

European Commission's proposal on the ACER Regulation

EURELECTRIC proposals for amendments

June 2017

EURELECTRIC is the voice of the electricity industry in Europe.

We speak for more than 3,500 companies in power generation, distribution, and supply.

We Stand For:

Carbon-neutral electricity by 2050

We have committed to making Europe's electricity cleaner. To deliver, we need to make use of **all low-carbon technologies**: more renewables, but also clean coal and gas, and nuclear. Efficient electric technologies in **transport and buildings**, combined with the development of smart grids and a major push in **energy efficiency** play a key role in reducing fossil fuel consumption and making our electricity more sustainable.

Competitive electricity for our customers

We support well-functioning, distortion-free **energy and carbon markets** as the best way to produce electricity and reduce emissions cost-efficiently. Integrated EU-wide electricity and gas markets are also crucial to offer our customers the **full benefits of liberalisation**: they ensure the best use of generation resources, improve **security of supply**, allow full EU-wide competition, and increase **customer choice**.

Continent-wide electricity through a coherent European approach

Europe's energy and climate challenges can only be solved by **European – or even global – policies**, not incoherent national measures. Such policies should complement, not contradict each other: coherent and integrated approaches reduce costs. This will encourage **effective investment** to ensure a sustainable and reliable electricity supply for Europe's businesses and consumers.

EURELECTRIC. Electricity for Europe.

Tasks as regards the coordination of regional functions within the Agency

Text proposed by Commission

Amendment proposal by EURELECTRIC

Amendment 1

Article 7

For decisions pursuant to Article 5(2) of the present Regulation, on joint regional terms and conditions or methodologies to be developed under network codes and guidelines pursuant to Chapter VII of the [recast Electricity Regulation as proposed by COM(2016) 861/2] which regularly concern a limited number of Member States and require a joint regulatory decision at regional level, the Agency may be assisted by a subset of the Board of Regulators, consisting only of the regulatory authorities of the concerned region, following the procedure in paragraphs 2 to 4 of this Article.

The Director shall assess the possible impact of the joint proposal on the internal market and issue an opinion if the joint proposal is mainly of regional relevance or if it has a tangible impact on the internal market, notably in cases where the issue at stake has a significant relevance beyond the concerned region.

The Board of Regulators shall, if appropriate, and notably taking into account the opinion of the Director, establish a regional subgroup consisting of the concerned members of the Board of Regulators to revise the proposal and make a recommendation to the Board of Regulators on the approval, including possible amendments.

When the Board of Regulators decides on its opinion on the proposal, it shall take due account of the recommendation of the regional subgroup.

The regulatory authorities of the region

National regulatory authorities shall act in regional groups to adopt coordinated regulatory opinions, recommendations and decisions at regional level on the following issues:

- (a) decisions taken in accordance with Article 38(4) of the [Electricity Regulation],*
 - (b) decisions, opinions and recommendations taken in accordance with Article 60 of the [Electricity Directive],*
- To adopt coordinated regulatory [opinions, recommendations and] decisions at regional level, regulatory authorities of the region shall develop and submit a joint proposal to the Director.*

The Director shall assess the conformity of the joint proposal with the objectives of [recast Electricity Directive and recast Electricity Regulation] and notably the possible impact on the internal market, and either:

- (a) refer the joint proposal to a subset of the Board of Regulators with representatives of the relevant group of national regulatory authorities if the joint proposal is mainly of regional relevance or*
- (b) refer the joint proposal to the Board of Regulators if the joint proposal has a tangible impact on the internal market, notably in cases where the issue at stake has a significant relevance beyond the concerned region for approval within one month after receipt of the proposal.*

The national regulatory authorities of the region shall jointly designate a single coordinating national regulatory authority responsible for the coordination of the regional activities of the national regulatory authorities. The function of the coordinating

shall jointly designate a single coordinating national regulatory authority responsible for the coordination of the regional subgroups of the national regulatory authorities. The function of the coordinating national regulatory authority shall rotate every two years. The coordinating national regulatory authority shall act as contact point for all concerned parties, including for the Agency. It may request information relevant for the implementation of regulatory functions at regional level from all concerned parties on its own initiative or at the request of another national regulatory authority or authorities of the region and shall provide the Agency with information concerning the regional activities of the national regulatory authorities of the region. Regulatory authorities acting in regional subgroups of the Board of Regulators shall make sufficient resources available to enable the group to carry out its functions.

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The Agency shall support the coordination of regulatory authorities cooperating at regional level and shall monitor the consistency of the implementation of regulatory functions at regional level to ensure the effective functioning of the internal energy market. The Agency shall provide opinions and issue recommendations addressed to national regulatory authorities on the implementation of regulatory functions at regional level.

Justification

Enhanced regional cooperation at regulatory level (MS, NRAs) is a prerequisite for further regional TSO cooperation. Progress in this field should go hand in hand and this should be better reflected in the CEP proposals.

EURELECTRIC pursues in all its activities the application of the following sustainable development values:

Economic Development

▶ Growth, added-value, efficiency

Environmental Leadership

▶ Commitment, innovation, pro-activeness

Social Responsibility

▶ Transparency, ethics, accountability



Union of the Electricity Industry - EURELECTRIC aisbl
Boulevard de l'Impératrice, 66 - bte 2
B - 1000 Brussels • Belgium
Tel: + 32 2 515 10 00 • Fax: + 32 2 515 10 10
VAT: BE 0462 679 112 • www.eurelectric.org
EU Transparency Register number: [4271427696-87](https://ec.europa.eu/transparency/regexp1/index.cfm?do=entity.entity_details&entity_id=4271427696-87)