, ACER, after consulting the organisations representing all stakeholders, in particular the system users, including customers, shall provide an opinion to the Commission on these draft amendments to the statutes or rules of procedure. Within three months of receipt of ACER opinion, ~~T~~the Commission shall deliver an opinion on the draft amendments to the statutes or rules of procedures taking into account ACER opinion. Within three months of receipt of the Commission's favourable opinion, the Joint Steering Committee shall adopt and publish the amended statutes or rules of procedure. These documents shall be submitted to the Commission and to ACER where there are changes thereto or upon the reasoned request of either of them, and the Commission and ACER shall deliver an opinion.	The Joint Steering Committee shall submit to the Commission ~~and to ACER~~ any initial draft or draft amendments to the statutes or rules of procedure of the SMCO. ~~Within two months of receipt of the draft amendments to the statutes or rules of procedure, ACER, after consulting the organisations representing all stakeholders, in particular the system users, including customers, shall provide an opinion to the Commission on these draft amendments to the statutes or rules of procedure.~~ Within three months ~~of receipt of ACER opinion,~~ the Commission shall deliver an opinion on the draft amendments to the statutes or rules of procedures ~~taking into account ACER opinion.~~ Within three months of receipt of the Commission's favourable opinion, the Joint Steering Committee shall adopt and publish the amended statutes or rules of procedure. These documents shall be submitted to the Commission ~~and to ACER~~ where there are	There is no legal basis for ACER to consult and provide any opinion on the draft statutes or rules of procedure. ACER power goes beyond the scope of an Implementing Act and should, thus be deleted.

	~~ACER shall be competent to adopt a decision to relieve any member of the Single Market Coupling Operator management board from its duties in case of underperformance or incompliance. Following the relief from duty, the Joint Steering Committee shall appoint a new member, subject to approval by ACER.~~ ~~9.~~8. The Single Market Coupling Operator shall be legally and functionally independent from any individual NEMO' or TSO' interest. No NEMO nor TSO shall benefit from undue advantages through participation in the Joint Steering Committee.	changes thereto or upon the reasoned request of either of them, and the Commission ~~and ACER~~ shall deliver an opinion.	
20	1. …The Single Market Operator ~~ACER may~~ shall ~~decide to~~ publish the non-confidential version of the performance reports. 3. …The Joint Steering Committee shall submit this assessment without undue delay to ~~ACER and notify~~ all ~~NRAs~~regulatory authorities for joint approval and notify it with ACER. ~~Within 2 months from its submission, ACER may request amendments to this report or to its conclusions.~~ 4. ~~When the assessment of the TSOs and NEMOs, acting through Joint Steering Committee pursuant to paragraph 3 concludes that~~ By the relevant deadline set in accordance with Article 18(2)(g), the Single Market Coupling Operator ~~is operationally ready to start operating the market coupling as main entity and ACER does not request amendments to this conclusion, TSOs and NEMOs, acting through the Joint Steering Committee,~~ shall ~~propose to ACER a go live date as from which the Market Coupling Operator would~~ perform the MCO tasks as the main entity, with all NEMOs temporarily performing the market coupling as back-up afterwards. A successful go live date marks the ends of the MCO transition period.	**Under further review by TSOs.**	**Under further review by TSOs.**

	~~4. The provisions pursuant to paragraphs 1 and 3 shall continue to apply and all NEMOs shall continue to perform temporarily the MCO tasks for backup purposes in parallel, as referred in paragraph 4, as long as:~~ ~~a. the assessment after potential amendments requested according to paragraph 3 - does not conclude positively on the readiness of the Market Coupling Operator to perform the MCO tasks report; or~~ ~~a. in case ACER opposes to the readiness of the Single Market Coupling Operator to perform the MCO tasks~~ ~~5. 5. ACER may jointly decide to extend the back-up period~~ referred to in paragraph 6. If the assessment pursuant to paragraph 3 or the experience from the process under paragraph 4 proves a lack of readiness of the single market coupling operator obligation to act as a main entity performing the MCO tasks or a need to extend the back-up period, TSOs and NEMOs shall request an amendment of the timeline set in the methodology pursuant to Article 18(1)g) in accordance with Article 4(8) or (9).		
21	1. The Joint Steering Committee, in cooperation with the Single Market Coupling Operator, shall prepare a draft proposal for the ~~annual~~ biennial work programme for projects aiming to implement the tasks referred to in Article 23 ~~market coupling related projects~~ to be implemented during the subsequent ~~three~~ two calendar years ~~and submit it to the Joint Steering Committee for approval~~. The draft proposal for the biennial work programme shall be subject to a stakeholder consultation organised by the Joint Steering Committee. Following the consultation, ~~Prior to the voting,~~ ~~T~~the Joint Steering Committee shall, where applicable, amend the draft proposal for the biennial work programme ~~be able to provide opinions and comments on the draft documents as well as propose~~	**Under further review by TSOs.**	**Under further review by TSOs.**

	and vote ~~on amendments to~~to adopt the final proposal for the biennial work programme ~~the proposed draft documents~~. The proposal for the biennial~~annual~~ work programme shall describe the projects aiming to implement the tasks referred to3 over the next two calendar years. For each project, the document shall indicate: ~~2. The single Market coupling operator shall submit for approval the annual work programme to ACER no later than 15 September of each year.~~ By 30 June 2027 and every two years thereafter, the Joint Steering Committee shall submit to all regulatory authorities for joint approval and share with ACER the proposal for the biennial work programme, including the budget that is considered necessary to implement the proposed projects. 3. ... 4. During the implementation of the biennial work programme, the ~~Single Market Coupling Operator~~Joint ~~s~~Steering ~~c~~Committee shall communicate to ACER and all relevant regulatory authorities any delay or deviation from the final approved ~~annual~~ biennial work ~~plan~~ programme within a period of two weeks. This communication shall clearly indicate the justification for that delay or deviation, identify the responsible party or parties and include, where relevant, a plan to mitigate the delay or deviation.		
21	3. Within ~~two~~ three months following the receipt of the submission, ~~ACER~~ all regulatory authorities ~~may~~ shall either ~~adopt an opinion on~~jointly approve the ~~draft~~ proposal for the ~~annual~~ biennial work programme referred to in paragraph 2, or requesting amendments		We seek clarity on whether the joint approval can lead to an escalation to ACER if not agreed upon by NRAs.

	~~taking into account~~ considering the requirements referred to in para 1, lit.a-f, the objectives of market integration as well as non- discrimination between EU market participants, effective competition and the efficient functioning of the market. Within two months following the ~~receipt of ACER's opinion~~request for amendment, if applicable, the ~~single Market Coupling operator~~Joint Steering Committee shall submit an updated version implementing ~~taking into account ACER's~~ the comments from regulatory authorities.		
22(1)	**Article 22 – Tasks and responsibilities within the Single Market Coupling Operator** 1. Once established pursuant to Article 18(3), the management board of the Single Market Coupling Operator shall perform the following tasks: a. Preparing, in cooperation with TSOs and NEMOs in the MCO working structure, the draft proposals for terms, conditions and methodologies or any amendments thereof referred to in Article 5(1) ~~within its working structures~~ and submit them to the Joint Steering Committee~~. Prior to the voting, the Joint Steering Committee shall be able to provide opinions and comments on the draft documents as well as propose and~~ for potential amendments and vote ~~vote on amendments to the proposed draft documents~~ according to the relevant Qualified Majority Voting rules referred to in Article 6; b. Cooperating with the Joint Steering Committee to p~~P~~repar~~inge~~ the draft ~~annual~~ biennial work programme referred to in Article 21 and the MCO budget referred to in Article 28(3) and submit ~~it~~ them to the Joint Steering Committee for	**Under further review by TSOs.**	**Under further review by TSOs.**

	potential amendments and vote according to the Qualified Majority Voting rules referred to in Article 6(5); c. ~~Preparing the MCO budget for the three next calendar years and the annual cost report for the previous calendar year referred to in Article 28(3)and submit it o the Joint Steering Committee for vote according to the Qualified Majority Voting rules referred to in Article 6(5);~~ ~~d.~~ c.Preparing the draft biennial report on market coupling referred to in Article 67 and submit it to the Joint Steering Committee for potential amendments and vote according to the Qualified Majority Voting rules referred to in Article 6(5); ~~e. Following the vote by the Joint Steering Committee referred to in lit. a), submitting these documents to the relevant regulatory authorities, together with an opinion on these documents;~~ ~~f. Following the vote by the Joint Steering Committee referred to in lit. b) c) and d), submitting the draft annual work programme, the MCO budget, and the biennial report on market coupling to ACER, together with an opinion on these documents;~~ ~~g.~~ d.Prepare and submit to ACER the quarterly report on operational incidents impacting the day-ahead and intraday market coupling as well as trading on day- ahead and intraday markets referred to in article 23(6); e.Host the meetings of the Joint Steering Committee and ~~its sub-bodies;~~other bodies within the MCO working structure;		

23	1. The MCO shall be responsible for the following tasks: (…..) p. Collecting the congestion income resulting from single day-ahead and intraday coupling in accordance with Article 56(9); ~~n.~~q. Distributing the congestion income in accordance with Article 56(11); r. Calculating ~~and distributing~~ the transmission access guarantee compensation in accordance with Article 54; ~~o.~~s. Distributing the transmission access guarantee compensation in accordance with Article 54;	1. The MCO shall be responsible for the following tasks: (…..) ~~p.Collecting the congestion income resulting from single day-ahead and intraday coupling in accordance with Article 56(9);~~ ~~q.Distributing the congestion income in accordance with Article 56(11);~~ ~~s. Distributing the transmission access guarantee compensation in accordance with Article 54;~~	We remain concerned about assigning financial tasks to the Market Coupling Operator under MCO functions, despite possibility for delegation. While the position that delegation remains possible is factually correct, it is neither automatic nor certain, as it would require SMCO (and thus NEMO) approval. More importantly, it does not resolve the governance and accountability shift introduced by CACM 2.0. Delegation under SMCO control is not equivalent to maintaining TSO ownership of the functions. It alters the balance of responsibilities, reduces flexibility, and may hinder the preservation of synergies for congestion income distribution specifically, with balance of responsibilities, reduces flexibility, and may hinder the preservation of synergies for congestion income distribution specifically, with LTTR and CCP management. Transferring CID responsibilities to a new entity, while leaving LTTR remuneration with JAO, would break this operational and financial netting. The result would be an increase in gross settlement volumes, additional collateral requirements, and the need to redesign settlement and credit frameworks between TSOs and JAO. Such a change would introduce dyssynergies

			and credit frameworks between TSOs and JAO. Such a change would introduce dyssynergies and additional costs, without delivering any clear policy or market benefit. Even in a scenario where the SMCO delegates CID activities to JAO, the TSOs would not have governance control to ensure that these processes continue to be aligned. The delegation would depend on the SMCO's joint TSO-NEMO decisions, and the ability of TSOs to safeguard liquidity optimisation and LTTR-CID netting synergies would therefore be reduced. Even if the SMCO later contracted JAO for CID execution, the TSOs would depend on a governance process involving NEMO consent, reducing their ability to ensure alignment with TSO priorities and risk-management standards. We therefore propose to remove the relevant tasks from MCO functions and assign them to the TSOs as currently.
23	1. The MCO shall be responsible for the following tasks: ~~h.~~i. When applicable, p~~P~~erforming the co-optimised allocation process set out in Article 40 of Regulation (EU) 2017/2195 for the single day-ahead and ~~if relevant~~ single intraday coupling; … m. Take real-time operational decisions necessary	1. The MCO shall be responsible for the following tasks: ~~When~~ If applicable, performing the co-optimised allocation process set out in Article 40 of Regulation (EU) 2017/2195 ~~for the single day-ahead and single intraday coupling~~.	(i) The current draft assigns the task of co-optimisation to the Market Coupling Operator, even though co-optimisation will remain in research and development until at least 2026 and currently lacks both legal basis and operational grounding. We therefore propose the following changes that

		to ensure the safety of the market coupling in an emergency situation, according to pre-agreed procedures included in the timings and procedures methodology referred to in Article 48		account for the ongoing R&D and future application of co-optimisation: **We propose to change "when" to "if":** "When" applicable in our understanding implies that co-optimisation will be applied from a certain point in time and the article being applied from that point onwards. However, the current regulation on balancing (GL EB) clearly states that CZCA for balancing capacity exchange or sharing of reserves is voluntary. Furthermore, there is an alignment with ACER that whether co-optimisation is going to applied at some point is still to be discussed based on the results of the ongoing R&D. There should not be any different indication in the new CACM. **We propose deleting "for the single day-ahead and single intraday coupling"** The current harmonized methodology for the CZCA according to Article 38(3) of EB regulation clearly only refers to co-optimisation only being applied in the SDAC. Any conflicting statements should be avoided in CACM 2.0. However, to not prevent any future changes to methodologies and other regulation we think that the referral to the timeframe in which co-optimisation is applied should be removed entirely. How co-optimisation might be introduced at some time can then be defined in the relevant guideline (GL EB) and associated methodologies.

