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Päätös komission asetuksen (EU) 2015/1222 kapasiteetin jakamista ja ylikuormituksen hallintaa koskevan suuntaviivan 40 artiklan mukaisista vuorokausimarkkinoiden tuotteista

Asianosainen

Nord Pool AS

Vireilletulo

14.2.2017

Selostus asiasta

Energiavirasto vastaanotti 14.2.2017 Nord Pool AS:ltä ja EPEX Spot SE:ltä kaikkien Nemojen ehdotuksen Komission asetuksen (EU) 2015/1222 kapasiteetin jakamista ja ylikuormituksen hallintaa koskevien suuntaviivojen vahvistamisesta (jäljempänä CACM suuntaviivat) 40 artiklan mukaisen ehdotuksen yhteenkytketyillä vuorokausimarkkinoilla tarjottavista tuotteista.

Kansallisten sääntelyviranomaisten yhteistyöfoorumissa, ERFissä, 25.7.2017 sovitun mukaisesti kansalliset sääntelyviranomaiset pyysivät nimitettyjä sähkömarkkinaoperaattoreita (jäljempänä NEMO) muuttamaan varmistusmenetelmää koskevaa ehdotustaan CACM suuntaviivan artiklan 9(12) nojalla. Nemot vastaanottivat viimeisen muutospyyntönsä 30.8.2017. Energiavirasto lähetti muutospyyntönsä NEMOille 16.8.2017. Energiavirasto vastaanotti muutetun ehdotuksen NEMOilta 13.11.2017. Viimeinen kansallinen sääntelyviranomaisen vastaanotti muutetun ehdotuksensa 1.12.2017.

Asiaan liittyvä lainsäädäntö

Komission asetukset (EU) 2015/1222 kapasiteetin jakamista ja ylikuormituksen hallintaa koskevien suuntaviivojen vahvistamisesta

Artiklan 40 (1.) mukaan viimeistään 18 kuukauden kuluttua tämän asetuksen voimaantulosta nimitettyjen sähkömarkkinaoperaattoreiden on esitettävä yhteinen ehdotus tuotteista, jotka voidaan ottaa huomioon yhteenkytketyillä vuorokausimarkkinoilla. Nimitettyjen sähkömarkkinaoperaattoreiden on varmistettava, että näistä tuotteista seuraavat hintakytkentäalgoritmiin jätetyt toimeksiannot on ilmaistu euroina ja niissä viitataan markkina-aikaan.



Artiklan 40 (2.) mukaan kaikkien nimitettyjen sähkömarkkinaoperaattoreiden on varmistettava, että hintakytkentäalgoritmillla voidaan käsitellä näistä tuotteista seuraavia toimeksiantoja, jotka kattavat yhden markkina-aikayksikön ja useita markkina-aikayksiköitä.

Artiklan 3 mukaan asetuksen tavoitteena on:

- a) edistää tehokasta kilpailua sähkön tuotannossa, kaupassa ja toimittamisessa;
- b) varmistaa siirtoinfrastruktuurin optimaalinen käyttö;
- c) varmistaa käyttövarmuus;
- d) optimoida alueiden välisen kapasiteetin laskenta ja jakaminen;
- e) varmistaa siirtoverkonhaltijoiden, nimitettyjen sähkömarkkinaoperaattoreiden, viraston, sääntelyviranomaisten ja markkinaosapuolten oikeudenmukainen ja syrjimätön kohtelu;
- f) varmistaa tietojen avoimuus ja luotettavuus ja parantaa niitä;
- g) edistää Euroopan sähkönsiirtoverkon ja sähköalan tehokasta toimintaa ja kehittämistä pitkällä aikavälillä;
- h) ottaa huomioon tarve taata oikeudenmukaiset ja säännönmukaisesti toimivat markkinat sekä oikeudenmukainen ja säännönmukainen hinnanmuodostus;
- i) luoda tasapuoliset toimintaedellytykset nimitetyille sähkömarkkinaoperaattoreille;
- j) tarjota syrjimätön pääsy alueiden väliseen kapasiteettiin.

Artiklan 9(9) mukaan ehtoja ja edellytyksiä tai menetelmiä koskevaan ehdotukseen on sisällyttävä ehdotettu täytäntöönpanoaikataulu ja kuvaus niiden odotetuista vaikutuksista tämän asetuksen tavoitteisiin. Ehtoja ja edellytyksiä tai menetelmiä koskevat ehdotukset, joille tarvitaan useiden tai kaikkien sääntelyviranomaisten hyväksyntä, on toimitettava virastolle samaan aikaan kuin ne annetaan sääntelyviranomaisten hyväksyttäväksi.

