

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2022/03/MC-EnC: Decision on the incorporation of Regulation (EU) 2019/942, Regulation (EU) 2019/943, Regulation (EU) 2015/1222, Regulation (EU) 2016/1719, Regulation (EU) 2017/2195, Regulation (EU) 2017/2196, Regulation (EU) 2017/1485 in the Energy Community acquis, amending Annex I of the Energy Community Treaty, and on the amendments of the Ministerial Council Decisions No 2021/13/MC-EnC and No 2011/02/MC-EnC

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community ("the Treaty") and in particular Articles 24, 25, 28, 34 and 83 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (a) The Contracting Parties' commitments under Article 11 should be aligned with the evolution of European Union law, while taking into account the Energy Community own institutional framework and the specific situation of each of its Contracting Parties,
- (b) The European Union since 2018 has been overhauling its energy policy and law framework to support the transformation towards clean energy and the reduction greenhouse gas emissions,
- (c) The implementation of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity¹ contributes to the objectives of the Energy Community and will also benefit the citizens of the Contracting Parties,
- (d) The incorporation of Regulation (EU) 2019/943 will contribute to more market integration and coordination of national energy policies by using the opportunities of cross-border electricity trade,
- (e) The incorporation of Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Agency for the Cooperation of Energy Regulators (ACER)² will confirm the powers of ACER on providing opinions and recommendations as well as adopting legally binding decisions on energy sector stakeholders of both Contracting Parties and Member States of the European Union covering the territories referred to in Article 27 of the Treaty,
- (f) The Energy Community Ministerial Council Decision 2011/02/MC-Nc on the implementation of Directive 2009/72/EC, Directive 2009/73/EC, Regulation (EC) No 714/2009 and Regulation (EC) No 715/2009 and amending Articles 11 and 59 of the

¹ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity, OJL 158, 14.6.2019, p. 24-124

² Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity, OJL 158, 14.6.2019, p. 24-124

Energy Community Treaty envisages incorporation of the Electricity Network Codes and Guidelines in the Energy Community³⁴⁵⁶⁷,

- (g) For integration of the electricity markets within the Energy Community it is of utmost importance to apply the same principles, legal requirements and methodologies for the establishment and operation of a single Energy Community electricity market,
- (h) With the incorporation of the Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity in the Energy Community, the Regulation (EC) 714/2009 is being repealed and replaced,
- (i) There is a need to amend the Energy Community by Ministerial Council Decision No 2021/13/MC-EnC, incorporating the Directive (EU) 2019/944 and Regulation (EU) 2019/941 as incorporated in the Energy Community in 2021 in order to reflect and include references to the Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC.
- (j) The provisions of this Decision are without prejudice to the obligations of the Contracting Parties to comply with the Energy Community acquis and the rules applying under Title V of the Treaty establishing the Energy Community in case of non-compliance. In case ENTSO-E is not in a position to carry out its tasks due to the non-compliance of a Contracting Party of the Energy Community with the Energy Community acquis, its duties relating to the tasks in question should be suspended.
- (k) The Permanent High Level Group, at its meeting on 14 December 2022 endorsed the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to the Treaty

The list of acts included in the “Acquis Communautaire on Energy” in Annex I to the Treaty shall be amended as follows:

- (1) In paragraph (3) “Regulation 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity, as adopted by Ministerial Council Decision 2011/02/MC- EnC of 6 October 2011” shall be replaced by:
“Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity”, as adopted by Decision No 2022/03/MC-EnC of the Ministerial Council of 15 December 2022.
- (2) New point (13) is added:
“Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators”, as adopted by Decision No 2022/03/MC-EnC of the Ministerial Council of 15 December 2022.

³ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management, OJL 197, 25.7.2015, p. 24-72

⁴ Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation, OJL 259, 27.9.2016, p. 42-68

⁵ Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing, OJL 312, 28.11.2017, p. 6-53

⁶ Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration, OJL 312, 28.11.2017

⁷ Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation, OJL 220, 25.8.2017, p. 1-120

Article 2

Transposition and implementation deadlines

- (1) Each Contracting Party shall bring into force the laws, regulations and administrative provisions necessary to comply with Regulation (EU) 2019/942, Regulation (EU) 2019/943, Regulation (EU) 2015/1222, Regulation (EU) 2016/1719, Regulation 2017/2195, Regulation (EU) 2017/2196 and Regulation (EU) 2017/1485 by 31 December 2023.
- (2) Each Contracting Party shall notify the Energy Community Secretariat of completed transposition by sending the text of the provisions of national law which they adopt in the field covered by this Decision and of any subsequent changes within two weeks following the adoption of such measures.

Article 3

General adaptations

- (1) The text of the acts referred to in Article 1 shall be adapted as follows:
 - (a) the terms "Member State" and "Member States" shall be replaced by "Contracting Party" and "Contracting Parties", respectively, save as otherwise provided in this Decision;
 - (b) the term "Union" shall be replaced by "Energy Community", save as otherwise provided in this Decision;
 - (c) the term "Commission" shall be replaced by "Energy Community Secretariat", save as otherwise provided in this Decision;
 - (d) the term "the European Parliament and the Council" shall be replaced by "the Ministerial Council";
 - (e) the term "the Agency for the Cooperation of Energy Regulators" shall be replaced by "the Energy Community Regulatory Board" save as otherwise provided in this Decision;
 - (f) the term "Articles 107 and 108 TFEU" shall be replaced by "Annex III of the Energy Community Treaty";
 - (g) the term "Articles 107, 108 and 109 TFEU" shall be replaced by "Articles 18 and 19 of the Energy Community Treaty";
 - (h) references to the European Union *acquis* incorporated in the Energy Community by the Ministerial Council shall be complemented by the term "as adapted and adopted by Ministerial Council Decision [xx]" or "as adapted and adopted by Permanent High Level Group Decision [xx]", whereas "[xx]" shall be replaced by the number of the respective Ministerial Council or Permanent High Level Group Decision;
 - (i) references to Directive (EU) 2019/944 shall be replaced by references to Directive (EU) 2019/944 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC, save as otherwise provided in this Decision;
 - (j) references to Regulation (EU) 2019/941 shall be replaced by references to Regulation (EU) 2019/941 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC, save as otherwise provided in this Decision;
 - (k) references to Regulation (EU) 2019/943 shall be replaced by references to Regulation (EU) 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, save as otherwise provided in this Decision;
 - (l) references to Regulation (EU) 2018/1999 shall be replaced by references to

Regulation (EU) 2018/1999, as adapted and adopted by Ministerial Council Decision No 2021/14/MC- EnC, save as otherwise provided in this Decision;

- (m) references to Directive (EU) 2018/2001 shall be replaced by references to Directive (EU) 2018/2001, as adapted and adopted by Ministerial Council Decision No 2021/14/MC-EnC, save as otherwise provided in this Decision;
- (n) references to Directive 2012/27/EU shall be replaced by references to Directive 2012/27/EU as adapted and adopted by Ministerial Council Decision 2015/08/MC-EnC, save as otherwise provided in this Decision;
- (o) references to Regulation 2009/715 shall be replaced by references to Regulation 2009/715 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC, save as otherwise provided in this Decision;
- (p) references to Directive 2009/73/EC shall be replaced by references to Directive 2009/73/EC as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC, save as otherwise provided in this Decision;
- (q) references to Regulation (EU) 2017/2195 shall be replaced by references to Regulation (EU) 2017/2195, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, save as otherwise provided in this Decision;
- (r) references to Regulation (EU) 2017/2196 shall be replaced by references to Regulation (EU) 2017/2196, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, save as otherwise provided in this Decision;
- (s) references to Regulation (EU) 2017/1485 shall be replaced by references to Regulation (EU) 2017/1485, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, save as otherwise provided in this Decision;
- (t) references to Regulation (EU) 2016/1719 shall be replaced by references to Regulation (EU) 2016/1719, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, save as otherwise provided in this Decision;
- (u) references to Regulation (EU) 2015/1222 shall be replaced by references to Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, save as otherwise provided in this Decision;
- (v) references to Regulation (EU) 2016/631 shall be replaced by references to Regulation (EU) 2016/631 as adapted and adopted by Permanent High Level Group Decision 2018/03/PHLG-EnC;
- (w) references to Regulation (EU) No 543/2013 shall be replaced by references to Regulation (EU) No 543/2013 as adapted and adopted by Permanent High Level Group Decision No 2015/01/PHLG-EnC;
- (x) references to Regulation (EU) 2016/1388 shall be replaced by references to Regulation (EU) 2016/1388 as adapted and adopted by Permanent High Level Group Decision No 2015/05/PHLG-EnC;

- (y) references to Regulation (EU) 2016/1447 shall be replaced by references to Regulation (EU) 2016/1447 as adapted and adopted by Permanent High Level Group Decision No 2018/04/PHLG-EnC;
 - (z) references to the *Official Journal of the European Union* shall be replaced by the expression "the website of the Energy Community".
- (2) The adaptations referred to in Articles 4 and 5 of this Decision shall apply in addition to the adaptations referred to in paragraph 1 of this Article.

Article 4

Specific adaptations of Regulation (EU) 2019/942

Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators shall be adapted as follows:

- (1) Article 1 shall read as follows:
- "This Regulation stipulates the tasks of the European Union Agency for the Cooperation of Energy Regulators (ACER) in the Energy Community in situations affecting at least one Contracting Party and one Member State of the European Union, limited to the application of the provisions of Directive (EU) 2019/944, Regulation (EU) 2019/943, Regulation (EU) 2015/1222, Regulation (EU) 2016/1719, Regulation (EU) 2017/2195, Regulation (EU) 2017/2196 and Regulation (EU) 2017/1485, covering the territories referred to in Article 27 of the Treaty, and in particular the energy sector stakeholders of those Contracting Parties and Member States as defined by Article 1(1) of Procedural Act 2022/01/MC-EnC."
- (2) In Article 2,
- in point (a), the words: "the ENTSO for Electricity, the ENTSO for Gas, the EU DSO Entity" are deleted;
 - points (c) and (e) are deleted;
 - point (d) shall read as follows: "issue individual decisions on the provision of information in accordance with Article 3(2) and point (b) of Article 7(2); on approving the methodologies, terms and conditions in accordance with Article 4(4), Article 5(3) and (4); on technical issues as referred to in Article 6(1); on arbitration between regulators in accordance with Article 6(10); related to regional coordination centres as referred to in point (a) of Article 7(2); on exemptions as referred to in Article 10";
- (3) In Article 3,
- paragraph 1 is deleted;
 - in paragraph 2,
 - in indent 1, the words: "the EU DSO entity" shall be replaced by the following text: "the Coordination Group of the Energy Community Distribution System Operators established by Procedural Act No 2018/01/MC-EnC";
 - in indent 3, after the term "Article 41" the following text shall be added: "of Regulation (EU) 2019/942".
- (4) In Article 4,
- paragraphs 1, 2, 3, 5 and 8 are deleted;

- in paragraph 4, after the words: “Regulation (EU) 2019/943” the following text shall be added: “as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 6,
 - in indent 1, the words: “the EU DSO Entity, the ENTSO for Electricity or” shall be deleted;
 - in indent 2, the words: “the ENTSO for Electricity, the EU DSO Entity, or the” shall be deleted;
 - in paragraph 7, the words: “the ENTSO for Electricity, the EU DSO Entity, or” shall be deleted.
- (5) In Article 5,
- paragraphs 1, 2, 5 and 7 shall be deleted;
 - in paragraph 3,
 - the words: “one of the following legal acts” shall be replaced by the following text: “a Decision adopted by the Ministerial Council under both Title II and Title III of the Treaty”;
 - points (a), (b) and (c) are deleted;
 - in paragraph 4,
 - the words: “2 and” and “all the regulatory authorities or of” are deleted;
 - the words: “4 July 2019 as delegated acts” shall be replaced by the following text: “the expiry of the deadline for transposition of Ministerial Council Decision”;
 - in paragraph 6,
 - the words “paragraphs 2 and 3” shall be replaced by the following words: “paragraph 3”;
 - before the words: “the ENTSO for Electricity” the following words shall be added: “the Energy Community Regulatory Board”;
 - after the words: “ENTSO for Gas”, the following text shall be added: “the Coordination Group of the Energy Community Distribution System Operators established by Procedural Act No 2018/01/MC-EnC”;
- (6) In Article 6,
- in paragraphs 2 and 9, before the term: “Commission” the following text shall be added: “Energy Community Secretariat, the European”;
 - paragraphs 3, 4, 5, 6, 7 and 8 shall be deleted;
 - in paragraph 10,
 - in indent 1, the words: “one of the following legal acts” shall be replaced by the following text: “a Decision adopted by the Ministerial Council under both Title II and Title III of the Treaty”;
 - in indent 1, points (a), (b) and (c) are deleted;

- in indent 4, the words: “as delegated acts” shall be deleted and the date: “4 July 2019”, shall be replaced by the [date of the Ministerial Council decision];
 - indent 5 shall be deleted.
- (7) In Article 7,
- in paragraph 2,
 - in point (a), the text: “Article 36(3) and (4) and issue approvals pursuant to Article 37(2) of Regulation (EU) 2019/943” shall be replaced by the following text: “Annex IV of Regulation (EU) 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC”;
 - point (c) shall read as follows: “issue opinions and recommendations to the Ministerial Council, the Permanent High Level Group, the Energy Community Regulatory Board, the Energy Community Secretariat and the European Commission”.
- (8) Articles 8 and 9 shall be deleted.
- (9) In Article 10, the words: “more than” shall be replaced by the words: “at least”, and before the term: “Member State” the following text shall be added: “Contracting Party and a”.
- (10) Articles 11, 12 and 13 shall be deleted.
- (11) In Article 14,
- in paragraph 1,
 - the following text: “in particular in the process of developing framework guidelines in accordance with Article 59 of Regulation (EU) 2019/943 or Article 6 of Regulation (EC) No 715/2009, and in the process of proposing amendments of network codes under Article 60 of Regulation (EU) 2019/943 or Article 7 of Regulation (EC) No 715/2009” shall be replaced by the following text: “under Article 1 of this Regulation”;
 - before the words: “market participants” the following text shall be added: “the Energy Community Regulatory Board”;
 - in paragraph 2, indent 2 shall be deleted;
 - paragraphs 3 and 5 shall be deleted.
- (12) Article 15 – 27 shall be deleted.
- (13) Articles 30 – 47 shall be deleted.

Article 5

Specific adaptations of Regulation (EU) 2019/943

Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity shall be adapted as follows:

- (1) The date “4 July 2019” shall be replaced by the term “the date of entry into force of this Regulation” throughout the Regulation, and that is the date of entry into force of this Decision.

- (2) In Article 1, the term “Energy Union” shall be replaced by the term “Energy Community”.
- (3) In Article 2,
 - in definition (1), the term “Member States” shall be replaced by the term “Contracting Parties of the Energy Community or between Contracting Parties and Member States of the European Union”;
 - in definition (3), the term “Member State” shall be replaced by the term “Party to the Energy Community”;
 - in definition (5), the date “4 August 2003” shall read “1 July 2007”;
 - in definition (33), the term “Member State” shall be replaced by the term “Party to the Energy Community”;
 - after definition (71) new definition (72) is added: “Member State” means a territory of the European Union referred to in Article 27 of the Treaty.”
- (4) In Article 3,
 - in letter (h), the term “Member States” shall be replaced by the term “Parties to the Energy Community”.
- (5) In Article 5,
 - in paragraph 2, letter (c), the term “Commission” is replaced by the term “competent authorities”.
- (6) In Article 7, in paragraph 1 the words “pursuant to Articles 4 and 8 of Regulation (EU) 2019/942” are deleted.
- (7) In Article 8,
 - in paragraph 1, before the word “NEMOs”, the following is added: “Once designated in accordance with Articles 4 to 6 of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC,”
 - in paragraph 4, the date “1 January 2021” shall read “1 January 2023”, the date “31 December 2024” shall read “31 December 2024”, and the date “1 January 2025” shall read “1 January 2027”.
- (8) In Article 10,
 - in paragraph 5, the date “5 January 2020” shall read “5 January 2023”.
- (9) In Article 11,
 - in paragraph 1, the date “5 July 2020” shall read “5 July 2023”.
- (10) In Article 12,
 - in paragraph (3) point (c) shall read as follows: “the national contribution of the Contracting Party towards the Contracting Parties” economy-wide target of the relevant share of renewable energy in 2030 <...> under Article 3(2) of Directive (EU) 2018/2001 of the European Parliament and of the Council and point (a)(2) of Article 4 of Regulation (EU) 2018/1999 of the European Parliament and of the Council, as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC, is not lower than the share to be adopted by Ministerial Council Decision, or alternatively, the Contracting Party’s share of

energy from renewable sources in gross final electricity consumption is at least 50 %.”

- (11) In Article 14,
- in paragraph 1, before the text: “while maintaining security of supply” the following text is added:” for bidding zones in the same capacity calculation region established in accordance with Article 15 of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 2, the first two sentences are replaced by the following text: “When reporting on structural congestions and other major physical congestions between and within bidding zones, including the location and frequency of such congestions, in accordance with Regulation (EU) 2015/1222 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, the ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall extend this report to include the Contracting Parties. To the extent the report covers bidding zones located outside the Continental Europe synchronous area, the Energy Community Secretariat shall coordinate the contributions by the transmission system operators concerned to the report”;
 - in paragraph 3,
 - in the first sentence after the words “carried out” the following text shall be added: “for the Contracting Parties for bidding zones in the same capacity calculation region established in accordance with Article 15 of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, at the latest six months following the first report by the ENTSO for Electricity in accordance with paragraph 2, but not later than 31 December 2025.”
 - in the second sentence the text “the capacity calculation and congestion management guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009” shall be replaced by the following text: “Articles 32 and 33 of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC. Before performing any of its tasks pursuant to those provisions, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, shall consult the Energy Community Regulatory Board”;
 - the third sentence is deleted;
 - paragraphs 4 and 6 are deleted;
 - paragraph 5 shall read: “The bidding zone review shall take into account the methodology and assumptions developed pursuant to Article 14 paragraph 5 of Regulation (EU) 2019/943.”
 - paragraph 8 shall read as follows: “For those Contracting Parties that have opted to amend the bidding zone configuration pursuant to paragraph 7, the relevant Contracting Parties in the same capacity calculation region established in accordance with Article 15 of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, shall reach a

unanimous decision within six months of the notification referred to in paragraph 7. Other Members States and Contracting Parties in the same capacity calculation region may submit comments to the relevant Contracting Parties, who should take account of those comments when reaching their decision. The decision shall be reasoned and shall be notified to the Energy Community Secretariat and the Energy Community Regulatory Board. In the event that the relevant Contracting Parties fail to reach a unanimous decision within those six months, they shall immediately notify the Energy Community Regulatory Board thereof. As a measure of last resort, the Energy Community Regulatory Board and after consulting the Energy Community Secretariat, shall adopt a decision whether to amend or maintain the bidding zone configuration in and between those Contracting Parties by six months after receipt of such a notification.”;

- in paragraph 9, the term “Commission” shall be replaced by the term “Energy Community Regulatory Board”;
- paragraph 11 is deleted.