			(m) It shall be ensured under the timings and procedures methodology that any real-time operational decision will take into account the view and situation of the NEMOs and TSOs.
27	1. In accordance with Article 46(2) of the Regulation (EU) 2019/943, costs related to the obligations imposed on TSOs and ~~Regional Coordination Centres~~RCCs in accordance with this Regulation ~~Articles 25 and 26~~, shall be reported by 30 June of each year for the previous calendar year jointly by all TSOs to ~~ACER and~~ the competent regulatory authorities and ACER. 2. The costs referred to in paragraph 1 shall be broken down into: a. common costs resulting from coordinated activities of all TSOs participating in the single day-ahead and intraday coupling; b. regional costs resulting from coordinated activities of TSOs cooperating in a certain region; ~~b.~~c. costs of RRCs and; ~~c.~~d. national costs resulting from activities of the TSOs in that Member State. 3. The costs referred to in paragraph 2 shall be assessed by the relevant regulatory authorities who shall take a decision on whether these costs are efficiently incurred, reasonable and proportionate, in order to be entitled to cost recovery. 4. The costs referred to in paragraph 2(a) ~~and (b)~~ shall be shared among the Member States and relevant third countries ~~in the relevant region~~. To calculate the amount to be paid in each Member State and, if applicable, third countries, the costs shall be divided between each Member State and third country		**Under further review by the TSOs.**

	proportionally to their electricity consumption. If there is more than one TSO in a Member State, the regulatory authority shall allocate the costs among the TSOs in that Member State. ~~3.~~5. The costs referred to in paragraph 2(b) and (c) shall be shared among the Member States and relevant third countries in the relevant region according to the cost-sharing approach agreed within each region. In case of lack of agreement, these costs shall be shared among Member States according to electricity consumption.		
28	1. ~~By 6 months after the entry into force of this Regulation, a~~All NEMOs and all TSOs shall jointly develop, review and, where necessary, propose amendments to the ~~a~~ methodology for determining, sharing and recovering the MCO costs, which include the costs related to the obligations imposed on the Joint Steering Committee in accordance with Article 22 and on the MCO in accordance with Article 23. By 6 months following the entry into force of this Regulation, all NEMOs and all TSOs shall jointly develop and submit the proposal for this methodology to ACER for approval. ~~1.~~2. The proposal pursuant to paragraph 1 shall include at least the following elements: a. the measures to effectively unbundle the accounting systems of NEMOs and TSOs for the tasks prescribed under this Regulation according to Article ~~24~~ 22 and Article ~~25~~ 23 from other activities; b. a list and definition of all relevant cost categories, including, at least, the following	1. All NEMOs and all TSOs shall jointly develop review and, where necessary, propose amendments to the methodology for determining, sharing and recovering the MCO costs, which include the costs related to the obligations imposed on the Joint Steering Committee in accordance with Article 22 and on the MCO in accordance with Article 23. By 12 months following the entry into force of this Regulation, all NEMOs and all TSOs shall jointly develop and submit the proposal for this methodology to ACER for approval. 2. The proposal pursuant to paragraph 1 shall include at least the following elements: a. the measures to effectively report ~~unbundle~~ the costs ~~accounting systems of NEMOs and TSOs~~ for the tasks prescribed under this Regulation according to Article 22 and Article 23 from other activities;	The allocated timeframe is unrealistic given the depth and critical nature of the assessment tasks involved. This represents a major overhaul of the market coupling operations, whose complexity and impact must not be underestimated. We interpret (a) this as a necessity to have separate accounting systems within the TSOs. We find this a too costly task and believe that current systems where we transparently report on costs linked to the market coupling projects is sufficient. We see no added value of TSOs having separate accounting systems and it would be highly difficult to implement. Regarding (d) it is not reasonable to have an incentive scheme that conditions the cost recovery for the market coupling. If the fee does not cover the cost of the market coupling it will lack financing. ENTSO-E welcomes the establishment of a NEMO fee as well as a consideration that responsibility cannot be disconnected from

	categories: i. g~~G~~eographical, such as European, regional or national costs ii. m~~M~~arket segment such as day-ahead or intraday iii. a~~A~~ctivity such as establishment, development, maintenance or operational; and iv. t~~T~~ype such as common or individual c. a method, including criteria for assessing the cost efficiency possibly based on an approach to standardised costs; d. appropriate measures to ensure cost efficiency across the different cost categories identified pursuant to lit. b, including incentive schemes making conditional ~~conditioning~~ part of the incurred cost recovery ~~to~~ on the performance and compliance with the ~~annual~~ biennial work programme in accordance with - e. the criteria for determining the ~~amount~~ level of the eligible costs for the different ~~common~~ cost categories; f. ~~the~~the rules for costs allocation among TSOs and NEMOs for the costs non-eligible to cost-recovery; g. the rules for the definition of applicable sharing keys to allocate the eligible costs to TSOs and NEMOs h. the detailed rules for the definition of applicable	c. a method, including criteria for assessing the cost efficiency possibly based on an approach to standardised costs d. appropriate measures to ensure cost efficiency across the different cost categories identified pursuant to lit. b, ~~including incentive schemes making conditional part of the incurred cost recovery on the performance and compliance with the biennial work programme in accordance with Article 21,~~ ~~…~~ ~~f. the rules for costs allocation among TSOs and NEMOs for the costs non-eligible to cost-recovery;~~ ~~g. the rules for the definition of applicable sharing keys to allocate the eligible costs to TSOs and NEMOs~~ ~~i. the rules for costs allocation among TSOs and NEMOs for the costs non-eligible to cost-recovery~~	cost coverage. ENTSO-E however proposes to set an equal 50-50 split between NEMOs and TSOs in MCO cost coverage directly in CACM and accordingly adjust the flexibility under points f,g and i.. Fulfilment of this sharing arrangement on a TSO side does not require an establishment of a TSO fee. The cost recovery process for the TSO share is already regulated under Article 18 of Regulation (EU) 2019/943 and implemented through national tariff methodologies approved by NRAs. Introducing a new "TSO fee" would duplicate and complicate existing tariff processes. Therefore, CACM should clarify that the TSO share is to be recovered through the established tariff regulation system, not through an additional charge defined at CACM level. TSOs with grid customers, unlike NEMOs, are not competing with each other and are able to recover their costs via network tariffs or the MCO fee. A TSO fee would merely add further administrative burden on TSOs. Similarly the proposed fair 50-50 split should be respected at all times and is incompatible with a maximum value (in EUR/MWh) for the NEMO fee. The NEMO fee cap risks under-charging users of the market coupling infrastructure. This will lead to potential revenue shortfalls for NEMOs and potentially mean they are unable to cover their share of market

	sharing keys for all common cost categories in accordance with paragraph 2;. ~~f.~~i. the rules for costs allocation among TSOs and NEMOs for the costs non-eligible to cost-recovery ~~g.~~j. The rules for the submission of a ~~triennial~~ biennial budget ~~costs~~as referred to art 21(1)d), ~~for the costs~~ related to the obligations imposed on the Joint Steering Committee in accordance with Article 22 and on the MCO in accordance with Article 23. ~~h.~~k.The rules for the submission of an ~~annual~~ biennial report for the cost incurred related to the obligations imposed on the Joint Steering Committee in accordance with Article 22 and on the MCO in accordance with Article 23 in the previous two calendar years. This report shall compare the cost incurred to the approved budget and provide clear justification to potential deviations. ~~i.~~l. The rules for determining the MCO fee pursuant to paragraph ~~2~~ 3 based on the approved budget pursuant to paragraph (1)(i~~g~~). Significant costs items linked to investments in new assets may be recovered over several budget periods. 3. As from ~~the start~~1 January of the calendar year following the approval of the methodology pursuant to paragraph 1, the costs for the development of regional and European projects and the costs of creating and operating the Single Market Coupling Operator shall be shared according to the methodology referred to in paragraph 1 among a) the NEMOs based on the combined volume of the single day-ahead coupling and single intraday	4. As from 1 January of the calendar year following the approval of the methodology pursuant to paragraph 1, the costs for the development of regional and European projects and the costs of creating and operating the Single Market Coupling Operator shall be shared according to the methodology referred to in paragraph 1 among a) the NEMOs based on the combined volume of the single day-ahead coupling	coupling costs. These cost recovery shortfalls will in turn lead to pressure being placed on TSOs to provide additional cost recovery to to NEMOs resulting in a re-run of past conflicts. TSOs therefore propose that the NEMO fee is cost-reflective and this means no arbitrary cap can be imposed. TSOs also propose to apply a cost sharing formula for the TSO-part of the costs which include the elements of population and an equal MS share. Under Article 28(2)(c) We seek clarification on what are standardised costs? On Article 28(7) we note that the methodology shall not foresee any differentiation of treatment between specific regions or Member States' national costs in regards to services now becoming part of SMCO, which becomes unfair for non service takers (and not profit takers either). One cost example are: CID costs for Elering, Litgrid, Creos, Swissgrid, REN etc. We propose to delete the addition from 20.10. 2025 in order to decide case by case.

	coupling traded on their platforms and b) TSOs from the Member States and third countries participating in the single day-ahead and intraday coupling, using the sharing key among the Member States and relevant third countries defined in Article 27(3). 4. The costs assessed as eligible for cost recovery shall be recovered through: a) a~~n~~ NEMO~~MCO~~ fee, charged ~~to~~ uniformly by all NEMOs to their clients ~~for European projects and to all NEMOs operating in a region for regional projects and~~ on a proportional basis to the ~~non-netted~~traded volume of electricity ~~of the combined single day-ahead coupling and single intraday coupling traded on their platforms~~ and taking into account system usage in an harmonised way across NEMOs b) a TSO fee, charged uniformly by all TSOs to all consumers 5. ~~. The MCO fee shall be cost-reflective and shall be applied to matched orders proportionally to the volume traded.~~ The methodology referred to in paragraph 1 may include a maximum value (in EUR/MWh) for the NEMO fee, to avoid detrimental impact on market liquidity. ~~2.~~6.Net revenues from the single Market Coupling Operator shall be used to perform investments to increase the	and single intraday coupling traded on their platforms and b) TSOs from the Member States and third countries participating in the single day-ahead and intraday coupling using the sharing key among the Member States and relevant third countries defined in Article 27(3). 4. The costs assessed as eligible for cost recovery shall be recovered 50% from TSOs and 50% by NEMOs through: a) a NEMO fee, charged uniformly by all NEMOs to their clients on a proportional basis to the traded volume of electricity and taking into account system usage in an harmonised way across NEMOs b) ~~a TSO fee, charged uniformly by all TSOs to all consumers~~ a TSO recovery via tariffs, applied in accordance with national tariff methodologies approved by the relevant national regulatory authorities. 5 . ~~The methodology referred to in paragraph 1 may include a maximum value (in EUR/MWh) for the NEMO fee, to avoid detrimental impact on market liquidity.~~	

	performance of the single Market Coupling Operator or to reduce the MCO fees. ~~3.~~7.~~By no later than 1 June each year, the single Market Coupling Operator shall submit to ACER a budget for the three next calendar years and annual cost report for the previous calendar year. The report shall be complemented with a proposal for the MCO fees for the next calendar year and estimations of the MCO fees for the two following years. The Joint Steering Committee shall provide to all regulatory authorities and ACER this report as long as the Single Market Coupling Operator has not yet been established.~~The methodology referred to in paragraph 1 shall ensure that the eligible costs are determined and shared in a harmonised way at Union level. The methodology shall not foresee any differentiation of treatment between specific regions or Member States' national costs. ~~4.~~8. By 30 June every year, the Joint Steering Committee, in cooperation with the Single Market Coupling Operator, shall submit to all national regulatory authorities for joint approval and share with ACER an annual cost report for the previous calendar year, together with the justifications and supporting evidence for the costs incurred by the MCO and the Joint Steering Committee. The report shall be complemented with a proposal for the NEMO fees and TSOs fees for the next calendar year and estimations of the NEMO fees and TSO fees as referred to paragraph 4 for the two following years. ~~Before the end of the calendar year, ACER shall review, where relevant amend, and approve the triennial budget, annual cost report and MCO fees to ensure that the MCO costs and fees are reasonable, efficient and proportionate. ACER shall publish all three documents taking due account of sensitive commercial information~~	7.The methodology referred to in paragraph 1 shall ensure that the eligible costs are determined and shared in a harmonised way at Union level.~~. The methodology shall not foresee any differentiation of treatment between specific regions or Member States' national costs~~	

	~~5.~~9. Based on the documents submitted pursuant to paragraph 8, all regulatory authorities shall assess which part of the declared costs are efficiently incurred, reasonable and proportionate, in order to be entitled to cost recovery. All regulatory authorities shall also assess these costs in light of the biennial work programme and budget, referred to in article 21. Before the end of the calendar year, all national regulatory authorities shall jointly approve or amend the cost report referred to in paragraph 8, as well as the proposed NEMO fees and the proposed TSOs fees. ACER shall publish the joint decision from the regulatory authorities taking due account of sensitive commercial information.~~The methodology referred to in paragraph 1 shall ensure that the eligible costs are determined and shared in a harmonised way at Union level. The methodology shall not foresee any differentiation of treatment between specific regions or Member States' national costs.~~		

3. CACM wording proposal for RCC

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
26	**Article 26 - Regional Coordination Centres' tasks** a. Each ~~Regional Coordination Centre~~RCC shall ~~be responsible for the following tasks~~: a. establish a working structure for the cooperation of regional TSOs within a capacity calculation region relative to capacity calculation process and host these meetings; b. Prepar~~eing~~ the draft proposals for terms, conditions and methodologies or any amendments thereof referred to in Article 5(2)a) ~~within its working structures involving TSOs~~ as an advisory task as foreseen in Article 37 of Regulation (EU) 2019/943 and submit them to the relevant TSOs ~~Joint Steering Committee~~ for potential amendment and vote according to the voting rules referred to in Article 6; ~~c. Submitting the proposals for terms, conditions and methodologies or any amendments on behalf of TSOs to the relevant regulatory authorities, together with an opinion on these documents;~~ b.c.Provid~~eing~~ any information that ACER or any relevant national regulatory authorities ~~may require~~request in order	**This Article is still under review.**	**This Article is still under review.** However, TSOs have legal concerns regarding the consistency of the CACM 2.0 proposal with the Regulation 943/2019 and its alignment with its scope as an implementing legislation, in relation to the new operational RCC tasks. In particular, assigning Regional Coordination Centres (RCCs) an advisory role to prepare draft proposals for TCMs bypasses the formal procedure established in Article 37(2) of the Regulation (EU) 2019/943, according to which new advisory tasks can be assigned to RCCs only on the basis of a proposal by the Commission or a Member State and following a favourable opinion of the Committee established by Article 68 of Directive (EU) 2019/944. As a result, any assignment under CACM 2.0 both conflicts with and extend beyond Regulation (EU) 2019/943.

	to monitor that the objectives of this regulation are being fulfilled; c. ~~act on behalf of regional TSOs for the tasks assigned to TSOs within a capacity calculation region referred to in article 4, article 5, article 7 and article 9.~~ d. d. perform~~ing~~ capacity calculation in cooperation with the relevant TSOs in accordance with the methodology pursuant to Article 33; e. e. issue~~ing~~ coordinated actions and providing the relevant TSOs with capacity calculation outputs to be validated in accordance with Article 39; f. f. send~~ing~~ the validated capacity calculation outputs to the MCO in accordance with Article 39(5); ~~i.~~g. have~~ing~~ the possibility to verify that the day-ahead coupling results referred to in Article 57 and the intraday coupling results referred to in Article 60 have been calculated in accordance with the validated capacity calculation outputs and the allocation constraints; ~~j.~~h. provide~~ing~~ the information on the single day-ahead and intraday coupling in accordance with the methodology pursuant to Article 11; ~~k.~~i. draft the reports on capacity calculation referred to in Article 68 and the reports on capacity validation referred to in Article 69;		

39	1. For each capacity calculation timeframe and for at least each hour, each TSO shall provide the Regional Coordination Centres in the capacity calculation region with the following inputs: critical network elements with operational security limits and contingencies, generation and load shift keys, remedial actions, reliability margins, allocation constraints, cross-zonal capacity allocated for exchange of balancing capacity and sharing of reserves and nominated physical transmission rights. The capacity calculation methodology may also define that these inputs are determined by Regional Coordination Centre(s) directly.	1 For each capacity calculation timeframe and for at least each hour, each TSO shall provide the Regional Coordination Centres in the capacity calculation region with the following inputs: critical network elements with operational security limits and contingencies, generation and load shift keys, remedial actions, reliability margins, allocation constraints, cross-zonal capacity allocated for exchange of balancing capacity and sharing of reserves and nominated physical transmission rights , where the relevant TSOs decide that the information is necessary for the performance of the Regional Coordination Centres' task. The capacity calculation methodology may also define that these inputs are determined by Regional Coordination Centre(s) directly.	Assigning this responsibility to RCCs would represent an unwarranted expansion of their role, which is in conflict and extend beyond in line with their tasks as defined in Art. 37(1) of the Regulation 943/2019. Such task would undermine the operational control and responsibility of individual TSOs without providing any tangible benefit.

