Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION REGULATION (EU) No 543/2013

of 14 June 2013

on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 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 and repealing Regulation (EC) No 1228/2003[(1)], and in particular Article 18(5) thereof,

Whereas:

(1) Regulation (EC) No 714/2009, and in particular Article 15 thereof and point 5 of the Guidelines on the management and allocation of available transfer capacity of interconnections between national systems, set out in Annex I to that Regulation, lays down requirements for Transmission System Operators (TSOs) to publish data on the availability of networks, capacities of cross-border interconnectors and generation, load and network outages.

(2) Article 4(4) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency[(2)] recognises that publication of inside information in accordance with Regulation (EC) No 714/2009 or guidelines adopted pursuant to it constitute simultaneous, complete and effective public disclosure.

(3) The availability of such data is indispensable for market participants' ability to take efficient production, consumption and trading decisions. Deeper market integration and the rapid development of intermittent renewable energy generation sources such as wind and solar require the disclosure of complete, timely available, high quality and easily digestible information relating to supply and demand fundamentals.

(4) The timely availability of complete sets of data on fundamentals should also increase the security of energy supplies. It should allow market parties to precisely match supply and demand reducing the risk for black-outs. As a result TSOs should be able to better control their networks and operate them under more predictable and secure conditions.

(5) Current transparency measures do not fully satisfy these criteria. In addition, relevant market information is unevenly distributed among market participants with large

Changes to legislation: *Commission Regulation (EU) No 543/2013 is up to date with all changes known to be in force on or before 11 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

incumbent players having exclusive access to information in relation to their own assets putting new market participants or participants without own assets at a disadvantage.

(6) Market participants should be provided with timely information on the expected consumption. This information should be regularly updated and be provided for different timeframes. The actual outturn of the expected consumption should also be made available shortly after real time.

(7) The planned and unplanned unavailability of power generation and consumption units is one of the most important supply-demand relevant information for market participants. Market participants and TSOs need to be provided with detailed information on where, when and why units are not or will not be available to generate or consume and when they are expected to return in operation. This should also help TSOs to better reallocate reserves reducing the probability for black-outs.

(8) Market participants and TSOs should also receive detailed information about the overall installed generation capacity, estimations about total scheduled generation, including separately for intermittent generation, and unit level data about actual generation of larger production facilities.

(9) In order to be able to move power from where it is available to where it is most needed and adjust portfolios accordingly, the market should be provided with information about planned and unplanned unavailability of existing cross-border transmission infrastructure and plans about infrastructure developments. TSOs should also provide and regularly update data on planned and offered cross-border transfer capacities for different time horizons as well as information related to the allocation and use of capacities.

(10) Through the rapid deployment of intermittent generation sources away from consumption centres, transmission infrastructure has increasingly got congested in large parts of Europe. To relieve congestions TSOs have increasingly intervened in market operations instructing market participants to change their generation or trading commitments. In order to enable the market to understand where and why congestion management measures have become necessary, TSOs need to provide timely, detailed and reasoned information about their actions.

(11) Even after careful planning producers, suppliers and traders may find themselves out of balance and be exposed to TSOs balancing and settlement regime. In order to optimally mitigate imbalance risk market participants need accurate, clear and timely information about balancing markets. TSOs should provide such information in a comparable format across borders including details about the reserves they have contracted, prices paid and volumes activated for balancing purposes.

(12) TSOs are often the primary source of relevant fundamental information. They are also used to collect and assess large amounts of information for system operation purposes. In order to provide an overall view of relevant information across the Union, TSOs should facilitate the collection, verification and processing of data and the European Network of Transmission System Operators for Electricity (the ENTSO for Electricity) should make the data available to the public through a central information transparency

***Changes to legislation:** Commission Regulation (EU) No 543/2013 is up to date with all changes known to be in force on or before 11 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

platform. In order to make best use of existing sources of transparency, the ENTSO for Electricity should be able to receive information for publication through third parties such as power exchanges and transparency platforms.

(13) Annex I to Regulation (EC) No 714/2009 should therefore be amended accordingly.

(14) This Regulation has been adopted on the basis of Regulation (EC) No 714/2009 which it supplements and of which it forms an integral part. References to Regulation (EC) No 714/2009 in other legal acts shall be understood as also referring to this Regulation.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 23(1) of Regulation (EC) No 714/2009,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the minimum common set of data relating to generation, transportation and consumption of electricity to be made available to market participants. It also provides for a central collection and publication of the data.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 714/2009 shall apply. In addition, the following definitions shall apply:

(1) ‘balancing reserves’ mean all resources, if procured *ex ante* or in real time, or according to legal obligations, which are available to the TSO for balancing purposes;

(2) ‘balancing time unit’ means the time period for which the price for balancing reserves is established;

(3) ‘bidding zone’ means the largest geographical area within which market participants are able to exchange energy without capacity allocation;

(4) ‘capacity allocation’ means the attribution of cross zonal capacity;

