

To the attention of:

Mr. Klaus-Dieter Borchardt
European Commission
DG ENER
Directorate B – Internal Energy Market
DM 24
B-1049 Brussels/ Belgium

Cc:
Ms. Inge Bernaerts
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Subject: ENTSO-E response to ACER evaluation under Article 34 of Regulation 713/2009

Dear Mr. Borchardt,
Dear Mrs. Bernaerts,

ENTSO-E is pleased to contribute to the European Commission's evaluation of the activities of the Agency for the Cooperation of Energy Regulators (ACER), in accordance with Article 34 of Regulation (EC) No 713/2009. Due to the specific nature of the ENTSO-E/ACER relationship, ENTSO-E has chosen to provide comments in a form of a letter (and not by means of a questionnaire available on DG ENER's website¹).

ACER is a vital partner for ENTSO-E and plays an important role in driving forward the common goals – also shared with the EC - of creating a secure, competitive and low carbon EU electricity sector.

Considering these shared goals, it is vital that both ACER and ENTSO-E work in close relationship and treat each other as trusted partners. Such links have begun to develop and ENTSO-E would like to reaffirm the importance it sees that they continue to improve. This could involve for example more dialogue and information sharing, as well as common planning and risk analysis. We acknowledge that ACER's task is complicated by resourcing constraints. Nevertheless, we would not like to see this element as a barrier to an even closer and even more productive way of co-operating.

Even though ACER has already achieved some important deliverables (especially framework guidelines) in a relative short term, ENTSO-E believes that an even swifter delivery process should be sought in the interest of the timely completion of the IEM. More specifically, ACER's procedure-led approach to some matters carries the danger in delaying some objectives of the EU energy policy.

Finally, based on experience gained so far, we would recommend considering the possibility of NRAs involvement at an earlier stage of any decision making process, but especially on network code issues.

More specifically, earlier engagement with the Board of Regulators and greater interrelation between this final decision making body and ACER's staff and working groups could be

¹ http://ec.europa.eu/energy/gas_electricity/consultations/20130918_acer_en.htm

considered so that final Board of Regulators decisions can fully build on earlier NRAs' involvement. This should reduce the number of cases in which important issues are raised at a point when they cannot be easily managed.

We trust you will find the above helpful and will be happy to further discuss with you and ACER on these issues.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K. Staschus', with a stylized flourish at the end.

Konstantin Staschus, Ph.D.
Secretary-General
ENTSO-E