

56th ACER Board of Regulators Meeting
Wednesday, 27 April 2016, 09.00-16.00
CNMC, Calle Alcalá 47, Madrid

Final Minutes

Member States	Name ¹	Member States	Name
Austria (E-Control)	M: Wolfgang Urbantschitsch A: Dietmar Preinstorfer	Italy (AEEGSI)	M: Guido Bortoni O: Christian Lamfranco
Belgium (CREG)	M: Marie-Pierre Fauconnier A: Koen Locquet O: Geert Van Hauwermeiren	Latvia (PUC)	M: Rolands Irklis O: Lija Makare
Bulgaria (EWRC)	O: Evgenia Haritonova	Lithuania (NCC)	M: Inga Žilienė
Croatia (HERA)	M: Tomislav Jurekovic A: Sonja Tomašić Škevin	Luxemburg (ILR)	M: Camille Hierzig
Cyprus (CERA)	A: Alkis Philippou	Malta (REWS)	A: Phyllis Micallef
Czech Republic (ERO)	O: Martin Šik	Netherlands (ACM)	M: Henk Don O: Maarten Klijn
Denmark (DERA)	M: Finn Dehlbæk	Poland (URE)	O: Rafal Gawin
Estonia (ECA)	Excused	Portugal (ERSE)	A: Artur Trindade O: Natalie McCoy
Finland (EV)	O: Veli-Pekka Saajo	Romania (ANRE)	O: Florin Tobescu
France (CRE)	O : Aude Le Tellier	Slovakia (RONI)	Excused
Germany (BNetzA)	A: Annegret Groebel O: Martin Mueller	Slovenia (AGEN-RS)	Represented through Proxy
Greece (RAE)	Excused	Spain (CNMC)	M: Fernando Hernández O: Gema Rico
Hungary (HEA)	A: Attila Nyikos O: Adam Krinszki	Sweden (Ei)	M: Anne Vadasz Nilsson A: Caroline Törnqvist
Ireland (CER)	M: Garrett Blaney	United Kingdom (Ofgem)	M: John Mogg (BoR Chair) A: Frances Warburton

ACER	Alberto Pototschnig, Dennis Hesseling, Fay Geitona, Andrew White
European Commission	Adriano Addis
CEER	Andrew Ebrill

¹ M: Member – A: Alternate – O: Observer

MEETING CONCLUSIONS SUMMARY
1. <i>The minutes from the 55th BoR meeting were approved. As was the agenda for the 56th meeting.</i>
2. <i>DG ENER provided an update on the current main areas of Commission work including: the recent informal meeting of Energy Ministers under the Dutch Presidency on market design issues (a paper is being developed by the Presidency to be ready for formal adoption in June, addressing market design and regionalisation); the ongoing work of DG COMP on capacity remuneration mechanisms.</i>
3. <i>An update was provided on the appointments process for the new Board of Appeal. 19 submissions were received and a short list of 12 (6 Members and 6 Alternates) is being developed by the Commission – taking into account the criteria set out in the call for interest, but also with an eye to balance of expertise in gas and electricity. The Director added that following the EC’s proposal, the BoR will be able to provide its opinion in July and the AB is likely to make the formal appointment at its September meeting.</i>
4. <i>The EC undertook to follow up bilaterally on questions raised regarding the EU Pilot and the establishment of an Expert Group for interconnection.</i>
5. <i>The ACER Director provided an update on the recent work of the Agency and recent publications.</i>
6. <i>The Director informed the BoR regarding the meeting that took place with the ACER Contact Group of the European Parliament ITRE Committee which took place on 4 April. The focus of the meeting was on ACER’s budget allocation for 2017 and on the role of ACER in the context of the Energy Union and new energy market design.</i>
7. <i>The Director informed the BoR that the next ACER Annual Conference will be held on 16 June 2016. The Conference will aim to define how the Agency can best contribute to the common goal of completing a well-functioning, competitive, sustainable and secure Internal Energy Market in the context of the Energy Union.</i>
8. <i>The Director noted a concern related to the fact that (as identified already in last year’s MMR) only a small part of the existing cross-border capacity is made available to the market for trade. This situation seems to be worsening. He informed the BoR that the Agency will seek to work with the AEWG to develop guidance to the TSOs/ ENTSO-E on cross-border capacity calculation – before they are required by CACM to submit their own proposals.</i>
9. <i>The Director also noted that Michael Thomadakis’ departure created a vacancy on the ACER’s representative to the ECRB. For the moment, the Director is filling this role (which is the default option in the Procedural acts of the ECRB). The Director will consider the appointment of a new ACER representative in the near future.</i>
10. <i>The BoR Chair provided an update on the finalisation of the work in the ad hoc Process Group, following the final meeting of that group. He reported that the procedural improvements will be implemented on a trial basis of 6-9 months and reviewed. He also reported that the process for BoR guidance to the Director was approved and will be incorporated into the BoR rules of procedure along with any other revisions emerging from the procedural improvements.</i>
11. <i>The ACER Recommendation to the EU Institutions on ACER and NRAs independence was discussed and welcomed. Comments are to be submitted by 4 May to the Director following which the final proposal for a Recommendation will be finalised and submitted for a BoR opinion through electronic procedure ahead of its adoption (scheduled for mid-May).</i>

