

GENERAL INFORMATION:

1. Please specify which institution/organization you represent:

- a) EU Institution
- b) National Regulatory Authority/Association of Regulators
- c) Transmission system operator
- d) Consumers' representatives
- e) Industry representatives (companies, associations)
X
- f) Academia
- g) Other, please specify

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
X
- b) Regional Initiatives
- c) Infrastructure and Ten Year Network Development Plans (TYNDPs)
X
- 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
X
- g) Coordination and promotion of cooperation between National Regulatory Authorities
- h) Other (please specify)

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?
Rate 3 on 1(good)-5(bad) scale
- b) Has the Agency so far met its objectives as defined in the third energy package and complementary legislation?
Not yet.. obviously.
- c) Which of its tasks has the Agency in your view executed particularly well?
Better transparency for the existing "classical" electricity markets.
- d) Are there any tasks which in your view the Agency has not given sufficient attention and/or which it has not (fully) executed?
Europe-wide RES deployment support mechanisms are either missing or not harmonized across Europe. This refers e.g. to the need of very long term capacity allocation as a prerequisite for investments in "non-variable", i.e. dispatchable power generation units at utility scale. ACER is neither directly addressing the issue nor trying to trigger a discussion about more innovative support mechanisms so that Europe is about losing its leadership both in specific R&D programs about such technologies and corresponding differentiated support mechanisms.

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)?
Not fully
- b) Do you consider that ACER has set the right priorities in its Annual Work Programmes?
Not concerning adequate market models for all energies with a differentiated approach to variable RES and dispatchable RES as well as network expansion needs and cross-zonal mechanisms.
- c) Do you follow the Work Programme implementation through the reporting published by ACER in its Annual Activity Reports?
No since we trust ACER as an independent institution control from the EC and the EP already which is enough guarantee.
- d) Do you think that ACER carried out its Work Programmes? If not, please indicate where this has not been the case.
No means to assess this.

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 fulfilment of ACER's objectives, mandate and tasks?
Yes, but no reporting is available as to assess how this works really.

- 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?

Little changes apparently....

- 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?

ACER has obviously established working relations with the “always-there stakeholders” since the mid-1990ies. Nevertheless, there is a stunningly resistant unwillingness to interface new energy industry players especially among the not-intermittent RES representatives culminating in visible non-invitations to Florence fora, ACER Annual conferences or simply to regular bilateral talks that would bring to evidence that many “assumptions” regarding RES are either too broad or simply outdated.

- 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)?

We believe ACER is reasonably independent from industry in the sense of structural/legal independence. But ACER is a product of EC..

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

Obviously yes, illustrated by a nice to see correlation between ACER headcount and ENTSO€.

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?

Yes.

- 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?

Basically yes..

- 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?

Most interesting for us is the electricity part

- 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?

Many ACER positions lack concreteness and a strategic choice as for example the ACER answer to the EP on capacity payments.

- 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?

Sufficient yes.

7. Suggestions for improvement to ACER's working methods

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

See

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

Any change in the regulation leading to increase ACER responsibilities vs national regulators and governments would be welcomed.