(12) In Article 15,

- in paragraph 2,
 - the date “31 December 2025” shall read “31 December 2027”;
- in paragraph 4,
 - the date “1 January 2026” shall read “1 January 2028”;
- in paragraph 5 second part after the term “ACER” the following term is added “the Energy Community Regulatory Board”;

(13) In Article 16,

- in the first sentence in paragraph 1, after the words “Network congestion problems” the following words are added “between the Parties to the Energy Community”
- the fifth sentence of paragraph 3 shall read: “By 3 months after the entry into operation of the regional coordination centres pursuant to Article 35 of this Regulation and every three months thereafter, the regional coordination centres shall submit a report, corresponding to the reports submitted pursuant to Article 16(3) of the Regulation (EU) 2019/943, to the relevant regulatory authorities, to the Energy Community Regulatory Board and, to the extent Member States are affected, to the Agency for the Cooperation of Energy Regulators on any reduction of capacity or deviation from coordinated actions pursuant to the second subparagraph and shall assess the incidences and make recommendations, if necessary, on how to avoid such deviations in the future. If the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, or the Energy Community Regulatory Board concludes that the prerequisites for a deviation pursuant to this paragraph are not fulfilled or are of a structural nature, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, or the Energy Community Regulatory Board shall submit an opinion to the relevant regulatory authorities, to the European Commission and to the Energy Community Secretariat. Before issuing an opinion, the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators shall consult each other. The

competent regulatory authorities shall take appropriate action against transmission system operators or regional coordination centres pursuant to Article 59 or 62 of Directive (EU) 2019/944, as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC, if the prerequisites for a deviation pursuant to this paragraph were not fulfilled.”;

- in the first sentence in paragraph 4, after the words “cross-border capacity” the following words are added “between Parties to the Energy Community”;
 - second indent of paragraph 9 shall read: “Before granting a derogation, the relevant regulatory authority shall consult the regulatory authorities of other Member States and Contracting Parties forming part of the affected capacity calculation regions. Where a regulatory authority disagrees with the proposed derogation, the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, shall decide whether it should be granted pursuant to Article 62(1)(f) of Directive (EU) 2019/944, including as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC. The justification and reasons for the derogation shall be published. Before taking a decision, the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators shall consult each other.”
- (14) In Article 17,
- in the first sentence of paragraph 1, after the words “of Member States” the following is added: “and Contracting Parties”.
- (15) In Article 18,
- in paragraph 9 the date “5 October 2019” shall read “5 October 2023” and the last sentence “ACER shall update the best practice report at least once every two years” shall be replaced by the following text: “The Energy Community Regulatory Board shall take into account the best practice report developed by the Agency for the Cooperation of Energy Regulators for that purpose. The Energy Community Regulatory Board shall update the best practice report at least once every two years.”
- (16) In Article 19,
- in the first sentence in paragraph 4, the text after the word “methodology” is replaced by the following: “adopted by the Agency for the Cooperation of Energy Regulators in accordance with Article 19(4) of Regulation (EU) 2019/943” and the following two sentences of this paragraph are deleted.
- (17) In Article 20,
- in the first sentence in paragraph 3 the words “as a part of the State aid process” shall be replaced by the following text: “and submit it to the competent national State aid authority when notifying a capacity mechanism for the purpose of Article 21(8), as well as to the Energy Community Secretariat.”
- (18) In Article 21,
- paragraph 2 shall read: “Before introducing capacity mechanisms, the Contracting Parties concerned shall conduct a comprehensive study of the

possible effects of such mechanisms on the neighbouring Member States and Contracting Parties by consulting at least its neighbouring Member States and Contracting Parties to which they have a direct network connection and the stakeholders of those Member States and Contracting Parties.”;

- in paragraph 8 the term “Commission” shall be replaced by the following text: “competent national State aid authority upon informing the Energy Community Secretariat”.

(19) In Article 22,

- the last sentence in paragraph 4 shall read: “For the purpose of implementing the first subparagraph, Contracting Parties shall take into account the opinion providing technical guidance published by the Agency for the Cooperation of Energy Regulators in accordance with Article 22(4) of Regulation (EU) 2019/943.”;
- in paragraph 5 the date “31 December 2019” shall read “31 December 2022”.

(20) In Article 23,

- in paragraph 1 after the term “Member States” the following is added “and the Contracting Parties”;
- paragraph 2 shall read:
 - “The ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall include the Contracting Parties in the European resource adequacy assessment based on Article 23 of Regulation (EU) No 2019/943. Before conducting the European resource adequacy assessment, the ENTSO for Electricity shall consult the transmission system operators of the Contracting Parties and the Energy Community Secretariat.
- Transmission system operators shall provide the ENTSO for Electricity the data it needs to carry out the resource adequacy assessment. Producers and other market participants shall provide transmission system operators with data regarding expected utilisation of the generation resources, taking into account the availability of primary resources and appropriate scenarios of projected demand and supply.”;
- paragraphs 3, 4, 5 and 6 are deleted;
- paragraph 7 shall read: “The results of the Energy Community and European resource adequacy assessment under paragraph 2 shall be subject to the prior consultation of Contracting Parties, the Security of Supply Group for Electricity and relevant stakeholders in the Energy Community”.

(21) In Article 24,

- in paragraph 1,
 - in the first sentence the following words are deleted: “Article 23(3) in particular in points (b) to (m) of” and after the term: “Article 23(5)” the following words are added: “of Regulation (EU) 2019/943”;
 - in the fourth indent after the term “Member State” the following is added “or Contracting Party” and the words “as provided for in point (1) of Article 26(11)” shall be replaced by the following: “developed by the ENTSO for Electricity in accordance with point (a) of Article 26(11) of

Regulation (EU) 2019/943 and approved by the Agency for the Cooperation of Energy Regulators.”;

- in paragraph 3,
 - the term “ACER” shall be replaced by “the Energy Community Secretariat”;
 - in the second indent the term “two” is replaced by the term “four” and after the first sentence the following text is added: “When preparing its opinion, the Energy Community Secretariat shall request the Energy Community Regulatory Board to provide its opinion on the report and shall consult the Agency on Cooperation of Energy Regulators.”
- (22) In Article 25,
- in paragraph 2, the text after the word “methodology” is replaced by the following: “developed by the ENTSO for Electricity in accordance with Article 23(6) of Regulation (EU) 2019/943 and approved by the Agency for the Cooperation of Energy Regulators.”
- (23) In Article 26,
- in paragraph 1, after the term “Member State” the following is added “or Contracting Party”;
 - in paragraph 2,
 - after the term “Member States” the following is added “and Contracting Parties”,
 - second indent shall read: “Contracting Parties may require foreign capacity to be located in a Member State or Contracting Party that has a direct network connection with the Contracting Party applying the mechanism.”;
 - in paragraph 3, after the first term “Member States” the following is added “and Contracting Parties” and after the second term “Member States” the following is added “or Contracting Parties”;
 - in paragraph 4, after the term “Member States” the following is added “or Contracting Parties”;
 - in the second indent of paragraph 5 the text “referred to in point (a) of paragraph 11” shall be replaced by the following: “developed by the ENTSO for Electricity in accordance with point (a) of Article 26(11) of Regulation (EU) 2019/943 and approved by the Agency for the Cooperation of Energy Regulators.”;
 - in paragraph 9, after the term “Member States” the following is added “or Contracting Parties” and the text “referred to in point (b) of paragraph 11” shall be replaced by the following: “developed by the ENTSO for Electricity in accordance with point (b) of Article 26(11) of Regulation (EU) 2019/943 and approved by the Agency for the Cooperation of Energy Regulators,”
 - in point (a) of paragraph 10 after the term “purpose” the following is added: “by the ENTSO for Electricity in accordance with Article 26 of Regulation (EU) 2019/943”

- in point (c) of paragraph 10 after the term “Member State” the following is added “or Contracting Party”;
 - paragraph 11 is deleted;
 - in paragraph 12, the text after the word “methodology” is replaced by the following: “developed by the ENTSO for Electricity in accordance with point (a) of Article 26(11) of Regulation (EU) 2019/943 and approved by the Agency for the Cooperation of Energy Regulators”;
 - paragraph 15 shall read as follows: “The registry referred to in point (a) of paragraph 10 shall be open to all eligible capacity providers, the systems implementing capacity mechanisms and their transmission system operators”.
- (24) Article 27 is deleted.
- (25) In Article 28, paragraph 2 shall read as follows: “Transmission system operators which are not members of the ENTSO for Electricity shall enter into agreements with the ENTSO for Electricity, to cover the additional costs resulting from the extension of the tasks of the ENTSO for Electricity to these transmission system operators.”
- (26) Articles 29, 30, 31 and 32 are deleted.
- (27) Article 33 shall read as follows “The costs related to the activities of the ENTSO for Electricity referred to in Articles 4 to 12, as well as the costs referred to in Article 28, shall be borne by the transmission system operators and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve those costs only if they are reasonable and proportionate.”
- (28) In Article 34,
- in paragraph 1 the first sentence shall read: “Transmission system operators shall establish regional cooperation, to the extent possible, within the ENTSO for Electricity” and the third sentence is deleted;
 - in paragraph 3 the first sentence shall read as follows: “For the purposes of achieving the goals set in paragraphs 1 and 2, the geographical area covered by each regional cooperation structure is defined by Annex IV.”
 - the second and the third indent of paragraph 3 are deleted.
- (29) In Article 35,
- paragraph 1 is deleted;
 - in paragraph 2, the words: “Following approval by regulatory authorities of the proposal in paragraph 1,” are deleted and the words: “by 1 July 2022” are replaced by the following: “in accordance with Annex IV.”
 - in paragraph 4 before the term “Union”, the following is added: “Energy Community and”.
- (30) In Article 36,
- paragraph 1 shall read: “The system operation regions defined by Annex V shall cover transmission system operators, bidding zones, bidding zone borders, capacity calculation regions and outage coordination regions”;
 - paragraph 2 shall read as follows “Within six months upon the establishment of a system operation region in line with Annex V, each transmission system

operator shall participate in any of the regional coordination centres defined by Annex IV. In exceptional circumstances, where the control area of a transmission system operator is part of various synchronous areas, the transmission system operator may participate in two regional coordination centres. <...>. <...> Where the activities of two or more regional coordination centres may overlap in a system operation region, the transmission system operators of that system operation region shall decide to either designate a single regional coordination centre in that region or that the two or more regional coordination centres carry out some or all of the tasks of regional relevance in the entire system operation region on a rotational basis in coordination, while other tasks are carried out by a single designated regional coordination centre.”;

- paragraphs 3 and 4 are deleted.
- (31) In Article 37,
- In paragraph 1,
 - first sentence shall read as follows: “Each regional coordination centre shall carry out at least all the following tasks of regional relevance in the system operation region for which it is established and cooperate with regional coordination centres carrying out tasks in the same system operation regions:”
 - in point (a) the text: “the capacity allocation and congestion management guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009” shall be replaced by: “Regulation (EU) 2015/1222, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC;”
 - in points (b), (c), (e) and (f) the text: “the system operation guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009” shall be replaced by: “Regulation (EU) 2017/1485, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in point (d) the text: “the emergency and restoration network code adopted on the basis of Article 6(11) of Regulation (EC) No 714/2009” shall be replaced by: “Regulation (EU) 2017/2196, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - paragraph 2 is deleted;
 - paragraph 5 shall read as follows: “The tasks set out in this Article and not already covered by the relevant network codes or guidelines shall be performed by the regional coordination centres on the basis of the decision adopted by the Agency for the Cooperation of Energy Regulators pursuant to Article 37(5) of Regulation (EU) 2019/943.”
- (32) In Article 40,
- in paragraphs 2, after the term “Member States” the following is added “and Contracting Parties”.
- (33) In Article 41, in paragraph 2, the words: “ENTSO for Electricity and” are deleted.
- (34) In Article 42,

- in paragraph 1 after the words “system operation region” the following shall be added: “defined by Annex V”;
 - in paragraph 5 the text: “the system operation guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009” shall be replaced by: “Regulation (EU) 2017/1485, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - paragraph 6 shall read as follows: “Upon the proposal of a Member State or Contracting Party in a system operation region defined by Annex V, the Member States or Contracting Parties in a system operation region may jointly decide to grant the competence to issue coordinated actions to their regional coordination centre for one or more of the tasks provided for in points (c) to (p) of Article 37(1) of this Regulation.”.
- (35) In Article 46,
- paragraph 2 shall read as follows: “Regional coordination centres shall account for their costs in a transparent manner and report them to the Energy Community Regulatory Board, and to the extent that Member States are involved, to the Agency for the Cooperation of Energy Regulators, and to the regulatory authorities in the system operation region.”
 - paragraph 3 shall read as follows: “Regional coordination centres shall submit an annual report on the outcome of the monitoring provided for in paragraph 1 and information on their performance to the ENTSO for Electricity, the Agency for the Cooperation of Energy Regulators, the Energy Community Regulatory Board, the regulatory authorities in the system operation region and the Security of Supply Group.”;
 - in paragraph 4 the first sentence shall read as follows: “Regional coordination centres shall report any shortcomings that they identify in the monitoring process under paragraph 1 to the ENTSO for Electricity, the regulatory authorities in the system operation region, the Agency for the Cooperation of Energy Regulators, the Energy Community Regulatory Board, the Security of Supply Group and the other competent authorities of Member States and Contracting Parties responsible for the prevention and management of crisis situations.”
- (36) Article 48 shall read as follows: “The Contracting Parties shall be included in the ten-year network development plan modelling of the integrated network, scenario development and an assessment of the resilience of the system pursuant to Article 48 of Regulation 2019/943.”
- (37) In Article 49,
- in paragraph 3, the second sentence is deleted;
 - paragraph 4 is deleted;
 - in paragraph 7, after the term “Member States” the following term is added: “or Contracting Parties”.
- (38) In Article 50,
- in paragraph 7 after the term “Member States” the following is added “and Contracting Parties”.

- (39) In Article 51,
- paragraph 5 shall read as follows: “Where the Energy Community Secretariat has received notification of the certification of a transmission system operator under Article 43(9) of Directive (EU) 2019/944, as adapted and adopted by the Ministerial Council Decision 2021/13/MC-EnC, the Energy Community Secretariat shall issue an opinion relating to certification. The regulatory authority shall take the utmost account of that opinion. Where the final decision diverges from the Secretariat’s opinion the regulatory authority concerned shall provide and publish, together with that decision, the reasoning underlying its decision. Diverging decisions shall be included in the agenda of the first meeting of the Ministerial Council following the date of the decision, for information and discussion.”
- (40) Article 52 shall read as follows:
- “Coordination Group of the Energy Community Distribution System Operators
1. Distribution system operators shall cooperate at Contracting Party level through the Coordination Group of the Energy Community Distribution System Operators established by Procedural Act No 2018/01/MC-EnC in order to promote the completion and functioning of the single market for electricity, and to promote optimal management and a coordinated operation of distribution and transmission systems, and in accordance with the tasks and terms of reference adopted by Procedural Act No 2018/01/MC-EnC. Energy Community Distribution System Operators shall be represented by the Energy Community Secretariat in all activities aimed to enhance cooperation with the EU DSO entity established in accordance with Regulation (EU) 943/2019. This is without prejudice to distribution system operators joining the EU DSO entity individually based on common agreement.
 2. As an expert entity working for the common Energy Community interest, the Coordination Group of the Energy Community Distribution System Operators shall neither represent particular interests nor seek to influence the decision-making process to promote specific interests.”
- (41) Articles 53, 54, 55 and 56 are deleted.
- (42) Article 58 shall read as follows: “The Energy Community shall transpose and implement the network codes and guidelines developed at European Union level and as adapted by the Ministerial Council.”
- (43) Articles 59, 60 and 61 are deleted.
- (44) In Article 63,
- in paragraph 1, in point (e) the text “since the partial market opening referred to in Article 19 of Directive 96/92/EC of the European Parliament and of the Council” shall be replaced with “since 1 July 2007”;
 - in paragraph 4,
 - after the term “Member States” the following term is added: “and Contracting Parties”
 - in indent two, the term “ACER” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators,

acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC,”

- in indent five, the term “ACER” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”
- in paragraph 5, the term “ACER” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC,”
- in paragraph 6, the term “ACER” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”,
- paragraph 7, the first three sentences shall read as follows: “A copy of every request for exemption shall be transmitted for information without delay by the regulatory authorities to the Energy Community Secretariat and Energy Community Regulatory Board, and to the extent Member States are affected to the European Commission and the Agency for the Cooperation of Energy Regulators on receipt. The decision shall be notified, without delay, by the regulatory authorities concerned or by Energy Community Regulatory Board and, to the extent Member States are affected, by the Agency for the Cooperation of Energy Regulators (the notifying bodies), to the Energy Community Secretariat and, to the extent Member States are affected, to the European Commission, together with all the relevant information with respect to the decision. That information may be submitted to the Energy Community Secretariat, and to the extent Member States are affected, to the European Commission in aggregate form, enabling the Energy Community Secretariat or, to the extent Member States are affected, the European Commission to reach a well-founded decision.”
- Paragraph 8 shall read as follows:

“Within 50 working days of the day following that of receipt of the notification under paragraph 7, the Energy Community Secretariat or, to the extent Member States are affected, the European Commission may issue an opinion inviting the notifying bodies to amend or withdraw the decision to grant an exemption. That period may be extended by an additional 50 working days where further information is requested by the Energy Community Secretariat or, to the extent Member States are affected, the European Commission. The additional period shall begin on the day following receipt of the complete information. The initial period may also be extended by consent of both the Energy Community Secretariat, or, to the extent Member States are affected, the European Commission and the notifying bodies.

Where the requested information is not provided within the period set out in the Energy Community Secretariat's, or, to the extent Member States are affected, the European Commission's request, the notification shall be deemed to be withdrawn unless, before the expiry of that period, either the period is extended by consent of both the Energy Community Secretariat, or, to the extent Member States are affected, the European Commission and the notifying bodies, or the notifying bodies, in a duly reasoned statement, inform the Energy Community Secretariat and, to the extent

Member States are affected, the European Commission that they consider the notification to be complete.

The notifying bodies shall take the utmost account of a Secretariat's or, to the extent Member States are affected, the European Commission's opinion that recommends to amend or withdraw the exemption decision. Where the final decision diverges from the Secretariat's, or, to the extent Member States are affected, the European Commission's opinion, the regulatory authority concerned shall provide and publish, together with that decision, the reasoning underlying its decision. Diverging decisions shall be included in the agenda of the first meeting of the Ministerial Council following the date of the decision, for information and discussion.

