

IV. ANNOUNCEMENT OF APPEAL²

Case:	A-007-2021
Appellant:	Polskie Sieci Elektroenergetyczne S.A.
Appeal received on:	[DD Month YYYY]
Subject matter:	Appeal against Decision No 33/2020 of the European Union Agency for the Cooperation of Energy Regulators of 4 December 2020 on the Methodology for Regional Operational Security Coordination for the Core Capacity Calculation Region
Keywords:	regional cooperation, security coordination
Contested decision Number:	No 33/2020
Language of the case:	English

Remedy sought by the Appellant (including procedural requests)

The Appellant respectfully requests the Board of Appeal to rule that the Appellant's appeal is well-founded, and to annul the Contested Decision in its entirety and to remit the case to the competent body of ACER to replace the Contested Decision with a new decision in accordance with Article 28(5) of Regulation 2019/942.

The Appellant submits the following procedural request: pursuant to Article 18(1) of the Rules of the Board of Appeal, the Appellant requests an oral hearing, in order to be able to present its arguments effectively and to answer questions from the Board of Appeal.

Pleas in law and main arguments

The Appellant contest the lawfulness of the Contested Decision in its entirety, on the basis of the following pleas in law:

First plea: provisions of ROSC Methodology adopted by Contested Decision unlawfully go beyond the relevant legal regulations by shifting means and duties related to responsibility for secure system operation from TSOs to RCCs.

Second plea: provisions of ROSC Methodology adopted by Contested Decision eliminate the possibility of using central dispatching model by TSO, provided in other relevant legal regulations.

Third plea: provisions of ROSC Methodology adopted by Contested Decision do not ensure incentives compatibility as far as congestion management is concerned.

Fourth plea: provisions of ROSC Methodology adopted by Contested Decision do not ensure needed support for TSOs at the regional level to fulfil their obligation to maintain operational security limits, in particular voltage limits.

Further information

More information on the appeal procedure can be found on the 'Appeals' section of the Agency's website:

https://www.acer.europa.eu/en/The_agency/Organisation/Board_of_Appeal/Pages/Procedural-Documents.aspx