4. CACM wording proposal for use of Remedial Actions

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
33	2.The capacity calculation methodology shall include at least the following items for each capacity calculation timeframe: a.A proposal for the calculation of the inputs to capacity calculation, which shall include: i. the methodology for determining the reliability margin in accordance with Article 34.; i. the methodology for determining critical network elements in accordance with Article 35; i. rules for determining the allocation constraints ~~that may be applied~~ in accordance with Article 36, if applicable; v. the methodology for determining the generation and load shift keys ~~at least per bidding zone and market time unit~~ in accordance with Article 37; v. the methodology for determining remedial actions to be considered in capacity calculation in accordance with Article 38 b.A detailed description of the capacity calculation approach which shall include: i.a mathematical description of the applied capacity calculation approach with different capacity calculation inputs and rules for execution of the process described in Articles 39(3) or 39(4); ~~b. rules for complying with Article 16(8) of the Regulation (EU) 2019/943;~~ ~~c. rules for taking into account, where appropriate,~~	**Under further assessment by TSOs**	**Under further assessment by TSOs**

	~~previously allocated and nominated cross-zonal capacity;~~ ~~d. for day-ahead timeframe, rules for optimising non-costly remedial actions in capacity~~ calculation in coherence with the coordinated operational security analysis pursuant to Article 75 of Regulation (EU) 2017/1485;, subject to for the intraday timeframe optimisation of remedial actions as part of the capacity calculation process shall be ~~subject to an efficiency and feasibility assessment;~~ ii. rules for a fallback procedure to be applied in case the initial capacity calculation does not deliver plausible results; iii.for the coordinated net transmission capacity approach, the rules for calculating cross- zonal capacity, including the rules for efficiently sharing the power flow capabilities of critical network elements between different bidding zone borders; iv.where the power flows on critical network elements are influenced by cross-zonal power exchanges outside of a capacity calculation region, the rules for sharing the power flow capabilities of critical network elements among capacity calculation regions in order to accommodate these flows; v.a methodology for the individual validation by TSOs of cross-zonal capacity at least for the day-ahead timeframe; vi.a period for testing significant changes in the capacity calculation methodology approach alongside the existing methodology approach, to involve and enable market participants to adapt. This period should be not shorter than 2 months.		

38	1. The proposal for a ~~common~~ capacity calculation methodology shall include ~~all available~~ a methodology to determine the use of remedial actions in the capacity calculation process. Each TSO within each capacity calculation region shall define all remedial actions that are expected to be available in real-time and that are to be taken into account in capacity calculation to meet the objectives of this Regulation. Each TSO may exclude the following remedial actions from capacity calculation: a. load shedding; b. remedial actions which are verified and justified as indispensable to ensure operational security in real-time operation and for which no other remedial actions are available; c. remedial actions which are offered to the capacity calculation in other CCRs in which the concerned TSO also participates. (….) 3. The optimisation of non-costly remedial actions during capacity calculation in intraday timeframe shall be subject to efficiency and feasibility assessment performed by the TSOs of the relevant capacity calculation region; 4.Where ~~TSOs apply~~ capacity allocation uses flowbased parameters ~~approach~~, ~~TSOs shall optimise at least~~ the setings ~~points~~ of the non-costly remedial actions whose effect can be considered as linear~~which can efficiently be linearized for the capacity allocation,~~ such as phase-shifting transformers and HVDC~~s~~ lines,	**38(1) : Under further review by TSOs** 4.Where capacity allocation uses flow-based parameters, the setings of the non-costly remedial actions whose effect can be considered as linear, such as phase-shifting transformers and HVDCs lines, shall be optimised during the capacity allocation in day-ahead and intraday auctions. The capacity calculation	**38(1) : Under further review by TSOs** 38(4): Today, the non-costly remedial actions play a crucial role in capacity calculation, in particular to validate if it is safe to provide 70% capacity to the market. Shifting the use of non-costly remedial actions to allocations could potentially be beneficial to the market as it would optimize the use of such actions.

	shall be optimised during the capacity allocation in day-ahead and intraday auctions. ~~In such cases, the optimization of set points of phase-shifting transformers shall be excluded from capacity calculation and TSOs shall provide these set points separately to the regional coordination centre which shall calculate their parameters needed for the capacity allocation.~~ The capacity calculation methodology may provide limitations to the use these remedial actions.	methodology may provide limitations to the use these remedial actions. This limitation may exclude any use of non-costly remedial actions in allocation.	However, it undermines a consistent implementation of the 70% framework and hinders TSOs compliance with the 70% rule, thus requiring a more fundamental regulatory evolution.

5. CACM wording proposal for capacity calculations

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
33	2 (b)(i) a mathematical description of the applied capacity calculation approach with different capacity calculation inputs and rules for execution of the process described in Articles 39(3) or 39(4);	2 (b)(i) a mathematical description of the applied capacity calculation approach with different capacity calculation inputs and rules for execution of the process described in Articles 39(~~3~~4) or 39(~~4~~5);	Correction of references
33	8.Operational security limits and contingencies used in capacity calculation, shall be the same as those defined pursuant to Article 25, except where the application of dynamic line rating has to take into consideration forecasting uncertainty of thermal limits at the time of capacity calculation. Contingencies used in capacity calculation shall be the same as those defined pursuant to Article 33 of the Regulation (EU) 2017/1485. ~~Deviations from the operational security limits shall be allowed if they lead to increase in economic surplus of single day-ahead and intraday coupling.~~. 9. TSOs shall implement dynamic thermal limits that take into account weather conditions at least on those critical network elements that are frequently limiting cross-zonal capacities, unless the costs of implementing such limits exceeds their benefit.	**Under further review by TSOs**	**Under further review by TSOs**
34	1. The proposal for capacity calculation methodology shall include a methodology to determine the indispensable reliability margin on critical network elements, which shall set out the common, harmonised principles for deriving the reliability margin from the probability distribution of the deviations between the expected power flows at the time of the capacity calculation and realised power flows. The methodology shall take into account the following uncertainties:	1. The proposal for capacity calculation methodology shall include a methodology to determine the ~~indispensable~~ reliability margin on critical network elements, which shall set out the common, harmonised principles for deriving the reliability margin from the probability distribution of the deviations between the expected power flows at the time of the capacity calculation and realised power flows. The	Article 34(1) - indispensable: **TSOs kindly request EC to provide feedback/clarity as below points remained unanswered so far.** If the intention of the word indispensable is to emphasize the importance of FRM then it can be kept. If it is intended to limit the minimum reliability margin to the value calculated according to paragraph 1, which may be

	a. deviations of physical electricity flows, caused by load-frequency control, applied to maintain a constant frequency; b. forecasted uncertainties which affect capacity calculation and which could occur between the capacity calculation timeframe and real time; and c. inaccuracies in modelling and calculation approach which affect capacity calculation. 2. Nothwithstanding paragraph 1, in the transitory period until 1 January 2031, TSOs may rely on fixed values determined by NRAs. After the end of the transitory period, the TSOs may still rely on such fixed values for the critical network elements in case these are lower than the values determined on the basis of the methodology pursuant to paragraph 1. 3. For each capacity calculation timeframe, each TSO concerned shall determine the reliability margin for each critical network element, independently of the specific capacity calculation approach adopted within the capacity calculation region.	methodology shall take into account the following uncertainties: a. deviations of physical electricity flows, caused by load-frequency control, applied to maintain a constant frequency; b. forecasted uncertainties which affect capacity calculation and which could occur between the capacity calculation timeframe and real time; and c. inaccuracies in modelling and calculation approach which affect capacity calculation. 34(3) : For cNTC regions, under further review by TSOs	unreasonably high, then we suggest removing this word. Article 34(2) : TSOs welcome the flexibility provided. Core TSOs conclude that the new proposal of EC is acceptable. Core TSOs still consider the FRM study to be quite an effort. 34(3) : For cNTC regions, under further review by TSOs
35	1.The proposal for capacity calculation methodology shall include a methodology to define critical network elements to be considered in the capacity calculation process.	**Awaiting update from EC to reflect the judgement of ECJ**	**Awaiting update from EC to reflect the judgement of ECJ**
38	1 The proposal for a ~~common~~ capacity calculation methodology shall include ~~all available~~ a methodology to determine the use of remedial actions in the capacity calculation process. Each TSO within each capacity calculation	**Under further review by TSOs**	**Under further review by TSOs**

	region shall define all remedial actions that are expected to be available in real-time and that are to be taken into account in capacity calculation to meet the objectives of this Regulation. Each TSO may exclude the following remedial actions from capacity calculation : a. load shedding; b. remedial actions which are verified and justified as indispensable to ensure operational security in real-time operation and for which no other remedial actions are available; c. remedial actions which are offered to the capacity calculation in other CCRs in which the concerned TSO also participates		
39	1. For each capacity calculation timeframe and for at least each hour, each TSO shall provide the Regional Coordination Centres in the capacity calculation region with the following inputs: critical network elements with operational security limits and contingencies, generation and load shift keys, remedial actions, reliability margins, allocation constraints, cross-zonal capacity allocated for exchange of balancing capacity and sharing of reserves and nominated physical transmission rights. The capacity calculation methodology may also define that these inputs are determined by Regional Coordination Centre(s) directly.	**Under further review by TSOs**	**Under further review by TSOs**
39	3. By 1 January 2028, all regional coordination centres shall use alternating current load flow to calculate the power flows pursuant to paragraph 3(d) and 4(b)(i), at least for the full network topology without contingencies. Regional coordination centres may apply direct current load flow in case of non convergence of power flows in the common grid model.	3. By 1 January 2028, all regional coordination centres shall use alternating current load flow to calculate the power flows pursuant to paragraph 3(d) and 4(b)(i), at least for the full network topology without contingencies. Regional coordination centres may apply direct current load flow in case of non convergence of power flows in the common grid model. The capacity calculation methodology may provide limitations to the use of alternating current load flow.	The cross-references (paragraph 3(d) and 4(b)(i)) are to be corrected The benefits, the implications and consequently the priority of this requirement will require further assessment and alignment between TSOs and NRAs, at least in the Core/CE CCR. The CCM is considered the appropriate place to govern this.
39	7.At the end of the capacity calculation process, each RCC shall set the following capacity calculation outputs:	7.At the end of the capacity calculation process, each RCC shall set the following capacity calculation outputs:	Wording improvement to reflect that the output of cNTC capacity calculation are NTCs instead of ATCs.

	a. if applying the flow-based approach, the power transfer distribution factors, available margins, ~~flow-based parameters~~relevant parameters and settings of remedial actions included in capacity allocation, and allocation constraints,, if applicable; or b. if applying the coordinated net transmission capacity approach, the available transmission capacity values and allocation constraints, if applicable.	a.if applying the flow-based approach, the power transfer distribution factors, available margins, relevant parameters and settings of remedial actions included in capacity allocation, and allocation constraints, if applicable; or b.if applying the coordinated net transmission capacity approach, the ~~available~~ net transmission capacity values and allocation constraints, if applicable.	

6. CACM wording proposal for 70%

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
33	3. The capacity calculation methodology shall ~~transpose~~ include the requirements regarding the minimum level of available capacity for cross-zonal trade pursuant to Article 16(8) of Regulation (EU) 2019/943, taking into consideration the availability of remedial actions in the capacity calculation region in day-ahead and intraday timeframes.	**Under further review by TSOs**	ENTSO-E welcomes the clarification that the implementation of the 70% minimum capacity requirement is subject to operational security, i.e. virtual capacities relying on the availability of remedial actions The inclusion of the minimum 70% requirement to the intraday timeframe remains highly challenging to be implemented today for the following reasons • Such inclusion would structurally lead to virtual capacities that can be used in the intraday market up to 30 minutes before real time. This would cause limited availability of remedial actions and lack of time for TSOs to coordinate their application. These strong limitations would

			have to be reflected in the intraday capacity calculation • In addition, the intraday market is an adjustment market, making its movement hard to predict. Hence every potential usage of virtual capacity would have to be validated whilst there is very limited time for TSOs to perform this validation compared to day-ahead capacity calculation.
72	2.Within six months after the entry into force of this regulation, ~~ACER, in cooperation with regulatory authorities,~~all NRAs shall jointly establish a methodology setting the rules for the monitoring of the ~~compliance~~fulfillment of TSOs with the requirement to guarantee that at least 70% of interconnection capacity is made available for cross-border trade pursuant to Article 16 (8) of Regulation 2019/943 in a uniform way. Each NRA shall assess the compliance of their respective TSOs on the basis of this harmonised methodology.		ENTSO-E welcomes the amendment in line with Regulation 2019/943, which defines the NRAs responsible for the compliance monitoring of minimum capacities.