The Energy Community Secretariat and the European Commission shall protect the confidentiality of commercially sensitive information.

The Energy Community Secretariat's or, to the extent Member States are affected, the European Commission's opinion on an exemption decision shall expire two years after the date of its adoption in the event that construction of the interconnector has not started by that date, and five years after the date of its adoption if the interconnector has not become operational by that date, unless the Energy Community Secretariat or, to the extent Member States are affected, the European Commission decides, on the basis of a reasoned request by the notifying bodies, that any delay is due to major obstacles beyond the control of the person to whom the exemption has been granted."

- in paragraph 9,
 - the term "Member States" the following term is added: "and Contracting Parties",
 - the term "the Commission" shall be replaced by the following text: "Energy Community Secretariat or, to the extent Member States are affected, the European Commission"
 - in paragraph 10, the term "the Commission" shall be replaced by the following text: "Energy Community Secretariat or, to the extent Member States are affected, the European Commission";
 - paragraph 11 is deleted.
- (45) Article 64 is deleted.
- (46) In Article 65,
- the last sentence in paragraph 5 is deleted;
 - the term Article 66(2) shall be replaced by the term Article 66.
- (47) In Article 66,
- paragraph 1 shall read as follows: "Contracting Parties shall lay down rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that those provisions are implemented. The penalties provided for must be effective, proportionate and dissuasive. Contracting Parties shall notify these rules and measures to the Energy Community Secretariat and shall notify the Energy Community Secretariat without delay of any subsequent amendment affecting them";
 - paragraph 2 is deleted;
 - in paragraph 3, the words: "and any decisions taken pursuant to paragraph 2" are deleted.
- (48) Articles 67, 68 and 69 are deleted.
- (49) In Article 70, before the term "Regulation (EC) No 714/2009" the following text is

added: "Ministerial Council Decision 2011/02/EnC-MC adapting and adopting."

(50) Article 71 is deleted.

(51) In Annex I,

- in 3.3., the words: "the system operation guideline and the capacity allocation and congestion management guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009 shall be replaced by the following: "Regulation (EC) 2017/1485";
- in 4.1., the words: "the procedures set out in the network code on electricity emergency and restoration adopted on the basis of Article 6(11) of Regulation (EC) No 714/2009" shall be replaced by the following: "Regulation (EC) 2017/2195, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC";
- in 5.1., the words: "the network code on emergency and restoration adopted on the basis of Article 6(11) of Regulation (EC) No 714/2009 to improve the efficiency and effectiveness of system restoration" shall be replaced by the following: "Regulation (EU) 2017/2196, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC"
- in 6.1., the term: "and ACER" shall be replaced by "as defined by Annex V";
- in 6.2., the term "ACER" shall be replaced by the following: "The Energy Community Regulatory Board, or the extent Member States are affected, the Agency for Cooperation of European Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC"
- in 10.1., the words: "the procedures set out in the system operation guideline adopted on the basis of Article 18(5) of Regulation (EC) No 714/2009" shall be replaced by the following: "Regulation (EU) 2017/1485, as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC";
- in 10.2., after the term "system operation region", the following shall be added: "as defined by Annex V";
- in 15.2, the words: "set out in point (a) of Article 26(11)" shall be replaced by the following: "developed by the ENTSO for Electricity and approved by the Agency for the Cooperation of Energy Regulators."

(52) Annex II and Annex III are deleted.

(53) Annex IV shall read as follows:

**"REGIONAL COORDINATION CENTRES FOR THE SYSTEM
OPERATION REGIONS**

Article 1

Subject matter and scope

1. Regional Coordination Centres seated in a Contracting Party defined by Articles 2 to 4 of this Annex are mandated to perform the tasks and mission in line with Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC.

2. Regional Coordination Centres seated in a Member State defined by Articles 2 to 4 of this Annex are mandated to perform the tasks and mission in line with Regulation (EU) 2019/943.

Article 2

Regional Coordination Centres for the Shadow SEE SOR

1. For the bidding zone borders between Contracting Parties, the Regional Coordination Centres located in the EU or in a Contracting Party shall assume the roles of Regional Coordination Centres in the Shadow South-East Europe System Operation Region (Shadow SEE SOR).
2. For the bidding zone borders between Member States and Contracting Parties, the Regional Coordination Centres in Thessaloniki (Greece) or Munich (Germany) shall assume the roles of Regional Coordination Centres in the Shadow South-East Europe System Operation Region (Shadow SEE SOR) unless all concerned neighbouring transmission system operators of the European Union agree to a Regional Coordination Centre located in a Contracting Party.
3. Paragraphs 1 and 2 of this Article shall not apply if and to the extent a decision is adopted in accordance with the procedure stipulated in Article 35(1) of Regulation (EU) 2019/943 before the expiry of the deadline stipulated in Article 2 of Ministerial Council Decision 2022/03/MC-EnC. In this case, the decision shall include Regional Coordination Centres located in the European Union for the bidding zone borders between Member States and Contracting Parties unless all concerned neighbouring transmission system operators of the European Union agree to a Regional Coordination Centre located in a Contracting Party.

Article 3

Regional Coordination Centres for the EE SOR

Upon agreement of the shareholders of the respective Regional Coordination Centres, the Regional Coordination Centres for the Eastern Europe System Operation Region (EE SOR) shall be the Regional Coordination Centre for the Central Europe SOR.

Article 4

Adjustments to the Regional Coordination Centres

Adjustments to the configuration of Regional Coordination Centres listed in this Annex shall be subject to a proposal of all transmission system operators of a system operation region defined in this Annex and the approval procedures pursuant to Article 35 of Regulation (EU) 2019/943. The proposal shall include Regional Coordination Centres located in the European Union for the bidding zone borders between Member States and Contracting Parties unless all concerned neighbouring transmission system operators of the European Union agree to a Regional Coordination Centre located in a Contracting Party.

Article 5 Implementation and monitoring

Within 6 months upon their establishment the Regional Coordination Centres defined by Articles 2 to 4 of this Annex shall present to the regulatory authorities concerned:

- (a) the organisational, financial and operational arrangements necessary to ensure the efficient, secure and reliable operation of the interconnected transmission system;
- (b) an implementation plan for the entry into operation of the regional coordination centres;
- (c) the statutes and rules of procedure of the regional coordination centres;
- (d) a description of cooperative processes in accordance with Article 38 of this

Regulation;

- (e) a description of the arrangements concerning the liability of the regional coordination centres in accordance with Article 47 of this Regulation.

- (54) Annex V shall read as follows:

SYSTEM OPERATION REGIONS IN THE ENERGY COMMUNITY

Article 1

Subject matter and scope

1. This Annex specifies the transmission system operators (TSOs), bidding zones (BZ), bidding zone borders, capacity calculation regions (CCR) as defined according to Article 15 of Regulation 2015/1222 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC) and outage coordination regions (OCR) that are covered by the individual system operation regions (SOR) established in line with this Regulation, reflecting interdependency of the electricity system in terms of flows, as well as geographic system operation regions already established within the EU process.
2. This Annex also defines how the coordination between regional coordination centres shall take place for bidding zone borders adjacent to SORs.

Article 2

System Operation Regions

1. SORs include TSOs that have been designated or assigned with responsibilities which are relevant for system operation, such as, but not limited to: calculation of capacity, assessment of needed remedial actions to ensure security of the whole system, coordination of all the outages to ensure security and efficiency, adequacy assessment and tasks related to the provision of system balancing.
2. TSOs from SORs in the Energy Community should cooperate with TSOs from regions established under Regulation (EU) 2019/943 and consult in particular with those TSOs where system operation regions overlap with capacity calculation regions.
3. When consulting the relevant stakeholders, the TSOs of each SOR shall take the utmost account of the views expressed by the TSOs included in a CCR but not incorporated in the SOR of the mentioned CCR.
4. In case of amendments to the capacity calculation regions, the list of bidding zones, bidding zone borders and TSOs in system operation regions defined pursuant to paragraph 5 shall automatically reflect the changes to the capacity calculation regions.
5. In case of amendments to the determination of Capacity Calculation Regions pursuant to Article 15 of the Commission Regulation (EU) 2015/1222 and until such amendments are incorporated in this document, the list of bidding zones, bidding zone borders and transmission system operators in system operation regions defined pursuant to paragraph 5 shall be understood as reflecting the changes to the determination of Capacity Calculation Regions. This is without prejudice to the relevant transmission system operators' right under Article 36(4) of Regulation 2019/943 to submit a proposal to ACER for amendments.
6. When developing procedures for the adoption and revision of coordinated actions and recommendations, in line with Article 42 of the Regulation 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, TSOs of Shadow SEE SOR shall consult with the relevant TSOs of adjacent SORs where the bidding zone borders listed in paragraph 1 are concerned. In doing so, the TSOs of the Shadow SEE SOR

shall take the utmost account of the views expressed by the relevant TSOs of adjacent SORs.

7. The system operation regions shall be defined as follows:

Shadow South-east Europe System Operation Region (Shadow SEE SOR)	Shadow SEE CCR	Operatori i Sistemit te Transmetimit sh.a. (OST) Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH) Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT) Crnogorski elektroprenosni sistem AD (CGES) Makedonski Elektroprenosen Sistem Operator AD (MEPSO) Elektromreza Srbije AD (EMS)	Albania (AL) Bosnia and Hercegovina (BA) Kosovo* (KS) Montenegro (ME) North Macedonia (MK) Serbia (RS)	Shadow SEE CCR bidding zone borders ITME CCR bidding zone borders
Eastern Europe System Operation Region (EE SOR)	EE CCR	Ukrenergo NPC SE (Ukrenergo) I.S. Moldelectrica (Moldeelctrica)	Ukraine (UA) Moldova (MD)	EE CCR bidding zone borders

Article 3

Coordination of the bidding zone borders adjacent to the Shadow SEE SOR

1. The bidding zone borders adjacent to Shadow SEE SOR:

- Croatia – Bosnia and Hercegovina (HR - BA), Croatian Transmission System Operator Ltd. (HOPS) and Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH)
- Croatia – Serbia (HR - RS), Croatian Transmission System Operator Ltd. (HOPS) and Elektromreza Srbije AD (EMS)
- Hungary – Serbia (HU - RS), Hungarian Independent Transmission Operator Company Ltd (MAVIR) and Elektromreza Srbije AD (EMS)
- Romania – Serbia (RO - RS), Compania Națională de Transport al Energiei Electrice "Transelectrica" S.A. and Elektromreza Srbije AD (EMS)

- Bulgaria – Serbia (BG - RS), Elektroenergien Systemen Operator EAD (ESO) and Elektromreza Srbije AD (EMS)
 - Bulgaria – North Macedonia (BG - MK), Elektroenergien Systemen Operator EAD (ESO) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
 - Greece – North Macedonia (BG - MK), Independent Power Transmission Operator S.A. (IPTO) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
 - Greece – Albania (GR - AL), Independent Power Transmission Operator S.A. (IPTO) and Operatori i Sistemit te Transmetimit sh.a. (OST)
 - Italy – Montenegro (IT-ME), TERNA Rete Elettrica Nazionale S.p.A (TERNA) and Crnogorski elektroprenosni sistem AD (CGES)
2. The regional coordination centres (RCCs) defined in Annex IV for the Shadow SEE SOR shall coordinate the bidding zone borders listed in paragraph 1 in accordance with applicable terms, conditions and methodologies, and its mission as set out in this Regulation or Regulation (EU) 2019/943 in case the RCC is seated in a Member State.
 3. TSOs listed in paragraph 1 that are part of the SORs defined by the Agency for the Cooperation of Energy Regulators, shall participate in the coordination of the borders through the RCC defined by the TSOs from the SEE Shadow SOR.
 4. RCCs defined by the TSOs from the SEE Shadow SOR shall have agreements with RCCs defined for the neighbouring SORs defined by the Agency for the Cooperation of Energy Regulators, the Central Europe SOR and the SEE SOR.

Article 4

Coordination of the bidding zone borders adjacent to the EE SOR

1. The bidding zone borders adjacent to EE SOR are:
 - Ukraine - Poland (UA - PL), Ukrenergo NPC SE (Ukrenergo) and PSE S.A. (PSE)
 - Ukraine- Slovakia (UA - SL), Ukrenergo NPC SE (Ukrenergo) and Slovenská elektrizaná prenosová sústava, a.s. (SEPS)
 - Ukraine - Hungary (UA - HU), Ukrenergo NPC SE (Ukrenergo) and Hungarian Independent Transmission Operator Company Ltd (MAVIR)
 - Ukraine - Romania (UA - RO), Ukrenergo NPC SE (Ukrenergo) and Compania Națională de Transport al Energiei Electrice "Transelectrica" S.A. (TEL)
 - Moldova - Romania (MD - RO), I.S. Moldelectrica (MED) and Compania Națională de Transport al Energiei Electrice "Transelectrica" S.A. (TEL)
2. The RCC mandated for EE SOR according to Annex IV shall coordinate the bidding zone borders listed in paragraph 1 in accordance with applicable terms, conditions and methodologies, and its mission as set out in this Regulation or Regulation (EU) 2019/943. in case the RCC"s seat is in a Member State.
3. TSOs listed in paragraph 1 that are part of the SORs defined by the Agency for the Cooperation of Energy Regulators, shall participate in the coordination of the borders through the RCC defined by the TSOs from the EE SOR.
4. RCC defined by the TSOs from the EE SOR shall have agreements with RCCs defined for the neighboring SORs defined by the Agency for the Cooperation of Energy Regulators; the Central Europe SOR and the SEE SOR.

Article 5

Deviations and Adaptations

1. Article 2 shall not apply if and to the extent a decision is adopted in accordance with the procedure stipulated in Article 36(1) of Regulation (EU) 2019/943 before the expiry of the deadline stipulated in Article 2 of Ministerial Council Decision 2022/03/MC-EnC. In this case, the decision shall also specify the manner of coordination between regional coordination centres concerning the bidding zone borders adjacent to the SORs established.
2. Adjustments of the configuration of System Operation Regions listed in this Annex shall be subject to a proposal of ENTSO for Electricity and the decision of the Agency for the Cooperation of Energy Regulators pursuant to Article 36(1) of Regulation (EU) 2019/943.

Article 6

Specific adaptations of Regulation (EU) 2015/1222

The Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management shall be adapted as follows:

- (1) References to Regulation (EU) 2015/1222 shall be replaced by the following text "in this Regulation" save as otherwise provided in this Decision.
- (2) In Article 1,
 - in paragraph 2, the term "on islands" shall be deleted;
 - paragraphs 4 and 5 are deleted.
- (3) In Article 2,
 - in point 2, the term "Union" is deleted and the text "between various TSOs describing the main characteristic of the power system (generation, loads and grid topology) and rules for changing these characteristics during the capacity calculation process" is replaced by the following text: "in accordance with Article 2 No 2 of Regulation (EU) 2015/1222, and extended to TSOs of Contracting Parties";
 - in point 26, the text "where collected orders are matched and cross-zonal capacity is allocated simultaneously for different bidding zones in the day-ahead market" is replaced by the following text: "defined by Article 2 No 26 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties";
 - in point 27, the text "where collected orders are matched and cross-zonal capacity is allocated simultaneously for different bidding zones in the intraday market" is replaced by the following text: "defined by Article 2 No 27 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties";
 - in point 28, the text "used in single day-ahead coupling for simultaneously matching orders and allocating cross-zonal capacities" is replaced by the following text: "defined by Article 2 No 28 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties";
 - in point 29, the text "used in single intraday coupling for matching orders and allocating cross-zonal capacities continuously" is replaced by the following text: "defined by Article 2 No 29 of Regulation (EU) 2015/1222, and extended to bidding zones from Contracting Parties";
 - after point 46, new point 47 is added: "Member State" means a territory of the European Union referred to in Article 27 of the Treaty."

- (4) In Article 3,
- in point (e) after the term “the Agency” the following shall be added: “for the Cooperation of Energy Regulators, the Energy Community Regulatory Board”.
- (5) In Article 4,
- in paragraph 1, the words “in another Member State” shall be replaced by the following: “in another Contracting Party or Member State” and the term “four” shall be replaced by the term “six”;
 - in paragraphs 5, 6, 7 and 8 the term “Member State” shall be replaced by the following: “Contracting Party or Member State”;
 - in paragraph 7, term “to the Agency and the Commission” shall be replaced by the following “Energy Community Secretariat and the Energy Community Regulatory Board and, to the extent Member States are affected, the European Commission and the Agency for the Cooperation of Energy Regulators”;
 - in paragraph 8, after the words “the designating authority” the following text is added: “from a Member State or Contracting Party”;
 - in paragraph 9, the third sentence shall read: “The designating authority shall notify the designating authority of the Contracting Party or Member State in which the NEMO is designated, as well as the Energy Community Secretariat and the Energy Community Regulatory Board and, to the extent Member States are affected, the European Commission and the Agency for the Cooperation of Energy Regulators.”
 - in paragraph 10, after the term “NEMOs” in the second sentence, the following text shall be added: “in the Contracting Parties”.
- (6) In Article 5,
- in paragraph 1, in indent three, the second and third term “Member State” shall be replaced by the following: “Contracting Party or Member State”;
 - paragraph 3 is deleted.
- (7) In Article 6,
- in paragraph 1,
 - in point (e), the second term “Member State” is replaced by the term “Contracting Party or Member State”;
 - in point (j) the term “Member State” is replaced by the term “Member State and Contracting Party”;
- (8) In Article 7,
- in paragraph 1,
 - in point (b) the term “establishing collectively” is replaced by the term “applying” and the term “and 37” is deleted;
 - in point (c) the term “determining” is replaced by the term “applying”;
 - in point (h) the term “establishing” is replaced by the term “implementing”;
 - in paragraph 2,
 - the term “shall” is replaced by “may” and the term “other NEMOs” is replaced by “NEMOs from Member States”;
 - in point (a) the term “and maintaining” is replaced by the term “maintaining and applying”;

- paragraph 3 shall read: “By twelve months after the entry into force of this Regulation all NEMOs from Contracting Parties and Member States shall submit to all regulatory authorities, the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators a plan on integration of NEMOs from Contracting Parties in the MCO functions set out in paragraph 2, and in the agreements between NEMOs and with third parties. The plan shall be consistent with the plan drafted in accordance with Regulation (EU) 2015/1222 and shall include a detailed description and the proposed timescale for implementation, and a description of the expected impact of such integration on the performance of the MCO functions in Article 7(2) of Regulation (EU) 2015/1222”;
 - paragraph 5 shall read: “The Energy Community Regulatory Board shall monitor NEMOs’ progress performing the MCO functions pursuant to paragraph 2, in particular regarding the contractual and regulatory framework and regarding technical preparedness to fulfil the MCO functions.”;
 - paragraph 6 is deleted.
- (9) In Article 8,
- in paragraph 1, the term “another Member State” shall be replaced by the following term: “another Contracting Party or Member State”;
 - in paragraph 2,
 - in point (a) the term “establish” and in point (j) the term “propose” are replaced by the term “apply”
 - point (b) is deleted.
- (10) In Article 9,
- paragraph 1 shall read as follows:

“1. Where this Regulation requires, TSOs and NEMOs to develop the terms and conditions or methodologies, they shall submit them for approval to the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or the competent regulatory authorities within the respective deadlines set out in this Regulation. In exceptional circumstances, notably in cases where a deadline cannot be met due to circumstances external to the sphere of TSOs or NEMOs, the deadlines for terms and conditions or methodologies may be prolonged jointly by all competent regulatory authorities in procedures pursuant to paragraph 7, and by the competent regulatory authority in procedures pursuant to paragraph 8.