Artiklan 9(10) mukaan jos ehtoja ja edellytyksiä tai menetelmiä koskevan ehdotuksen hyväksyminen edellyttää useamman kuin yhden sääntelyviranomaisten päätöstä, toimivaltaisten sääntelyviranomaisten on kuultava toisiaan, tehtävä tiivistä yhteistyötä ja koordinoitava toimiaan sopimukseen pääsemiseksi. Toimivaltaisten sääntelyviranomaisten on soveltuviissa tapauksissa otettava huomioon viraston lausunto. Sääntelyviranomaisten on tehtävä 6, 7 ja 8 kohdan mukaisesti ehdotettuja ehtoja ja edellytyksiä tai menetelmiä koskevat päätökset kuuden kuukauden kuluessa siitä, kun sääntelyviranomaisen tai, soveltuviissa tapauksissa, viimeinen asianosainen sääntelyviranomaisen on vastaanottanut ehdot ja edellytykset tai menetelmät.



Artiklan 9(12) mukaan jos yksi tai useampi sääntelyviranomaisiin vaatii 6, 7 ja 8 kohdan mukaisesti toimitettujen ehtojen ja edellytysten tai menetelmien muuttamista ennen hyväksymistä, asianomaisten siirtoverkonhaltijoiden tai nimitettyjen sähkömarkkinaoperaattoreiden on annettava ehdotus muutetuista ehdoista ja edellytyksistä tai menetelmistä kahden kuukauden kuluessa sääntelyviranomaisten vaatimuksen esittämisestä. Toimivaltaisten sääntelyviranomaisten on päätettävä muutetuista ehdoista ja edellytyksistä tai menetelmistä kahden kuukauden kuluessa niiden esittämisestä. Jos toimivaltaiset sääntelyviranomaiset eivät ole päässeet sopimukseen 6 ja 7 kohdan mukaisista yhteisistä ehdoista ja edellytyksistä tai menetelmistä kahden kuukauden määräajassa tai niiden yhteisestä pyynnöstä virasto tekee päätöksen muutetuista ehdoista ja edellytyksistä tai menetelmistä kuuden kuukauden kuluessa asetuksen (EY) N:o 713/2009 8 artiklan 1 kohdan mukaisesti. Jos asianomaiset siirtoverkonhaltijat tai nimitetyt sähkömarkkinaoperaattorit eivät anna ehdotusta muutetuista ehdoista ja edellytyksistä tai menetelmistä, sovelletaan tämän artiklan 4 kohdassa säädettyä menettelyä.

Perustelut

CACM suuntaviivojen 40 artiklan mukainen vuorokausimarkkinoiden tuotteita koskeva ehdotus on artiklan 9(6) mukaan ehdotus, jonka kaikkien sääntelyviranomaisten tulee hyväksyä. Artiklan 9(10) mukaan jos ehtoja ja edellytyksiä tai menetelmiä koskevan ehdotuksen hyväksyminen edellyttää useamman kuin yhden sääntelyviranomaisten päätöstä, toimivaltaisten sääntelyviranomaisten on kuultava toisiaan, tehtävä tiivistä yhteistyötä ja koordinoitava toimiaan sopimukseen pääsemiseksi. Energiavirasto on tehnyt tämän päätöksen osalta tiivistä yhteistyötä muiden sääntelyviranomaisten kanssa.

Energiavirasto katsoo, että ehdotus vuorokausi markkinoiden tuotteita koskeva metodologiaksi voidaan hyväksyä. Kansalliset sääntelyviranomaiset Energiavirasto mukaan lukien katsovat, että ehdotus täyttää CACM suuntaviivan artiklassa 9(9) asetetut sisällölliset vaatimukset vaikutusten arvioinnista suhteessa CACM suuntaviivojen 3 artiklan tavoitteisiin sekä implementointiaikataulusta. Lisäksi ehdotus täyttää CACM suuntaviivojen 40 artiklan 1. ja 2. kohtien vaatimukset.

Edelleen Energiavirasto esitti muutospynnössään NEMOille pyynnön tehdä metodologiaan tiettyjä muutoksia ja tarkennuksia. Energiavirasto katsoo, että NEMO:t ovat toteuttaneet muutospynnössä esitetyt muutokset hyväksyttävällä tavalla.

Edellä mainituilla ja kaikkien sääntelyviranomaisten yhteisessä hyväksymisasiakirjasta ilmenevillä perusteilla Energiavirasto vahvistaa siten NEMOjen noudatettavaksi tämän päätöksen liitteenä olevan vuorokausimarkkinoiden tuotteita koskevan ehdotuksen.

Ratkaisu

Energiavirasto vahvistaa Nord Pool AS:n noudatettavaksi päätöksen liitteenä olevan CACM suuntaviivojen 40 artiklan mukaisen vuorokausimarkkinoiden tuotteita koskevan ehdotuksen.

Päätöstä on noudatettava muutoksenhausta huolimatta.

Sovelletut säännökset

CACM suuntaviivan artiklat 40(1.) ja 40(2.), 3, 9(9), 9(10) ja 9(12).

Laki sähkö- ja maakaasumarkkinoiden valvonnasta (590/2013) 36 §, 38 §.

Muutoksenhaku

Muutoksenhakua koskeva ohjeistus Markkinaoikeuteen liitteenä.