7. CACM wording proposal for Market Coupling

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
45	1. ~~By twelve months after the entry into force of this Regulation, a~~All NEMOs and all TSOs shall jointly develop, review and, where necessary, propose amendments, the methodology for products and market coupling system requirements. This methodology shall take into account the products and market coupling systems requirements prior to the entry into force of this Regulation. By 12 months after entry into force of this Regulation, all TSOs and all NEMOs shall jointly develop and submit the first proposal for this methodology.	1. All NEMOs and all TSOs shall jointly develop, review and, where necessary, propose amendments, the methodology for products and market coupling system requirements. This methodology shall take into account the products and market coupling systems requirements prior to the entry into force of this Regulation. By 24 months after entry into force of this Regulation, all TSOs and all NEMOs shall jointly develop and submit the first proposal for this methodology.	The allocated timeframe is unrealistic given the depth and critical nature of the assessment tasks involved. This represents a major overhaul of the market coupling operations, whose complexity and impact must not be underestimated. It also needs to taken into account that we need to develop multiple TCMs at the same time.
47	10. The single day-ahead coupling systems, the continuous trading systems and the single intraday auction systems shall not accommodate any additional requirement potentially impacting the performance which is not explicitly provided for in the methodology pursuant to Article 45.	10. Without prejudice to the provisions of this Guideline, the single day-ahead coupling systems, the continuous trading systems and the single intraday auction systems may ~~shall not~~ accommodate additional operational requirements ~~potentially impacting the performance~~ requested and agreed jointly by TSOs and NEMOs to facilitate the uninterrupted functioning of the user interfaces. ~~which is not explicitly provided for in the methodology pursuant to Article 45.~~	This is unnecessarily strict and will block/slow down development. A methodology is not meant to be a collection of IT requirements. Example: a user interface is not defined in a methodology but is required for operations. Not everything should be regulated but only the things that have an impact on the market participants
47	11. The European Commission, ACER and, if requested, the competent national regulatory authorities, shall have access to the source code of the matching algorithms at all times ~~and should~~. Only the European Commission, ACER and, if requested, the competent national regulatory authorities shall have access to tools allowing to run simulations on each algorithm at all times. The	11. The European Commission, ACER, and~~, if requested~~, the competent national regulatory authorities, as well as TSOs and NEMOs shall have access to the source code of the matching algorithms at all times. ~~Only t~~The European Commission, ACER, as well as TSOs and NEMOs, and, if requested, the competent national regulatory authorities shall have access to tools	The proposal seems to deny TSOs and NEMOs access to tools allowing to run simulations on market coupling algorithms, while this access is vital for mandatory tasks. These include rerunning market coupling sessions to assess the impact of issues that arise, conducting mandatory SPAIC simulations for any new interconnector, capacity release, or changes in

	European Commission, ACER and the competent national regulatory authorities may also use the output from the algorithm- based simulations in carrying out their tasks and duties according to their own discretion within the boundaries set by the relevant regulations.The European Commission, ACER and the competent national regulatory authorities may provide a temporary access to third parties for research purposes under strict confidentiality agreements.	allowing to run simulations on each algorithm at all times.	topology or methodology, and carrying out own capacity and forecast assessments by rerunning historical or projected sessions to ensure the safety and security of supply. Access is also necessary for testing new functionalities using historical capacity data and realistic order books, ensuring that system changes are thoroughly evaluated under conditions that reflect actual market behaviour. TSOs and NEMOs should have the same right when it comes to access to the source code because they are responsible of the results of the algorithm. ENTSOE suggests to remove «If requested» because it is unclear who will allow this right.
48	1.By twelve months after the entry into force of this Regulation, all NEMOs and all TSOs shall jointly develop, review and, where necessary, propose amendments, to the methodology for the market coupling timings and procedures containing the elements described in Article 49 and Article 50.	1.By ~~twelve~~ twenty four months after the entry into force of this Regulation, all NEMOs and all TSOs shall jointly develop, review and, where necessary, propose amendments, to the methodology for the market coupling timings and procedures containing the elements described in Article 49 and Article 50.	The allocated timeframe is unrealistic given the depth and critical nature of the assessment tasks involved. This represents a major overhaul of the market coupling operations, whose complexity and impact must not be underestimated.
52	2. The methodology shall require a centralised clearing and settlement between each NEMO and the Single MCO by the end of the MCO transition period pursuant to Article 17(5). This centralised clearing and settlement providers shall be legally independent from all TSOs and all NEMOs. Until this solution can be implemented, the methodology may provide for transitional arrangements for clearing and settlement between all NEMOs.	2.The methodology shall establish arrangements for clearing and settlement between NEMOs, with the option to implement centralized clearing and settlement between NEMOs and the Single MCO via a centralised provider, subject to a separate approval by the relevant regulatory authorities. ~~to proceed with centralization.~~ Unless such approval and implementation, existing clearing and settlement arrangements shall remain in effect. Where a centralised clearing and settlement provider is used, it shall be legally independent from all TSOs and all NEMOs. The relevant	We caution against mandating a centralised clearing and settlement entity that is independent from both TSOs and NEMOs. Clearing and settlement tasks are already performed by existing entities — whether TSOs, NEMOs, or other competent bodies — under established, efficient, and legally compliant arrangements. Replacing these proven solutions with a new independent entity would introduce legal and operational complexities, entail additional costs for market participants, and risk disrupting stable market functioning without clear evidence of proportional benefits.

		regulatory authorities shall have the right to assign responsibilities for clearing, settlement, and shipping tasks, including allowing alternative arrangements justified by national market structures. ~~require a centralised clearing and settlement between each NEMO and the Single MCO by the end of the MCO transition period pursuant to Article 17(5). This centralised clearing and settlement providers shall be legally independent from all TSOs and all NEMOs. Until this solution can be implemented, the methodology may provide for transitional arrangements for clearing and settlement between all NEMOs.~~	In countries where TSOs are currently acting as shipping agents, this solution ensures higher efficiency of nomination process and lower costs of market coupling at national level via using synergies with already existing TSO systems and infrastructure. National Regulatory Authorities shall have the flexibility to assign these responsibilities in a manner reflecting national market structures, legal frameworks, and established operational models.
56	9. The MCO shall collect the congestion income arising from the single day-ahead coupling and the single intraday auctions. 11.The MCO shall distribute congestion income to TSOs in accordance with the congestion income distribution methodology pursuant to article 53, as soon as reasonably practicable and no later than one month after the congestion income has been collected pursuant to paragraph 9.	9. ~~The MCO~~ All central counterparties or shipping agents shall collect the congestion income arising from the single day-ahead coupling and the single intraday auctions. 11. The TSOs ~~MCO~~ shall distribute congestion income in accordance with the congestion income distribution	Any financial tasks such as financial settlement, collection, or distribution of Congestion income and TAG compensations shall not be defined as MCO functions or as tasks of a Market Coupling Operator. We remain concerned about assigning financial tasks to the Market Coupling Operator under MCO functions, especially the CI and TAG distribution, despite possibility for delegation. While the position that delegation remains possible is factually correct, it is neither automatic nor certain, as it would require SMCO (and thus NEMO) approval. More importantly, it does not resolve the governance and accountability shift introduced by CACM 2.0. Delegation under SMCO control is not equivalent to maintaining TSO ownership of the functions. It alters the balance of responsibilities, reduces flexibility, and may hinder the preservation of synergies for congestion income distribution specifically with

			LTTR and CCP management. While in some cases congestion income distribution is performed by NEMOs, vast majority of TSOs have contracted Day-Ahead Congestion Income Distribution with JAO creating financial synergies in relation with JAO's responsibility to perform LTTR remuneration. Transferring CID responsibilities to a new entity, while leaving LTTR remuneration with JAO, would break this operational and financial netting. The result would be an increase in gross settlement volumes, additional collateral requirements, and the need to redesign settlement and credit frameworks between TSOs and JAO. Such a change would introduce dyssynergies and additional costs, without delivering any clear policy or market benefit. Even in a scenario where the SMCO delegates CID activities to JAO, the TSOs would not have governance control to ensure that these processes continue to be aligned. The delegation would depend on the SMCO's joint TSO-NEMO decisions, and the ability of TSOs to safeguard liquidity optimisation and LTTR-CID netting synergies would therefore be reduced. Even if the SMCO later contracted JAO for CID execution, the TSOs would depend on a governance process involving NEMO consent, reducing their ability to ensure alignment with TSO priorities and risk-management standards. We therefore propose to assign the distribution of congestion income to the TSOs.

57	5. Each NEMO shall act as the counterparty to the MCO, or to other NEMOs in case of transitional arrangements pursuant to Article 52(2), for the exchange of energy between NEMO trading hubs with regard to the related financial rights and obligations.	5. Each NEMO shall act as the counterparty to other NEMOs or if applicable to the MCO, ~~or to other NEMOs in case of transitional arrangements~~ pursuant to Article 52(2), for the exchange of energy between NEMO trading hubs with regard to the related financial rights and obligations. 8. Notwithstanding paragraph 5, a shipping agent may act as a counter party to other NEMOs for the exchange of energy, if the parties concerned conclude a specific agreement to that effect. If no agreement is reached, the shipping arrangement shall be decided by the regulatory authorities responsible for the bidding zones between which the clearing and settlement of the exchange of energy is needed.	We propose to allow NRAs flexibility in assigning clearing, settlement, and shipping tasks where relevant to avoid unnecessary costs, legal complexities, and disruption of existing structures. The transfer of the shipping function would have significant financial and legal implications. It would necessitate the renegotiation of existing contractual arrangements with all cross-border partners and the establishment of a new competence within the receiving entity. This, in turn, would require adjustments to contractual and procedural frameworks, modifications and testing of IT systems, and the introduction of new financing and guarantee mechanisms. Such changes would not only generate additional administrative and operational costs but also lead to duplication of well-functioning structures already in place. In countries where TSOs are currently acting as shipping agents, this solution ensures higher efficiency of nomination process and lower costs of market coupling at national level via using synergies with already existing TSO systems and infrastructure.
60	**4.** Each NEMO shall act as the counterparty to the MCO, or to other NEMOs in case of transitional arrangements pursuant to Article 52(2), for the exchange of energy between NEMO trading hubs with regard to the related financial rights and obligations.	**4.** Each NEMO shall act as the counterparty to other NEMOs or if applicable to the MCO, ~~or to other NEMOs in case of transitional arrangements~~ pursuant to Article 52(2), for the exchange of energy between NEMO trading hubs with regard to the related financial rights and obligations.	We propose to allow NRAs flexibility in assigning clearing, settlement, and shipping tasks where relevant to avoid unnecessary costs, legal complexities, and disruption of existing structures. The transfer of the shipping function would have significant financial and legal implications. It would necessitate the renegotiation of existing contractual

		7. Notwithstanding paragraph 4, a shipping agent may act as a counterparty to other NEMO for the exchange of energy, if the parties concerned conclude a specific agreement to that effect. If no agreement is concluded, the shipping arrangement shall be decided by the regulatory authorities responsible for the bidding zones between which the clearing and settlement of the exchange of energy is needed.	arrangements with all cross-border partners and the establishment of a new competence within the receiving entity. This, in turn, would require adjustments to contractual and procedural frameworks, modifications and testing of IT systems, and the introduction of new financing and guarantee mechanisms. Such changes would not only generate additional administrative and operational costs but also lead to duplication of well-functioning structures already in place. In countries where TSOs are currently acting as shipping agents, this solution ensures higher efficiency of nomination process and lower costs of market coupling at national level via using synergies with already existing TSO systems and infrastructure.

8. CACM wording proposal for Bidding Zone Review

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
63	1. Bidding zone borders shall be based on long-term, structural congestions in the transmission network, pursuant to Article 14(1) of Regulation (EU) 2019/943. Structural congestions may be identified by: a. a report from ENTSO-E pursuant to Article 14(2) of of Regulation (EU) 2019/943 and as referred to in Article 70; or b. a multilateral bidding zone review pursuant to Article 14 of Regulation (EU) 2019/943; or c. a report from one or more TSOs related to their control areas, that has been approved by the competent regulatory authority. 2. The Member States or the competent regulatory authorities may instruct the TSOs falling under their jurisdiction to issue the report referred to in paragraph 1(c) for their control areas. 3. A multilateral bidding zone review, referred to in paragraph 1(b), may be launched by: a. ACER, provided that the market monitoring report pursuant to Article 15 of Regulation (EU) 2019/942 identifies inefficiencies in the current bidding zone configuration, affecting market efficiency. In this case, ACER shall specify the relevant capacity calculation regions to be assessed in the review exercise; ACER may	1. Bidding zone borders shall be based on long-term, structural congestions in the transmission network, pursuant to Article 14(1) of Regulation (EU) 2019/943. Structural congestions may be identified by: a. a report from ENTSO-E pursuant to Article 14(2) of of Regulation (EU) 2019/943 and as referred to in Article 70; or b. a multilateral bidding zone review pursuant to Article 14 of Regulation (EU) 2019/943; or c. a report from one or more TSOs related to their control areas, that has been approved by the competent regulatory authority. 2. The Member States or the competent regulatory authorities may instruct the TSOs falling under their jurisdiction to issue the report referred to in paragraph 1(c) for their control areas. 3. A multilateral bidding zone review, referred to in paragraph 1(b), may be launched by: a. ACER, provided that the technical report pursuant to Article 14(2) of of Regulation (EU) 2019/943 or the market monitoring report pursuant to Article 15 of Regulation (EU) 2019/942 identifies inefficiencies in the current bidding zone configuration, affecting market efficiency. In this case, ACER shall	The technical report pursuant to Article 14(2) of Regulation (EU) 2019/943 is a valid source for triggering a bidding zone review, pursuant to Article 14(7) of the same. Therefore, the technical report should not be removed as a trigger for the multilateral bidding zone review by the Agency.