<p>12. A Statement, prepared by Lord Mogg, was discussed by the BoR. Members were invited to submit specific comments within one week. It was agreed that the annex will not be circulated and, therefore, that some elements of the explanation will be brought into the statement itself. A further draft will be circulated to the BoR for approval. Once approved, it will be sent to the EC to highlight the main outcomes of the BoR Summit including the level of collective effort taking place to address such issues and reinforcing the NRAs collaboration as well as the huge contribution of NRAs to the Agency's work.</p>
<p>13. The statement draws out the key results of the resources survey carried out. A concrete proposal will be circulated on the appropriate presentation format for the members to comment on.</p>
<p>14. The ACER Director presented a first draft of the independent section on regulatory activities to be included in the ACER Annual Activity Report for 2015. A first discussion was held. It was suggested that a summary table of activities and achievements could be useful. Written comments on any specific items were invited by 6 May. The BoR agreed to the use of an electronic procedure to approve the independent section on the regulatory activities of the annual report during May. The Administrative Board will adopt the complete Annual Activity Report at its meeting on 7 June and submit it to the Commission by 15 June.</p>
<p>15. The BoR elected Annegret Groebel, BNetzA, as the new BoR Vice-Chair for a term of office of 2 and a half years (renewable) which takes effect immediately. The BoR also recommended to the Director Mr Artur Trindade, ERSE and Mr Tomislav Jurekovic, HERA, as Co-Chairs of the ACER Gas Working Group.</p>
<p>16. The Director presented a concept paper on the regional dimension of the regulatory oversight of the internal energy market. The discussion incorporated the work on "governance of new entities" which is considered closely related to the topic of regional oversight. The Director proposed that an internal workshop on 18 May will be held to further develop the concept paper (to cover both strands) that can be conveyed to the EC as a matter of urgency. Such urgency is necessary, in order to ensure it can be taken into account by the EC in its proposal on a new energy market design due in summer 2016. Members were invited to comment on the existing paper (and to indicate which elements of the work on new entities could usefully be incorporated) by 6 May. A further draft of the concept paper will be circulated in advance of the proposed workshop in light of the discussions in the BoR and further comments received. Following the workshop, there will be a short circulation of the paper to the BoR for final comments.</p>
<p>17. Mr Maes provided an update on the ongoing work of the AGWG and its Task Forces.</p>
<p>18. An orientation discussion on the 3rd Congestion Report was held. Mr Hesseling reminded the BoR members that from 1 July 2016 NRAs shall require TSOs to apply the "firm day-ahead use-it-or-lose-it" mechanism to contractually congested IP sides as determined by the 3rd Congestion Report (in line with the CMP guideline). It was clarified that a draft will be available for comments from the CAM TF and AGWG by 5 May, and that the report (following the Director's review) will be available for discussion in the AGWG on 19 May. In parallel to the AGWG discussion, the BoR will receive the report for comments. The report must be published by 1 June.</p>
<p>19. Mr Locquet provided an update on the ongoing work of the AIMP WG and its Task Forces.</p>
<p>20. In particular, Mr Locquet updated on recent developments regarding the Commission's proposal for a Regulation on collection of European statistics on natural gas and electricity prices.</p>
<p>21. He also informed that progress is being made in the MMR TF on the development of the 2016 MMR.</p>