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 the ENTSO for Electricity where feasible, and all NEMOs shall regularly inform the competent regulatory authorities, the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators about the progress of developing those terms and conditions or methodologies.”
 - paragraph 2 is deleted;
 - in paragraph 3, the term “Member State” is replaced by the term “Contracting Party and/or Member State and the term “Member States” is replaced by the term “Contracting Parties and/or Member States”;
 - paragraph 4, shall read as follows: “If TSOs or NEMOs fail to submit an initial or amended proposal for terms and conditions or methodologies to the competent regulatory authorities or the Agency for the Cooperation of Energy Regulators

in accordance with paragraphs 7, 8 or 12 within the deadlines set out in this Regulation, they shall provide the competent regulatory authorities, the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators, with the relevant drafts of the proposals for the terms and conditions or methodologies, and explain what has prevented an agreement. The Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, all competent regulatory authorities jointly, or the competent regulatory authority shall take the appropriate steps for the adoption of the required terms and conditions or methodologies in accordance with paragraphs 6, 7 and 8 respectively, for instance by requesting amendments or revising and completing the drafts pursuant to this paragraph, including where no drafts have been submitted, and approve them.”;

- in paragraphs 5, 10, 12 and 13 the number “6” is deleted;
- in paragraph 5, the term “the Agency” is replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC” and after the term this Regulation” the following text is added: “and consistent with Regulation (EU) 2015/1222”;
- in paragraph 6,
 - the words: “The proposals for the” are replaced by the following text: “TSOs and NEMOs shall apply the” and after the term “the Agency” the following text is added: “for the Cooperation of Energy Regulators”;
 - in point (b) after the term “Article 15(1)” the following text shall be added: “when adjusting pursuant to Article 1(2) of the Annex to this Regulation”;
 - in point (c) after the term “Article 16(1)” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (d) after the term “Article 17(1)” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (e) the term “Article 21(4)” shall be replaced by the following text: “Articles 9(2), 9(6) and 21(4) of Regulation (EU) 2015/1222”;
 - in point (f) after the term “Article 36(3)” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (g) after the terms “Article 37(5)” and “Article 37(1)” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (h) the term “Articles 40 and 53” shall be replaced by the following text: “Articles 40(1) and 53(1) of Regulation (EU) 2015/1222”;
 - in point (i) after the term “Articles 41(1) and 54(2)” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (j) the term “Article 55(1)” shall be replaced by the following text: “Articles 9(2), 9(6) and 55(1) of Regulation (EU) 2015/1222”;
 - in point (k) after the term “Article 59(1)” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (l) after the term “Article 69” the following text shall be added: “of Regulation (EU) 2015/1222”;
 - in point (m) after the term “Article 73(1)” the following text shall be added:

“of Regulation (EU) 2015/1222”;

- in paragraph 7, point (g) is deleted;
- in paragraph 9, the term “the Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC” and the term “Agency’s request” shall be replaced by “request of Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC in case the proposal is considered to have a cross-border impact.”
- in paragraph 10,
 - the term “Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”;
 - the text: “to the Agency in accordance with paragraph 6” shall be replaced by the following text: “in accordance with paragraph 9”
- paragraph 11, shall read as follows: “Where the regulatory authorities have not been able to reach agreement within the period referred to in paragraph 10, or upon their joint request, or upon the request of Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall adopt a decision concerning the submitted proposals for terms and conditions or methodologies within 6 months”;
- in paragraph 12,
 - the term “Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”;
 - the third sentence shall read as follows: “Where the competent regulatory authorities have not been able to reach an agreement on terms and conditions or methodologies pursuant to paragraph 7 within the 2-month deadline, or upon their joint request, or upon the request of the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall adopt a decision concerning the amended terms and conditions or methodologies within 6 months.”;
 - in paragraph 13, the term “Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC.”
- in paragraph 14, the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board, the Agency for the Cooperation of Energy Regulators”;

- (11) Article 10 shall read as follows: “TSOs and NEMOs shall jointly contribute to organisation of the day-to-day management of the single day-ahead and intraday coupling. They shall meet regularly to discuss and decide on day-to-day operational issues. TSOs and NEMOs from Member States acting in accordance with Regulation (EU) 2015/1222 shall invite the Energy Community Regulatory Board and the Energy Community Secretariat as observers to these meetings and shall publish summary minutes of the meetings.”
- (12) In Article 11 the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC.”
- (13) In Article 12,
- in paragraph 1, before the term “Member State” the following shall be added: “Contracting Party and”;
 - in paragraph 2, the first sentence is deleted and in the second sentence, before the term “Member States” the following shall be added: “Contracting Parties and”.
- (14) In Article 13, in paragraph 3, the term “Union” shall be replaced by the following text: “Energy Community or national”.
- (15) In Article 14, in paragraph 4, after the term “region” the following shall be added: “as defined by Article 15(1)”.
- (16) In Article 15,
- paragraph 1 shall read: “The capacity calculations regions including Contracting Parties and Member States (for their interconnections with Contracting Parties) are established by Annex 1 to this Regulation”;
 - in paragraph 2,
 - before the term “paragraph 1”, the following text shall be added: “in the second sentence of”;
 - in point (a), the text “regions specified in point 3(2) of Annex I to Regulation (EC) No 714/2009” shall be replaced by the following text: “capacity calculation regions defined in accordance with Article 15(1) of Regulation (EU) 2015/1222”;
 - in paragraph 3, after the term “regions” the following text shall be added: “as established under this Regulation or in accordance with Article 15(1) of Regulation (EU) 2015/1222.”
- (17) In Article 16,
- paragraph 1 is deleted;
 - in paragraph 2 the term “proposal for the” is deleted;
 - paragraph 3 is deleted;
 - paragraph 5 shall read as follows:

“For application of the generation and load data provision methodology each TSO shall use and share with other TSOs at least the following information:

 - (a) information related to their technical characteristics;
 - (b) information related to the availability of generation units and loads;
 - (c) information related to the schedules of generation units;

(d) relevant available information relating to how generation units will be dispatched.

This information shall be used for capacity calculation purposes only.”

- in paragraph 6,
 - the term “two” shall be replaced by the term “eight”,
 - the text: “approval of the generation and load data provision methodology by all regulatory authorities” shall be replaced by the following text: “entry into force of this Regulation”,
 - after the term ENTSO for Electricity, the following text shall be added: “acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC.”
- (18) Article 17 is deleted
- (19) Article 18 shall read as follows:
- “1. TSOs shall apply the common scenarios for each capacity calculation time-frame referred to in Article 14(1)(a) and (b) developed in line with Article 18(1) of Regulation (EU) 2015/1222.
2. TSOs shall apply the common rules developed in line with Article 18(3) of Regulation (EU) 2015/1222 for determining the net position in each bidding zone and the flow for each direct current line.”
- (20) In Article 20,
- in paragraph 2,
 - the term “10” is replaced by the term “6”;
 - the term “approval of the proposal for” is replaced by the following term: “establishment of”;
 - the term “Article 15(1)” is replaced by the term “Annex I”;
 - the third sentence shall read as follows: “The proposal shall be aligned with the capacity calculation methodology applicable in the neighbouring capacity calculation regions” and the fourth sentence is deleted;
 - paragraph 3 is deleted;
 - in paragraph 4, the text: “the TSOs from at least Croatia, Romania, Bulgaria and Greece and the TSOs from the respective South East Europe Energy Community Contracting Parties shall” is replaced by the following text: “the TSOs from these Contracting Parties together with the TSOs from at least Croatia, Romania, Bulgaria, Hungary and Greece shall”;
 - in paragraph 7, the words “other than those referred to in paragraphs 2 to 4” is deleted.
- (21) In Article 21,
- in paragraph 1, point (b) (ii), the text: “point 1.7 of Annex I to Regulation (EC) No 714/2009” shall be replaced by the following text: “Article 16(9) of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 4, the second, third and fourth sentences are deleted.
- (22) In Article 27,
- paragraph 1 is deleted;

- in paragraph 2,
 - the term “four” shall be replaced by the term “six”;
 - the term “decisions on” shall be replaced by the term “establishment of”;
 - the term “methodologies” shall be replaced by the term “regions”;
 - the term “Articles 20 and 21” shall be replaced by the term “Article 15(1).”
- (23) In Article 28,
 - the title of the article shall read as follows: “Merging into the common grid model”;
 - in paragraph 2, the term “Article 16(3)” shall be replaced by the term “Article 16(5);”
 - paragraph 5, shall read as follows: “For each capacity calculation time-frame a single, common grid model as referred to Article 9(6)(d) is created”.
- (24) In Article 31,
 - paragraph 1 shall read as follows: “Within three years after the entry into force of this Regulation, ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall include the Contracting Parties” bidding zones in the report on capacity calculation and allocation drafted in accordance with Article 31(1) of Regulation (EU) 2015/1222”;
 - paragraph 2 is deleted;
 - paragraph 4, shall read as follows: “After consulting the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, all TSOs shall jointly agree on the statistical and quality indicators for the report. The Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators may require the amendment of those indicators, prior to the agreement by the TSOs or during their application”;
 - paragraph 5 is deleted.
- (25) In Article 32,
 - in paragraph 1,
 - in point (a) the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”;
 - in point (b) the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators”;
 - in point (e) after the term “Member States” the following term is added: “and Contracting Parties”;
 - in paragraph 4,
 - in point (b) (iii), the term “Member States” is replaced by the following text: “Contracting Parties and Member States (for their interconnections with Contracting Parties)”;
 - in point (c), the term “Member States” is replaced by the following text: “Member States and Contracting Parties or, where provided by Member States and Contracting Parties,”

- in paragraph 6, after the term “ENTSO for Electricity” the following text shall be added: “acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC.”
- (26) In Article 33,
- in paragraph 1, point (b) (vi) the text: “point 1.7 of Annex I to Regulation (EC) No 714/2009” shall be replaced by the following text: “Article 16(9) of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2002/03/MC-EnC.”
- (27) In Article 34,
- the title of the article shall read as follows: “Regular reporting on current bidding zone configuration”;
 - in paragraph 1,
 - indent 1 shall read as follows: “The Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall assess the efficiency of current bidding zone configuration every three years”;
 - indent 2 point (a) shall read as follows:

“request ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC and Article 14 of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, to extend the technical report on current bidding zone configuration drafted in accordance with Article 34(1)(a) of Regulation (EU) 2015/1222 to include the Contracting Parties; and”;
 - paragraph 4 shall read as follows: “ENTSO for Electricity shall deliver to the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, the technical report on current bidding zone configuration no later than nine months after the request by the Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators.”;
 - paragraph 5 shall read as follows: “Where feasible, the report under this Regulation shall be aligned with the technical report delivered pursuant to Article 34(3) of Regulation (EU) 2015/1222, and shall cover the last three full calendar years preceding the request by the Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators.”
 - in paragraph 7, the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators.”
- (28) In Article 35,
- in paragraph 1 and paragraph 3 indent 2, the text: “after the regulatory approval on capacity calculation regions referred to in Article 15” shall be replaced by the following text: “upon entry into force of this Regulation”;
- (29) In Article 36,
- paragraph 1 shall read as follows:

“All NEMOs shall apply:

 - (a) the price coupling algorithm and
 - (b) the continuous trading matching algorithm developed in accordance with

Article 37 of Regulation (EU) 2015/1222”;

- paragraph 3 shall read as follows: “Upon integration into the single day-ahead coupling, NEMOs shall in cooperation with TSOs apply back-up methodology referred to Article 9(6)(f)”.
- (30) Article 37 is deleted;
- (31) In Article 40,
- paragraph 1 shall read as follows: “NEMOs shall ensure that orders resulting from the products available to the price coupling algorithm are expressed in euros and make reference to the market time”.
- (32) Article 41 shall read as follows: “Upon integration into the single day-ahead coupling, NEMOs shall, in cooperation with the relevant TSOs, apply the maximum and minimum prices referred to in Article 9(6)(i).”
- (33) In Article 43,
- in paragraph 1, the text: “entry into force of this Regulation” shall be replaced by the following text: “expiry of the deadline for transposition.”
- (34) In Article 44,
- in paragraph 2 after the term: “shall be” the following text shall be added: “aligned with the procedure established under Article 44 of Regulation (EU) 2015/1222 and shall be”;
- (35) In Article 45,
- in paragraph 1, the text “Article 3 of Regulation (EC) No 714/2009” shall be replaced by the following: “Article 51 of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 3, the term “four” shall be replaced by the term “twelve.”
- (36) In Article 47,
- in paragraph 2, the words “in the region based on the CEE region or its neighbouring countries” is deleted and the term “this region” shall be replaced by the following term: “they have”;
 - in paragraph 4, the text “by no later than a time specified by all NEMOs in the proposal for a single price coupling algorithm set out in Article 37(5)” shall be replaced by the following text: “in line with the price coupling algorithm applied in accordance with Article 36”.
- (37) In Article 48,
- in paragraph 1, the text: “No later than by the time specified by all TSOs in the requirements set out in Article 37(1)(a)” is deleted.
- (38) In Article 50,
- in paragraph 1, the text: “by the time specified in Article 37(1)(a)” shall be replaced by the following text: “applied in accordance with Article 36.”
- (39) In Article 53,
- paragraph 1 shall read as follows: “NEMOs shall ensure that all orders resulting from the products available to the MCO functions to be performed in accordance with Article 7 are expressed in euros and make reference to the market time and the market time unit”.
- (40) Article 54 shall read as follows: “NEMOs shall, in cooperation with the relevant TSOs, apply the maximum and minimum prices referred to in Article 9(6)(i).”

- (41) In Article 55,
- paragraphs 1 and 2 are deleted;
 - paragraph 3, shall read as follows: “All TSOs shall apply the single methodology for pricing intraday cross-zonal capacity referred to in Article 9(6)(j)”;
 - in paragraph 4, after the term “3” the following text shall be added: “of Regulation (EU) 2015/1222.”
- (42) In Article 56,
- in paragraph 1, the text: “entry into force of this Regulation” shall be replaced by the following text: “integration into single intraday coupling.”
- (43) In Article 57,
- in paragraph 1, the text “Article 3 of Regulation (EC) No 714/2009” shall be replaced by the following: “Article 51 of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 2, the term “four” shall be replaced by the term “twelve.”
- (44) In Article 59,
- paragraph 1 shall read as follows: “TSOs shall apply the intraday cross-zonal gate opening and intraday cross-zonal gate closure times referred to in Article 9(6)(k).”
- (45) In Article 62, the second sentence in paragraph 2 is deleted;
- (46) In Article 63,
- in paragraph 1,
 - the text: “By 18 months after the entry into force of this Regulation,” is deleted;
 - after the first sentence, second sentence with the following text is added: “The proposal shall be consistent with the proposals submitted pursuant to Article 63(1) of Regulation (EU) 2015/1222 on complementary regional intraday auctions and Article 55(1) on intraday capacity pricing” and second sentence becomes third;
 - in paragraph 4 point (e) before the term “Member States” the following shall be added: “Contracting Parties and”.
 - in paragraph 5, before the term “Member States” the following shall be added: “Contracting Parties and”.
- (47) Section 3, titled Traditional intraday arrangements, Articles 64 – 67 are deleted.
- (48) In Article 68,
- in paragraph 9, before the term “Member States” the following shall be added: “Contracting Parties and”.
- (49) In Article 69,
- the title shall read: “Day-ahead firmness deadline”;
 - the text of the article shall read as follows: “TSOs shall apply a single day- ahead firmness deadline, which shall not be shorter than half an hour before the day-ahead market gate closure time.”
- (50) In Article 72,
- in paragraph 1, the following text: “referred to in Article 16(2) of Regulation (EC)

No 714/2009" is deleted;

- (51) In Article 73,
- paragraph 1 shall read as follows: "TSOs shall apply the methodology for sharing congestion income referred to in Article 9(6)(m)";
 - in paragraph 2,
 - the following text "developed in accordance with" shall be replaced by the following term: "from".
 - in point (b) the term "714/2009" shall be replaced by the following term "2019/943";
- (52) In Article 74,
- in paragraph 6,
 - in point (d)(ii), the text: "Article 13 of Regulation (EC) No 714/2009" shall be replaced by the following text: "Article 49 of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC" and after the text: "838/2010" the following text is added: "as adapted and adopted by Permanent High Level Group Decision 2013/01-PHLG-EnC";
 - in point (f) the text: "Article 16 of Regulation (EC) No 714/2009" shall be replaced by the following text: "Article 16 and 19 of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC."
 - paragraph 7, the words "By 31 December 2018, all" are deleted.
- (53) In Article 76,
- in paragraph 1, the first sentence shall read as follows: "NEMOs from Contracting Parties shall contribute to bearing the following costs".
- (54) In Article 79, the text: "Article 16(6)(a) of Regulation (EC) No 714/2009" shall be replaced by the following text: "Article 19(2)(a) of Regulation (EC) No 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC."
- (55) In Article 80,
- the title of the article shall read as follows: "Cost sharing between NEMOs and TSOs in different Member States and Contracting Parties"
 - in paragraph 1, after the term "Agency" the following text is added: "for the Cooperation of Energy Regulators";
 - in paragraph 2, point (a) after the term "TSOs" the following text shall be added: "from Contracting Parties and Member States (for their interconnection with Contracting Parties),";
 - paragraph 3 shall read as follows: "Common costs referred to in paragraph 2(a) shall be shared among the TSOs and NEMOs in Member States and Contracting Parties in accordance with Article 80(3) of Regulation (EU) 2015-1222";
 - in paragraph 4, before the term "Member State" the following shall be added: "Contracting Party and" and the text "set out in paragraph 3" shall be deleted.
- (56) In Article 82,
- in paragraph 1,
 - the term "the Agency" in the first sentence shall be replaced by the

following text “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC” and in the second sentence shall be replaced by the following text: “the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators”;

- the text: “Article 38 of Directive 2009/72/EC” shall be replaced by the following text: “Article 61 of Directive 2019/944 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC”;
 - paragraph 2 shall read as follows: “Monitoring of the implementation of the Contracting Party integration into single day-ahead and intraday coupling by the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, shall be performed in coordinaton with the Energy Community Secretariat.”;
 - paragraphs 3 and 4 are deleted;
 - in paragraphs 5 and 6, the term “and 4” shall be deleted”;
 - in paragraph 5, the term “ENTSO for Electricity” shall be replaced by the following text: “the Agency for the Cooperation of Energy Regulators and the Energy Community Secretariat”;
 - in paragraph 6, the term “Agency and the ENTSO for Electricity” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators and the ENTSO for Electricity, acting in accordance with Articles 2 and 3 of Procedural Act No 2022/01/MC-EnC” and the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board, the Agency for the Cooperation of Energy Regulators”
- (57) Articles 83 and 84 are deleted;
- (58) Annex I with the following text shall be added:

Annex 1

Capacity Calculation Regions

Article 1

Subject matter and scope

1. The capacity calculation regions (CCRs) cover all the existing bidding zone borders between the Contracting Parties and Contracting Parties and Member States as defined in this Annex.
2. Adjustments of the configuration of the CCRs listed in this Annex shall be subject to a proposal of all transmission system operators pursuant to Article 15 paragraphs 2 and 3 of Regulation (EU) 2015/1222 in consultation with the TSOs from Contacting Parties to the Agency for the Cooperation of Energy Regulators.