Liitteet Valitusosoitus

Approval by all Regulatory Authorities agreed at the Energy Regulators' Forum on the all NEMOs' Proposal for products that can be taken into account by NEMOs in single day-ahead process in accordance with Article 40 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management.

All NEMOs' proposal for products that can be taken into account by NEMOs in single day-ahead process in accordance with Article 40 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management

Jakelu Nord Pool AS

ACER

Valitusosoitus

1 Muutoksenhakuoikeus

Energiaviraston päätökseen saa hakea muutosta valittamalla siten kuin hallintolainkäyttölaissa (586/1996) säädetään. Valituskelpoisella päätöksellä tarkoitetaan toimenpidettä, jolla asia on ratkaistu tai jätetty tutkimatta.

Valitusoikeus on sillä, johon päätös on kohdistettu tai jonka oikeuteen, velvollisuuteen tai etuun päätös välittömästi vaikuttaa.

2 Valitusviranomainen

Valitusviranomainen Energiaviraston päätökseen on Markkinaoikeus.

3 Valitusaika

Valitus on tehtävä 30 päivän kuluessa päätöksen tiedoksisaannista. Valitusaikaa laskettaessa tiedoksisaantipäivää ei oteta lukuun.

4 Valituskirjelmän sisältö

Valitus tehdään kirjallisesti. Markkinaoikeudelle osoitetussa valituskirjelmässä on ilmoitettava:

- valittajan nimi ja kotikunta
- postiosoite ja puhelinnumero, joihin asiaa koskevat ilmoitukset valittajalle voidaan toimittaa
- päätös, johon haetaan muutosta
- miltä kohdin päätökseen haetaan muutosta ja mitä muutoksia siihen vaaditaan tehtäväksi sekä
- perusteet, joilla muutosta vaaditaan.

Valittajan, laillisen edustajan tai asiamiehen on allekirjoitettava valituskirjelmä. Jos valittajan puhevaltaa käyttää hänen laillinen edustajansa tai asiamiehensä tai jos valituksen laatijana on muu henkilö, on valituskirjelmässä ilmoitettava myös tämän nimi ja kotikunta.

5 Valituskirjelmän liitteet

Valituskirjelmään on liitettävä:

- muutoksenhaun kohteena oleva päätös alkuperäisenä tai jäljennöksenä
- todistus siitä, minä päivänä päätös on annettu tiedoksi tai muu selvitys valitusajan alkamisajankohdasta sekä
- asiakirjat, joihin valittaja vetoaa vaatimuksensa tueksi, jollei niitä ole jo aikaisemmin toimitettu Energiavirastolle tai markkinaoikeudelle.



Asiamiehen on liitettävä valituskirjelmään valtakirja, jollei päämies ole valtuuttanut häntä suullisesti valitusviranomaisessa. Asianajajan ja yleisen oikeusavustajan tulee esittää valtakirja ai-noastaan, jos valitusviranomaisen niin määrää.

7 Valituskirjelmän toimittaminen valitusviranomaiselle

Valituskirjelmä on toimitettava valitusajan kuluessa Markkinaoikeudelle, jonka osoite on:

Markkinaoikeus

Radanrakentajantie 5

00520 Helsinki

Faksi: 029 56 43300

Sähköposti: markkinaoikeus@oikeus.fi

**Approval by all Regulatory Authorities
agreed at the Energy Regulators' Forum**

on

**the all NEMOs' Proposal for products that can be taken
into account by NEMOs in single day-ahead process in
accordance with Article 40 of Commission Regulation
(EU) 2015/1222 of 24 July 2015 establishing a Guideline
on Capacity Allocation and Congestion Management**

23 January 2018

I. Introduction and legal context

This document elaborates an agreement of All Regulatory Authorities, agreed at the Energy Regulators' Forum on 23 January 2018, on the **all NEMOs' Proposal for products that can be taken into account by NEMOs in single day-ahead process in accordance with Article 40 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management** (hereafter referred to as respectively "the DA Product Proposal" and "Regulation 2015/1222"), as submitted in December 2017.

This agreement of all Regulatory Authorities shall provide evidence that a decision on the amended DA Product Proposal does not, at this stage, need to be adopted by ACER pursuant to Article 9(11) of Regulation 2015/1222. This agreement is intended to constitute the basis on which All Regulatory Authorities will each subsequently adopt a decision to the DA Product Proposal pursuant Article 9(6)(h).

The legal provisions relevant to the submission and approval of the DA Product Proposal can be found in Articles 3, 9, 12 and 40 of Regulation 2015/1222.

