



European Union Agency for the Cooperation  
of Energy Regulators

# CACM TF update on ongoing 70% derogation approval processes

MESC

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# Update on 70% derogation approval processes

- Reminder: overview of derogations and action plans for 2020, 2021 and 2022 listed on ACER's web page: [link](#)
- Since the summer, TSOs have reached out to their NRAs for follow-up derogations from the 70% requirement, for the period 1 Jan. 2023 – 31 Dec. 2023 (most derogations only apply for 1 year, in application of the Regulation's provisions)
- The following table provides a preliminary overview of the derogations requests for 2023 which were circulated among NRAs (*note: Regulation prescribes a validation process by all affected NRAs, hence the circulation*)

*(rows ordered by date of notification from the respective NRA in the validation process)*

Member State	TSO	NRA	CCR	Operational security concern
Belgium	Elia	CREG	Core	Excessive loop flows
Poland	PSE	URE	Core	Excessive loop flows
Netherlands	TenneT BV	ACM	Core	Excessive loop flows
Austria	APG	E-Control	Core	Excessive loop flows; Uncoordinated transits; Non-coordinated 3 <sup>rd</sup> country CC

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Member State	TSO	NRA	CCR	Operational security concern
Romania	Transelectrica	ANRE	Core	Absence of regional capacity calculation and security analysis processes; Absence of coordinated RDCT; Absence of Core CGM; Non-coordinated 3 <sup>rd</sup> country CC; Absence of coordination with other CCRs; Uncoordinated transits
Italy	Terna	ARERA	IT North	<b>Export:</b> absence of coordinated CC <b>Import:</b> allocation constraint for voltage and stability issues
Slovakia	SEPS	URSO	Core	Operational security violations (N-1); FRM reduction leading to reduced resilience against unforeseen operational issues; Excessive loop and transit flows
Portugal	REN	ERSE	SWE	Insufficient remedial actions; Ongoing RCC development of CC tool

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- Based on the available information, most national approval processes are currently ongoing.
- Additional derogation requests may still be submitted in the coming weeks.
- Processes and criteria for granting derogations have been, to a large extent, harmonized across jurisdictions thanks to the extensive efforts of ACER and the involved NRAs (*cf. discussions at March '22 MESC meeting*)
- An updated version of the overview of derogations and action plans (*cf. link on first slide*) will be published on ACER's web site in Q1 2023.