	launch a bidding zone review no more than once every three years. b. Two or more regulatory authorities of a capacity calculation region after consulting all NRAs of the capacity calculation region; justified by a report analysing the possible impact of congestions on the cross-zonal capacity made available for trade. c. All TSOs of a capacity calculation region; d. A Member State in a capacity calculation region after consulting all Member states of the capacity calculation region, to ensure an optimal configuration of bidding zones pursuant to Article 14(3) of Regulation (EU) 2019/943; ACER shall facilitate coordination among the relevant TSOs and regulatory authorities involved in the multilateral bidding zone review.	specify the relevant capacity calculation regions to be assessed in the review exercise; ACER may launch a bidding zone review no more than once every three years. b. Two or more regulatory authorities in a capacity calculation region after consulting all NRAs of the capacity calculation region ; justified by a report analysing the possible impact of congestions on the cross-zonal capacity made available for trade. c. All TSOs of a capacity calculation region; d. A Member State in a capacity calculation region after consulting all Member states of the capacity calculation region to ensure an optimal configuration of bidding zones pursuant to Article 14(3) of Regulation (EU) 2019/943; ACER shall facilitate coordination among the relevant ~~TSOs and~~ regulatory authorities involved in the multilateral bidding zone review.	There is no legal basis for ACER to coordinate among (relevant) TSOs and between TSOs and other parties. The role of ACER must respect the limits set out by Regulation (EU) 2019/942, and should therefore be restricted to coordination between the relevant regulatory authorities only.
	4. The bidding zone review shall consist of two parts. The first part of the review shall establish the methodology and assumptions, pursuant to Article 14(5) of the Electricity regulation (EU) 2019/943 as follows: a. Within ~~3~~ 6 months following the announcement of the launch of a bidding zone review pursuant to paragraph ~~2~~ 3, the relevant TSOs, as	4. The bidding zone review shall consist of two parts. The first part of the review shall establish the methodology and assumptions, pursuant to Article 14(5) of the Electricity regulation (EU) 2019/943 as follows: a. Within ~~3~~ 6 months following the announcement of the launch of a bidding zone review pursuant to	We welcome the extension from 3 to 6 months but still consider that 8 months would be a more realistic timeline to consult properly the methodology and to propose alternative BZ configuration. (if model-based configurations are to be performed additional 12 months will be needed. In this case, the methodology should allow for an update of the

	defined in Article 14(4) of Regulation(EU) 2019/943, shall develop a proposal for a bidding zone review methodology consisting of: i. the methodology and assumptions that are to be used in the bidding zone review process, based on structural congestions which are not expected to be overcome within the following three years in the ~~a~~ form of amendments to the methodology developed in line with Article 14(5) of Regulation (EU) 2019/943 to accommodate, if needed, the requirements of the specific bidding zone review; ii. the alternative bidding zone configurations to be considered, which shall at least ensure that each generation and load unit connected to the network operated by the TSOs belong to only one bidding zone, while allowing detailed split at lower voltage levels to be defined at a later stage;	paragraph ~~2~~ 3, the relevant TSOs, as defined in Article 14(4) of Regulation(EU) 2019/943, shall develop a proposal for a bidding zone review methodology consisting of: i. the methodology and assumptions that are to be used in the bidding zone review process ~~based on structural congestions which are not expected to be overcome within the following three years~~ in the ~~a~~ form of amendments to the methodology developed in line with Article 14(5) of Regulation (EU) 2019/943 to accommodate, if needed, the requirements of the specific bidding zone review; ii. the alternative bidding zone configurations to be considered, which shall at least ensure that each generation and load unit connected to the network operated by the TSOs belong to only one bidding zone. It shall be ensured that the delineation is technically sensible to be implemented at all voltage levels.;A ~~while allowing~~ detailed split at lower voltage levels may be ~~to be~~ defined at a later stage;	database for the actual review compared to the model-based assessment, so that the most recent data can be used to estimate the conditions in the target year). Propose to delete it as it may create legal uncertainties (as not in line with the corresponding text of the regulation) or copy the full text of the regulation. Current wording of the regulation is broader than the proposed one: " based on structural congestions which are not expected to be overcome within the following three years taking due account of tangible progress on infrastructure development projects that are expected to be realised within the following three years´ It must be ensured that the configurations, which are to be assessed, are feasible and sensible to implement at all voltage levels, allowing details to be defined in a later stage. Otherwise there is the risk that configurations are assessed which cannot be implemented with reasonable effort (e.g. some of the original German configurations in the last BZR cut through the Ruhr Area which is the fifth biggest metropolitan area in the EU).

	iii. the details of how the criteria pursuant to Article 65 are to be applied. This proposal shall be sent for approval pursuant to the process set out in Article 14(5) of Regulation (EU) 2019/943; b. in accordance with Article 14(5) of Regulation (EU) 2019/943, the relevant regulatory authorities, as defined in Article 14(4) of Regulation (EU) 2019/943, shall take a unanimous decision within three months of the submission of the proposal to the regulatory authorities; c. in accordance with Article 14(5) of Regulation (EU) 2019/943, where the regulatory authorities have not been able to reach an agreement within the three-month period, or upon their joint request, ACER shall, within additional three months, adopt a decision on the methodology, assumptions and the alternative bidding zone configurations to be considered. d. The ~~aspects~~ parts of the methodology developed in line with Article 14(5) of Regulation (EU) 2019/943 not amended by the approval in this paragraph shall apply to the bidding zone review. e. In the event that the relevant TSOs decide not to propose an amendment	iii. the details of how the criteria pursuant to Article 65 are to be applied. This proposal shall be sent for approval pursuant to the process set out in Article 14(5) of Regulation (EU) 2019/943; b. in accordance with Article 14(5) of Regulation (EU) 2019/943, the relevant regulatory authorities, as defined in Article 14(4) of Regulation (EU) 2019/943, shall take a unanimous decision within three months of the submission of the proposal to the regulatory authorities; c. in accordance with Article 14(5) of Regulation (EU) 2019/943, where the regulatory authorities have not been able to reach an agreement within the three-month period, or upon their joint request, ACER shall, within additional three months, adopt a decision on the methodology, assumptions and the alternative bidding zone configurations to be considered. d. The ~~aspects~~ parts of the methodology developed in line with Article 14(5) of Regulation (EU) 2019/943 not amended by the approval in this paragraph shall apply to the bidding zone review. e. In the event that the relevant TSOs decide not to propose an amendment	Timeline for the approval of NRAs and ACER (Art. 63 b and c) is not in line with Art. 5(4) (decision expected within 6 months and if no agreement, escalation to ACER with 6 additional months => 6+6 not 3+3).

	pursuant to lit. a) to an existing methodology, they shall proceed with the procedure pursuant to paragraph 5. 5. In the second part of the review, once the methodology and assumptions have been approved, the relevant TSOs, as defined in Article 14(4) of Regulation (EU) 2019/943 , shall: a. assess and compare the current bidding zone configuration and each alternative bidding zone configuration using the methodology, assumptions and the criteria specified in the proposal decided in accordance with paragraphs 4 (b) and (c) of this Article; b. prepare a report including the approved methodology, assumptions and alternative bidding zone configurations, the results of the bidding zone review comparing the existing bidding zone configuration with alternatives, the proposal to maintain or amend bidding zone configurations, and, in case of the latter, the proposed timescales for the implementation of the new bidding zone configuration; c. decide unanimously on the proposal to amend or maintain bidding zone configuration before submitting it	pursuant to lit. a) to an existing methodology, they shall proceed with the procedure pursuant to paragraph 5. 5. In the second part of the review, once the methodology and assumptions have been approved, the relevant TSOs, as defined in Article 14(4) of Regulation (EU) 2019/943 , shall: a. assess and compare the current bidding zone configuration and each alternative bidding zone configuration using the methodology, assumptions and the criteria specified in the proposal decided in accordance with paragraphs 4 (b) and (c) of this Article; b. prepare a report including the approved methodology, assumptions and alternative bidding zone configurations, the results of the bidding zone review comparing the existing bidding zone configuration with alternatives, the proposal to maintain or amend bidding zone configurations, and, in case of the latter, the proposed timescales for the implementation of the new bidding zone configuration. The proposed timescales for the implementation may also be delivered after the delivery of the report; c. decide unanimously on the proposal to amend or maintain bidding zone configuration before submitting it	To relieve the already tight timeline for the BZR.

	pursuant to Article 14(6) of Regulation (EU) 2019/943.	pursuant to Article 14(6) of Regulation (EU) 2019/943.	
	d. submit the relevant underlying data upon request to the relevant regulatory authorities and ~~or~~ ACER and share this report with the relevant regulatory authorities and ~~or~~ ACER, in order to enable the relevant regulatory ~~authorities or ACER - if the decision on the methodology and assumptions has been taken by ACER~~ - to adopt a decision confirming that the report is compliant with the methodology and assumptions referred to in paragraph 4; ACER may provide an opinion to support the assessment of the regulatory authorities.	d. ~~submit the relevant underlying data upon request to the relevant regulatory authorities and or ACER and~~ share this report with the relevant regulatory authorities and ~~or~~ ACER~~,~~ ~~in order to enable the relevant regulatory authorities or ACER - if the decision on the methodology and assumptions has been taken by ACER - to adopt a decision confirming that the report is compliant with the methodology and assumptions referred to in paragraph 4;~~ ACER may provide an opinion to support the assessment of the regulatory authorities.	This should be deleted. It´s up to the NRA or ACER to request for underlaying data if it is needed, in accordance with ACER's competences defined in Article 3(2) of Regulation (EU) 2019/942. It´s enough that it stands that the report should be shared. Removal of the compliance check specifically as a component (a sub-step) of the bidding zone review, since it increases the complexity of the process. Moreover, different NRAs of the same BZR region may have different opinions about the compliance, and this could therefore be a blocking issue on the process. . NRAs may always be consulted by their Member State in order to inform the decision they make with respect to keeping or splitting their BZ configuration.
	e. ~~in accordance with Article 14(6) of Regulation (EU) 2019/943 and~~ once the report is deemed compliant ~~with the methodology and assumptions referred to in paragraph 4~~, submit the report on the bidding zone review including the joint proposal to maintain or amend the bidding zone configuration to the relevant Member States or their designated competent authorities, and for information to the relevant regulatory authorities, ACER and the European Commission, within 12 months after the approval of the proposal on the methodology assumptions and alternative bidding	e. ~~in accordance with Article 14(6) of Regulation (EU) 2019/943 and once the report is deemed compliant with the methodology and assumptions referred to in paragraph 4, submit~~ deliver the report on the bidding zone review including the joint proposal to maintain or amend the bidding zone configuration to the relevant Member States or their designated competent authorities, and for information to the relevant regulatory authorities, ACER and the European Commission, within ~~12~~18 months after the approval of the proposal on the methodology	Same above Estimated time for Step 2: 18 months (without the compliance check and implementation timeline), based on the current requirements from the methodology.

	zone configurations pursuant to paragraph 4 (b) and (c). f. publish without undue delay the methodology, the assumptions, and the relevant input data used for the bidding zone review, the alternative bidding zone configurations, the results of the simulations and the proposal, following the submission pursuant to lit. e. 6. As part of the bidding zone review exercise, the relevant TSOs shall hold a consultation of at least one month in length before submitting the methodology for approval and shall keep stakeholders regularly updated on the progress of the report in a timely manner. 7. NEMOs or market participants shall provide the relevant TSOs with information to enable them to assess bidding zone configurations, at the request of the TSOs. This information shall be shared only between the relevant TSOs for the sole purpose of the bidding zone review. 8. Where a Member State decides to launch a bidding zone review under paragraph 3(d), the default bidding zone review process shall be a multilateral bidding zone review unless the conditions for a streamlined bidding zone review, as set out in Article 64 are met. 9. Following a bidding zone review, the relevant Member State(s) shall take a decision in accordance with Article 14(7) of (EU) Regulation 943/2019.	assumptions and alternative bidding zone configurations pursuant to paragraph 4 (b) and (c). f. publish without undue delay the methodology, the assumptions, and the relevant input data used for the bidding zone review, the alternative bidding zone configurations, the results of the simulations and the proposal, following the submission pursuant to lit. e. 6. As part of the bidding zone review exercise, the relevant TSOs shall hold a consultation of at least one month in length before submitting the methodology for approval and shall keep stakeholders regularly updated on the progress of the report in a timely manner. 7. NEMOs or market participants shall provide the relevant TSOs with information to enable them to assess bidding zone configurations, at the request of the TSOs. This information shall be shared only between the relevant TSOs for the sole purpose of the bidding zone review. 8. Where a Member State decides to launch a bidding zone review under paragraph 3d), the default bidding zone review process shall be a multilateral bidding zone review unless the conditions for a streamlined bidding zone review, as set out in Article 64 are met. 9. Following a bidding zone review, the relevant Member State(s) shall take a decision in accordance with Article 14(7) of (EU) Regulation 943/2019.	