Article 2

Capacity Calculation Regions

The following are defined as the CCRs of the Energy Community:

- Capacity Calculation Region Shadow South-East Europe (Shadow SEE CCR)
- Capacity Calculation Region Italy-Montenegro (ITME CCR)

- Capacity Calculation Region Eastern Europe (EE CCR)

Article 3

Capacity Calculation Region: Shadow SEE CCR

The Shadow South-East Europe CCR shall include bidding zone borders between Contracting Parties:

- Bosnia and Hercegovina – Serbia (BA-RS), Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH) and Elektromreza Srbije AD (EMS)
- Montenegro – Bosnia and Hercegovina (ME-BA), Crnogorski elektrorenosni sistem AD (CGES) and Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH)
- Montenegro – Albania (ME-AL), Crnogorski elektrorenosni sistem AD (CGES) and Operatori i Sistemit te Transmetimit sh.a. (OST)
- Albania – North Macedonia (AL-MK), Operatori i Sistemit te Transmetimit sh.a. (OST) and Makedonski Elektrorenosen Sistem Operator AD (MEPSO)
- Serbia – North Macedonia (RS-MK), Elektromreza Srbije AD (EMS) and Makedonski Elektrorenosen Sistem Operator AD (MEPSO)
- Montenegro – Serbia (ME-RS), Crnogorski elektrorenosni sistem AD (CGES) and Elektromreza Srbije AD (EMS)
- Montenegro – Kosovo* (ME-KS), Crnogorski elektrorenosni sistem AD (CGES) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT)
- Albania – Kosovo* (AL-KS), Operatori i Sistemit te Transmetimit sh.a. (OST) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT)
- North Macedonia – Kosovo* (MK-KS), Makedonski Elektrorenosen Sistem Operator AD (MEPSO) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT)
- Serbia – Kosovo* (RS-KS), Elektromreza Srbije AD (EMS) and Operator sistemi, transmisioni dhe tregu Sh.A. (KOSTT).

All TSOs of the Shadow SEE CCR shall by 6 months after the entry into force of this Regulation conclude an agreement with the TSOs of the EU SEE CCR as a basis for the cooperation of the TSOs of Member States and Contracting Parties in the SEE Shadow CCR. This agreement shall apply to the following TSOs for the following borders:

- Croatia – Bosnia and Hercegovina (HR - BA), Croatian Transmission System Operator Ltd. (HOPS) and Nezavisni operator sistema u Bosni i Hercegovini (NOS BiH)
- Croatia – Serbia (HR - RS), Croatian Transmission System Operator Ltd. (HOPS) and Elektromreza Srbije AD (EMS)
- Hungary – Serbia (HU - RS), Hungarian Independent Transmission Operator Company Ltd (MAVIR) and Elektromreza Srbije AD (EMS)
- Romania – Serbia (RO - RS), Compania Natională de Transport al Energiei Electrice “Transelectrica” S.A. and Elektromreza Srbije AD (EMS)
- Bulgaria – Serbia (BG - RS), Elektroenergien Sistemen Operator EAD (ESO) and Elektromreza Srbije AD (EMS)
- Bulgaria – North Macedonia (BG - MK), Elektroenergien Sistemen Operator EAD (ESO) and Makedonski Elektrorenosen Sistem Operator AD (MEPSO)

- Greece – North Macedonia (BG - MK), Independent Power Transmission Operator S.A. (IPTO) and Makedonski Elektroprenosen Sistem Operator AD (MEPSO)
- Greece – Albania (GR - AL), Independent Power Transmission Operator S.A. (IPTO) and Operatori i Sistemit te Transmetimit sh.a. (OST)

Article 4

Capacity Calculation Region: ITME CCR

The ITME CCR shall include the bidding zone border between Italy and Montenegro (IT-ME),

TERNA Rete Elettrica Nazionale S.p.A (TERNA) and Crnogorski elektroprenosni sistem AD (CGES)

Article 5

Capacity Calculation Region: EE CCR

The Eastern Europe CCR shall include bidding zone border between Ukraine and Moldova (UA - MD), Ukrenergo NPC SE (Ukrenergo) and I.S. Moldelectrica (MED).

With regards to bidding zone borders between Contracting Parties and Member States, all TSOs of the EE CCR shall by 6 months after the entry into force of this Regulation conclude an agreement with the TSOs of EU SEE CCR setting the basis for the cooperation of the EU and non-EU TSOs in the EE CCR. This should apply to the following TSOs for the following borders:

- Ukraine - Poland (UA - PL), Ukrenergo NPC SE (Ukrenergo) and PSE S.A. (PSE)
- Ukraine - Slovakia (UA - SL), Ukrenergo NPC SE (Ukrenergo) and Slovenská elektrizaná prenosová sústava, a.s. (SEPS)
- Ukraine - Hungary (UA - HU), Ukrenergo NPC SE (Ukrenergo) and Hungarian Independent Transmission Operator Company Ltd (MAVIR)
- Ukraine - Romania (UA - RO), Ukrenergo NPC SE (Ukrenergo) and Compania Natională de Transport al Energiei Electrice "Transelectrica" S.A (TEL)
- Moldova - Romania (MD - RO), I.S. Moldelectrica (MED) and Compania Natională de Transport al Energiei Electrice "Transelectrica" S.A (TEL).

Article 7

Specific adaptations of Regulation (EU) 2016/1719

The Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation shall be adapted as follows:

- (1) In Article 1,
 - in paragraph 1, the term "at European level" is deleted;
 - in paragraph 2, the term "on islands" is deleted;
 - paragraphs 4 and 5 are deleted.
- (2) In Article 2,
 - point (4) shall read as follows: "'regional allocation platform" means the platform established by Article 48";
 - after point (10) new definition in point (11) is added: "Member State" means a territory of the European Union referred to in Article 27 of the Treaty."

- (3) In Article 3, in point (d) after the term “the Agency” the following shall be added: “for the Cooperation of Energy Regulators, the Energy Community Regulatory Board”.
- (4) In Article 4,
- paragraph 1 shall read as follows: “Where this Regulation requires TSOs to develop the terms and conditions or methodologies they shall submit them for approval to the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or 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, the participating TSOs shall closely cooperate. TSOs, with the assistance of the ENTSO for Electricity, shall regularly inform the competent regulatory authorities and the Agency for the Cooperation of Energy Regulators and the Energy Community Regulatory Board about the progress of the development of those terms and conditions or methodologies.”
 - paragraph 2 is deleted;
 - in paragraph 3, the term “Member State” is replaced by the term “Contracting Party and/or Member State and the term “Member States” is replaced by the term “Contracting Parties and/or Member States;
 - paragraph 4 shall read as follows: “If TSOs fail to submit an initial or amended proposal for terms and conditions or methodologies to the competent regulatory authorities or the Agency for the Cooperation of Energy Regulators in accordance with paragraph 7 or 11 within the deadlines set out in this Regulation, they shall provide the competent regulatory authorities and the Agency for the Cooperation of Energy Regulators and the Energy Community Regulatory Board with the relevant drafts of the proposals for the terms and conditions or methodologies, and explain what has prevented an agreement. The Energy Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC or all competent regulatory authorities jointly, shall take the appropriate steps for the adoption of the required terms and conditions or methodologies in accordance with paragraphs 7 respectively, for instance by requesting amendments or revising and completing the drafts pursuant to this paragraph, including where no drafts have been submitted, and approve them.”;
 - paragraph 5 shall be read as follows: “Each regulatory authority or where applicable the Energy Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, as the case may be, shall be responsible for approving the terms and conditions or methodologies referred to in paragraphs 6 and 7. Before approving the terms and conditions or methodologies, the Energy Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC or the competent regulatory authorities shall revise the proposals where necessary, after consulting the respective TSOs, in order to ensure that they are in line with the purpose of this Regulation and contribute to market integration, non- discrimination, effective competition and the proper functioning of the market.”;
 - paragraph 6 shall read as follows:
 - “TSOs shall apply the following terms and conditions or methodologies; any amendments thereof shall be subject to approval by the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2

of Procedural Act No 2022/01/MC-EnC:

- (a) the generation and load data provision methodology pursuant to Article 17(1) of Regulation (EU) 2016/1719;
 - (b) the common grid model methodology pursuant to Article 18(1) of Regulation (EU) 2016/1719;
 - (c) the requirements for the single allocation platform pursuant to Article 49 of Regulation (EU) 2016/1719, subject to Article 48 paragraphs 4 or 6 of the present Regulation
 - (d) (d) the harmonised allocation rules pursuant to Article 51 of Regulation (EU) 2016/1719;
 - (e) the congestion income distribution methodology pursuant to Article 57 of Regulation (EU) 2016/1719;
 - (f) the methodology for sharing costs of establishing, developing and operating the single allocation platform pursuant to Article 59 of Regulation (EU) 2016/1719, subject to Article 48 paragraphs 4 or 6 of the present Regulation;
 - (g) the methodology for sharing costs incurred to ensure firmness and remuneration of long-term transmission rights pursuant to Article 61 of Regulation (EU) 2016/1719.”;
- in paragraph 7, after point (e) two new points (d) and (e) are added:
- “(d) the requirements for the regional allocation platform pursuant to Article 49;
- (e) the methodology for sharing costs of establishing, developing and operating the regional allocation platform pursuant to Article 59.”
- paragraph 8 shall read as follows:
- “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 for terms and conditions or methodologies subject to the approval by several or all regulatory authorities in accordance with paragraph 7 shall be submitted to the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC within 1 week of their submission to the regulatory authorities. Upon request by the competent regulatory authorities, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall issue an opinion within 3 months on the proposals for terms and conditions or methodologies.”
- paragraph 9 shall read as follows:
- “Where the approval of the terms and conditions or methodologies in accordance with paragraph 7 or the amendment in accordance with paragraph 11 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 to reach an agreement. Where applicable, the competent regulatory authorities shall take into account the opinion of the Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators. Regulatory authorities or, where competent, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall take decisions concerning the submitted terms and conditions or methodologies in accordance with paragraph 7, within 6 months following

the receipt of the terms and conditions or methodologies by the Agency for the Cooperation of Energy Regulators or, where applicable, by the last regulatory authority concerned. The period shall begin on the day following that on which the proposal was submitted to the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or to the last regulatory authority concerned in accordance with paragraph 7”;

- paragraph 10, shall read as follows:

“Where the regulatory authorities have not been able to reach an agreement within the period referred to in paragraph 9, or upon their joint request, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall adopt a decision concerning the submitted proposals for terms and conditions or methodologies within 6 months”;

- in paragraph 11, the first three sentences shall read as follows:

“In the event that the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or all competent regulatory authorities jointly request an amendment to approve the terms and conditions or methodologies submitted in accordance with paragraph 7, the relevant TSOs shall submit a proposal for amended terms and conditions or methodologies for approval within 2 months following the request from the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or the regulatory authorities. The Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or the competent regulatory authorities shall decide on the amended terms and conditions or methodologies within 2 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 paragraph 7 within the 2-month deadline, or upon their joint request the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall adopt a decision concerning the amended terms and conditions or methodologies within 6 months.”

- in paragraph 12, the first indent shall read as follows:

“The Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC or the regulatory authorities jointly, where they are responsible for the adoption of terms and conditions or methodologies in accordance with paragraph 7, may respectively request proposals for amendments of those terms and conditions or methodologies and determine a deadline for the submission of those proposals. TSOs responsible for developing a proposal for terms and conditions or methodologies may propose amendments to regulatory authorities and the Agency for the Cooperation of Energy Regulators. The proposals for amendment to the terms and conditions or methodologies shall be submitted to consultation in accordance with the procedure set out in Article 6 and approved in accordance with the procedure set out in this Article.”;

- in paragraph 13, the term “the Agency” shall be replaced by the following text:

“Energy Community Regulatory Board or, to the extent Member States are affected, the Agency”;

- (5) In Article 5, after the term “Agency” the following shall be added: “The Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”.
- (6) In Article 6,
- in paragraph 1, after the term “Member State” the following shall be added: “and Contracting Party”;
 - in paragraph 2, the first sentence is deleted and after the term “Member States” in the second sentence the following shall be added: “and Contracting Parties”.
- (7) In Article 7,
- in paragraph 3, the term “Union” is replaced by the following text: “national or Energy Community”;
 - in paragraph 4, the term “Union law” is deleted.
- (8) Articles 17 and 18 are deleted.
- (9) In Article 19,
- in paragraph 1,
 - the term “develop a” shall be replaced by the term “apply the”;
 - after the second term “scenarios” the following shall be added “developed in accordance with Article 18 of Regulation (EU) 2015/1222”;
 - paragraph 2 shall be deleted.
- In Article 21,
- in paragraph 1,
 - the first sentence is deleted;
 - in the second sentence, the text: “No later than six months after the approval of the generation and load data provision methodology for long-term time frames referred to in Article 17 and the common grid model methodology for long-term time frames referred to in Article 18” shall be replaced by the following text: “No later than six months after the expiry of the deadline for transposition of this Regulation”
- (10) In Article 22, the term “for creating” shall be replaced by the term “for merging into”.
- (11) In Article 26,
- paragraph 1 shall read as follows: “No later than two years after the expiry of the deadline for transposition of this Regulation, ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC shall extend the reports on long-term capacity calculation and allocation drafted in accordance with Article 26(1) and (2) of Regulation (EU) 2016/1719 to include the Contracting Parties. To the extent the report covers TSOs from Contracting Parties not part of the continental synchronized operation or not member of the ENTSO for Electricity, the Secretariat shall coordinate the relevant contributions.”;
 - paragraph 2 is deleted;
 - paragraph 4 shall read as follows: “For the report, TSOs shall use the statistical and quality indicators agreed in accordance with Article 26 of Regulation (EU)

2016/1719. The Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC may require the amendment of those indicators during their application”;

- paragraph 5 is deleted.
- (12) In Article 30,
- in paragraph 2, the term “entry into force” shall be replaced by the following text: “expiry of the deadline for transposition”;
 - in paragraph 8, the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”.
- (13) In Article 31,
- in paragraph 2, after the term “platform” the following shall be added: “referred to in Article 48”;
 - in paragraph 3,
 - in first indent the term “entry into force” shall be replaced by the following text: “expiry of the deadline for transposition”;
 - in third indent, before the term “Member States” the following term: “Contracting Parties and” shall be added.
 - In paragraph 7 point (b) the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”;
- (14) In Article 36,
- in paragraph 2, the term “entry into force” shall be replaced by the following text: “expiry of the deadline for transposition “
- (15) In Article 37,
- in paragraph 1, after the term “platform” the following shall be added: “referred to in Article 48”.
- (16) In Article 43,
- in paragraph 3, after the term “platform” the following shall be added: “referred to in Article 48”.
- (17) In Article 45,
- in paragraph 1, after the term “platform” the following shall be added: “referred to in Article 48”.
- (18) In Article 48,
- the title of the article shall read as follows: “Regional allocation platform”;
 - in paragraph 1, after the term “TSOs” the following shall be added: “of the Contracting Parties” and the term “the single” shall be replaced by the term “a regional”;
 - in paragraph 2, the term “the single” shall be replaced by the term “a regional”;
 - after paragraph 2, four new paragraphs shall be added to read as follows:

“3. The regional allocation platform shall be open to participation of TSOs of Member State and third countries.

4. For interconnections between Contracting Parties and Member States, the

respective transmission system operators shall by no later than the expiry of the deadline for transposition of this Regulation conclude a bilateral agreement to determine whether forward capacity allocations for the relevant interconnection shall be performed by the regional allocation platform established in accordance with this Article, or the single allocation platform established in accordance with Article 48 of Regulation 2016/1719.

5. The regional allocation platform shall perform its tasks in close cooperation with the single platform established in accordance with Article 48 of Regulation 2016/1719, and harmonize its operational and allocation rules with those applied by that single platform. For this purpose, the platforms may enter into administrative cooperation agreements.

6. Where the transmission system operators of a Contracting Party and a Member State fail to conclude an agreement referred to in paragraph 4, the tasks of the regional allocation platform related to interconnection between that Contracting Party and Member State shall be integrated into the single allocation platform established in accordance with Article 48 of Regulation 2016/1719 within 18 months after expiry of the deadline for implementation of this Regulation.”

- (19) In Article 49,
 - in paragraph 1, the text: “and for the establishment” shall be deleted, the term “single” shall be replaced by the term “regional” and after the term “platform” the following text shall be added: “serving the TSOs of Contracting Parties”.
- (20) In Article 50, the first term “single” shall be replaced by the term “regional”.
- (21) Article 51,
 - in paragraph 1,
 - the text: “jointly develop a proposal for” shall be replaced by the following text: “apply the”;
 - the second and the third sentence are deleted.
- (22) Article 52 shall read as follows: “Except for interconnections with third countries, the harmonised allocation rules for long-term transmission rights may not deviate from Article 53 of Regulation (EU) 2015/1222.”
- (23) In Article 56,
 - in paragraph 5, before the term “Member State” the following term: “Contracting Party or” shall be added.
- (24) Article 57 is deleted.
- (25) In Article 59,
 - the term “the single” shall be replaced by the term “a single”;
 - the term “entry into force” shall be replaced by the following text: “expiry of the deadline for transposition”.
- (26) In Article 61, paragraph 3 is deleted.
- (27) In Article 63,
 - in paragraph 1, first indent shall read as follows:
 “The Energy Community Secretariat shall monitor the implementation of forward capacity allocation and the establishment of single allocation platform in accordance with this Regulation Monitoring shall cover in particular the following matters:”
 - paragraphs 2 and 3 are deleted;

- paragraph 4 shall read as follows:

“Market participants and other relevant organisations regarding forward capacity allocation shall, at the joint request of the ENTSO for Electricity and the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, submit to the Secretariat the information required for monitoring in accordance with paragraph 1, except for information already obtained by the regulatory authorities, the Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators”.