Article 3 of Regulation 2015/1222:

This Regulation aims at:

- (a) Promoting effective competition in the generation, trading and supply of electricity;*
- (b) Ensuring optimal use of the transmission infrastructure;*
- (c) Ensuring operational security;*
- (d) Optimising the calculation and allocation of cross-zonal capacity;*
- (e) Ensuring fair and non-discriminatory treatment of TSOs, NEMOs, the Agency, regulatory authorities and market participants;*
- (f) Ensuring and enhancing the transparency and reliability of information;*
- (g) Contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector in the Union;*
- (h) Respecting the need for a fair and orderly market and fair and orderly price formation;*
- (i) Creating a level playing field for NEMOs;*
- (j) Providing non-discriminatory access to cross-zonal capacity*

Article 9 of Regulation 2015/1222:

1. TSOs and NEMOs shall develop the terms and conditions or methodologies required by this Regulation and submit them for approval to the competent regulatory authorities within the respective deadlines set out in this Regulation. Where a proposal for terms and conditions or methodologies pursuant to this Regulation needs to be developed and agreed by more than one TSO or NEMO, the participating TSOs and NEMOs shall closely cooperate. TSOs, with the assistance of ENTSO for Electricity, and all NEMOs shall regularly inform the competent regulatory authorities and the Agency about the progress of developing these terms and conditions or methodologies.

2. (...)

3. (...)

4. (...)

5. *Each regulatory authority shall approve the terms and conditions or methodologies used to calculate or set out the single day-ahead and intraday coupling developed by TSOs and NEMOs. They shall be responsible for approving the terms and conditions or methodologies referred to in paragraphs 6, 7 and 8.*

6. *The proposals for the following terms and conditions or methodologies shall be subject to approval by all regulatory authorities:*

(a) (...)

(..) (...)

(h) *products that can be taken into account by NEMOs in the single day-ahead and intraday coupling process in accordance with Articles 40 and 53;*

(m) (...)

7. (...)

8. (...)

9. *The proposal for terms and conditions or methodologies shall include a proposed timescale for their implementation and a description of their expected impact on the objectives of this Regulation. Proposals on terms and conditions or methodologies subject to the approval by several or all regulatory authorities shall be submitted to the Agency at the same time that they are submitted to regulatory authorities. Upon request by the competent regulatory authorities, the Agency shall issue an opinion within three months on the proposals for terms and conditions or methodologies.*

10. *Where the approval of the terms and conditions or methodologies requires a decision by more than one regulatory authority, the competent regulatory authorities shall consult and closely cooperate and coordinate with each other in order reach an agreement. Where applicable, the competent regulatory authorities shall take into account the opinion of the Agency. Regulatory authorities shall take decisions concerning the submitted terms and conditions or methodologies in accordance with paragraphs 6, 7 and 8, within six months following the receipt of the terms and conditions or methodologies by the regulatory authority or, where applicable, by the last regulatory authority concerned.*

11. (...)

12. *In the event that one or several regulatory authorities request an amendment to approve the terms and conditions or methodologies submitted in accordance with paragraphs 6, 7 and 8, the relevant TSOs or NEMOs shall submit a proposal for amended terms and conditions or methodologies for approval within two months following the requirement from the regulatory authorities. The competent regulatory authorities shall decide on the amended terms and conditions or methodologies within two months following their submission. Where the competent regulatory authorities have not been able to reach an agreement on terms and conditions or methodologies pursuant to paragraphs (6) and (7) within the two-month deadline, or upon their joint request, the Agency shall adopt a decision concerning the amended terms and conditions or methodologies within six months, in accordance with Article 8(1) of Regulation (EC) No 713/2009. If the relevant TSOs or NEMOs fail to submit a proposal for amended terms and conditions or methodologies, the procedure provided for in paragraph 4 of this Article shall apply.*

13. (...)

14. *TSOs and NEMOs responsible for establishing the terms and conditions or methodologies in accordance with this Regulation shall publish them on the internet after approval by the competent regulatory authorities or, if no such approval is required, after their establishment, except where such information is considered as confidential in accordance with Article 13.*

Article 12 of Regulation 2015/1222:

1. *TSOs and NEMOs responsible for submitting proposals for terms and conditions or methodologies or their amendments in accordance with this Regulation shall consult stakeholders, including the relevant authorities of each Member State, on the draft proposals for terms and conditions or methodologies where explicitly set out in this Regulation. The consultation shall last for a period of not less than one month.*
2. *The proposals for terms and conditions or methodologies submitted by the TSOs and NEMOs at Union level shall be published and submitted to consultation at Union level...*

Article 40 of Regulation 2015/1222:

1. *No later than 18 months after the entry into force of this Regulation NEMOs shall submit a joint proposal concerning products that can be taken into account in the single day-ahead coupling. NEMOs shall ensure that orders resulting from these products submitted to the price coupling algorithm are expressed in euros and make reference to the market time.*

2. *All NEMOs shall ensure that the price coupling algorithm is able to accommodate orders resulting from these products covering one market time unit and multiple market time units.*

3. *By two years after the entry into force of this Regulation and in every second subsequent year, all NEMOs shall consult, in accordance with Article 12:*

(a) market participants, to ensure that available products reflect their needs;

(b) all TSOs, to ensure products take due account of operational security;

(c) all regulatory authorities, to ensure that the available products comply with the objectives of this Regulation.