	10. Before adopting a decision, the relevant Member States shall consult stakeholders and the public on the report and proposal in accordance with Article 14(9) of Regulation (EU) 2019/943. 11. For those Member States that decide to amend the bidding zone configuration, the process set out in Article 14(8) of Regulation (EU) 2019/943 shall apply. 12. Pursuant to Article 14(10) of Regulation (EU) 2019/943, any decision adopted pursuant to this Article shall specify the date of implementation of any changes to the bidding zone configuration. That implementation date shall balance the need for expeditiousness with practical considerations, including related to the forward trade of electricity. The decision may establish appropriate transitional arrangements.	10. Before adopting a decision, the relevant Member States shall consult stakeholders and the public on the report and proposal in accordance with Article 14(9) of Regulation (EU) 2019/943. 11. For those Member States that decide to amend the bidding zone configuration, the process set out in Article 14(8) of Regulation (EU) 2019/943 shall apply. 12. Pursuant to Article 14(10) of Regulation (EU) 2019/943, any decision adopted pursuant to this Article shall specify the date of implementation of any changes to the bidding zone configuration. That implementation date shall balance the need for expeditiousness with practical considerations, including related to the forward trade of electricity. The decision may establish appropriate transitional arrangements.	
64	1. A streamlined bidding zone review may be launched by a single Member State for one or more bidding zone(s) inside the Member State. The streamlined bidding zone review may be applied: a. if the investigated alternative bidding zone configurations do not increase loop flows in bidding zones of neighbouring Member States, including on bidding zone borders of neighbouring Member States and if the objective of the bidding zone review is to improve locational price signals for more efficient market functioning and increased availability of cross-zonal capacities for trade; or	1. A streamlined bidding zone review may be launched by a single Member State for one or more bidding zone(s) inside the Member State. The streamlined bidding zone review may be applied: a. if the investigated alternative bidding zone configurations do not increase loop flows in bidding zones of neighbouring Member States, including on bidding zone borders of neighbouring Member States and if the objective of the bidding zone review is to improve locational price signals for more efficient market functioning and increased availability of cross-zonal capacities for trade; or	

	b. to address structural congestion identified in the reports set out in Article 63(1):	b. to address structural congestion identified in the reports set out in Article 63(1):	
	2. For a streamlined bidding zone review launched in accordance with paragraph 1, and with Articles 14(7) and 14(8) of Regulation (EU) 943/2019, ~~the following conditions shall apply:~~ the geographic area in which the bidding zone configuration is assessed is one or more bidding zones within the Member State where the review is launched~~; the TSO(s) of this Member State shall be appointed as the lead TSO(s) performing the bidding zone review and shall coordinate with the relevant TSOs, as defined in Article 14(4) of Regulation (EU) 2019/943. The lead TSO(s) shall act on behalf of all relevant TSO(s).~~ and the following procedural steps shall apply: a. the decision of the Member State to amend its bidding zone configuration shall be notified to the Commission and ACER pursuant to Article 14(7) of Regulation (EU) 2019/943. b. the Member State launching the review shall give all relevant Member States, ~~TSOs~~ and regulatory authorities as defined in Article 14(4) of Regulation (EU) 2019/943, prior notice of the launch of the review of	2. For a streamlined bidding zone review launched in accordance with paragraph 1, and with Articles 14(7) and 14(8) of Regulation (EU) 943/2019, ~~the following conditions shall apply:~~ the geographic area in which the bidding zone configuration is assessed is one or more bidding zones within the Member State where the review is launched~~; the TSO(s) of this Member State shall be appointed as the lead TSO(s) performing the bidding zone review and shall coordinate with the relevant TSOs, as defined in Article 14(4) of Regulation (EU) 2019/943. The lead TSO(s) shall act on behalf of all relevant TSO(s).~~ and the following procedural steps shall apply: a. the decision of the Member State to amend its bidding zone configuration shall be notified to the Commission and ACER pursuant to Article 14(7) of Regulation (EU) 2019/943. b. the Member State launching the review shall give all relevant Member States, ~~TSOs~~ and regulatory authorities as defined in Article 14(4) of Regulation (EU) 2019/943, prior notice of the launch of the review of at least one month and shall provide an overview of the objectives of the review and a justification	We understand that with the current text proposal there is no methodology or process that need to be followed except for the decision making.

	at least one month and shall provide an overview of the objectives of the review and a justification of how the criteria in paragraph 1 are met. This may include evidence from the monitoring of wholesale markets in electricity pursuant to Article 15(1) of Regulation (EU) 2019/942. c. the decision on the new bidding zone configuration shall be taken according to the timeline and process set out in Articles 14(8), 14(9) and 14(10) of Regulation (EU) 943/2019. 3. A relevant Member State may raise an objection to a streamlined bidding zone review due to reasoned concerns ~~about the proposed objectives or approach~~that the conditions in paragraph 1(a) will not be met. In this case, the Member State launching the review shall account for those concerns. Where Member States are unable to reach an agreement within the 6~~3~~-month period, upon their joint request during that period, ACER may provide an opinion to facilitate a compromise solution. ~~If the objection is not withdrawn within 3 months, a multilateral bidding zone review for the capacity calculation region shall apply in accordance with Article 63 and, consequently, the relevant Member States shall instruct their TSOs to participate.~~. ~~4. The Member State launching a bidding zone review in accordance with paragraph 1 shall~~	of how the criteria in paragraph 1 are met. This may include evidence from the monitoring of wholesale markets in electricity pursuant to Article 15(1) of Regulation (EU) 2019/942. c. the decision on the new bidding zone configuration shall be taken according to the timeline and process set out in Articles 14(8), 14(9) and 14(10) of Regulation (EU) 943/2019. 3. A relevant Member State may raise an objection to a streamlined bidding zone review due to reasoned concerns ~~about the proposed objectives or approach~~that the conditions in paragraph 1(a) will not be met. In this case, the Member State launching the review shall account for those concerns. Where Member States are unable to reach an agreement within the 6~~3~~-month period, upon their joint request during that period, ACER may provide an opinion to facilitate a compromise solution. ~~If the objection is not withdrawn within 3 months, a multilateral bidding zone review for the capacity calculation region shall apply in accordance with Article 63 and, consequently, the relevant Member States shall instruct their TSOs to participate.~~.	Reasoned concerns shall be limited to certain cases: mainly when endanger the operational security of the network of such Member State. Clarify what happens if MS still not agree

	~~instruct the lead TSO(s) to start the bidding zone review process.~~ ~~5. Another TSO within the relevant CCR, shall have the right to become joint lead TSO(s) for the purpose of that streamlined bidding zone review. In this case, they shall be fully integrated into the applicable workstreams.~~ ~~6. For a streamlined bidding zone review, the process set out in Articles 63(5) to 63(12) shall apply. Deadlines may be accelerated and simplifications to the process may be agreed with the relevant TSOs and regulatory authorities.~~		
65	1. The configuration of bidding zones in the Union shall be designed in accordance with Article 14(1) of Regulation (EU) 2019/943. 2. The configuration of the bidding zones shall be assessed in accordance with Article 14(3) of Regulation (EU) 2019/943. 3. A bidding zone review pursuant to Article 63(1) b) shall at least consider the following criteria: a. in respect of overall market and economic efficiency to maximise cross-zonal trading opportunities: i. quantitative estimation of increase or decrease in economic efficiency arising from the forecasted future change, comprising the impact on cross-border flows, the change in economic surplus resulting from the market outcome and the change in the cost of applying remedial actions to ensure that the market outcome is feasible;	1. The configuration of bidding zones in the Union shall be designed in accordance with Article 14(1) of Regulation (EU) 2019/943. 2. The configuration of the bidding zones shall be assessed in accordance with Article 14(3) of Regulation (EU) 2019/943. 3. A bidding zone review pursuant to Article 63(1) b) shall at least consider the following criteria: (a) in respect of overall market and economic efficiency to maximise cross-zonal trading opportunities: • quantitative estimation of increase or decrease in economic efficiency arising from the forecasted future change, comprising ~~the impact on cross-border flows,~~ the change in economic surplus resulting from the market outcome and the change in the cost of applying remedial	Delete ´the impact on cross border flows´it as it is already included in the economic surplus resulting from the market outcome.

	ii. indicators on market liquidity, market concentration and market power, price signals for building infrastructure and the accuracy and robustness of price signals and any market distortions due to remedial actions; iii. quantitative estimation of transaction and transition costs, including the cost of amending existing contractual obligations incurred by market participants, NEMOs and TSOs; iv. the cost of building new infrastructure which may relieve existing congestion; v. any adverse effects of internal transactions on other bidding zones to enable the maximisation of cross-zonal capacity in line with Article 16 of Regulation (EU) 2019/943;	actions to ensure that the market outcome is feasible; • indicators on market liquidity, market concentration and market power, price signals for building infrastructure and the accuracy and robustness of price signals and any market distortions due to remedial actions; • quantitative estimation of transaction and transition costs, including the cost of amending existing contractual obligations incurred by market participants, NEMOs and TSOs; • the cost of building new infrastructure which may relieve existing congestion; • any adverse effects of internal transactions on other bidding zones to enable the maximisation of cross-zonal capacity in line with Article 16 of Regulation (EU) 2019/943, <u>the impact on the operation and efficiency of the balancing mechanisms and imbalance settlement processes;</u>	Unclear why the indicator ´facilitation of effective competition´ was deleted as it was in CACM 1.0- Unclarity why this criterion was deleted, as it was in CACM 1.0. The current BZR methodology focuses on DA market simulations. Other timeframes are considered in some of the criteria (e.g. forward markets in the liquidity study). Likewise the balancing mechanism and imbalance settlement process should be considered by a criterion as it is also more than “just” another timeframe <u>but a central TSO task</u> impacted by a potential bidding zone split. At least qualitative or simplified quantitative analyses should be done.
	b. in respect of the ability of bidding zones to create a reliable market environment: i. the need for bidding zones to be sufficiently stable and robust over time, while considering infrastructure development	(b) in respect of the ability of bidding zones to create a reliable market environment: • the need for bidding zones to be sufficiently stable and robust over time, while considering infrastructure development	

	projects pursuant to paragraph 4; ii. an indicator measuring the presence and size of congestions including structural congestions; iii. the ability of bidding zones to ensure that the energy transition targets are met in a cost efficient and timely manner, including through cost-efficient investments in network infrastructure. c. in respect of network security and the need to balance electricity demand and supply: i. the ability of bidding zone configurations to ensure operational security and security of supply; ii. the risk for operational security due to the need for application of remedial actions, including the risk of their unavailability; iii. the degree of uncertainty in cross–zonal capacity calculation and its impact on cross-zonal trade.	projects pursuant to paragraph 4; • an indicator measuring the presence and size of congestions including structural congestions; • the ability of bidding zones to ensure that the energy transition targets are met~~in a cost efficient and timely manner, including through cost-efficient investments in network infrastructure.~~ • the need for each generation and load unit to belong to only one bidding zone for each market time unit. (c) in respect of network security and the need to balance electricity demand and supply: • the ability of bidding zone configurations to ensure operational security and security of supply; • the risk for operational security due to the need for application of remedial actions, including the risk of their unavailability; • the degree of uncertainty in cross–zonal capacity calculation and its impact on cross-zonal trade.	The evaluation of cost efficiencies, in particular of investments, is the responsibility of the national regulatory authorities, not TSOs. This seems to require a cost-benefit analysis in the style of the TYNDP and therefore is out of scope for the BZR. This criterion is also a prerequisite for the assessed configurations. However, there can still be a difference in case of implementation between different alternative configurations, which would be important info for MSs taking decisions on the different configurations.
	4. A bidding zone review in accordance with Article 63(1) b) shall be based on the time horizons set out in Article 14(5) of EU Regulation 943/2019,	4. A bidding zone review in accordance with Article 63(1) b) shall be based on the time horizons set out in Article 14(5) of EU	Urge for more flexibility in choosing a target year to match with the datasets available (ex. the TYNDP etc)

	starting from the year following the year in which the decision to launch the review was taken.	Regulation 943/2019, starting from the year after the BZR methodology and alternative configurations are expected to be approved (default 12 months approval). This target year may be adjusted to allow TSOs to use existing data sets ~~following the year in which the decision to launch the review was taken.~~	to allow for a faster process, e.g. give a range of 2-4 years.
66	1. A bidding zone review shall be used for establishing a new offshore bidding zone or reviewing existing bidding zones for the offshore network in accordance with the procedures established in Articles 63 and 64. a. In the case of offshore generation or load units or both that are directly connected to two or more bidding zones via a hybrid interconnector, the competent authorities in the relevant Member States shall establish a new bidding zone. They shall follow the process in accordance with Articles 63 ~~and~~ or 64 to establish a new bidding zone via a streamlined or multilateral bidding zone review. **2.** The bidding zone review methodology pursuant to article 63(5) may include a scenario accounting for the integrated offshore network development plans for the relevant sea basin and the use of future network generation and load forecasts for that timescale.	1. A bidding zone review shall be used for establishing a new offshore bidding zone or reviewing existing bidding zones for the offshore network in accordance with the procedures established in Articles 63 and 64. a. In the case of offshore generation or load units or both that are directly connected to two or more bidding zones via a hybrid interconnector, *commissioned after the entry into force of this regulation* the competent authorities in the relevant Member States shall establish a new bidding zone. They shall follow the process in accordance with Articles 63 ~~and~~ or 64 to establish a new bidding zone via a streamlined or multilateral bidding zone review. 2 The bidding zone review methodology pursuant to article 63(5) may include a scenario accounting for the integrated offshore network development plans for the relevant sea basin and the use of future network generation and load forecasts for that timescale.	Leave space for already existing processes establishing offshore BZ. This should be the responsibility of the MS. We might end up in a setting of 1OWF = OBZ, so we would need a full review with the commissioning of each OWF. The retrospective establishment of an OBZ for existing hybrid interconnectors entails significant risks for both generators and TSOs.

9. CACM wording proposal for Technical Report

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
70	**Reporting on structural and major congestions by ENTSO for Electricity** 1. Every three years, the ENTSO for Electricity shall issue a technical report on the structural congestions and major physical congestions between and within bidding zones observed in the current bidding zone configuration, pursuant to Article 14(2) of Regulation (EU) 2019/943. This report shall be based on a common approach across all bidding zones.	**Reporting on structural and major congestions by ENTSO for Electricity** 1. Every three years, the ENTSO for Electricity shall issue a technical report on the structural congestions and major physical congestions between and within bidding zones observed in the current bidding zone configuration, pursuant to Article 14(2) of Regulation (EU) 2019/943. This report shall be based on a common approach across all bidding zones unless infeasible due to regional or national specificities.	While the intention is to harmonise the report for all BZ, there are differences at regional and national level to be considered (FB regions versus NTC, central dispatch TSOs, confidentiality limitations at national level,..). Moreover, flow decomposition is not only different from one CCR to another but also only needed in CCRs where loop flows exist. Hence, introducing the obligation to perform this decomposition regardless of whether or not loop flows exist will in some cases introduce unnecessary costs and complexities to the process. etc).
	2. The technical report referred to in paragraph **Error! Reference source not found.** shall include at least: a) a list of structural congestions and major physical congestions, including locations and frequency of the physical congestions and whether and to what extent these congestions had a negative impact on cross-zonal capacities; for the purpose of this report, a frequency of occurrence of at least two percent shall be monitored. b) an analysis of the expected evolution of structural and physical congestions resulting from investment in networks or from significant changes in	2. The technical report referred to in paragraph ~~-~~shall include at least: a) a list of structural congestions and major physical congestions, including locations and frequency of the physical congestions ~~and whether and to what extent these congestions had a negative impact on cross-zonal capacities;~~ for the purpose of this report, a frequency of occurrence of at least two percent shall be monitored. b) an analysis of the expected evolution of structural and physical congestions resulting from investment in networks or from significant changes in generation or in consumption patterns, in the following three years;	Assessing the impact on cross zonal capacities of all congestions is not straight forward and will require an additional methodology and important amount of resources, while we are already doing flow decomposition.

	generation or in consumption patterns, in the following three years; c) a flow decomposition analysis aiming to identify the bidding zones originating the exchanges impacting the physically congested network elements, pursuant to the prevailing flow decomposition method; d) an assessment of whether the cross-zonal trade capacity reached the linear trajectory pursuant to the action plans pursuant to Article 15 of Regulation (EU) 2019/943 or the minimum capacity pursuant to Article 16(8) of the same Regulation; e) data on volumes and costs of remedial actions associated to all physical network congestions f) congestion incomes and firmness costs; g) where relevant, additional information on network investments from the Ten-Year Network Development Plan may be included to provide context on planned investments for a longer timeframe; h) a conclusion on the presence or absence of structural congestion within each bidding zones.	c) a flow decomposition analysis aiming to identify the bidding zones originating the ~~exchanges~~ flows impacting the physically congested network elements, pursuant to the prevailing flow decomposition method; d) an assessment of whether the cross-zonal trade capacity reached the linear trajectory pursuant to the action plans pursuant to Article 15 of Regulation (EU) 2019/943 or the minimum capacity pursuant to Article 16(8) of the same Regulation; , without prejudice to the duties of national regulatory authorities under Article 59(1)(b) of Directive 2019/944. e) data on volumes and costs of remedial actions associated to all physical network congestions f) congestion incomes and firmness costs; g) where relevant, additional information on network investments from the Ten-Year Network Development Plan may be included to provide context on planned investments for a longer timeframe; h) a conclusion on the presence or absence of structural congestion within each bidding zones.	The goal is to identify the source (BZs) of loop flows and not exchanges.