(5) ‘consumption unit’ means a resource which receives electrical energy for its own use, excluding TSOs and Distribution Systems Operators (DSOs);

(6) ‘control area’ means a coherent part of the interconnected system, operated by a single system operator and shall include connected physical loads and/or generation units if any;

(7) ‘coordinated net transmission capacity’ means a capacity calculation method based on the principle of assessing and defining *ex ante* a maximum energy exchange between adjacent bidding zones;

(8) ‘critical network element’ means a network element either within a bidding zone or between bidding zones taken into account in the capacity calculation process, limiting the amount of power that can be exchanged;

Changes to legislation: *Commission Regulation (EU) No 543/2013 is up to date with all changes known to be in force on or before 11 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) 'cross-control area balancing' means a balancing scheme where a TSO can receive bids for activation coming from other TSOs' areas. It does not include re-dispatching or the delivery of emergency energy;

(10) 'cross zonal capacity' means the capability of the interconnected system to accommodate energy transfer between bidding zones;

(11) 'currency' is euro if at least one part of the bidding zone(s) concerned is part of a country in which euro is a legal tender. In any other case it is the local currency;

(12) 'cut-off time' means the point in time where TSOs have to confirm all matched nominations to the market. The cut-off time refers not only to daily or intra daily markets but also to the different markets that cover imbalance adjustments and reserve allocation;

(13) 'countertrading' means a cross zonal exchange initiated by system operators between two bidding zones to relieve physical congestion;

(14) 'data provider' means the entity that is sending the data to the central information transparency platform;

(15) 'explicit allocation' means the allocation of cross zonal capacity only, without the energy transfer;

(16) 'flow based parameters' mean the available margins on critical network elements with associated power transfer distribution factors;

(17) 'generation unit' means a single electricity generator belonging to a production unit;

(18) 'implicit allocation' means a congestion management method in which energy is obtained at the same time as cross zonal capacity;

(19) 'market time unit' means the period for which the market price is established or the shortest possible common time period for the two bidding zones, if their market time units are different;

(20) 'offered capacity' means the cross zonal capacity offered by the transmission capacity allocator to the market;

(21) 'planned' means an event known *ex ante* by the primary owner of the data;

(22) 'power transfer distribution factor' means a representation of the physical flow on a critical network element induced by the variation of the net position of a bidding zone;

(23) 'primary owner of the data' means the entity which creates the data;

(24) 'production unit' means a facility for generation of electricity made up of a single generation unit or of an aggregation of generation units;

(25) 'profile' means a geographical boundary between one bidding zone and several neighbouring bidding zones;

(26) 'redispatching' means a measure activated by one or several system operators by altering the generation and/or load pattern in order to change physical flows in the transmission system and relieve a physical congestion;

(27) 'total load', including losses without power used for energy storage, means a load equal to generation and any imports deducting any exports and power used for energy storage;

***Changes to legislation:** Commission Regulation (EU) No 543/2013 is up to date with all changes known to be in force on or before 11 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(28) 'transmission capacity allocator' means the entity empowered by TSOs to manage the allocation of cross zonal capacities;

(29) 'vertical load' means the total amount of power flowing out of the transmission network to the distribution networks, to directly connected final customers or to the consuming part of generation;

(30) 'year-ahead forecast margin' means the difference between the yearly forecast of available generation capacity and the yearly forecast of maximum total load taking into account the forecast of total generation capacity, the forecast of availability of generation and the forecast of reserves contracted for system services;

(31) 'time' means the local time in Brussels.

Article 3

Establishment of a central information transparency platform

1 A central information transparency platform shall be established and operated in an efficient and cost effective manner within the European Network of Transmission System Operators for Electricity (the 'ENTSO for Electricity'). The ENTSO for Electricity shall publish on the central information transparency platform all data which TSOs are required to submit to the ENTSO for Electricity in accordance with this Regulation.

The central information transparency platform shall be available to the public free of charge through the internet and shall be available at least in English.

The data shall be up to date, easily accessible, downloadable and available for at least five years. Data updates shall be time-stamped, archived and made available to the public.

2 The ENTSO for Electricity shall submit a proposal concerning the operation of the central information transparency platform and the associated costs to the Agency for the Cooperation of Energy Regulators (the Agency) four months after entry into force of this Regulation. The Agency shall provide its opinion within three months from the date of submission of the proposal.

3 The ENTSO for Electricity shall ensure that the central information transparency platform is operational 18 months after the entry into force of this Regulation.

Article 4

Submission and publication of data

1 Primary owners of data shall submit data to TSOs in accordance with Articles 6 to 17. They shall ensure that the data they provide to TSOs, or where provided for in accordance with paragraph 2 to data providers, are complete, of the required quality and provided in a manner that allows TSOs or data providers to process and deliver the data to the ENTSO for Electricity in sufficient time to allow the ENTSO for Electricity to meet its obligations under this Regulation in relation to the timing of the publication of information.

TSOs, and where relevant data providers, shall process the data they receive and provide them to the ENTSO for Electricity in due time for publication.