

Open Letter on Establishment of an ad hoc expert group

Ljubljana, 14 July 2015

Subject: Establishment of an ad hoc REMIT expert group

Dear Sir or Madam,

The Agency for the Cooperation of Energy Regulators (hereafter “the Agency” or “ACER”) has decided to set up an ad hoc expert group on energy commodity derivatives under Regulation (EU) No 1227/2011. The goal of this ad hoc expert group will be to advise the Agency and to contribute to the work of the Agency on issues related to energy commodity derivatives.

This may include to advise the Agency on actions taken concerning the Agency’s recommendations to the Commission and to advise the Agency on the interaction of the EU energy market legislation with the EU financial market legislation.

The group should gather experts from various profiles and origins with a confirmed experience in the area of energy commodity derivatives. The terms of reference for the Group and specific criteria for the experts are provided in Annex 1.

At this stage, only experts responding to the criteria identified in Annex 1 are invited to apply. The application should set out briefly:

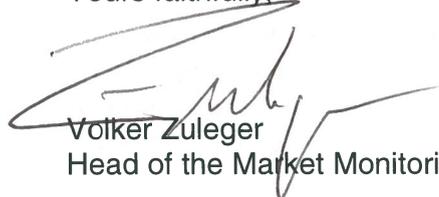
- List of relevant qualifications, including education and number of years of experience in the area of energy commodity and/or energy commodity derivatives, and in which countries or markets (e.g. exchanges, MTFs, OTC) these have been gained. Minimum 8 years of relevant professional experience will be required;
- Current involvement in energy commodity derivatives markets and the company or organisation (including EU stakeholder organisation) he or she is a member of (indicate current and past participation/contribution in task forces or working groups of associations by indicating the subject dealt with);
- List of relevant publications;
- Contact details.

Please apply by **28 July 2015, 12.00 noon, Central European Time**, by sending your application to [REMIT.expertgroup\(at\)acer.europa.eu](mailto:REMIT.expertgroup(at)acer.europa.eu). Applications received after this deadline will not be considered.

Following the reception of the applications, a list of the members of the expert group will be drawn up according to a selection procedure conducted by the Agency. According to the “Rules of Procedure for the establishment of ad hoc expert groups” (see Annex 2 of this letter), the Group shall aim to have a broad range of relevant expertise according to Annex 1 and guarantee a good geographical diversity.

Should you have any questions about this or the work of the Agency in this area, please do not hesitate to contact: [REMIT.expertgroup\(at\)acer.europa.eu](mailto:REMIT.expertgroup(at)acer.europa.eu)

Yours faithfully,



Volker Zuleger
Head of the Market Monitoring Department

Annex 1

Terms of reference for the ad hoc expert group on energy commodity derivatives

Deliverable

The ad hoc expert group (hereafter “the Group”) should deliver expert advice on the specific questions requested by the Agency on energy commodity derivatives issues. The form of the advice to be submitted by the Group to the Agency will be agreed by the Chairperson of the Group.

Schedule

At least two half-day meetings of the ad hoc expert group are expected to be held. The meeting will take place in Ljubljana (other arrangements can be convened by the Chairperson of the Group).

The experts will be informed about the final dates at the latest one month in advance of the meeting. Should further meetings be necessary, the experts will be informed in due time by the Chair.

Qualification

The experts – e.g. academics, consultants, energy commodity market practitioners, other than regulators - will be qualified individuals selected by the Agency on the basis of their expertise in the area of energy commodity derivatives.

Members of the Group are bound by confidentiality requirements in relation to all non-public information they are provided with.

Annex 2

ACER's Rules of Procedure for ad hoc expert groups (hereafter "expert groups")

Article 1 - Purpose

The role of the expert group is to provide, on an ad hoc basis, expert support to ACER in the development of regulatory policies. The status of the input provided by the expert group is that of **advice** to ACER. **Regulatory policies are those of ACER alone.**

An expert group may be set up, for example, in the context of the development of a Framework Guideline by ACER.