	3. Each TSO shall provide data to allow the technical report on current bidding zone configuration to be produced in a timely manner with consistent information across bidding zones, with sufficient granularity.	3. Each TSO shall provide data to allow the technical report on current bidding zone configuration to be produced in a timely manner with consistent information across bidding zones, with sufficient granularity.	
	4. The ~~Secretariat of the~~ ENTSO for electricity shall be responsible for preparing the report, meeting the deadline, as well as acting as the main point of contact for ACER and the European Commission. It shall not ~~involve any TSO when fulfilling~~ delegate this responsibility, including the assessment or writing the report, to transmission system operators~~, except for data procurement as referred to in paragraph 3~~. ~~In case ENTSO for Electricity is unable to produce the report referred to in paragraph 1 in a timely manner and with the requested technical information, it shall notify it to the Commission, who can decide to assign the drafting of the report to ACER~~.	4. The ~~Secretariat of the~~ ENTSO for electricity shall be responsible for preparing the report, meeting the deadline, as well as acting as the main point of contact for ACER and the European Commission~~It shall not involve any TSO when fulfilling delegate this responsibility, including the assessment or writing the report, to transmission system operators, except for data procurement as referred to in paragraph 3~~. ~~In case ENTSO for Electricity is unable to produce the report referred to in paragraph 1 in a timely manner and with the requested technical information, it shall notify it to the Commission, who can decide to assign the drafting of the report to ACER~~.	The prohibition to involve TSOs in the Technical Report preparation is a fundamental contradiction given the Association's role under Article 28(1) of Regulation 2019/943 as a body through which TSOs cooperate in order to promote the completion and functioning of the internal market for electricity and cross-zonal trade and to ensure the optimal management, coordinated operation and sound technical evolution of the European electricity transmission network.
	5. ~~The report referred to in paragraph 1 shall contain a conclusion on whether or not structural congestions are present in each of the bidding zones under consideration~~. Structural congestion as referred to in paragraph 2(h) shall be identified through the application of the methodology in Article 71.	5. ~~The report referred to in paragraph 1 shall contain a conclusion on whether or not structural congestions are present in each of the bidding zones under consideration~~. Structural congestion as referred to in paragraph 2(h) shall be identified through the application of the methodology in Article 71.	
	6. ENTSO for Electricity shall submit ~~to ACER and~~ for joint approval to all Regulatory	6. ENTSO for Electricity shall deliver for information to all Regulatory Authorities the	There is no legal basis for the Technical Report to be approved by All NRAs. The Technical Report is an ENTSO-E deliverable, and the applicable legal

	Authorities the ~~technical~~ report ~~on structural congestions of the current bidding zone configuration, pursuant to paragraph~~. every ~~third year~~three years by 31st ~~0~~ ~~September~~July. ENTSO for Electricity shall ~~submit~~ provide to ACER and all Regulatory Authorities the relevant underlying data with the report. All Regulatory Authorities within 3 months,- shall ~~confirm~~ assess whether ~~that~~ the report is compliant with the methodology referred to in Article 71 ~~or~~ and request amendments to the report where needed. ACER ~~shall~~may provide an opinion to support the assessment by regulatory authorities. ~~to all NRAs on the compliance of the report with the requirements set out in the methodology in Article 71 and, to the extent necessary, provide recommendations to all NRAs.~~ ENTSO for electricity shall implement the amendments and submit the report to all regulatory authorities and ACER at the latest by December 15th. ~~Once ACER and all Regulatory Authorities haves confirmed the compliance of the report with the methodology in Article 71, e~~Each TSO operating in a bidding zone with identified structural congestions shall ~~submit~~inform ~~immediately the report to~~ the competent regulatory authority and ~~to~~ the competent Member State or its designated competent authority within one week of submission..	~~technical~~ report ~~on structural congestions of the current bidding zone configuration, pursuant to paragraph~~ every three years by 30~~1~~st ~~0~~ ~~September~~~~July~~. November ~~ENTSO for Electricity shall submit provide to ACER and all Regulatory Authorities the relevant underlying data with the report. All Regulatory Authorities within 3 months,- shall confirm assess whether that the report is compliant with the methodology referred to in Article 71 or and request amendments to the report where needed. ACER shallmay provide an opinion to support the assessment by regulatory authorities. to all NRAs on the compliance of the report with the requirements set out in the methodology in Article 71 and, to the extent necessary, provide recommendations to all NRAs. ENTSO for electricity shall implement the amendments and submit the report to all regulatory authorities and ACER at the latest by December 15th. Once ACER and all Regulatory Authorities haves confirmed the compliance of the report with the methodology in Article 71,~~ ~~e~~Each TSO operating in a bidding zone with identified structural congestions shall ~~submit~~inform ~~immediately the report to~~ the competent regulatory authority and ~~to~~ the competent Member State or its designated competent authority within one week of ENTSO-E delivering the Technical Report for information..	framework does not grant All NRAs the competence to approve ENTSO-E deliverables. Therefore, any delivery to All NRAs can only be for information purposes. Request to change July to November to facilitate data and ENTSO-E resources availability. Data for the third year will only become available in the beginning of that year. Need to link the next Technical report with the approval of the methodology to define structural congestions (art 71) Data delivering request to be deleted. It´s up to the NRA or ACER to request for underlaying data if it is needed, in accordance with ACER's competences defined in Article 3(2) of Regulation (EU) 2019/942. It´s enough that it stands that the report should be shared. Removal of the compliance check specifically as a component (a sub-step) of the Technical Report since it increases the complexity of the process. Moreover, different NRAs may have different opinions about the compliance, and this could therefore be a blocking issue on the process. In addition, "All NRAs" as an entity do not have the competence to approve deliverables prepared by ENTSO-E. And in any case, any change to the report request by ENTSO-E at least 3 months to implement (current proposal give ENTSO-E only 1 month and a half which is not feasible)

	7. The technical report on current bidding zone configuration shall cover the last three full calendar years preceding the year on which it is submitted. 8. Without prejudice to the confidentiality obligations provided for in Article 10**Error! Reference source not found.**, ENTSO for Electricity shall make the technical report available to the public within one week of submission to all NRAs and ACER. 9. ~~ACER may use the findings from the technical report of ENTSO-E in the report on the results of the monitoring the wholesale markets in electricity, pursuant to Article 15(1) of Regulation (EU) 2019/942, to assess the efficiency of current bidding zone configuration.~~	7. The technical report on current bidding zone configuration shall cover the last three full calendar years preceding the year on which it is submitted. 8. Without prejudice to the confidentiality obligations provided for in Article 10, ENTSO for Electricity shall make the technical report available to the public within one week of submission to all NRAs and ACER... 9. ~~ACER may use the findings from the technical report of ENTSO-E in the report on the results of the monitoring the wholesale markets in electricity, pursuant to Article 15(1) of Regulation (EU) 2019/942, to assess the efficiency of current bidding zone configuration.~~	

a) CACM wording proposal for Identification of (structural) congestion

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
71	1. All TSOs shall jointly develop, review and, where necessary, propose amendments to the methodology for identification of congestions. By no later than twelve months after entry into force of this Regulation, all TSOs shall develop the first proposal for this methodology. a. The methodology shall clarify the procedural and computational steps to identify: i. physical congestion, as defined in Article 2(12); ii. congestion, as defined in Article 2(4) of Regulation 2019/943; and iii. structural congestion, as defined in Article 2(6) Regulation 2019/943 clarifying the criteria to identify if the congestion as defined in Article 2(4) of Regulation 2019/943 is structural or not. b. The methodology shall also: i. distinguish how these congestions are identified for congestions occurred in the past as well as for congestions expected in the future; and ii. define the data required for such assessment and identification.	1. All TSOs shall jointly develop, review and, where necessary, propose amendments to the methodology for identification of congestions. By no later than twelve months after entry into force of this Regulation, all TSOs shall develop the first proposal for this methodology. a. The methodology shall clarify the procedural and computational steps to identify: i. physical congestion, as defined in Article 2(12); ii. congestion, as defined in Article 2(4) of Regulation 2019/943; and iii. structural congestion, as defined in Article 2(6) Regulation 2019/943 clarifying the criteria to identify if the congestion as defined in Article 2(4) of Regulation 2019/943 is structural or not. b. The methodology shall hereby apply the following principles: i. ….. ii. c. The methodology shall also: i. distinguish how these congestions are identified for congestions occurred in the	**Article under further review by TSOs** CACM 2.0 shall include guiding principles to clarify the definition of structural congestion. "Structural Congestion" involves political decision-making, because it regards a trade-off between interests (for example, when clarifying the criterion "geographically stable over time"). The TSOs offer to propose additional details on which guiding principles should be included in CACM 2.0 in line with the technical role of TSOs. Moreover, it is necessary to define a link in the time frame between the approval of the methodology and the drafting of the next Technical Report, to ensure certainty about which definitions and clarifying criteria shall be observed.

		past as well as for congestions expected in the future; and ii. define the data required for such assessment and identification.	

o) CACM wording proposal for Transmission Access Guarantee (TAG)

Article	Original text (version: EC October 2025)	Proposed amended text by TSOs	Reasoning
54(2)	The methodology for transmission access guarantee referred to in paragraph 1 shall include an automatic and transparent compensation mechanism that applies if access to EU interconnected market has been reduced in such a way that it results in the offshore renewable electricity plant operator not being able to export its ~~technically~~ available electricity generation capability to the market and, where relevant, in a corresponding price decrease in the offshore bidding zone as compared to without capacity reductions. It shall apply where one or more transmission system operators of the concerned bidding zones has not made available in the validated capacity calculation results: a. the capacity agreed in the connection agreement with the offshore renewable generation plant operator on the interconnector or interconnectors connected to the offshore bidding zone; or b. minimum levels of available capacity for cross-zonal trade pursuant to the capacity calculation rules in Article 16(8) of Regulation (EU) 2019/943. Any derogation pursuant to Article 16(9) or deviation pursuant to Article 16(3) of Regulation 2019/943 shall not be taken into account when determining the compensation payable.	The methodology for transmission access guarantee referred to in paragraph 1 shall include an automatic and transparent compensation mechanism that applies if access to EU interconnected market has been reduced in such a way that it results in the offshore renewable electricity plant operator not being able to export its available electricity generation capability to the market and, where relevant, in a corresponding price decrease in the offshore bidding zone as compared to without capacity reductions. It shall apply where one or more transmission system operators of the concerned bidding zones has not made available in the validated capacity calculation results: a. the capacity agreed in the connection agreement on the interconnector or interconnectors connected to the offshore bidding zone; or b. minimum levels of available capacity for cross-zonal trade pursuant to the capacity calculation rules in Article 16(8) of Regulation (EU) 2019/943, whichever is lower. ~~Any d~~ Derogations pursuant to Article 16(9) or deviations pursuant to Article 16(3) of Regulation 2019/943 shall ~~not~~ be taken into account when determining the compensation payable.	Concerning derogations, we wish to highlight our support for the EU Council view that derogations under 16(9) and deviations under 16(3) shall be taken into account. This is in line with ENTSO-E's Market Report of 2024. "Whichever is lower" is needed to accurately define the "or" between a and b. We support the deletion of the word "technically" available as it was creating confusion
54(7)	The proposal referred to in paragraph 1 shall meet the following requirements: (a) the compensation shall only consider the reductions	The proposal referred to in paragraph 1 shall meet the following requirements: (a) the compensation shall only consider the reductions	There should only be a strict obligation to implement TAG for the Day-Ahead market coupling auction for the following reasons:

	from the technically available offshore renewable electricity generation capability in a specific market time unit, which may be weather dependent and excludes the outage and maintenance operations of the offshore renewable electricity generation assets and is limited by the maximum capacity in the connection agreement. The proposal shall specify how to calculate the technical availability of offshore renewable electricity generation plants in each market time unit;	from the ~~technically~~ available offshore renewable electricity generation capability in a specific market time unit in the day-ahead market timeframe, which may be weather dependent and excludes the outage and maintenance operations of the offshore renewable electricity generation assets and is limited by the maximum capacity in the connection agreement. The proposal shall specify how to calculate the technical availability of offshore renewable electricity generation plants in each market time unit in the day-ahead market timeframe;	• TAG is a new mechanism, which ENTSO-E intends to design with the least risk of distortions, but if distortions are inevitably present, intraday can significantly worsen the situation by propagating it through multiple timeframes. • The need to compensate TAG in Intraday should also be limited to the case where there is an excess of wind compared to Day-Ahead (i.e. higher than DA forecast), as all other wind energy could have been sold /compensated in Day-Ahead already and compensation of additional volumes would be double-compensation. • If wind parks get compensated for additional volumes in ID, the question arises whether they shouldn't also payback earnings on intraday for volumes already covered by TAG in DA, as otherwise OWFs would receive risk coverage, but retain every upside associated to the risk, leading to overcompensation. • In the methodology the EC proposes, the counterfactual in intraday is likely to be inaccurate as it follows the real Day-Ahead clearing where constraints are applied, and all constraints would be removed the intraday stage. A more accurate counterfactual would be based on subsequent clearing of both unconstrained DA and ID markets, but this would make the counterfactual very far removed from