22. Mr Hernandez provided an update on the ongoing work of the AEWG and its Task Forces. In particular he updated on the relevant steps in CACM implementation (and the upcoming all NRA decision in 2016); work on Capacity Remuneration Mechanisms; and the progress of the restructure of the AEWG Task Forces.
23. The Director provided an update on the implementation of REMIT, in particular reporting on the activities since the launch of phase-two reporting on 7 April 2016. The reporting requirement for non-standard contracts started on 7 April. He reiterated a further call for IT experts to assist the REMIT peer- review process. This was supported by the AMIT WG Chair. Some REMIT implementation activities had to be de-scoped and postponed until 2017.
24. Ms Groebel introduced the new Agency Guidance on the implementation of Article 15 of REMIT. This will form a new chapter for the 4th edition of the REMIT Guidance document and deals with the implementation of rules placed on PPATs. The BoR endorsed the new chapter by consensus of the members present (or represented).
25. Members received an update on work related to infrastructure. The 2nd Infrastructure (Copenhagen) Forum is scheduled to take place on 23 and 24 June. The agenda is not available. Members discussed the possibility to present some teasers of the upcoming ACER PCI implementation monitoring report due on 30th June; they also discussed how best to convey at the Forum the key high-level messages on the PCI selection improvements as well as improvements on the current EIP framework. Members expressed their keen interest to participate in the Forum with the expectation that they will receive an invitation (in similar terms with the Electricity and Gas Regulatory Fora).
26. The BoR received an oral update on the development of the annual consolidated report on the progress of PCIs. The project promoters are submitting data to ACER. A final draft is expected to be sent to the BoR for information and comments in mid-June and the final report is to be published by 30 June.

Part A: Items for discussion and/or decision

1. Opening

Lord Mogg welcomed Dr Wolfgang Urbantschitsch as the new BoR Member for E-Control. He also welcomed a new representative from the European Commission, Adriano Addis.

1.1. Approval of the agenda

BoR Decision agreed: (D 1)

The agenda was approved.

1.2. Approval of the minutes of the 55th BoR meeting

BoR Decision agreed: (D 2)

The 55th BoR minutes were approved.

2. Update from the Commission and the Director

2.1. Update on recent developments

- **EC**

Mr Addis introduced himself to the BoR, explaining that he will gradually be assuming Commission activities related to ACER. He went on to report on the Commission' key developments.

The BoR was informed that on 11 April an informal meeting of Energy Ministers took place under the Council Presidency on issues of market design and regionalisation. There were no formal conclusions but the Presidency is working on a paper on the topics discussed. This will be finalised in June. The BoR was updated that DG COMP's final report on Capacity Remuneration Mechanisms is due in December.

An update was provided on the appointments process for the new Board of Appeal.

- **ACER**

The ACER Director updated the BoR on recent and ongoing ACER work.

The BoR was informed that, on 4 April, the Director and the BoR Chair presented to the ACER contact group of the European Parliament ITRE Committee. The session was chaired by Claude Turmes. While not many MEPs attended due to the timing of the meeting, all political groups sent representatives. The discussion primarily focussed on the Agency's resource requirements for 2017 and in particular on the implications for delivery of ACER tasks if the requested budget is not granted. The Director noted that Michael Thomadakis' departure created a vacancy for the ACER representative to the ECRB. For the moment, the Director is filling this role (which is the default option in the Procedural Acts of the ECRB). The Director is considering the appointment of a new ACER representative in the near future.

