



Judgment of the General Court of 1 October 2025 – BNetzA and Germany v ACER

(Cases T-600/23 and T-612/23) ⁽¹⁾

(Energy – Internal market for electricity – Regulation (EU) 2015/1222 – Regulation (EU) 2019/943 – Allocation of cross-zonal capacity between bidding zones and congestion management – Determination of common regional methodologies for the calculation of daily and intraday capacity – Proposals from the transmission system operators of the ‘Core’ capacity calculation region – Internal critical network elements – Economic efficiency – Power transfer distribution factor (PTDF) – Decision of the Board of Appeal of ACER)

(C/2025/5953)

Languages of the case: German and English

Parties

Applicant in Case T-600/23: Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen (BNetzA) (Bonn, Germany) (represented by: U. Karpenstein and K. Reiter, lawyers)

Applicant in Case T-612/23: Federal Republic of Germany (represented by: J. Möller and R. Kanitz, acting as Agents, and by R. Bierwagen, lawyer)

Defendant: European Union Agency for the Cooperation of Energy Regulators (ACER) (represented by: P. Martinet, E. Tremmel and M. Povh, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: O. Beynet and T. Scharf, acting as Agents)

Re:

By their actions under Article 263 TFEU, the applicants seek the annulment of Decision A-003-2019_R of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators (ACER) of 7 July 2023, published on ACER’s website on 26 July 2023.

Operative part of the judgment

The Court:

1. Joins Cases T-**600**/23 and T-**612**/23 for the purposes of the judgment;
2. Annuls Decision A-003-2019_R of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators (ACER) of 7 July 2023 in so far as that decision adopts Article 5(8)(b) and (c) and Article 5(9) of the regional design of the day-ahead and intraday common capacity calculation methodologies for the capacity calculation region comprising Belgium, the Czech Republic, Germany, France, Croatia, Luxembourg, Hungary, the Netherlands, Austria, Poland, Romania, Slovenia and Slovakia, as set out in Annexes I and II to ACER Decision No 02 of 21 February 2019;
3. Orders ACER to pay the costs.

⁽¹⁾ OJ C, C/2023/674, 13.11.2023.