			the reality of the market and impossible to use intraday order books. There is no evident solution identified for this. • Incentives under TAG for TSOs should not be an argument, as the capacity calculation is fixed by regulation and targets system security, not financial gain/loss for TSOs. • The limited gain for OWFs does not seem worth the risks and complexity to make TAG application to intraday a strict requirement.
	(b) there shall not be any double compensation for the same risk covered under this article. Where the same risk is covered by the transmission access guarantee compensation and other mechanisms, Member States shall ensure that the transmission access guarantee compensation applies in priority.	(b) there shall not be any double compensation for the same risk covered under this article. Where the same risk is covered by the transmission access guarantee compensation and other mechanisms, Member States shall ensure that ~~the transmission access guarantee compensation applies in priority~~ priority of mechanisms is clearly defined to avoid double compensation.	Lastly, it is recommended to assess priority of instruments where the design specifications of other instruments with the potential of double compensation are more clearly delineated. In fact, it cannot be assumed that applying compensation priority for the transmission access guarantee per definition avoids double compensation. Reference prices and reference volumes of other instruments may differ from the reference prices and volumes of the TAG in terms of: • Granularity: per MTU or weighted average per period (daily-monthly-yearly)? • Reference market: Day Ahead, Intraday, Balancing, forwards, or a combination of markets? • Capability reference methodology: Technology-specific per OWF plot,

			technology-specific per country average, technology-uniform for all RES?
54(9)	The MCO shall report to Regulatory Authorities annually on the implementation of the transmission access guarantee and share the report with ACER. This report shall at least contain: a. a summary of the information under Article 11 paragraph 3(e); b. An overview of the annual reconciliations pursuant to Annex X ; and c. Any instances of calculation errors and steps taken to remedy the errors. This report shall be made available to the public.	The MCO shall report to Regulatory Authorities annually on the implementation of the transmission access guarantee and share this report with ACER. This report shall at least contain: a. a summary of the information under Article 11 paragraph 3(e); b. An overview of the annual reconciliations pursuant to the methodology in paragraph 1;~~Annex X~~ ; and c. Any instances of calculation errors and steps taken to remedy the errors. This report shall be made available to the public.	The provisons of the Annex not deleted should be moved to Art. 54
Annex 1	1) The calculation of the transmission access guarantee compensation payments shall be performed for each market time unit and: a) be based on a simulation of alternative market coupling auction results performed by the MCO after the auction results are published. The alternative auction simulation shall take the same inputs to the auction, except for the capacity calculation outputs which shall be modified in such a way that the available capacities not meeting the requirements of Article 54(2) are replaced by capacities that would have fulfilled such requirements.	1) The calculation of the transmission access guarantee compensation payments shall be performed for each market time unit using one of the following approaches ~~and~~: 1bis) Simulation of alternative market coupling results a) be based on a simulation of alternative market coupling auction results performed by the MCO after the auction results are published. The alternative auction simulation shall take the same inputs to the auction, except for the capacity calculation outputs which shall be ~~modified~~ recalculated in such a way that the available capacities not meeting the requirements of Article 54(2) and limiting the export of the offshore renewable electricity generation plants are replaced by capacities that would have fulfilled such requirements.	Considering the lack of mature analysis and evaluation of TAG design options against criteria such as dispatch efficiency, transparency for OWFs, complexity and robustness of TAG implementation, we believe that a thorough quantitative and qualitative analysis should be conducted during the development of the TAG methodology to compare the outcomes, test sensitivities, and evaluate trade-offs between different criteria to ensure transparent compensation for OWFs while also being implementable and robust for TSOs and NRAs. Therefore, we recommend a broader formulation in the annex to explicitly allow alternative, simpler TAG design

	b) the modified capacity calculation outputs shall be calculated by RCCs. For regions applying the flow-based approach, they shall provide modified flow-based parameters and allocation constraints. For regions applying the coordinated net transmission capacity approach they shall provide modified available transmission capacity values and allocation constraints as well as information on critical network elements and corresponding TSOs which are not meeting the requirements of Article 54(2). The modified capacity calculation outputs shall be published in a similar way to the capacity calculation outputs according to Article 11(3)(c) and provided to the MCO. c) define the transmission access guarantee compensation as the difference, if positive, between ~~the actual marke revenues~~ ~~and~~ the simulated revenues of the offshor renewable electricity generation plant operators unde the simulation of alternative market coupling auctio results minus the actual market revenues.	b) the modified capacity calculation outputs shall be calculated by RCCs . For regions applying the flow-based approach, they shall provide ~~modified~~ recalculated flow-based parameters and allocation constraints. For regions applying the coordinated net transmission capacity approach they shall provide modified available transmission capacity values and allocation constraints as well as information on critical network elements and corresponding TSOs which are not meeting the requirements of Article 54(2). The modified capacity calculation outputs shall be published in a similar way to the capacity calculation outputs according to Article 11(3)(c) and provided to the MCO. c) define the transmission access guarantee compensations as the difference, if positive, between the simulated revenues of the offshore renewable electricity generation plant operators under the simulation of alternative marke coupling auction results minus the actual marke revenues; or 1ter) A reference model based on a reference price and a reference volume determined by the MCO tha approximate market coupling auction results where the capacities would meet the requirements of Article 54(2) The reference price(s) and volume(s) used for the calculation shall be published. a) the reference price shall be determined based on the factual single clearing market coupling auction prices b) define the transmission access guarantee compensations as the difference, if positive, between the revenues of the offshore renewable electricity generation plant operators under the reference mode minus the actual market revenues.	approaches and not only simulation of alternative market coupling results. Proposed wording changes to 1bis) to ensure consistency with proposed text in 1ter).

	d) ensure a proportional distribution of the transmissio access guarantee compensation costs betwee transmission system operators based on the polluter pays principle pursuant to paragraph 6 and ensur payments to renewable generation plant operators.	d) ensure a proportional distribution of the transmission access guarantee compensation costs between transmission system operators based on the polluter-pays principle pursuant to paragraph 6 and ensure payments to renewable generation plant operators	
	1e) In case the congestion income of one or more transmission system operators is insufficient to pay the compensation amounts as calculated in paragraphs (1)(b) and (1)(c), those compensation amounts shall be proportionally reduced. This reduction shall be provisionally identified on a monthly level and final settlement shall be calculated and performed at the end of each calendar year.	1e) In case the congestion income, after distribution and deductions, of one or more transmission system operators is insufficient to pay the compensation amounts as calculated in paragraphs (1)(b) and (1)(c), those compensation amounts shall be proportionally reduced. This reduction shall be provisionally identified on a monthly level and final settlement shall be calculated and performed at the end of each calendar year.	In the comments of 1e) the EC noted that the congestion income should refer to "all CI". If the TAG compensation limit does not account for Long Term Transmission Right-payout, this can affect LTTR payouts (market disruptions) or can lead to negative CI. Therefore, we recommend that the TAG limitation is the net CI after LTTRs.
	2) The settlement of the transmission access guarantee compensations pursuant to paragraph (1) shall be performed at least on a monthly basis. 3) A reconciliation shall be performed at the end of each calendar year considering any calculation errors and compensation limitations pursuant to the Electricity Regulation (EU) 2019/943 Article 19(2)(c). 4) The distribution process shall rely, where possible and efficient, on the congestion income distribution process defined in the methodology referred to in Article 53(1);	2) The settlement of the transmission access guarantee compensations pursuant to paragraph (1) shall be performed at least on a monthly basis. 3) A reconciliation shall be performed at the end of each calendar year considering any calculation errors and compensation limitations pursuant to the Electricity Regulation (EU) 2019/943 Article 19(2)(c). The Transmission Access Guarantee compensation for an offshore renewable electricity generation plant operator shall not exceed the congestion income earned on the interconnectors between the concerned offshore bidding zone and neighbouring bidding zones. ~~4) The distribution process shall rely, where possible and efficient, on the congestion income distribution process defined in the methodology referred to in Article 53(1);~~	Furthermore, the provision in the Annex implies that the TSOs are liable with their total congestion income. This is in contradiction with the last sentence of Article 19(2(c) of Regulation (EU) 2019/943, which limits the compensations to the total congestion income generated on interconnectors between the bidding zones concerned. ENTSO-E considers the proposed addition to be in line with the provision in the electricity regulation. Article 3 of the Annex should be amended accordingly

	5) The transmission access guarantee compensation shall apply to market coupling auctions. By two years after the entry into force of this Regulation and subsequently every 5 years, all transmission system operators shall perform a feasibility study with a view to applying the transmission access guarantee compensations to the intraday coupling continuous trading. The study shall be ~~submitted~~ delivered to all Regulatory Authorities for joint approval and shared with ACER. In case of positive conclusions, all transmission system operators shall submit an amendment proposal to the methodology pursuant to Article 54(1) within 6 months. In case of negative conclusions to which the Regulatory Authorities ~~ACER~~ disagree~~s~~, ~~it~~ they may request all transmission system operators to submit amendments to the methodology to enable the transmission access guarantee to apply to the intraday continuous trading. ACER may provide an opinion to support the assessment of the Regulatory Authorities. 6) For the purposes of this methodology, the polluter-pays principle shall be implemented as follows: a) the total transmission access guarantee compensation costs for all offshore bidding zones in a given market time unit shall be distributed among critical network elements not meeting the criteria of Article 54(2) proportionally to their individual impact on production volumes and prices related to offshore bidding zones. This individual impact should be based, to the extent possible, on power transfer distribution factors. b) the contribution per transmission system operator of the bidding zone concerned shall be calculated as the sum of the costs calculated per critical network element pursuant to point a) for all critical	~~5) The transmission access guarantee compensation shall apply to market coupling auctions. By two years after the entry into force of this Regulation and subsequently every 5 years, all transmission system operators shall perform a feasibility study with a view to applying the transmission access guarantee compensations to the intraday coupling continuous trading. The study shall be delivered to all Regulatory Authorities for joint approval and shared with ACER. In case of positive conclusions, all transmission system operators shall submit an amendment proposal to the methodology pursuant to Article 54(1) within 6 months. In case of negative conclusions to which the Regulatory Authorities disagree, they may request all transmission system operators to submit amendments to the methodology to enable the transmission access guarantee to apply to the intraday continuous trading. ACER may provide an opinion to support the assessment of the Regulatory Authorities.~~ ~~6) For the purposes of this methodology, the polluter-pays principle shall be implemented as follows:~~ ~~a) the total transmission access guarantee compensation costs for all offshore bidding zones in a given market time unit shall be distributed among critical network elements not meeting the criteria of Article 54(2) proportionally to their individual impact on production volumes and prices related to offshore bidding zones. This individual impact should be based, to the extent possible, on power transfer distribution factors.~~ ~~b) the contribution per transmission system operator of the bidding zone concerned shall be calculated as the sum of the costs calculated per critical network element pursuant to point a) for all critical network elements of a given transmission system operator .~~	More in general, we believe several ~~most~~ of the technical annex provisions should be deleted and the content shifted to the methodology. This would allow more regular updates and improvements and leave more room for discussing the most appropriate design of TAG compensation without closing the door on more efficient options which do not require Euphemia re-runs. ENTSO-E would suggest to nevertheless keep provisions (1) (a)-(e), (7) and (8) (b) and (d)-(j), but move them to article 54.

	network elements of a given transmission system operator. For this purpose, all critical network elements shall be attributed to <u>only</u> one transmission system operator ~~only~~. 7) <u>NEMOs shall cooperate with the MCO to provide or verify data as needed according to the methodology for the purposes of the implementation of the transmission access guarantee while preserving the confidentiality of order books.</u> 8) The governance process shall establish efficient procedures to: a) determine the alternative capacity calculation outputs for the ex-post market simulation; b) establish exceptional technical situations during which transmission access guarantees would not apply; c) assign the task of performing the alternative auction simulation to the MCO; d) calculate compensation contributions among transmission system operators; e) establish efficient backup procedures; f) ensure a compensation payment to a relevant offshore renewable electricity generation plant operator; g) transparently, regularly and frequently publish the results of the application of the transmission access guarantee mechanism; h) ensure that ACER and regulatory authorities receive the data and information needed to	~~For this purpose, all critical network elements shall be attributed to only one transmission system operator.~~ 7) NEMOs shall cooperate with the MCO to provide or verify data as needed according to the methodology for the purposes of the implementation of the transmission access guarantee while preserving the confidentiality of order books. 8) The governance process shall establish efficient procedures to: a) ~~determine the alternative capacity calculation outputs for the ex-post market simulation~~; b) establish exceptional technical situations during which transmission access guarantees would not apply; c) ~~assign the task of performing the alternative auction simulation to the MCO~~; d) calculate compensation contributions among transmission system operators; e) establish efficient backup procedures; f) ensure a compensation payment to a relevant offshore renewable electricity generation plant operator; g) transparently, regularly and frequently publish the results of the application of the transmission access guarantee mechanism; h) ensure that ACER and regulatory authorities receive the data and information needed to	

	effectively monitor and oversee the transmission access guarantee mechanism; i) establish a dispute procedure where a relevant offshore renewable electricity generation plant operator may request the revision of a compensation payment from the MCO. j) ACER shall regularly monitor the correct calculation of the modified capacity calculation outputs pursuant to paragraph (1)(1) and the calculation of transmission access guarantee compensation and its distribution. 9) The implementation process shall define, if needed, different go-live dates for the application of transmission access guarantees to multiple market timeframes, with a priority for the single day-ahead coupling.	effectively monitor and oversee the transmission access guarantee mechanism; i) establish a dispute procedure where a relevant offshore renewable electricity generation plant operator may request the revision of a compensation payment from the MCO. j) ACER shall regularly monitor the correct calculation of the modified capacity calculation outputs pursuant to paragraph (1)(1) and the calculation of transmission access guarantee compensation and its distribution. ~~9) The implementation process shall define, if needed, different go-live dates for the application of transmission access guarantees to multiple market timeframes, with a priority for the single day-ahead coupling.~~	