The Director reported on the preparation on the ACER Annual Conference. It will be held on 16 June and will focus on ACER achievements over the last five years, on the future challenges and on how it could fit in the Energy Union architecture.

The Director raised a concern that, as shown in last year's MMR, only a small part of the cross-border capacity is made available to the market for trading. The initial analysis of the data collected for this year's MMR suggests that this situation persists. While there are a couple of extreme examples, this appears to be a wide-spread issue. The Director stressed that we should all be concerned because this is a barrier to the internal market. He noted that while the CACM Guideline require TSOs to develop methodologies for calculating cross-border capacity, we should seize the opportunity to provide early guidance to them. The Director will ask the Head of the Electricity Department to coordinate an approach with the AEWG Chair with a view to come up with appropriate recommendations to TSOs.

3. ACER cross-sectoral activities

3.1. Follow-up from the BoR Summit: Finalisation of the work by Process Group and next steps

Lord Mogg gave a brief update on the discussions at the final Process Group meeting. He reiterated that there is irritation at the repeated suggestion that NRAs work against the European dimension of the Agency. He stressed that this is clearly inaccurate and noted that a number of documents will be put out following the Summit from which it will be clear that NRAs make a significant contribution to the activities of the Agency and work constructively (with each other and the Agency) towards the achievement of the IEM.

It was reported that the two strands of work on improving ACER's internal working arrangements were agreed and will be implemented into the BoR and AWG rules of procedure by the AIMP WG, and the Director in coordination with the AWGs chairs respectively. He noted that the new procedure for developing ACER Acts will be implemented on a trial basis and reviewed in 6-9 months. Lord Mogg also reported that the draft Recommendation on ACER's and NRAs' independence – which is very much based on the valuable work of the *ad hoc* legal Group on the legal requirements on the NRAs' independence - was agreed in principle and that specific comments and suggestions are being gathered with a view to finalising an ACER Recommendation to the Institutions during May. Following the finalisation of the Director's proposal the BoR opinion will be sought through electronic procedure. The BoR members were updated that the Public Statement on the BoR Summit was also approved in principle and that they are invited to submit any comments. A further draft will be circulated to the BoR for approval. Lord Mogg reminded the members that the statement is intended to explain in a holistic way the context and outcomes of the work emerging from the Summit. Finally, Lord Mogg reported that the the paper summarising the results of the resources survey was discussed. It was agreed that, while the results have been further refined and are now more comparable and robust, additional work is required to present the results in a format that is suitable for publication. A concrete proposal will be made by the secretariat on the basis of the discussion and any feedback provided directly by the members.

3.2. 2016 Annual Activity Report (independent section on Regulatory Activities)

The Director noted that the BoR and AB meetings in June have been swapped around and that as a result the independent section on regulatory activities in the Annual Activity Report (AAR) will need to be approved by electronic procedure during May (if agreed by the BoR). For this reason, an early draft has been circulated for the April meeting to seek initial views from the BoR.

The Director explained that the AAR addresses the achievements of the Agency against its deliverables and that the annex includes the Agency's KPIs for 2015. The rest have been achieved or are on track without issue. The Director requested any detailed written feedback by 6 May.

Mr Don suggested adding a summary table of tasks and achievements and that it may be useful to formulate conclusions and recommendations for improving performance in future. The Director confirmed he will look into the possibility of including a summary table. He noted that the Administrative Board is required to provide a statement on the performance of the Agency. He noted that he will try to include something useful on improving future performance in his foreword.

BoR Decision agreed: (D 3)

The use of an electronic procedure for BoR approval of the 2016 Annual Activity Report (independent section on Regulatory Activities) was agreed by consensus of the members present or represented.

