



**NVE**

The Norwegian Energy  
Regulatory Authority

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**Our date:** 18.04.2023

**Our ref.:** 201705443-11 State on request

**Your ref.:**

## **NVE-RME's views on the EFTA Surveillance Authority's draft decision on Capacity Calculation Regions under Article 15 of the CACM Regulation**

Dear Mr. Uccelli,

We refer to the EFTA Surveillance Authority's e-mail of 5 April 2023 by which the EFTA Surveillance Authority (ESA) invites NVE-RME to express its views on the draft decision prepared by ESA on Statnett SF's proposal for the methodology on the determination of capacity calculation regions under Article 15(1) of the Commission Regulation (EU) 2015/1222 of 24 July establishing a guideline on capacity allocation and congestion management (CACM) by 17 April 2023, for ESA to take NVE-RME's views into account in its final decision.

We further refer to ESA's e-mail of 14 April 2023 by which ESA informed it has made minor edits to the draft decision for consistency, after further consideration internally, and that it invites NVE-RME to express its views on the slightly updated draft decision by 19 April 2023.

The proposal was submitted by Statnett SF to NVE-RME by e-mail of 13 October 2022. Following NVE-RME's assessment, and, whereas deemed appropriate, NVE RME referred the proposal to ESA for decision by letter of 18 November 2022.

Since this is a case involving an EEA EFTA State,<sup>1</sup> the EFTA Surveillance Authority is to adopt a decision addressed to NVE-RME on the proposal pursuant to point 47 of Annex IV to the EEA Agreement,<sup>2</sup> in particular the adaptations set out in paragraph (d) thereof adapting Article 8(1)(b) of Regulation (EC) No 713/2009 of 13 July 2009 establishing an

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<sup>1</sup> See paragraph (d)(i) of point 47 of Annex IV of the EEA Agreement, read in conjunction with letter b of Article 2 of the EEA Agreement

<sup>2</sup> Inserted by Decision of the EEA Joint Committee No 93/2017



Agency for the Cooperation of Energy Regulators, read in conjunction with Article 9(11) of CACM, as incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 204/2020,<sup>3</sup> see also paragraph (9) of the preamble thereof.

In accordance with point 47(d)(iv) of Annex IV to the EEA Agreement, decisions by ESA shall be adopted on the basis of drafts prepared by the Agency for the Cooperation of Energy Regulators (the Agency). When preparing a draft for ESA in accordance with Regulation (EC) No 713/2009, the Agency shall inform ESA. ESA shall set a time limit within which NVE-RME shall be allowed to express its views on the matter, taking full account of the urgency, complexity and potential consequences of the matter.

NVE-RME thereby welcomes ESA's invitation to express our views on ESA's draft decision, for ESA to take NVE-RME's views into account in its final decision.

NVE-RME has reviewed ESA's draft decision. According to the draft, ESA will approve the determination of the capacity calculation regions methodology as set out in Annex I to the draft decision. This annexed methodology indicates the inclusion of Norwegian bidding zone borders in capacity calculation regions Nordic and Hansa, in practice comprising the relevant content of the draft decision for Norway.

In line with CACM, a capacity calculation region is a geographic area defined to facilitate coordinated capacity calculation. By coordinating capacity calculation across bidding zone borders with high interdependencies, cross-zonal capacity can be optimized across the region, making better use of the transmission infrastructure while ensuring operational security.

NVE-RME finds that the content of the draft decision falls within the scope of Article 15(1) of CACM, and that CACM provides the relevant framework for the determination of the capacity calculation regions for Norway.

Including the Norwegian bidding zone borders in the capacity calculation regions Nordic and Hansa would, subject to NVE-RME's approval of further developed and coordinated relevant regional methodologies pursuant to CACM, allow regional coordination and optimal use of transmission infrastructure.

On this basis, NVE-RME has no remarks to the draft decision.

Following the EFTA Surveillance Authority's decision, and with regard to the principle of homogeneity throughout the EEA, NVE-RME shall take the necessary measures to ensure implementation of the decision in Norway, in accordance with the second paragraph of section 2-4 of the Norwegian Regulation of 24 October 2019 No 1413 on grid and the energy market, read in conjunction with section 2-3 of the Act of 29 June 1990 No 50

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<sup>3</sup> Inserting point 49 in Annex IV of the EEA Agreement



relating to the generation, conversion, transmission, trading, distribution, and use of energy etc. (The Energy Act).

Yours sincerely

Regards

Tore Langset  
Director

Godkjent av Tore Langset  
Direktør

Approved according to our internal routines.

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