- (28) Article 64 is deleted.

Article 8

Specific adaptations of Regulation (EU) 2017/2195

Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing shall be adapted as follows:

- (1) In Article 1,
 - in paragraph 2, after the term “Agency for the Cooperation of Energy Regulators” the following term shall be added: “the Energy Community Regulatory Board”;
 - in paragraph 3, the term “on islands” is deleted.
 - paragraphs 6 and 7 are deleted.
- (2) In Article 2, after point (45) new definition in point (46) is added: “Member State” means a territory of the European Union referred to in Article 27 of the Treaty”.
- (3) In Article 3,
 - in paragraph 1(g) the term “European Union target” is replaced by the term “targets” ;
 - in paragraph 2, after the term “Member States” the following term is added: “and Contracting Parties”.
- (4) In Article 4,
 - paragraph 1, shall read as follows:

“Where this Regulation requires TSOs to develop the terms and conditions or methodologies, they shall submit them for approval to the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC or to the relevant regulatory authorities in accordance with Article 5(3) and Article 59 of Directive (EU) 2019/944 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC within the respective deadlines set out in this Regulation and in the Ministerial Council Decision 2021/13/MC-EnC , In exceptional circumstances, notably in cases where a deadline cannot be met due to circumstances external to the sphere of TSOs, the deadlines for terms and conditions or methodologies may be prolonged jointly by all relevant regulatory authorities in procedures pursuant to Article 5(3), and by the relevant regulatory authority in procedures pursuant to Article 5(4).”
 - in paragraph 2,
 - before the term “this Regulation” the following text shall be added: “Articles 5(3) and 5(4) of”
 - the term “and the Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States

- are affected, the Agency for the Cooperation of Energy Regulators”;
- paragraph 3 is deleted;
 - in paragraph 4, the term “Member State” is replaced by the term “Contracting Party and/or Member State” and the term “Member States” is replaced by the term “Contracting Parties and/or Member States”;
 - in paragraph 5, the term “Member States” shall be replaced by the following term: “Member States and/or Contracting Parties”;
 - in paragraph 6,
 - the term “paragraphs 3 and 4” shall be replaced by the term “paragraph 4”;
 - after the term “Member State” the following term shall be added: “or Contracting Party”;
 - in paragraph 7,
 - in the first sentence the term “Agency”, shall be replaced by the following “Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators”;
 - the second sentence shall read as follows: “The Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, all relevant regulatory authorities jointly, or the relevant regulatory authority shall take the appropriate steps for the adoption of the required terms and conditions or methodologies in accordance with paragraphs 3 and 4 of Article 5, for instance by requesting amendments or revising and completing the drafts pursuant to this paragraph, including where no drafts have been submitted, and approve them.”

(5) In Article 5,

- paragraph 1, shall read as follows:

“Each regulatory authority, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall approve the terms and conditions or methodologies developed by TSOs under paragraphs 3 and 4. Before approving the terms and conditions or methodologies, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators or the relevant regulatory authorities shall revise the proposals where necessary, after consulting the respective TSOs, in order to ensure that they are in line with the purpose of this Regulation and consistent with Regulation 2017/2195 and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market”;
- paragraph 2,
 - first indent shall read as follows: “TSOs shall apply the following terms and conditions or methodologies and any amendments thereof approved by the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC.”
 - in points (a) to (j) at the end of the points the following text shall be added: “of Regulation (EU) 2017/2195”;
 - in point (g) the term “the harmonization of the” shall be replaced by the

term “the harmonized”;

- point (h) shall read as follows: “the methodology for a co-optimised allocation process of cross-zonal capacity pursuant to Article 40(1) of Regulation (EU) 2017/2195;”
- after point (j) ne points (k), (l) and (m) are added to read as follows:
 - “(k) the framework, for the geographical area concerning all TSOs performing the reserve replacement process pursuant to Part IV of Regulation (EU) 2017/1485, for the establishment of the European platform for replacement reserves pursuant to Article 19(1) of Regulation (EU) 2017/2195;
 - (l) for the geographical area comprising all TSOs intentionally exchanging energy within the Continental Europe synchronous area, the TSO-TSO settlement rules for the intended exchange of energy pursuant to Article 50(3);
 - (m) for the Continental Europe synchronous area, the TSO-TSO settlement rules for the unintended exchange of energy pursuant to Article 51(1);
- second indent is deleted;
- in paragraph 3,
 - points (a), (h), (i), (j) (k), (l), (m) and (n) is deleted;
 - in second indent, after the term: “Member State” the following term: “or Contracting Party” shall be added;
- in paragraph 4, second indent after the term: “Member State” the following term: “or Contracting Party” shall be added;
- paragraph 5 shall read as follows:

“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. The implementation timescale shall not be longer than 12 months after the approval by the relevant regulatory authorities, except where all relevant regulatory authorities agree to extend the implementation timescale or where different timescales are stipulated in this Regulation. Proposals for terms and conditions or methodologies subject to the approval by several regulatory authorities in accordance with paragraph 3 shall be submitted to the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, within one week of their submission to the regulatory authorities. Proposals for terms and conditions or methodologies subject to the approval by one regulatory authority in accordance with paragraph 4 may be submitted to the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators within one month of their submission at the discretion of the regulatory authority while they shall be submitted upon the request of the Energy Community Regulatory Board or, to the extent Member States are affected, the request of the Agency for the Cooperation of Energy Regulators if the Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators consider the proposal to have a cross- border impact. Upon request by the relevant regulatory authorities, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall issue an opinion within three months on the proposals for terms and conditions or methodologies.”;
- paragraph 6, shall read as follows:

“Where the approval of the terms and conditions or methodologies in accordance with paragraph 3 of this Article or the amendment in accordance with Article 6 requires a decision by more than one regulatory authority, the relevant regulatory authorities shall consult and closely cooperate and coordinate with each other in order to reach an agreement. Where the Agency for the Cooperation of Energy Regulators or the Energy Community Regulatory Board issues an opinion, the relevant regulatory authorities shall take that opinion into account. Regulatory authorities or, where competent, the Energy Community Regulatory Board or, to the extent Member States are involved, the Agency for the Cooperation of Energy Regulators acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, shall decide on the terms and conditions or methodologies submitted in accordance with paragraphs 3 and 4, within six months following the receipt of the terms and conditions or methodologies by the Energy Community Regulatory Board or, to the extent Member States are involved, the Agency for the Cooperation of Energy Regulators, or the relevant regulatory authority or, where applicable, by the last relevant regulatory authority concerned. The period shall begin on the day following that on which the proposal was submitted to the Agency for the Cooperation of Energy Regulators, the Energy Community Regulatory Board or to the last regulatory authority concerned in accordance with paragraph 3 or, where applicable, to the relevant regulatory authority in accordance with paragraph 4.”

– paragraph 7 shall read as follows:

“Where the relevant regulatory authorities have not been able to reach agreement within the period referred to in paragraph 6, or upon their joint request, or upon the request of the Energy Community Regulatory Board or, to the extent Member States are involved, the Agency for the Cooperation of Energy Regulators according to the third subparagraph of Article 5(3) of Regulation (EU) 2019/942, the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC shall adopt a decision concerning the submitted proposals for terms and conditions or methodologies within six months from the day of referral, in accordance with Article 5(3) and the second subparagraph of Article 6(10) of Regulation (EU) 2019/942.”

(6) In Article 6,

– in paragraph 1

– in the first sentence after the term “the Agency” the following text shall be added: “for the Cooperation of Energy Regulators, the Energy Community Regulatory Board”;

– in the second sentence the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”;

– in paragraph 2, the term “the Agency” shall be replaced by the following text: “the Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”;

– paragraph 3 shall read as follows:

“The Agency for the Cooperation of Energy Regulators, the Energy Community Regulatory Board, or the regulatory authorities where they are responsible for the adoption of terms and conditions or methodologies in accordance with Article 5(2), (3) and (4) may respectively request proposals for amendments of those terms and conditions or methodologies and determine a deadline for the submission of those

proposals. TSOs responsible for developing a proposal for terms and conditions or methodologies may propose amendments to regulatory authorities, the Energy Community Regulatory Board and, to the extent Member States are affected to the Agency for the Cooperation of Energy Regulators. The proposals for amendments to the terms and conditions or methodologies shall be submitted to consultation in accordance with the procedure set out in Article 10 and approved in accordance with the procedure set out in Articles 4 and 5.”

- (7) In Article 7, the term “following approval”, the following text shall be added: “according to the provisions of this Regulation” and the term “the Agency“ shall be replaced by the following text “the Agency for the Cooperation of Energy Regulators, the Energy Community Regulatory Board,”
- (8) In Article 8, the term “Article 37 of Directive 2009/72/EC” shall be replaced by “Article 59 of Directive (EU) 2019/944 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC”.
- (9) In Article 9, the term “the Agency” shall be replaced by the following text: “The Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”.
- (10) In Article 10,
- in paragraph 1, after the term “Member State” the following term “and Contracting Party”;
 - paragraph 2, shall read as follows: “The consultation shall last for a period of not less than one month”;
 - paragraph 3 is deleted;
 - in paragraph 4, the following text: “(a), (h) and (i)” is deleted;
- (11) In Article 11, the term “Union” shall be replaced by the term “Energy Community or national”.
- (12) In Article 12,
- in paragraphs 3 and 4, the term “Article 37” shall be replaced by “Article 59”;
 - in paragraph 3,
 - point (j) shall read as follows: “approved methodologies referred to in Articles 40, 41 and 42 of Regulation (EU) 2017/2195 at least one month before the application”;
 - point (k) shall read as follows: “description of the requirements of any algorithm developed and amendments to it referred to in Article 58, points 1 and 2 of Regulation 2017/2195 and in Article 58, points 3 and 4, at least one month before the application.”
 - paragraph 5 shall read as follows:

“No later than two years after entry into force of this Regulation, each TSO shall publish the information pursuant to paragraph 3 in a commonly agreed or applied harmonised format at least through the information transparency platform established pursuant to Article 3 of Regulation (EU) No 543/2013 as adapted and adopted by Ministerial Council Decision 2015/01/MC- EnC.”
- (13) In Article 13,
- in paragraph 1, the term “Article 37” shall be replaced by “Article 59”;
 - in paragraph 4, the term “other Member States” shall be replaced by the following term “other Member States or Contracting Parties”.

- (14) In Article 14, the term “Article 37” shall be replaced by “Article 59”;
- (15) In Article 18,
- in paragraph 3, point (b) after the term “22” the following text shall be added: “of Regulation (EU) 2017/2195”;
 - paragraph 7, point (g) after the term “Article 52(2)(d)(i)” and after the term “Article 52(2)(d)(ii)” the following term shall be added: “of Regulation (EU) 2017/2195”.
- (16) In Article 19,
- paragraphs 1, 2, 3 and 4, are deleted;
 - paragraph 5, first indent shall read as follows: “By one year after the entry into force of this Regulation, all Contracting Parties” TSOs performing the reserve replacement process pursuant to Part IV of Regulation (EU) 2017/1485 as adapted and adopted by Ministerial Council Decision 2022/02/MC-EnC and that have at least one interconnected neighbouring TSO performing the replacement reserves process shall use the European platform established in accordance with Article 19 of Regulation 2017/2195 to.”
- (17) In Article 20,
- paragraphs 1, 2, 3, 4, and 5 are deleted;
 - paragraphs 6, first indent shall read as follows: “By two years after the entry into force of this Regulation Contracting Parties” TSOs shall implement and make operational the European platform for the exchange of balancing energy use the European platform established in accordance with Article 20 of Regulation 2017/2195.”
- (18) In Article 21,
- paragraphs 1, 2, 3, 4, and 5 are deleted;
 - paragraphs 6, first indent shall read as follows: “By two years after the entry into force of this Regulation all Contracting Parties” TSOs performing the automatic frequency restoration process pursuant to Part IV of Regulation (EU) 2017/1485 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC shall use the European platform established in accordance with Article 21 of Regulation 2017/2195 to.”
- (19) In Article 22,
- paragraphs 1, 2, 3 and 4 are deleted;
 - paragraph 5 shall read as follows: “By one year after the entry into force of this Regulation all Contracting Parties” TSOs performing the automatic frequency restoration process pursuant to Part IV of Regulation (EU) 2017/1485 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC shall use the European platform established in accordance with Article 22 of Regulation 2017/2195 to perform the imbalance netting process, at least for the Continental Europe synchronous area.”
- (20) In Article 23,
- paragraph 1 shall read as follows: “All TSOs shall provide a yearly report to the relevant regulatory authorities in accordance with Article 59 of Directive (EU) 2019/944 as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC in which the costs of operating the European platforms pursuant to Articles 19, 20, 21 and 22 of Regulation 2017/2195, applicable to the relevant Contracting Party”s TSO are explained in detail”;

- paragraphs 3 shall read as follows: “Common costs referred to in paragraph 2(a) shall be shared among the TSOs in the Member States and Contracting Parties participating in the European platforms. The amount to be paid is calculated in line with Article 23(3) of Regulation (EU) 2017/2195”;
 - the second sentence of paragraph 5 shall read as follows: “The proposal shall then be individually approved by the relevant regulatory authorities of each of the Contracting Parties and Member States in the region” and the third sentence is deleted;
 - in paragraphs 6, after the following text “22(1)” shall be added: “of Regulation 2017/2195”.
- (21) In Article 24,
- in paragraph 1, the following text: “As part of the proposals pursuant to Articles 19, 20 and 21” shall be deleted; and after the term “products” the following text shall be added: “with the balancing energy gate closure time”.
- (22) In Article 25,
- paragraph 1 shall read as follows: “Standard products for balancing energy shall be applied as part of the implementation of the European platforms pursuant to Articles 19, 20 and 21. No later than the time when a Contracting Party’s TSO uses the respective European platform, the TSO shall use only standard and, where justified, specific balancing energy products in order to maintain the system’s balance in accordance with Article 127, Article 157 and Article 160 of Regulation (EU) 2017/1485 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC.”
 - paragraph 2 shall read as follows: “By one year after entry into force of this Regulation, all TSOs shall apply the list of standard products for balancing capacity for frequency restoration reserves and replacement reserves adopted pursuant to Article 25 of Regulation 2017/2195.”
 - paragraphs 3, 4 and 5 are deleted.
- (23) In Article 26, the first sentence of paragraph 1, shall read as follows: “For the implementation of the European platforms pursuant to Articles 19, 20 and 21, each TSO may develop a proposal for defining and using specific products for balancing energy and balancing capacity.”
- (24) In Article 29,
- in paragraph 1, the following text: “set with the proposal by all TSOs pursuant to paragraph 5 of Article 21” shall be replaced by the following text: “applied pursuant to paragraph 2 of Article 5”;
 - in paragraph 2 and paragraph 4, the following term: “paragraph 3” shall be replaced by the following term “Article 5(2)(d)”;
 - paragraph 3 shall read as follows: “By one year after the entry into force of this Regulation, all TSOs shall apply the methodology for classifying the activation purposes of balancing energy bids adopted pursuant to Article 29(3) of Regulation (EU) 2017/2195 in line with Article 5(2)(d)”;
 - in paragraph 8, after the term “Article 58” the following text shall be added: “of Regulation 2017/2195”;
 - in paragraph 13, the first sentence is deleted;
- (25) In Article 30,
- paragraph 1 shall read as follows: “By one year after the entry into force of this Regulation, all TSOs shall apply the methodology adopted in accordance with

Article 5(2)(f) to determine prices for the balancing energy that results from the activation of balancing energy bids for the frequency restoration process pursuant to Articles 143 and 147 of Regulation (EU) 2017/1485 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, and the reserve replacement process pursuant to Articles 144 and 148 of Regulation (EU) 2017/1485 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”;

- paragraphs 2 and 3 are deleted;
 - in paragraph 5, the term “paragraph 1” shall be replaced by the following text: “Article 30(1)(a) of Regulation (EU) 2017/2195”.
- (26) In Article 31,
- paragraph 1 shall read as follows: “All TSOs shall apply the activation optimisation function established in accordance with Article 29 and Article 31 of Regulation (EU) 2017/2195 for the optimisation of the activation of balancing energy bids from different common merit order lists.”;
 - paragraph 3 is deleted;
 - paragraph 7 shall read as follows: “The activated balancing service providers shall be responsible for delivering the requested volume until the end of the delivery period”
- (27) In Article 32, in paragraph 3, the term “Article 37” shall be replaced by “Article 59”.
- (28) In Article 35,
- in paragraph 1, the term “Article 37” shall be replaced by “Article 59” ;
 - in paragraph 7, the term “four” shall be replaced by the term “one”.
- (29) Article 36, paragraph 2, point (c) after the term “42” the following text shall be added: “of Regulation (EU) 2017/2195”.
- (30) In Article 38,
- in paragraph 1,
 - the term “Article 37” shall be replaced by “Article 59”;
 - in points (a), (b) and (c) after the terms “40”, “41” and “42” respectively, the following text shall be added: “of Regulation (EU) 2017/2195”;
 - paragraph 3, shall read as follows: “By one year after entry into force of this Regulation, all TSOs shall apply the harmonised methodology for the allocation process of cross-zonal capacity for the exchange of balancing capacity or sharing of reserves per timeframe pursuant to Article 40 and, where relevant, pursuant to Articles 41 and 42 of Regulation (EU) 2017/2195.”
- (31) Articles 39, 40, 41 and 42 are deleted.
- (32) In Article 44, in paragraph 2 the term “Article 37” shall be replaced by “Article 59”;
- (33) In Article 50,
- paragraph 1 shall read as follows:

“By one year after the entry into force of this Regulation, all TSOs shall apply the common settlement rules applicable to all intended exchanges of energy pursuant to Articles 146, 147 and 148 of Regulation (EU) 2017/1485”;
 - in paragraph 2, the term “paragraph 1” shall be replaced by the following term “Article 5(2)(i)”;
 - paragraph 3 shall read as follows:

“By one year after the entry into force of this Regulation, all TSOs intentionally exchanging energy within the Continental Europe synchronous area shall apply the common TSO-TSO settlement rules for the intended exchanges of energy in line with Article 5(2)(l).”

