

ACER evaluation under Article 34 of Regulation 713/2009

IFIEC response

GENERAL INFORMATION:

1. Please specify which institution/organization you represent:

e) Industry representatives (companies, associations)

2. Please specify which area of work of the Agency you are aware of/familiar with?

a) Development of Framework Guidelines and Network Codes for gas and electricity

b) Regional Initiatives

c) Infrastructure and Ten Year Network Development Plans (TYNDPs)

d) Monitoring and reporting on the electricity and gas sectors

e) Monitoring of wholesale energy trading and market integrity (under REMIT)

f) Exemptions from third party access and tariff regulation for major new infrastructures

RESULTS ACHIEVED BY THE AGENCY:

3. How do you evaluate the results achieved by the Agency so far in relation to its objective, mandate and tasks?

a) How do you rate in general the results of the Agency achieved since its establishment?

IFIEC is generally satisfied with the results obtained by the Agency so far. IFIEC also recognizes that the Agency has become more independent from Member States and national regulators.

b) Has the Agency so far met its objectives as defined in the third energy package and complementary legislation?

IFIEC thinks, that ACER is clearly meeting its objectives defined in the third energy package. IFIEC is, however, worried about the chances that deadlines can be met, e.g. for implementing the target models and transparency regulation.

c) Which of its tasks has the Agency in your view executed particularly well?

IFIEC welcomes that ACER is very open to any kind of communication requests from stakeholders and fast responsive regarding written requests.

d) Are there any tasks which in your view the Agency has not given sufficient attention and/or which it has not (fully) executed?

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4. What do you think of the results of the Agency measured against ACER Annual Work Programmes?

a) Do you follow the development of the ACER Annual Work Programmes (by taking part in public consultations, workshops organized by the Agency)?

Yes.

b) Do you consider that ACER has set the right priorities in its Annual Work Programmes?

Yes, IFIEC supports the topics which ACER has set in its current annual work programme. On the gas side however, there are two issues which should also be in the current and future focus of ACER. The first issues is gas quality and relating responsibilities, which is handled at national level, the other one is a European benchmark of gas transportation tariffs.

c) Do you follow the Work Programme implementation through the reporting published by ACER in its Annual Activity Reports?

Yes

d) Do you think that ACER carried out its Work Programmes? If not, please indicate where this has not been the case.

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WORKING METHODS:

5. Governance, organizational structure, independence and resources:

a) Are you aware of the organization of ACER and its governance arrangements (Administrative Board, Board of Regulators, Board of Appeal, Director)? If yes, do you consider the governance arrangements suited for the fulfillment of ACER's objectives, mandate and tasks?

IFIEC believes that ACER should be independent from national interests, when taking its decisions. Therefore ACER must have a sufficient number of employees, which are directly and permanently working for ACER.

b) How do you assess National Regulatory Authorities' coordination and cooperation through the Agency? Has the coordination and cooperation improved since the establishment of the Agency?

IFIEC thinks that the coordination and cooperation has evolved over time. While the board of regulators had naturally a really strong influence at the beginning, the work between ACER and the regulators seems to work in a good way. But it also should be mentioned that the eastern European countries are still not involved in the way it is needed, to fulfill the 2014 target of the Internal Energy Market.

c) Please specify to what extent ACER has succeeded in your view in setting up effective and efficient working relationships with the EU institutions, NRAs, ENTSOs and other stakeholders, the public at large?

Ok for stakeholders

d) Please specify the extent to which you think that ACER is independent (from gas and electricity companies, from Governments, from TSOs, from the Commission)?

e) Do you consider that ACER has adequate resources to carry out its tasks?

No, since a lot of work is still done carried out by the national regulators, ACER should be have sufficient proper resources.

6. Communication and Transparency:

a) How do you rate in general ACER's communication? Are you sufficiently informed of its activities? Which channels of communication do you consider to be most effective?

The most effective communication channel are personal mails.

b) How do you rate ACER's website? How often have you visited it in the past 3 months? Did you find what you were looking for?

IFIEC believes that the website must be approved in a lot of ways. The most critical issue is, that there is no clear background structure. It is often the case that the needed information is laid down at different places. Maybe the ACER website could be more done in a way the ENTSOG website is. It has a very clear structure and all information can be found easily.

c) Did you read any of the documents that ACER has produced so far? Which ones did you consider particularly useful? Which ones did you consider less useful and why?

IFIEC monitors nearly all documents, which are published by ACER. The most useful ones are the Framework Guidelines und Guidance Documents.

d) What is your assessment of the quality of the documents that ACER has produced so far (framework guidelines, recommendations, guidelines, opinions, others)? Do they contain a clear position? Are they clearly drafted?

e) Are the public consultation arrangements of ACER sufficient, efficient and effective? In particular, does the Agency make efficient use of communication tools: Workshops? Publications? Website? Other?

The IFIEC members welcome, that participating online is used more and more, since travel time and costs could be high, when the workshops are in Ljubljana.

7. Suggestions for improvement to ACER's working methods

a) Do you have any suggestions for improvement to ACER's working methods?

b) Do you see a need for changes to Regulation 713/2009? If so, which changes and why?

Regulation 713/2009 states, that it upon ACER to decide cross-border issues, if national regulators cannot agree or ask ACER to intervene. This limits the scope for ACER to cross boarder issues. IFIEC thinks that ACER should be strengthened to decide on all issues, where ACER believes that the market is not properly functioning.