3.3. Appointment of the BoR vice-Chair and BoR Recommendation to the Director for the AGWG Chair

Lord Mogg reminded the members that following the March BoR, the nominations for the position of BoR Vice-Chair were opened and that by the deadline of 30 March, two nominations were received:

- Annegret Groebel, BNetzA
- Fernando Hernandez, CNMC

Ms Geitona clarified that the appointment will be made on the basis of the agreed process established for previous BoR Chair and Vice-chair appointments. Before the ballot, each candidate was invited to speak for 3 minutes.

Following the ballot, Ms Groebel was announced as the new BoR Vice-Chair. Ms Groebel's term will last for 2 and half years (renewable), starting immediately, as of 27 April 2016.

The BoR recommended to the Director Mr Artur Trindade, ERSE, and Mr Tomislav Jureković, HERA, as co-Chairs of the ACER Gas Working Group. The Director confirmed that he will take utmost account of this recommendation in making the formal appointment.

BoR Decision agreed: (D 4)

The BoR elected Ms Annegret Groebel as BoR Vice-Chair by the required two-third majority of the members present or represented for a term of office of two and half years, taking effect on 27 April 2016.

BoR Decision agreed: (D 5)

The BoR recommended Mr Artur Trindade and Mr Tomislav Jureković to the Director as co-Chairs of the ACER Gas Working Group, by consensus of the members present or represented.

3.4. Concept paper on the regional dimension of the regulatory oversight of the internal energy market. Discussion of the work on the “Governance of new entities”

The Director reminded the BoR members that in the “Bridge to 2025” and the joint response to the new energy market design consultation, the need to develop a robust regulatory framework for new EU-wide or regional entities performing monopoly or near-monopoly functions was identified. A workshop was held on 1 March on the governance of New Entities, noting that this was an issue identified for further work in the Bridge. It was agreed at the workshop that the NRAs’ experience with PRISMA could be used to develop a template approach for assessing the regulatory framework of the other new entities. A draft paper was written by the co-Chair of the Prisma Regulatory Advisory Group (CREG member) on the request as agreed on the Workshop of March 1 and under the lead of the AIMP WG Chair. The paper as such was not submitted for any approval as additional input was expected and promised by other Working Groups. The draft paper was communicated to all participants of the Workshop and was discussed in several Working Groups and/or TF’s. The Director explained that the paper on regional oversight (circulated to the BoR) was prompted, in part, by a discussion with ENTSO-E on the role and regional nature of the RSCs. The Director pointed out that the Commission is very adamant that there will be regional dimensions to the IEM. ACER and the NRAs, should, therefore, have a view as to what regulatory oversight of regional aspects of the IEM should look like. The circulated paper aims to set out a concept for this oversight. Where regional aspects of the IEM entails the establishment of new entities (or new activities for existing entities), there is a clear overlap of the two topics. It is, therefore, proposed to have a single paper addressing both topics. The Director stressed the importance of establishing a position – not least to feed this to the Commission which is looking at this area within the EMD proposals. In particular, we should aim to ensure a flexible approach that takes advantage of the complementarity of national and European activity that can be adapted to regional issues which are “bilateral” and regional issues which cover most of the EU 28.

Lord Mogg re-emphasised that the timeframes are short and that there is an urgency to come up with conceptual advice to the Commission before it is too late to effectively influence. He concluded that we should aim to achieve what is possible in the time available.

Lord Mogg noted that there are many useful comments on a first good effort from the Director. He also noted that we cannot necessarily manage an orderly process and also meet the timeframes of the Commission. He suggested, therefore, that there be an internal workshop to take place in Ljubljana with the aim of reaching a common position on these topics. He noted that we need to recognise that it may not be perfect – because of the limited time and complexity of the topics – but that we should aim to develop further what we have indicated previously in the Bridge and the response to the EMD.

The Director proposed 18 or 19 May as a possible day for a workshop, because AEWG and AGWG colleagues will be in Ljubljana on these dates. The date and timings will be confirmed as soon as possible. Due to the limited time available, he proposed that BoR members and representatives in the AWGs provide comments on the paper circulated to the BoR to him by 6 May; when commenting members should also suggest what key points or conclusions from the discussions on the governance of new entities (PRISMA paper) could also be included. On the basis of the comments received, a further draft of the paper will be circulated in advance of the workshop. The Director clarified that the workshop would aim to consolidate views on both new entities and regional oversight into a single paper. Following the workshop a final draft could be circulated for final comments before submission to the EC.