Article 2 - Application procedure

An Open Letter for the establishment of an ad hoc expert group will be published on the ACER website.

Persons interested in becoming members will be invited to contact ACER within the deadline specified in the Open Letter (generally two weeks after the Open Letter has been published). To be valid, the application of the expert must contain the following information:

- List of relevant qualifications, including education and number of years of experience in the area concerned specifying in which countries or markets these have been gained;
- Current involvement in the electricity/gas industry and the company or organisation (including EU stakeholder organisation) he or she is a member of (indicate current and past participation/contribution in task forces or working groups of associations by indicating the subject dealt with);
- List of relevant publications;
- Contact details.

Applications will be assessed by a selection committee established by ACER on the basis of the information submitted by candidates.

Selected candidates will be contacted individually by ACER to confirm their appointment as members of an expert group. This communication will take place within four weeks after the Open Letter for the establishment of an expert group has been made public on the ACER website.

Article 3 – Membership

Each expert group is composed of members appointed by ACER.

The expert group shall aim at having a broad range of relevant expertise and geographical diversity among its members. Specific criteria (depending on the relevant area of expertise) may be defined for the appointment of the experts.

Network users and network operators will be among those eligible to nominate a qualified expert.

Members are appointed **ad personam** and primarily for their competences and shall therefore not have alternates.

Members are required to abide by the terms of ACER's Rules of Procedure for ad hoc expert groups, and shall sign them for acceptance upon joining the expert group. The number of experts in an expert group will not exceed 10.

Article 4 – Chair

Meetings shall be chaired by a representative of ACER.

Article 5 – Responsibilities of the Chair

The Chair is responsible for the efficient conduct of the business of the ad hoc expert group and shall in particular:

- Plan the work of the expert group by define its tasks;
- Draw the agenda for the meetings of the expert group and take the minutes;
- Chair the meetings of the expert group;
- Monitor the application of these Rules of Procedure;
- Present the work of the expert group to ACER on a regular basis;
- Present the work of the expert group externally (particularly to the electricity and gas fora, when relevant).

Article 6 – Independence of the experts

Members shall make a declaration of commitment in their application to fulfil their duties and a declaration of interests which could be considered to be prejudicial to their independence.

Article 7 – Confidentiality of information

Experts shall not disclose to any persons, or company, including the one they might be linked to, any information acquired as a result of their work in the expert group.

The obligation to maintain confidentiality shall continue to apply even after participation of members in the expert group has ceased.

Article 8 – Transparency

The list of members of the expert group shall be made public.

The expert group shall operate in accordance with the need for a high level of transparency.

The following documents of the expert group shall be published on the ACER website, subject to the respect of confidentiality requirements:

- Open Letter for the establishment of an ad hoc expert group;
- Rules of Procedure for ad hoc expert groups;
- Minutes in a summary form.

Article 9 - Invitations to meetings

Any meeting of an expert group shall be convened at the invitation of the expert group Chair.

The date of the first meeting will be announced in the open letter for the establishment of the ad hoc expert group.

Invitations shall be issued not later than 21 calendar days before the meeting.

Article 10 – Agenda

A draft agenda shall be drawn up by the Chair and circulated to the members of the ad hoc expert group no later than 10 calendar days before the meeting. The agenda shall be adopted at the beginning of each meeting.

Article 11 – Documentation

Documents that are necessary for the meetings shall be normally circulated to the members of the ad hoc expert group at least 10 calendar days before the meeting.

Article 12 – Minutes

It is the responsibility of the Chair, to take the minutes of the meeting of the expert group. The minutes shall include a summary record of the proceedings and action points. Views, whether expressed orally or in writing by members in the context of an expert group shall not be ascribed to a particular individual.

Article 13 – Reimbursement

Experts should bear their own costs.

Article 14 – General provisions

Amendments to these Rules of Procedure shall be approved by ACER.