- paragraphs 4, 5, 6 and 7 are deleted.
- (34) Article 51,
- paragraph 1 shall read as follows: “By one year after the entry into force of this Regulation, all TSOs of the Continental Europe synchronous area shall apply a common settlement rules applicable to all unintended exchanges of energy in line with Article 5(2)(m).”
 - paragraphs 2, 3 and 4 are deleted.
- (35) In Article 52,
- paragraph 2 shall read as follows: “By one year after entry into force of this Regulation, all TSOs shall apply the harmonised provisions on of the main features of imbalance settlement pursuant to Article 52(2) of Regulation (EU) 2017/2195 in line with art. 5(2)(j) of this regulation”
 - paragraphs 3 and 4 are deleted.
- (36) In Article 53,
- in paragraph 1, the term “three years” shall be replaced by the term “one year”;
 - paragraphs 2 and 3 are deleted.
- (37) In Article 54,
- in paragraph 1, before the term “TSO” the following text shall be added: “Contracting Party’s”
 - in paragraph 3, the following text: “of the proposal pursuant to Article 52(2)” shall be replaced by the following term: “Article 5(2)”.
- (38) In Article 55, in paragraph 1, before the term “TSO” the following text shall be added : “Contracting Party’s”
- (39) In Article 58, paragraphs 1 and 2 are deleted;
- (40) In Article 59,
- paragraph 1 shall read as follows: “When monitoring the implementation of Regulation (EU) 2017/2195 in accordance with its Article 59, the ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall extend this report to include the Contracting Parties, where feasible.”
 - paragraphs 2, 3 and 4 are deleted;
 - paragraph 5, shall read as follows: “Before the submission of the final report, ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall deliver proposal for a draft report developed pursuant to paragraph 1 to the Energy Community Regulatory Board which shall be entitled to require amendments within two months after the submission of the proposal”;
 - in paragraph 6, the term “2(a)” shall be replaced by the term “1”;
 - paragraph 9 is deleted.
- (41) In Article 60,
- in paragraph 4, the term “Article 37” shall be replaced by “Article 59”.

- (42) In Article 61,
- in paragraph 1, the term “Article 37” shall be replaced by “Article 59”.
- (43) In Article 62,
- in paragraph 1, the term “Article 37” shall be replaced by “Article 59”;
 - in paragraph 9, the term “2025” shall be replaced by the term “2030”.
- (44) In Article 63,
- paragraph 1 shall read as follows: “The Secretariat shall monitor the implementation of this Regulation by the Contracting Parties.”
 - paragraphs 2 and 3 are deleted;
 - paragraph 4 shall read as follows:
“TSOs of the Contracting Parties shall submit to the Secretariat the information required to perform the tasks in accordance with paragraph 1”;
 - paragraph 5 shall read as follows:
“Market participants and other relevant organisations for the integration of electricity balancing markets by the Contracting Parties shall submit to the Secretariat the information required for monitoring in accordance with paragraph 1 except for information already obtained by the relevant regulatory authorities in accordance with Article 59 of Directive (EU) 2019/944, as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC the Energy Community Regulatory Board, the Agency for the Cooperation of Energy Regulators”.
- (45) Articles 64 and 65 are deleted.

Article 9

Specific adaptations of Regulation (EU) 2017/2196

Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration shall be adapted as follows:

- (1) The date “18 December 2018” shall be replaced by the date 31 December 2023”.
- (2) The date “18 December 2019” shall be replaced by the date “30 June 2024”.
- (3) The date “18 June 2019” shall be replaced by the following date “30 June 2024”.
- (4) The text: “Article 37 of Directive 2009/72/EC” shall be replaced by the following text: “Article 59 of Directive (EU) 2019/944, as adapted and adopted by the Ministerial Council Decision 2021/13/MC-EnC.”
- (5) In Article 2,
 - paragraph 6 shall read as follows: “This Regulation shall apply to all transmission systems, distribution systems and interconnections in the Contracting Parties and with the Member States , and to regional coordination centres, except transmission systems and distribution systems or parts of the transmission systems and distribution systems of Contracting Parties of which the systems are not operated synchronously with Continental Europe (“CE”) synchronous area”;
 - paragraph 8 shall be deleted.
- (6) In Article 6,
 - in paragraph 2 point (e), the term “RSCs” shall be replaced by the words

“Regional Coordination Centres (RCCs)”;

- paragraph 3 shall read as follows: “By 31 December 2023, each TSO shall transmit the measures referred to in paragraph 1 to the relevant RCC(s) established pursuant to Article 35 of the Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03 /MC-EnC. Within 3 months from the submission of the measures, the RCC(s) shall produce a technical report on the consistency of the measures based on the criteria set out in paragraph 2. Each TSO shall ensure the availability of its own skilled experts to assist the RCC(s) in preparing this report.”
 - in paragraph 4,
 - the term “RSCs” shall be replaced by the term “RCCs”
 - before the term “ENTSO” the following text shall be added: “the Energy Community Regulatory Board and”;
- (7) In Article 9,
- In paragraphs 3 and 4 the term “Union” shall be replaced by the term “Energy Community and national”.
- (8) In Article 10,
- the term “Union TSOs” shall be replaced by the term “TSOs of Contracting Parties”.
- (9) In Article 35, paragraph 5 letter (c) after the term “Regulation (EU) 2015/1222” the following is added: “and Regulation (EU) 2015/1222 as adapted and adopted by Ministerial Council Decision No 2022/03/MC-EnC”;
- (10) In Article 36,
- paragraph 7 shall read as follows: “When reporting on the level of harmonisation of the rules for suspension and restoration of market activities established by the TSOs and identifying, as appropriate, areas that require harmonisation, in accordance with Article 36(7) of Regulation (EU) 2017/2196, the ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall extend this report to include the Contracting Parties.”
 - in paragraph 8 the date “18 June 2020” shall be replaced by the date “30 June 2024”.
- (11) In Article 42 paragraph 5, the second sentence is deleted.
- (12) In Article 48 paragraph 3 the date “18 December 2024” shall be replaced by the date “30 June 2024”.
- (13) In Article 52,
- in paragraph 1 the first sentence shall read as follows: “ENTSO-E acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall monitor the implementation of this Regulation in the areas covered by this paragraph. To the extent the monitoring covers Contracting Parties located outside the Continental Europe synchronous area or not being member of ENTSO for Electricity, the Energy Community Secretariat shall collect data from the relevant transmission system operators. Monitoring by ENTSO for Electricity shall cover in particular the following matters:”;
 - paragraph 2 is deleted;
 - in paragraph 3, the text “and 2” is deleted;
 - paragraph 4 shall read as follows: “Following a request of the relevant regulatory

authority in accordance with Article 59 of Directive (EU) 2019/944, as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC, DSOs and the entities pursuant to Article 39(1) shall provide TSOs with the information under Article 52 paragraph 2 of Regulation 2017/2196 unless that information is already available to the regulatory authorities, TSOs, the Energy Community Regulatory Board or ENTSO for Electricity in relation to their respective implementation monitoring tasks, with the objective of avoiding duplication of information.”

- (14) Article 55 is deleted.

Article 10

Specific adaptations of Regulation (EU) 2017/1485

Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operation in the Energy Community shall be adapted as follows:

- (1) The term “and Nordic” is deleted in the following articles:
 - Article 118, in paragraph 1, in points (d), (r) and (s);
 - Article 127, in paragraph 6;
 - Article 128, in paragraphs 1, 2 and 3;
 - Article 131, in paragraph 1, in points (a) (vi) and (b);
 - Article 143, in paragraph 1 point (b);
 - Article 145, in paragraph 4;
 - Article 152, in paragraph 13;
 - Article 153, in paragraph 2 in points (a) and (c);
 - Article 156, in paragraph 6 in point (a);
 - Article 156, in paragraphs 9, 10 and 13 point (b);
 - Article 157, in paragraph 2 in points (a), (b), (j) (i), (k) (i);
 - Article 160, in paragraph 3, in points (a) and (b);
 - Article 174, in paragraph 2, in point (a).
- (2) The term “regional security coordinator” shall be replaced by the following text: “regional coordination centre”;
- (3) In Article 2,
 - paragraph 2, shall read as follows: “This Regulation shall apply to all transmission systems, distribution systems and interconnections in the Contracting Parties and with the Member States, and to regional coordination centres, except transmission systems and distribution systems or parts of the transmission systems and distribution systems of Contracting Parties of which the systems are not operated synchronously with Continental Europe (“CE”)”.
 - paragraph 4 is deleted.
- (4) In Article 3,
 - in paragraph 2,
 - point (89) shall read as follows: ““regional coordination centre” (“RCC”) means regional coordination centre established pursuant to Article 35 of

the Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/02/MC-EnC”

- points (120), (121) and (122) are deleted;
- in point (152), the text after the term “FRR” is deleted;
- after point (159) new point (160) is added: ““Member State” means a territory of the European Union referred to in Article 27 of the Treaty.”

(5) In Article 5,

- in paragraph 1, the first sentence shall read as follows: “Where this Regulation requires TSOs to develop the terms and conditions or methodologies they shall submit them for approval to the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, competent regulatory authorities in accordance with Article 6(3), or to the entity designated by the Contracting Party in accordance with Article 6(4) and (5) within the respective deadlines set out in this Regulation.”;
- in paragraph 2, the term “Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”;
- paragraphs 3 and 4 are deleted;
- in paragraph 5 the term “Member State” is replaced by the term “Contracting Party and/or Member State and the term “Member States” is replaced by the term “Contracting Parties and/or Member States”;
- in paragraph 7, after the term “Member States” the following text is added: “and/or Contracting Parties”
- in paragraph 8,
 - the term “paragraphs 3 and 4” shall be replaced by the term “paragraph 5”
 - the term “Member State” shall be replaced by the term “Contracting Party or Member State”;
- paragraph 9 shall read as follows:

“Where TSOs fail to submit a proposal for terms and conditions or methodologies to the regulatory authorities in accordance with Article 6(3) or to the entities designated by the Contracting Parties in accordance with Article 6(4) within the deadlines defined in this Regulation, they shall provide the competent regulatory authorities, the Energy Community Regulatory Board and the Agency for the Cooperation of Energy Regulators, with the relevant drafts of the terms and conditions or methodologies and explain why an agreement has not been reached. The Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, shall inform the Energy Community Secretariat and the European Commission, and shall, in cooperation with the competent regulatory authorities, investigate the reasons for the failure and inform the Energy Community Secretariat and the European Commission thereof. The Energy Community Secretariat or, to the extent Member States are affected, the European Commission shall take the appropriate steps to make possible the adoption of the required terms and conditions or methodologies within 4 months from the receipt of the information.”

(6) In Article 6,

- in paragraph 1,

- the term “2 and” is deleted;
- after the third sentence, third sentence is added to read as follows: “Before approving the terms and conditions or methodologies, the regulatory authority, or the designated entity shall revise the proposals where necessary, after consulting the respective TSOs, in order to ensure that they are in line with the purpose of this Regulation and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market.”
- in paragraph 2,
 - the first sentence shall read as follows: “TSOs shall apply the following terms and conditions or methodologies, as adopted in accordance with Regulation (EU) 2017/1485”;
 - after point (c) the following text is added:
 - “(d) methodology for the Continental Europe synchronous area for the definition of minimum inertia in accordance with Article 39(3)(b);
 - (e) methodology, at least per synchronous area, for assessing the relevance of assets for outage coordination in accordance with Article 84;
 - (f) methodologies, conditions and values included in the synchronous area operational agreements in Article 118 concerning:
 - (i) the frequency quality defining parameters and the frequency quality target parameter in accordance with Article 127;
 - (ii) the dimensioning rules for FCR in accordance with Article 153;
 - (iii) the additional properties of the FCR in accordance with Article 154(2);
 - (v) for the CE synchronous area, the minimum activation period to be ensured by FCR providers in accordance with Article 156(10);
 - (vi) for the CE synchronous area, the assumptions and methodology for a cost-benefit analysis in accordance with Article 156(11);
 - (vii) for synchronous areas other than CE and if applicable, the limits for the exchange of FCR between TSOs in accordance with Article 163(2);
 - (ix) limits on the amount of exchange of FRR between synchronous areas defined in accordance with Article 176(1) and limits on the amount of sharing of FRR between synchronous areas defined in accordance with Article 177(1);
 - (x) limits on the amount of exchange of RR between synchronous areas defined in accordance with Article 178(1) and limits on the amount of sharing of RR between synchronous areas defined in accordance with Article 179(1);
 - (g) where the LFC block comprises of LFC areas of Member States and Contracting Parties, methodologies and conditions included in the LFC block operational agreements in Article 119, concerning:
 - (i) ramping restrictions for active power output in accordance with Article 137(3) and (4);
 - (ii) coordination actions aiming to reduce FRCE as defined in Article 152(14);
 - (iii) measures to reduce FRCE by requiring changes in the active power production or consumption of power generating modules and demand units in accordance with Article 152(16);
 - (iv) the FRR dimensioning rules in accordance with Article 157(1);

(e) mitigation measures per synchronous area in accordance with Article 138;"

- in paragraph 3,
 - in the first sentence, before the term “Member State” the following text shall be added “Contracting Party or”;
 - points (a) (c) and (d) are deleted;
 - point (e) shall read as follows:

“(e) where the LFC block comprises of LFC areas of Contracting Parties only, methodologies and conditions included in the LFC block operational agreements in Article 119, concerning:

 - (i) ramping restrictions for active power output in accordance with Article 137(3) and (4);
 - (ii) coordination actions aiming to reduce FRCE as defined in Article 152(14);
 - (iii) measures to reduce FRCE by requiring changes in the active power production or consumption of power generating modules and demand units in accordance with Article 152(16);
 - (iv) the FRR dimensioning rules in accordance with Article 157(1)”;
 - in point (f) the following text: “synchronous area or” is deleted;
 - in point (g) the following text: “per synchronous area or” is deleted ;
- in paragraph 4, point (a) is deleted;
- in paragraph 5, after the term “requirements” the following text is added: “and any amendments thereof”
- in paragraph 6,
 - in the first sentence, the term “Agency” shall be replaced by the following text: “the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”
 - the second and third sentence shall be replaced by the following text: “Proposals on terms and conditions or methodologies subject to the approval by several or all regulatory authorities shall be submitted to the Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, at the same time that they are submitted to regulatory authorities.”
 - in the fourth sentence, the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”;
- in paragraph 7,
 - the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board or the Agency for the Cooperation of Energy Regulators”;
 - the term “paragraphs 2 and 3” shall be replaced by the term “paragraph 3”;
- in paragraph 8,
 - the term “Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are

- affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC;”
- the following text: “according to the third subparagraph of Article 5(3) of Regulation (EU) 2019/942” and “in accordance with Article 5(3) and the second subparagraph of Article 6(10) of Regulation (EU) 2019/942” is deleted;
- (7) In Article 7,
- in paragraph 1,
 - the term “the Agency or” is deleted;
 - the term “paragraphs 2 and 3” shall be replaced by the term “paragraph 3”;
 - in paragraph 3,
 - the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”
 - the following text: “according to the third subparagraph of Article 5(3) of Regulation (EU) 2019/942” is deleted;
 - in paragraph 4,
 - in the first sentence, the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”,
 - the term “paragraphs 2, 3 and 4” shall be replaced by the term “paragraphs 3 and 4” ;
 - in the second sentence, the term “the Agency” shall be replaced by the following text: “Energy Community Regulatory Board or, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators”
- (8) In Article 10, the term “Agency” shall be replaced by the following text: “The Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC”.
- (9) In Article 11,
- in paragraphs 1 and 2, before the term “Member State/s” the following term is added: “Contracting Party/ies and”
 - in paragraph 1, the term “Article 6(2) and (3)” shall be replaced by the following term “Article 6(3)”
 - in paragraph 2 the first sentence is deleted;
- (10) In Article 12, the term “Union” shall be replaced by the following text: “national or Energy Community”;
- (11) In Article 14,
- paragraph 1, indent one shall read as follows: “ENTSO for Electricity acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC shall monitor the implementation of this Regulation in the areas covered by this paragraph. To the extent the monitoring covers Contracting Parties located outside the

Continental Europe synchronous area or not being member of ENTSO for Electricity, the Energy Community Secretariat shall collect data from the relevant transmission system operators. Monitoring by ENTSO for Electricity shall cover at least the following matters:"

- paragraph 2 shall read as follows: "The Agency for the Cooperation of Energy Regulators may expand a list of the relevant information related to the Contracting Parties to be communicated by the ENTSO for Electricity to the Agency for the Cooperation of Energy Regulators in accordance with Article 32 of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC. The list of relevant information may be subject to updates. The ENTSO for Electricity shall maintain a comprehensive, standardized format, digital data archive of the information required by the Agency for the Cooperation of Energy Regulators.";
- in paragraph 3, the term "and 2" is deleted;
- in paragraph 4,
 - the term "under paragraph 2" shall be replaced by the following term: "under this Article"
 - the term "the Agency" is deleted.

(12) In Article 15,

- paragraph 1 shall read as follows: "ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall extend the annual report drafted in accordance with Article 15(1) of Regulation 2017/1485 to include the Energy Community Contracting Parties. The Energy Community Regulatory Board may provide its opinion on the format and contents of that annual report, including the geographical scope of the incidents reported, the electrical interdependencies between the TSOs' control areas and any relevant historical information".

(13) In Article 16,

- paragraph 1 shall read as follows: "ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall extend the annual report drafted in accordance with Article 16(1) of Regulation 2017/1485 to include the Energy Community Contracting Parties";
- in paragraph 2, the text: "Starting from 14 September 2018" shall be replaced by the following text: "After the deadline for transposition of the present Regulation".

(14) In Article 17,

- paragraph 1 shall read as follows: "ENTSO for Electricity, acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC, shall extend the annual report drafted in accordance with Article 17(1) of Regulation 2017/1485 to include the Energy Community Contracting Parties",

(15) In Article 18,

- in paragraph 4, indent two is deleted;

(16) In Article 26,

- paragraph 1 shall read as follows: "Each TSO shall specify, taking into account Articles 1(4)(a) and 1(5) of the Procedural Act No 2018/2/MC-EnC and Items 4.2(f) and 5.1 of its Annex, a confidential security plan containing a risk assessment of assets owned or operated by the TSO, covering major physical or cyber threat scenarios determined by the Contracting Party."