4. *All NEMOs shall amend the products if needed pursuant to the results of the consultation referred to in paragraph 3.*

II. The DA Product Proposal

NEMOs jointly submitted a proposal concerning products that can be taken into account in the single day-ahead coupling. The All NEMO DA Product Proposal, dated 14 February 2017, was received by the last Regulatory Authority on 16 February 2017.

On 14 August 2017, all NRAs issued a Request for Amendment to the DA Product Proposal.

The amended version of the All NEMO DA Product Proposal, dated 13 November 2017, was received by the last Regulatory Authority on 1 December 2017. The proposal includes a proposed timescale for its implementation and a description of its expected impact on the objectives of Regulation 2015/1222.

Regulation 2015/1222 requires All Regulatory Authorities to consult and closely cooperate and coordinate with each other in order to reach agreement, and make decisions within six months following receipt of submissions of the last Regulatory Authority concerned and on the amended terms and conditions or methodologies within two months following their submission. A decision is therefore required by each Regulatory Authority by 1 February 2018.

III. All Regulatory Authorities' position

a) On Editing

All Regulatory Authorities acknowledge that NEMOs have substantially improved the DA Product Proposal compared to the initial version.

b) On Article with definitions

All Regulatory Authorities requested NEMOs to include an article with definitions and reference the MCO Plan where appropriate. The amended NEMO proposal is regarded compliant with both of these requests.

c) On compliance with Article 3

The DA Product Proposal comprises a description of its expected impact on the objectives of Regulation 2015/1222. All NRAs noted that local regulatory constraints on market design were stated to be taken into account in the initial proposal. Further it was requested to make a reference to relevant regulations and comment on the potential impact on the compliance with Regulation 2015/1222 Article 3. All NEMOs have addressed the request by deleting the text on local regulatory constraints. All NRAs consider the approach sufficient in respect to the Request for Amendment.

d) On the implementation timeline

All Regulatory Authorities raised concerns in the Request for Amendment that the proposed timeline was not justified and further information on dependencies with other methodologies was needed. All NEMOs have revised the proposal decreasing the dependencies and provided a new implementation time line which will be after the approval by the NRAs of the DA Products Proposal, and with respect to the operation of the SDAC immediately after the MCO function has been implemented in accordance with the approved MCO Plan. The revised plan is regarded in line with the Request for Amendment.

e) On orders for one and several market time units

All Regulatory Authorities noted in the Request for Amendment that the initial DA Product Proposal was prescribing orders based on the current market time unit of one hour while the price coupling algorithm should be able to accommodate orders from the products for one market time unit and multiple time units. All NEMOs have taken the request into account and the DA Product Proposal now refers to market time units.

f) On accommodated products and changes based on defined products

All Regulatory authorities concluded in the Request for Amendment that the products defined in the DA Products Proposal form a framework of functionalities. Within this framework any product or combination of products can be applied without changing the proposal itself. This ensures that processes for introducing new products can be done with a minimum of bureaucracy. Further it was requested that the DA Product Proposal should state that for the introduction of new products based on the functionalities in the product list or a combination of functionalities should not require regulatory approval. However, any change in functionalities which result in a change to the DA Products Proposal approved by All Regulatory Authorities would require an amendment procedure according to article 9(13) of Regulation 2015/1222. All NEMOs have not explicitly included the consideration in the DA Product Proposal but refer to the Algorithm Proposal for change management. As the setup of Regulation 2015/1222 implies that changes done within the frame of the methodology not changing the method does not require approval by all Regulatory Authorities the approach taken by NEMOs is acceptable.

IV. Actions / conclusion

All Regulatory Authorities have assessed, consulted and closely cooperated and coordinated to reach the agreement that the DA Product Proposal meets the requirements of Regulation 2015/1222 and as such can be approved by all Regulatory Authorities.

All Regulatory Authorities must therefore make their decisions, on the basis of this agreement, by 1 February 2018. The DA Product Proposal will be adopted upon the decision of the last Regulatory Authority concerned.

Following the national decisions by all Regulatory Authorities, all NEMOs will be required to publish the DA Product Proposal as approved, in line with Article 9(14) of Regulation 2015/1222. All NEMOs must respect the implementation deadlines provided in Article 5 of the DA Product Proposal.

