

Commission Decision (EU) 2020/2123 of 11 November 2020 granting the Federal Republic of Germany and the Kingdom of Denmark a derogation of the Kriegers Flak combined grid solution pursuant to Article 64 of Regulation (EU) 2019/943 of the European Parliament and of the Council (notified under document C(2020) 7948) (Only the Danish and German texts are authentic) (Text with EEA relevance)

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| Article 1 | A derogation is granted to the Kriegers Flak Combined Grid...               |
| Article 2 | The derogation under Article 1 shall encompass all references to...         |
| Article 3 | The derogation under Article 1 shall be applicable until 10...              |
| Article 4 | The Danish and German authorities may request the Commission to...          |
| Article 5 | If providers of flexibility services show concrete interest in realising... |
| Article 6 | This Decision is addressed to the Kingdom of Denmark and...                 |
|           | Signature   |

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision (EU) 2020/2123. (See end of Document for details)

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- (1) [OJ L 158, 14.6.2019, p. 54.](#)
- (2) [https://ec.europa.eu/energy/sites/ener/files/documents/derogation\\_decisions2020v1.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/derogation_decisions2020v1.pdf)
- (3) Commission Delegated Regulation (EU) No 1391/2013 of 14 October 2013 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure as regards the Union list of projects of common interest ([OJ L 349, 21.12.2013, p. 28](#)).
- (4) See ACER Decision 6/2020 of 7 February 2020 on the request of the regulatory authorities of the Hansa capacity calculation region to extend the period for reaching an agreement on the long-term capacity calculation methodology, [https://www.acer.europa.eu/Official\\_documents/Acts\\_of\\_the\\_Agency/Individual%20decisions/ACER%20Decision%2006-2020%20on%20extension%20Hansa\\_LT\\_CCM.pdf](https://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Individual%20decisions/ACER%20Decision%2006-2020%20on%20extension%20Hansa_LT_CCM.pdf)
- (5) Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management ([OJ L 197, 25.7.2015, p. 24](#)).
- (6) Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation ([OJ L 259, 27.9.2016, p. 42](#)).
- (7) Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing ([OJ L 312, 28.11.2017, p. 6](#)).
- (8) See Commission Decision of 14 August 2014 granting the Hellenic Republic a derogation from certain provisions of Directive 2009/72/EC of the European Parliament and of the Council ([OJ L 248, 22.8.2014, p. 12](#)).
- (9) See Commission Decision 2004/920/EC of 20 December 2004 on a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council concerning the archipelago of the Azores ([OJ L 389, 30.12.2004, p. 31](#)); Commission Decision 2006/375/EC of 23 May 2006 on derogation from certain provisions of Directive 2003/54/EC concerning the archipelago of Madeira ([OJ L 142, 30.5.2006, p. 35](#)); Commission Decision 2006/653/EC of 25 September 2006 granting the Republic of Cyprus a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council ([OJ L 270, 29.9.2006, p. 72](#)); Commission Decision 2006/859/EC of 28 November 2006 granting Malta a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council ([OJ L 332, 30.11.2006, p. 32](#)) and Commission Decision 2014/536/EU of 14 August 2014 granting the Hellenic Republic a derogation from certain provisions of Directive 2009/72/EC of the European Parliament and of the Council ([OJ L 248, 22.8.2014, p. 12](#)).
- (10) Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity ([OJ L 27, 30.1.1997, p. 20](#)).
- (11) See e.g. Decision 2014/536/EU which refers to the higher costs of producing electricity on the islands while prices are by law equal to those on the mainland.
- (12) Presentation by 50Hertz to the European Commission on 9 May 2014, slide 3.
- (13) Based on the information provided by German and Danish authorities on 11 September 2020, the capacity values compare as follows: In case of the German and the Danish OWFs each having the same utilisation rate, the transmission capacity available to the market towards Germany would have varied under the initial project set-up from 600 MW (in case of no wind power production) to ~ 855 MW (in case of wind power productions being at about 50 % of the respective installed capacities) and then from ~ 855 MW to 661 MW (in case of wind power production being at maximum), whereas under the revised project set-up, it would vary from 400 MW (in case of no wind power production) to 61 MW (in case of wind power production). The transmission capacity available to the market towards Denmark would have varied under the initial project set-up from 600 MW (in case of no production) to 0 MW (in case of production being at maximum), whereas under the revised project set-up, it would be 400 MW (in case of wind power production being between 0 % and 33 %) and then would vary from 400 MW to 61 MW (in case of wind power production being at maximum).
- (14) See Commission Decision of 7 December 2018 in Case AT.40461 – DE/DK Interconnector: [https://ec.europa.eu/competition/antitrust/cases/dec\\_docs/40461/40461\\_461\\_3.pdf](https://ec.europa.eu/competition/antitrust/cases/dec_docs/40461/40461_461_3.pdf)
- (15) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ([OJ L 140, 5.6.2009, p. 16](#)).

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- (16) 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 ([OJ L 211, 14.8.2009, p. 15](#)).
- (17) [https://ec.europa.eu/competition/antitrust/cases/dec\\_docs/39351/39351\\_1223\\_4.pdf](https://ec.europa.eu/competition/antitrust/cases/dec_docs/39351/39351_1223_4.pdf)
- (18) [https://ec.europa.eu/competition/antitrust/cases/dec\\_docs/40461/40461\\_461\\_3.pdf](https://ec.europa.eu/competition/antitrust/cases/dec_docs/40461/40461_461_3.pdf)
- (19) P. 16, risk 7.
- (20) In the consultation, stakeholders pointed notably at the possibility of developing an Offshore Bidding Zone for the project.

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