4. Gas

4.1. Update on FGs, NCs and other work

Mr Maes presented on the latest updates from the GWG. The last Gas working group meeting took place on 12 April.

He informed the BoR that there are two new co-convenors of the GTM Task Force: Markus Krug, E-Control, and François Léveillé, CRE. He also noted that in May 2016 an internal workshop on market integration experience is planned. Mr Maes also provided an update on the latest developments of the TAR NC and CAM amendments. The latest text was circulated in mid-April, the next informal Member States meeting will take place on 28 and 29 April, and voting is anticipated in comitology on 29 and 30 June. He summarised the outstanding issues and noted a number of new topics introduced in the latest draft by the Commission. The BoR was also updated on the remaining issues on the CAM booking platforms. TSOs at two Interconnection Points still have not joined a booking platform. There are four others where the TSOs on either side of the Interconnection Points have joined different booking platforms.

4.2. 3rd report on monitoring of congestion

Mr Hesselting presented the key preliminary findings of the 3rd Congestion Report. An orientation discussion was held on the basis of the presentation. Mr Hesselting reminded the BoR members that from 1 July 2016 NRAs must require TSOs to apply the “firm day-ahead use-it-or-lose-it” mechanism to contractually congested IP sides which will be determined by the 3rd Congestion Report (as required by the CMP Guideline). ACER is currently looking at data for IP sides and double checking that everything has been received. NRAs are also requested to review the data. The preliminary findings identify 55 contractually congested IP sides in the EU. In some of the IPs where contractual congestion exists there are no other routes available and the majority of congested IP sides are cross border. He noted that in 2015 all the points which were congested in 2014 and where OSBB has been applied we see no congestion anymore.

It was clarified that a draft will be available for comments from the CAM TF and AGWG by 5 May, and that the report (following the Director’s review) will be available for discussion in the AGWG on 19 May. In parallel to the AGWG discussion, the BoR will receive the report for comments. The report must be published by 1 June.

5. Implementation, Monitoring and Procedures

5.1. Update on work by the AIMP WG

Mr Locquet noted that ACER and CEER submitted separate input to the European Parliament on the Commission’s draft Regulation on European statistics on natural gas and electricity prices.

Mr Locquet also provided an update on the activities of the MMR Tasks Force. The deadlines for data submission remain the same as last year except the consumers’ legal indicators, which should be provided earlier. The deadlines are: retail electricity and gas (part 6) by 30 June and wholesale electricity and gas (parts 1,2,3,4 and 5) by 31 July.

6. Electricity

6.1. Update on NC implementation and other work

Mr Hernandez provided an update on the AEWG. He explained that the System Operation Guideline will be voted on in Comitology on 4 May and reminded the BoR that the Balancing and Emergency and Restoration NCs are still with the Commission.

The BoR was informed that the all NEMOs proposal for the MCO Plan was submitted on 14 April. The plan sets out how NEMOs will jointly set up and perform the Market Coupling Operator functions pursuant to the CACM GL. The CACM workstream of the EWG is developing a draft position paper. NRAs are considering a public consultation. An “all-NRA” agreement will be sought in the Energy Regulators Forum within 6 months. Mr Hernandez also reminded the BoR that two more all-TSO proposals are due for submission on 14 June (Common Grid Model and Generation and Load Data Provision) and another on 14 August (Congestion Income Distribution Methodology).

The BoR received an update on the group’s work on Capacity Remuneration Mechanisms, specifically in relation to preparing a response to DG COMP’s sector inquiry into CRMs. The public consultation is open until 6 July. It is planned that a proposal will be put to the BoR in June. This response will concentrate on CRM design issues, specifically discrimination issues and cross-border participation.