All NEMOs' proposal for products that can be taken into account by NEMOs in single day-ahead process in accordance with Article 40 of Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management

13 November 2017

All NEMOs, taking into account the following

Whereas

Background

- (1) This document is a common proposal developed by all Nominated Electricity Market Operators (hereafter referred to as “NEMOs”) for products that can be taken into account in the single day-ahead coupling (hereafter referred to as the “DA Products Proposal”) in accordance with Articles 40 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (hereafter referred to as the “CACM Regulation”).
- (2) In accordance with Article 40 (1) of the CACM Regulation *“No later than 18 months after the entry into force of this Regulation NEMOs shall submit a joint proposal concerning products that can be taken into account in the single day-ahead coupling. NEMOs shall ensure that orders resulting from these products submitted to the price coupling algorithm are expressed in euros and make reference to the market time. All NEMOs shall ensure that the price coupling algorithm is able to accommodate orders resulting from these products covering one market time unit and multiple market time units.”*
- (3) In accordance with Articles 40(4) and 40(5) of the CACM Regulation *“By two years after the entry into force of this Regulation and every second subsequent year, all NEMOs shall consult in accordance with Article 12: (a) market participants to ensure that available products reflect their needs; (b) all TSOs, to ensure that the available products take into account operational security; (c) all regulatory authorities, to ensure that the available products comply with the objectives of this Regulation. All NEMOs shall amend the products if needed pursuant to the results of the consultation.”*
- (4) The All NEMOs’ proposal for the DA Products Proposal shall be submitted to all regulatory authorities for approval by 18 months after the entry into force of the CACM Regulation – i.e. 14 February 2017. There is no obligation in the CACM Regulation for NEMOs to consult on the DA Products Proposal prior to submitting it to all regulatory authorities. However, NEMOs value stakeholder feedback on the proposals and have decided to consult.
- (5) In accordance with the Whereas (14) of the CACM Regulation *“For efficiency reasons and in order to implement single day-ahead and intraday coupling as soon as possible, single day-ahead and intraday coupling should make use of existing market operators and already implemented solutions where appropriate, without precluding competition from new operators.”*, the products proposed in the DA Products Proposal are based on the current coupling solutions, either implemented or under development and updated or amended where seen appropriate.
- (6) NEMOs shall establish, consistent with the Market Coupling Operator (MCO) Plan, through a NEMO Cooperation Agreement entered into by all NEMOs, a NEMO Committee and associated governance arrangements compliant with the CACM Regulation. Joint NEMO decisions and responsibilities regarding this DA Products Proposal shall be undertaken via the NEMO Committee and associated governance arrangements. As the introduction of any new or modified products may require an amendment to the price coupling algorithm, any change shall be subject to the Change Management Principles established under the All NEMOs’ proposal for the price coupling algorithm and for the continuous trading matching algorithm (hereafter referred to as the “Algorithm Proposal”).
- (7) Decisions of the NEMO Committee in this proposal refer to decisions of All NEMOs coordinated via the NEMO Committee.

Impact on the objectives of CACM Regulation

- (8) The proposed DA Products Proposal takes into account the general objectives of capacity allocation and congestion management cooperation described in Article 3 of the CACM Regulation.
- (1) By mandating the availability of a wide range of products that NEMOs are able to make available to market participants as part of Single Day Ahead Coupling (SDAC), the DA Products Proposal promotes effective competition in the generation, trading and supply of electricity to ensure that the DA Products Proposal continues to promote effective competition, NEMOs shall consult market participants at least every two years to ensure that available products reflect their needs.
- (2) The range of products that NEMOs are able to make available to market participants as part of SDAC reflects the needs expressed by market participants along the years. As such, the proposed range of product supports overall liquidity with respect to SDAC and where relevant over-the-counter (OTC) trading, and the DA Products Proposal promotes price resiliency and economic surplus maximisation.
- (3) As the orders resulting from the products are compatible with the characteristics of cross-zonal capacity, the DA Products Proposal helps to promote the optimal allocation of cross-zonal capacity and to ensure the optimal use of the transmission infrastructure. As all orders resulting from the available products shall be able to access the available cross-zonal capacity via the DA MCO Function, the DA Products Proposal provides for non-discriminatory access to cross-zonal capacity.
- (4) The DA Products Proposal shall ensure operational security, as NEMOs are required to consult TSOs at least every two years to ensure that the available products take into account operational security. Moreover, if TSOs identify any challenge with respect to operational security they are entitled to request NEMOs to propose an amendment to the DA Products Proposal.
- (5) The products listed in the DA Products Proposal shall be available for NEMOs to offer their respective market participants and are all compatible with SDAC. As a result, the DA Products Proposal ensures fair and non-discriminatory treatment of TSOs, NEMOs, the Agency, regulatory authorities and market participants. To ensure that the DA Products Proposal continues to promote fair and non-discriminatory treatment, NEMOs shall consult all parties at least every two years on the available products.
- (6) In addition, any changes to the available products shall be managed in accordance with the Change Management Principles and process described in the Algorithm Proposal. These principles:
 - a) Provide an open, transparent, non-discriminatory way to manage requests for change, including stakeholder input where relevant;
 - b) Provide assurance that the performance of the price coupling algorithm shall be maintained at acceptable levels now and over a reasonable period of time in the future, assuming plausible market growth and development;
 - c) Enable individual NEMO or TSO requests to be supported where this does not harm others or includes measures to mitigate any harm;
 - d) Establish a fair and efficient process that supports timely market development.
- (7) By following the price coupling algorithm monitoring principles, in order to monitor the quality of market outcomes and identify potential deterioration in the algorithm performance, and the Change Management Principles and process described in the Algorithm Proposal when introducing any changes to the available products, NEMOs shall ensure that the DA Products Proposal respects the need for a fair and orderly market and fair and orderly price formation.
- (8) By requiring NEMOs to publish and maintain a detailed public description of the products supported for SDAC the DA Products Proposal shall ensure and enhance the transparency and

reliability of information. Moreover, NEMOs shall involve all stakeholders in any consultation necessary to manage changes to the DA Products Proposal or the available products.

