


**ACER**

 Agency for the Cooperation  
of Energy Regulators

# **Informal Opinion of the Agency on the selection of the IT system for cross-border intraday market coupling**

**24<sup>th</sup> meeting of the European Electricity Regulatory Forum  
Ljubljana, 15 – 16 May 2013**

- In December 2012, the Florence Forum “called for a robust and timely dispute-resolution procedure to be put in place with the involvement of ACER”
- Following this call, the Agency agreed, in case PXs’ are unable to reach consensus, to provide an informal opinion on the preferred IT solution, on the condition that all involved PXs committed to follow such an opinion
- The PXs procurement agreement commits the involved PXs to follow the Agency’s informal opinion
- On 21 December 2012, a Request for Offers was sent by the involved PXs to vendors. Two vendors submitted offers by the 18 January 2013 deadline

- On 12 April 2013, the involved PXs provided the Agency with a first notice of failure to agree on a preferred IT system
- On 26 April 2013, the involved PXs provided the Agency with a second failure notice
- Three of the relevant PXs indicated their preference for one system, one indicated its preference for the other system and another PX did not express any clear-cut preference

**The Agency is now called to provide  
an informal opinion**

## Remaining concerns

- The ability of the proposed IT systems to meet the technical requirements specified in the RfO at the price tendered and within the required timeframe (by 31 December at the latest according to the RfO)
- The scope of the costs indicated in the offers
  - » the way the commercial offers are presented do not permit a clear understanding of the covered scope or of their differences in terms of costs
- The vendors' ability to ensure a level-playing field between PXs
  - » the possibility for the selected vendor to grant a competitive advantage to one or more of the PXs;
  - » the potential discrimination in handling change requests coming from markets operated by different PXs

**The Agency is not in a position to issue a definite informal opinion until these concerns are addressed!**

- Earlier today, the Agency has written to the involved PXs inviting them to enter into contract negotiations with the two vendors to obtain concrete and specific elements to address the remaining concerns
- The Agency expects the involved PXs to request and obtain from the vendors the additional elements and feedback within two weeks of today
- Within three weeks of today, the involved PXs are invited to submit to the Agency the vendors' feedback, together with the individual involved PXs' assessments of such feedback

**In the event that the Agency receives sufficient comfort, the offer currently favoured by the majority of the involved PXs will be indicated as the preferred one in the Agency's informal opinion**

The background of the slide is a large, waving European Union flag, featuring a blue field with twelve golden-yellow stars arranged in a circle. The flag is set against a light blue sky.

**Thank you for your attention!**

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