- (17) In Article 27, paragraph 2 is deleted.
- (18) In Article 28, the following text: “entry into force” shall be replaced by the following text: “the deadline for transposition”
- (19) In Article 38,
- in paragraph 4, after the term “ENTSO for Electricity” the following text shall be added: “acting in accordance with Article 3 of Procedural Act No 2022/01/MC-EnC”
- (20) In Article 40,
- paragraph 6, shall read as follows: “By 6 months after entry into force of this Regulation, the TSOs shall apply the key organisational requirements, roles and responsibilities in relation to data exchange, as adopted in accordance with Regulation (EU) 2017/1485.”
- (21) In Article 55, point (d) the following text: “in accordance with Article 8(3)(a) of Regulation (EC) No 714/2009” is deleted.
- (22) In Article 58,
- in paragraph 4, point (h), the text: “Articles 6 and 18 of Regulation (EC) No 714/2009” shall be replaced by the following text: “Articles 59 and 61 of Regulation (EU) 2019/943, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC.”
- (23) In Article 64,
- in paragraphs 1 and 3, the term “Article 114(2)” shall be replaced by the following term “Article 114(1).”
- (24) In Article 65,
- paragraph 4 shall read as follows: “The TSOs of the Contracting Parties shall apply the common list of scenarios established for the following year and adopted in accordance with Regulation (EU) 2017/1485.”
- (25) In Article 66,
- in paragraph 1, the text: “in accordance with Article 114(1)” is deleted.
- (26) In Articles 67,
- paragraph 1, in Article 70 paragraph 1, in Article 75 in paragraph 1, in Article 84 paragraph 1,
 - the term “all” before the term “TSOs” is deleted;
 - the text “jointly develop a proposal for” shall be replaced by the term “apply”
 - in paragraph 1, the text after the first sentence is deleted.
- (27) In Article 70, paragraph 1 shall read: “By 6 months after entry into force of this Regulation, TSOs shall apply the methodology for building the day-ahead and intraday common grid models from the individual grid models and for saving them”.
- (28) In Article 75,
- paragraph 1 shall read : “By 12 months after entry into force of this Regulation, TSOs shall jointly apply the methodology for coordinating operational security analysis“;
 - paragraphs 2 3, 4, 5 and 6 are deleted.
- (29) In Article 76,

- in paragraph 1, the first sentence shall read as follows: “By 3 months after applying the methodology for coordinating operational security analysis in Article 75(1), all TSOs of each capacity calculation region, as established in accordance with Article 15(1) of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC, shall jointly develop a proposal for common provisions for regional operational security coordination, to be applied by the regional coordination centre and the TSOs of the capacity calculation region.”
- (30) Article 77 is deleted.
- (31) In Article 78,
 - in paragraph 1(a) the term “adopted” shall be replaced by the term “applied.”
- (32) In Article 80, in paragraph 1 and in Article 81, in paragraph 3,
 - after the term “capacity calculation region” the following text shall be added “as established in accordance with Article 15(1) of Regulation (EU) 2015/1222, as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC,”
- (33) In Article 84,
 - paragraph 1, shall read as follows: “By 12 months after entry into force of this Regulation, TSOs shall apply methodology at least per synchronous area, for assessing the relevance for the outage coordination of power generating modules, demand facilities, and grid elements located in a transmission system or in a distribution system, including closed distribution systems” ;
 - paragraphs 3 and 4 are deleted.
- (34) In Article 85,
 - in paragraph 1, the text: “after the approval of the methodology for assessing the relevance of assets for outage coordination in Article 84(1)” shall be replaced by the following text: “after the deadline for transposition of this Regulation” and the term “this methodology” shall be replaced by the following text: “the methodology referred to in Article 84(1).”
- (35) In Article 86,
 - in paragraph 1, the text: “developed in accordance with” shall be replaced by the following text: “referred to in”.
- (36) In Article 87,
 - in paragraph 1, the text: “after the approval of the methodology for assessing the relevance of assets for outage coordination in Article 84(1)” shall be replaced by the following text: “after entry into force of this Regulation”;
 - in paragraph 2, the text “established pursuant to” shall be replaced by the following text: “referred to in”;
- (37) In Article 88,
 - in paragraph 1, the text “established pursuant to” shall be replaced by the following text: “referred to in”.
- (38) In Article 106,
 - in paragraph 1, the text: “referred to in Article 8(3)(f) of Regulation (EC) No 714/2009” is deleted.
- (39) In Article 114, paragraphs 1, 2, 4 and 5 are deleted.
- (40) In Article 118,
 - in the first sentence after the term “common proposals” the following text is

- added: "unless already adopted on a contractual basis"
- in paragraph 1, points (m) and (y) are deleted.
- (41) In Article 127,
- in paragraph 1, points (f), (g) and (h) are deleted;
 - in paragraph 3, after the term "Annex III" the following text is added: "related to the Continental Europe synchronous area. Contracting Parties" TSOs operating in other synchronous areas are excluded from the obligation to reaching these values and operate according to the rules of these synchronous areas";
 - paragraph 7 is deleted.
- (42) In Article 128, paragraphs 5 and 6 are deleted and the remaining paragraph is renumbered.
- (43) In Article 131,
- in paragraph 1,
 - in point (a) (vi) the following text is deleted: "and to the frequency restoration range for the GB, IE/NI and Nordic synchronous areas",
 - point (a) (vii) is deleted,
 - point (c) is deleted.
- (44) In Article 139, after paragraph 2, new paragraph 3 is added to read as follows:
"The provisions related to the load-frequency control structure apply only to the transmission system operators operating in the Continental Europe synchronous area. Contracting Parties" TSOs operating in other synchronous areas are excluded from the obligation to reach the objectives set out in these provisions within Title 3 and to operate according to the rules of these synchronous areas."
- (45) In Article 140, in paragraph 2 point (e) is deleted.
- (46) In Article 144, in paragraph 1, point (c) is deleted.
- (47) In Article 145, paragraphs 2 is deleted.
- (48) In Article 152, paragraph 7 is deleted.
- (49) In Article 153, in paragraph 2, point (b) (ii) is deleted.
- (50) In Article 156,
- in paragraph 6, point (b) is deleted;
 - in paragraphs 7 and 8, the second sentence is deleted;
 - paragraph 10 shall read as follows: "For the CE synchronous area, all TSOs shall apply the methodology concerning the minimum activation period to be ensured by FCR providers adapted pursuant to Regulation (EU) 2017/1485.";
 - paragraph 11 is deleted;
 - in paragraph 13, point (a) is deleted.
- (51) In Article 157, points (j) (ii) and point (k) (ii) are deleted.
- (52) In Article 160, in paragraph 3, the second sentence in points (a) and (b) is deleted.
- (53) In Article 174, in paragraph 2, point (b) is deleted.
- (54) Article 192 is deleted.
- (55) Annex I is deleted.
- (56) Annex II shall read as follows:

“Voltage ranges referred to in Article 27:

Table 1

Voltage ranges at the connection point between 110 kV and 300 kV

Synchronous area	Voltage range
Continental Europe	0,90 pu-1,118 pu

Table 2

Voltage ranges at the connection point between 300 kV and 330 kV

Synchronous area	Voltage range
Continental Europe (Moldova and Ukraine)	0,90 pu-1,1 pu
Continental Europe (others)	0,90 pu-1,05 pu

Table 3

Voltage ranges at the connection point between 330 kV and 400 kV (750 kV for Ukraine)

Synchronous area	Voltage range
Continental Europe	0,90 pu-1,05 pu

(57) Annex III shall read as follows:

“Frequency quality defining parameters referred to in Article 127:

Table 1

Frequency quality defining parameters of the synchronous areas

	CE
standard frequency range	± 50 mHz
maximum instantaneous frequency deviation	800 mHz

maximum steady-state frequency deviation	200 mHz
time to recover frequency	not used
frequency recovery range	not used
time to restore frequency	15 minutes
frequency restoration range	not used
alert state trigger time	5 minutes

Frequency quality target parameters referred to in Article 127:

Table 2
Frequency quality target parameters of the synchronous areas

	CE
maximum number of minutes outside the standard frequency range	15 000

(58) Annex IV is deleted.

(59) Annex V shall read as follows:

“FCR technical minimum requirements referred to in Article 154:

Table
FCR properties in the different synchronous areas

Minimum accuracy of frequency measurement	CE	10 mHz or the industrial standard if better
Maximum combined effect of inherent frequency response insensitivity and possible intentional frequency response dead band of the governor of the FCR providing units or FCR providing groups.	CE	10 mHz
FCR full activation time	CE	30 s
FCR full activation frequency deviation.	CE	± 200 mHz

(60) Annex VI shall read as follows:

“Limits and requirements for the exchange of FCR referred to in Article 163:

Table
Limits and requirements for the exchange of FCR

Synchronous area	Exchange of FCR allowed between:	Limits for the exchange of FCR

CE synchronous area	TSOs of adjacent LFC blocks	<ul style="list-style-type: none"> - the TSOs of an LFC block shall ensure that at least 30 % of their total combined initial FCR obligations, is physically provided inside their LFC block; and the amount of reserve capacity on FCR, physically located in an LFC block as a result of the exchange of FCR with other LFC blocks, shall be limited to the maximum of: - 30 % of the total combined initial FCR obligations of the TSOs of the LFC block to which the reserve capacity on FCR is physically connected; and - 100 MW of reserve capacity on FCR
	TSOs of the LFC areas of the same LFC block	<p>the TSOs of the LFC areas constituting a LFC block shall have the right to specify in the LFC block operational agreement internal limits for the exchange of FCR between the LFC areas of the same LFC block in order to:</p> <ul style="list-style-type: none"> - avoid internal congestions in case of the activation of FCR; - ensure an even distribution of reserve capacity on FCR for the case of network splitting; and - avoid that the stability of the FCP or the operational security is affected.
Other synchronous areas	TSOs of the synchronous area	<p>The TSOs of the synchronous area shall have the right to specify in the synchronous area operational agreement limits for the exchange of FCR in order to:</p> <ul style="list-style-type: none"> - avoid internal congestions in case of the activation of FCR; - ensure an even distribution of FCR in case of network splitting; and - avoid that the stability of the FCP or the operational security is affected.

(61) Annex VII shall read as follows:

"Requirements and limits for the exchange of FRR within the synchronous area referred to in Article 167:

Table

Requirements and limits for the exchange of FRR within a synchronous area

Synchronous area	Exchange of FRR allowed between	Limits for the exchange of FRR
All synchronous areas consisting of more than one LFC block	TSOs of different LFC blocks	The TSOs of a LFC block shall ensure that at least 50 % of their total combined reserve capacity on FRR resulting from the FRR dimensioning rules in Article 157(1) and before any reduction due to the sharing of FRR in accordance with Article 157(2) remains located within their LFC block.
	TSOs of the LFC areas of the same LFC block	The TSOs of the LFC areas constituting a LFC block shall have the right, if needed, to specify internal limits, for the exchange of FRR between the LFC areas of the LFC block in the LFC block operational agreement to: <ul style="list-style-type: none"> - avoid internal congestions due to the activation of the reserve capacity on FRR subject to the exchange of FRR; - ensure an even distribution of FRR throughout the synchronous area and LFC blocks in case of network splitting; - avoid that the stability of the FRP or the operational security is affected.

(62) Annex VIII shall read as follows:

“Requirements and limits for the exchange of RR within the synchronous area referred to in Article 169:

Table

Requirements and limits for the exchange of RR within the synchronous area

Synchronous area	Exchange of RR allowed between	Limits for the exchange of RR
All synchronous areas consisting of more than one LFC block	TSOs of different LFC blocks	The TSOs of the LFC areas constituting a LFC block shall ensure that at least 50 % of their total combined reserve capacity on RR resulting from the RR dimensioning rules according to Article 160(3) and before any reduction of reserve capacity on RR as a result of the sharing of RR according to Article 160(4) and Article 160(5) remains located within their LFC block.

	<p>TSOs of the LFC areas of the same LFC block</p>	<p>The TSOs of the LFC areas constituting a LFC block shall have the right, if required, to define internal limits for the exchange of RR between LFC areas of the LFC block in the LFC block operational agreement as to:</p> <ul style="list-style-type: none"> - avoid internal congestions due to the activation of reserve capacity on RR subject to the exchange of RR; - ensure an even distribution of RR throughout the synchronous area in case of network splitting; and - avoid that the stability of the RRP or the operational security is affected.
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Article 11

Amendments to Ministerial Council Decision No 2021/13/MC-EnC

Ministerial Council Decision No 2021/13/MC-EnC amending Annex I to the Treaty Establishing the Energy Community and incorporating Directive (EU) 2019/944 and Regulation (EU) 2019/941 in the Energy Community acquis Communautaire shall be amended as follows:

(63) In Article 4 of Decision No 2021/13/MC-EnC,

- in Article 2,
 - definition (10) shall read as follows: “market participant” means a market participant as defined in point (25) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - definition (25) shall read as follows: “imbalance settlement period” means settlement period as defined in point (15) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC;
 - definition (44) shall read as follows: “congestion” means congestion as defined in point (4) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC;
 - definition (45) shall read as follows: “balancing” means balancing as defined in point (10) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - definition (46) shall read as follows: “balancing energy” means balancing energy as defined in point (11) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC;”
 - definition (47) shall read as follows: “balance responsible party” means balance responsible party as defined in point (14) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - definition (50) shall read as follows: “regional coordination centre” means a regional coordination centre established in accordance with Annex IV of

Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC,

- after definition (60) new definition (7612) is added: “Member State” means a territory of the European Union referred to in Article 27 of the Treaty.
- In Article 3,
 - in paragraph 1, the term “interconnectors between Contracting Parties” shall be replaced by the following text: “interconnectors between Contracting Parties of the Energy Community or between Contracting Parties and Member States of the European Union”
- In Article 15,
 - in paragraph 2, lit (e) the text “Article 14 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 18 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 16,
 - in paragraph 1, lit (e) the text “Article 14 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 18 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 2, lit (c) the text “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 5 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 17, in paragraph 3, lit (d) the text “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 5 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 31,
 - in paragraph 4, the text “Article 16 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 12 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 9, the text “<...> and Article 182 of Regulation (EU) 2017/1485 once adapted and adopted by the Permanent High Level Group” shall be replaced by the following text: “Article 57 of Regulation

- (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC and Article 182 of Regulation (EU) 2017/1485 as adapted and adopted by the Ministerial Council Decision 2022/03/PHLG-EnC”;
- in paragraph 10, the text “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 40,
- in paragraph 1, point (j) shall read as follows: “adopting a framework for cooperation and coordination between the regional coordination centres”,
 - paragraph 3 shall read as follows: “In performing the tasks referred to in paragraph 1, transmission system operators shall take into account the recommendations issued by the regional coordination centres”,
 - in paragraph 8, the text “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 43 in paragraph 9, the text “Article 3 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 51 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 44,
- in paragraph 2, lit (e), the text “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 3, the text “Article 3 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 51 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 4, the text “Article 13 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 49 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 47,
- in paragraph 5, the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Articles 16, 18, 19 and 50

- of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
- in paragraph 10, the text: “Article 3 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 51 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
 - In Article 50, in paragraph 8, the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 51 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
 - In Article 51,
 - in paragraph 5, after the term “(Union-wide network development plan)”, the following text shall be added: “referred to in Article 48 of the Regulation (EU) 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”.
 - In Article 52, in paragraphs 1 and 6, the text: “Article 3 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 51 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
 - In Article 59,
 - in paragraph 1,
 - lit (b), the text: “Regulation (EU) 2019/943” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/02/MC-EnC” and the text: “Articles 59, 60 and 61 of Regulation (EU) 2019/943 ” shall be replaced by the following text: “Article 58 of Regulation (EU) 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC”
 - lit (h), the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 16 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - lit (u), the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
 - in paragraph 3, lit (d) the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;

- in paragraph 5, lit (f) the text: “Article 14 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC- EnC of 6 October 2011” shall be replaced by the following text: “Article 19(2) of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;
- in paragraph 7, the text: “Articles 6 and 7 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011 <...>” shall be replaced by the following text: “Chapter VII of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- In Article 60, in paragraph 1, the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Article 18 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.
- Article 62 shall read:

“Duties and powers of regulatory authorities with respect to regional coordination centres

1. The regional regulatory authorities of the system operation region in which a regional coordination centre is established shall, in close coordination with each other:

(a) approve the proposal for the establishment of regional coordination centres in accordance with Annex IV of Regulation (EU) 2019/943 as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC,

(b) approve the costs related to the activities of the regional coordination centres, which are to be borne by the transmission system operators and to be taken into account in the calculation of tariffs, provided that they are reasonable and appropriate;

(c) approve the cooperative decision-making process;

(d) ensure that the regional coordination centres are equipped with all the necessary human, technical, physical and financial resources for fulfilling their obligations under this Directive and carrying out their tasks independently and impartially;

(e) propose jointly with other regulatory authorities of a system operation region possible additional tasks and additional powers to be assigned to the regional coordination centres by the Contracting Parties or Member States of the system operation region;

(f) ensure compliance with the obligations under this Directive and other relevant Energy Community law, in particular as regards cross-border issues, and jointly identify non-compliance of the regional coordination centres with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC;

(g) monitor the performance of system coordination and report annually to Energy Community Regulatory Board, and to the extent that Member States are involved, to the Agency for the Cooperation of Energy Regulators in this respect in accordance with Article 46 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC.

2. Contracting Parties shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in paragraph 1 in an efficient and expeditious manner. For this purpose, the regulatory authorities shall have at least the following powers:

(a) to request information from the regional coordination centres;

(b) to carry out inspections, including unannounced inspections, at the premises of the regional coordination centres;

(c) to issue joint binding decisions on the regional coordination centres.

3. The regulatory authority located in the Contracting Party in which a regional coordination centre has its seat shall have the power to impose effective, proportionate and dissuasive penalties on the regional coordination centre where it does not comply with its obligations under this Directive, Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC or any relevant legally binding decisions of the regulatory authority or of Energy Community Regulatory Board and, to the extent Member States are affected, the Agency for the Cooperation of Energy Regulators, acting in accordance with Article 2 of Procedural Act No 2022/01/MC-EnC, or shall have the power to propose that a competent court impose such penalties.”

– In Article 63, in paragraphs 1, 4 and 5, the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Chapter VII of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.

(64) In Article 5 of Decision No 2021/13/MC-EnC,

– In Article 2,

– definition (4) shall read as follows: “cross-border flow” means cross-border flow as defined in point (3) of Article 2 of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;

– definition (16) shall read as follows: “region” means a group of Contracting Parties whose transmission system the same regional coordination centre as referred to in Annex IV of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”;

– In Article 4, the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011” shall be replaced by the following text: “Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC”.

– In Article 16, in paragraph 3, the text: “Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October

2011" shall be replaced by the following text: "Article 16(2) of Regulation (EU) 2019/943 as adopted and adapted by Ministerial Council Decision 2022/03/MC-EnC and the rules adopted to implement that provision".

Article 12

Amendments to Ministerial Council Decision No 2011/02/MC-EnC

- (1) In Article 27,
 - paragraph 2 shall read as follows: "These Guidelines, which may need to be adapted to the institutional framework of the Energy Community, shall be adopted by the Ministerial Council;
 - paragraph 3 is deleted.
- (2) In Article 28,
 - paragraph 2 shall read as follows: "The relevant network codes shall be adopted by the Ministerial Council;
 - paragraph 3 is deleted.

Article 13

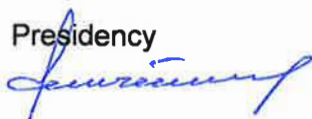
Entry into force

This Decision enters into force upon its adoption and is addressed to the Parties and institutions of the Energy Community.

Done in Vienna on 15 December 2022

For the Ministerial Council,

Presidency

A handwritten signature in blue ink, likely representing the Presidency of the Energy Community.