- (9) The DA Products Proposal creates a level playing field for NEMOs as all products listed in the DA Products Proposal shall be available to all NEMOs, and any change to the products available products shall be governed by the Change Management Principles in the Algorithm Proposal.
- (10) By consulting all parties at least every two years on the available products, all NEMOs shall ensure that the DA Products Proposal continues to contribute to the efficient long-term operation and development of the electricity transmission system and electricity sector in the Union.
- (11) Each individual product can have an impact on the performance of the algorithm, which depends on their actual usage and the actual composition of the orders. In particular, the impact on the performance of the algorithm depends on, among others:
 - i. number of orders submitted of that product;
 - ii. the specific values of the parameters specified in the orders submitted of that product, including prices and quantities and the relation between blocks as for block products;
 - iii. its concurrent usage together with the other products and the TSO requirements.

Article 1

Subject matter and scope

1. The products accommodated in SDAC as determined in this DA Products Proposal is the common proposal by all NEMOs in accordance with Article 40 of the Regulation (EU) 2015/1222

Article 2

Definitions

For the purpose of this proposal, terms used shall have the meaning of the definitions included in Article 2 of *Regulation 2015/1222*, the other items of legislation referenced therein and MCO Plan. In addition, the following definitions shall apply:

1. **Request for Change:** means a formal request by one or more parties for any modification to be made to the price coupling algorithm or continuous trading matching algorithm or to its usage in production.
2. **Maximum Payment Condition (MP):** means economical condition that can be associated to complex buy orders aimed at ensuring that the payment related to the order in all periods must not exceed a fixed consumption cost, which is global for the whole set of periods, and a consumption costs per MWh.
3. **Minimum Income Condition (MIC):** means economical condition that can be associated to complex sell orders aimed at ensuring that the income related to the order in all periods must cover at least underlying production costs, quantified by considering the start-up cost of a power plant and operational costs per MWh of the same power plant.
4. **Scheduled Stop:** means condition that can be added to a MIC and applies when the MIC order is deactivated. It only applies to the periods defined in the condition and treats the cheapest sub-order in these periods as a standard (aggregated) market time unit order. The purpose of this condition is to avoid abrupt stop in power generation.
5. **Acceptance Ratio:** means the minimum percentage on offered volume for which a block order can be accepted. It cannot be different for periods belonging to the same block.

6. **MTU:** means market time unit.
7. **PUN order:** for each MTU, means average of clearing prices in the bidding zones where PUN merit orders are active (offered volume from PUN merit orders bigger than 0), weighted for total accepted purchases from PUN merit orders.

Article 3

General Requirements

1. Each NEMO shall publish to market participants the list of the available products in the relevant NEMO's market rules.
2. All orders resulting from these products submitted to the price coupling algorithm shall be expressed in euros and make reference to the MTU. NEMOs are entitled to arrange that orders submitted by market participants are expressed and settled in local currencies or euros.
3. New or modified products are subject to a Request for Change, which is subject to the Change Management Principles established in the Algorithm Proposal.

Article 4

Single Day Ahead Coupling products

1. The price coupling algorithm shall support the following products, covering one or multiple MTUs:

Aggregated MTUs orders

2. Demand (respectively, supply) aggregated MTUs orders are indicated offers from all market participants submitted in the same bidding zone and aggregated into a single curve referred to as aggregated demand (respectively, supply) curve defined for each relevant period of the day. Orders are sorted by price:
 - a. Demand orders are sorted from the highest price to the lowest
 - b. Supply orders are sorted from the lowest to the highest price.
3. Following kind of aggregated MTUs orders exist:
 - a. Linear piecewise curves containing only interpolated orders (curves should be strictly monotonous i.e. two consecutive points of the same curve cannot have the same price, except for the first two points defined at the maximum / minimum prices of the bidding zone)
 - b. Stepwise curves containing only step orders (curves should be monotonous i.e. two consecutive points always have either the same price or the same quantity).
 - c. Hybrid curves containing both types of orders (composed by both linear and stepwise segments).
4. One demand (respectively, supply) MTU order is said to be in-the-money when the market clearing price is lower (respectively, higher) than the price of the MTU order. Any order in-the-money must be fully accepted.
5. One demand (respectively, supply) MTU order is said to be out-of-the-money when the market clearing price is higher (respectively, lower) than the price of the MTU order. Any order out-of-the-money must be rejected.

6. One demand or supply MTU order is said to be at-the-money when the price of the MTU order is equal to the market clearing price. Any order at-the-money can be either accepted (fully or partially) or rejected.

