

June 2023

UFE Response to ACER survey on the structural congestions in the electricity grids

4. Do you have any suggestions for improvement of the definition of congestion in Article 2(4) of the Regulation EU 2019/943?
5. Do you have any suggestions for improvement of the definition of structural congestion in Article 2(6) of the Regulation EU 2019/943?
6. Considering the definitions of congestion and structural congestion provided above, what is in your opinion a minimum percentage of time the congestion should exist between two network areas (which can be bidding zones, or parts of them), in order to define the congestion between these two areas as structural?
7. Please provide any additional input to complement the answer to the previous question.

UFE does not propose any threshold because it might be very arbitrary, in the absence of any relevant methodology to define it, even if we noted that in its regular Bidding Zone Configuration Technical Report, the “frequency of occurrence” of congestions is a measure currently used by ENTSOE.

First, it is very important to clarify and cautiously assess the implications this threshold would have regarding provisions in E. Regulation Article 14 notably:

- this regular technical report on congestion on current bidding zone configuration made by ENTSOE
- the Bidding zone review process and related methodology

Second, UFE ask to clarify the framework of this consultation, the motivations and objectives pursued by ACER and the reasons why it is proposed as an amendment of E. Regulation.

We believe that neither CACM GL nor E. Regulation is the right place to determine the level of a

threshold.

As mentioned in UFE answer to EC consultation on ACER proposal on CACM 2.0 beginning 2022, in case a threshold is to be defined, a detailed methodology should be developed and made public, to assess per Member State the adequate level of the threshold. At this stage, we think it is more cautious to keep some latitude to determine this threshold in the frame of a subsequent methodology to be developed.