Complex orders

7. Complex orders comprise MIC orders (respectively MP orders) and load gradient orders.
8. MIC orders (respectively, MP orders) are composed by:
 - a) N set of MTU sub-orders (sell for MIC orders; buy for MP orders, whereas N is the number of MTUs included in a day), one set per MTU;
 - b) An economic condition, which represents the minimum income (respectively, maximum payment) expected by order's owner defined by:
 - i. A fix term in euros;
 - ii. A variable term in euros per accepted MWh.
9. If the economic condition is not fulfilled, the MIC (respectively, MP) order must be rejected. If the economic condition is fulfilled, the MIC (respectively, MP) order could be accepted. If the economic condition is fulfilled but the MIC (respectively, MP) order is rejected, the MIC (respectively, MP) order is then defined as "paradoxically rejected".
10. Scheduled Stop condition only applies to deactivated MIC orders and only in the periods declared as part of the Scheduled Stop interval by the MIC order. In case on which MIC order is deactivated, the first MTU sub-order of the set of offers belonging to the deactivated MIC order in the MTU will remain activated and they will be (could be) accepted if they are in the money (at the money).
11. Load gradient orders: (sell complex order with or without MIC condition) condition that limits the variation between the accepted volume of an order in a MTU and the accepted volume of the same order in the adjacent MTUs, according to an increase gradient and/or a decrease one. Between two consecutive MTUs, the accepted volume of a load gradients order cannot vary by more than the defined gradients.

Block orders

12. A block order consists of a fixed price limit (minimum price for sales block and maximum price for purchase blocks), a minimum acceptance ratio and a volume for a number of MTUs. If volume is not the same for all periods, block is defined also as profile block.
13. Block orders cannot be accepted for a volume less than their minimum acceptance ratio. Acceptance ratio must be the same for all MTUs belonging to the block.
14. For block orders one single price shall be calculated on the volume weighted average of the respective MTUs market clearing prices.
15. The condition of rejection for a block order depends on the block volume weighted average margin clearing prices over all periods:
 - a. Sales block orders must be rejected if the block volume weighted average MCP (market clearing price) is lower than the block order price;
 - b. Purchase block orders must be rejected if the block volume weighted average MCP (market clearing price) is higher than the block order price;
 - c. A block can be paradoxically rejected (not accepted in the money block), but not paradoxically accepted (accepted out of the money block).
16. Linked block orders: block orders in the same bidding zone can be linked together in a parent-child relation. A child block cannot be accepted if the parent one is rejected. An out of money parent block can be saved by one or more in the money children blocks (if the child's acceptance compensates, in terms of economic surplus, the loss associated to parent's acceptance).
17. Exclusive groups of block orders: is a set of block orders for which the sum of the acceptance ratios cannot exceed 1.

18. Flexible MTU orders: a flexible MTU order is a regular block order with duration of a single time period but for which the period is let free (not defined by the participant). The period, in which the flexible MTU order is accepted, is calculated by the algorithm and determined by the optimization criterion.

Merit orders and PUN orders

19. Merit orders and PUN orders: "Stepwise" MTU order per bidding zone that includes a merit order number. This merit order number shall act as tie-break rule setting the acceptance priority between merit orders at the same price (pro-quota criteria are not applied for merit orders). Merit orders can be divided in:
 - a. Selling/buying merit orders:
 - i. Cleared at their own bidding zone clearing price;
 - ii. Must be accepted if in the money;
 - iii. Must be rejected if out the money;
 - iv. Can be accepted or rejected if at the money;
 - v. Cannot be paradoxically accepted or rejected.
 - b. PUN merit orders:
 - i. Buying merit orders cleared at PUN price;
 - ii. Must be accepted if in the money;
 - iii. Must be rejected if out the money;
 - iv. Can be accepted or rejected if at the money;
 - v. Cannot be paradoxically accepted or rejected.
20. The usage and parameterisation of any individual product is a decision of each individual NEMO, subject, to the extent it has an impact on the algorithm performance, to the application of the Change Control Procedure established under the Algorithm Proposal.

Article 5

Timescale for implementation

1. Upon approval of the DA Products Proposal, each NEMO shall publish it on the internet in accordance with Article 9(14) of the CACM Regulation.
2. The NEMOs shall implement the DA Products Proposal with respect to the implementation of the SDAC, immediately after the approval by the NRAs of the DA Products Proposal, and with respect to the operation of the SDAC immediately after the MCO function has been implemented in accordance with the approved MCO Plan in line with Article 7(3) of the CACM Regulation.

Article 6

Language

1. The reference language for this proposal shall be English. For the avoidance of doubt, where NEMOs need to translate this proposal into their national language(s), in the event of inconsistencies between the English version published by the NEMOs in accordance with Article 9(14) of the CACM Regulation and any version in another language, the relevant NEMOs shall be obliged to dispel any inconsistencies by providing a revised translation of this proposal to their relevant national regulatory authorities.