Finally, Mr Hernandez updated the BoR on the proposed new structure of the AEWG. The current structures are no longer fit for purpose. The reform aims to facilitate earlier engagement between NRAs and ACER, to be more forward looking and flexible, to enable better overall planning of EWG work, and to better facilitate engagement of smaller NRAs on core issues of implementation. The current thinking is that the AEWG will have 3 Task Forces on future policy and governance; infrastructure; and code implementation. There will be also *ad hoc* groups for market design initiatives (such as on flexibility, capacity and RES integration). Ahead of the next physical AEWG, the new structure will be discussed via telco on 3rd May. Once the overall structure of the Task Forces has been agreed, the concrete steps will be to update the EWG terms of reference.

7. Market Integrity and Transparency

7.1. REMIT implementation & operation

Ms Groebel reported that more NRAs are now applying for the peer review process in May. She stressed that we still have only a small number of peer reviewers. She pointed out that they do not have to be REMIT experts, but can also be IT experts. As a measure to encourage more NRAs to put forward peer reviewers, those who do not provide any will be put to the back of the queue when they submit their own requests. It was reiterated that this is of great importance for all NRAs as it presents a barrier to the receiving and sharing of data – which is necessary for the monitoring of the data.

The Director reported on the latest updates regarding REMIT implementation and the REMIT Coordination Group. There are now nearly 10.000 market participants registered by NRAs and ACER is receiving up to 2.5m trade data point per day. There are also now around 100 Registered Reporting Mechanisms though there is a queue of 1.213 applications for RRM status. A large majority of these appear not to be active applications and ACER is considering terminating inactive applications. Priority for registration is being given to third-

party RRM, TSO, LSO and SSO. The system is stable and has run smoothly since the Oracle bug was fixed in January. The Case Management Tool has been available since 1 January and is being used by 6 NRAs. Finally, ACER are currently looking into the responses received to the consultation on the public register of market participants.

The Director informed the BoR that ACER is currently looking to fill two positions. First is the Head of the Market Surveillance and Conduct Department. He requested that NRAs continue to publicise the role. The second is an SNE position in the Market Monitoring department. NRAs are requested to consider putting forward candidates.

7.2. ACER Guidance on Article 15 of REMIT

Ms Groebel introduced the draft ACER Guidance on Article 15 of REMIT. This Guidance provides further advice for PPATs (persons professionally arranging transactions) on how to meet their obligations under REMIT. The Guidance suggests several informal procedural and organisational measures for PPATs to improve their own vigilance.

BoR Decision agreed: (D 6)

The Guidance on Article 15 of REMIT was endorsed by consensus of the members present or represented.

8. Infrastructure Challenge

8.1. Update on Infrastructure topics

The Director reported that ACER is organising a workshop on scenarios and cost-benefit analysis methodology for assessing cross-border infrastructure projects on 10 May, designed to facilitate future development of the pan-European Cost-Benefit Analysis (CBA) methodology for energy infrastructure projects with cross-border influence in Europe.

It was reported that the Commission is currently considering the topics of PCI monitoring and Cross-Border Cost Allocation for the Infrastructure Forum on 23 and 24 June. However, they are still gathering ideas. The Director proposed that it could be useful to present at the Forum some high-level messages which both reiterate and develop further our previous points on improving the selection process (as included in the letter to Director-General Ristori and in the ACER Opinions on the PCI lists themselves) as well as additional points. He noted that, while the Commission has taken on our suggestion of a Coordination Platform for PCI selection, there are still discussions on several issues.

Ms Fauconnier recalled the fact that NRAs would like to be invited to the Copenhagen Forum. Mr Addis took note and will relay this message back to colleagues at the EC. Ms Fauconnier further noted that NRAs have much to say on infrastructure topics. Mr Maes noted that if NRAs' involvement is envisaged we would need to ensure coordinated input from the AWGs, as is the case for the Madrid and Florence Fora. Ms Groebel supported the idea that a presentation on our view on the PCI selection process to the Copenhagen Forum would be useful. Mr Preinstorfer also supported this idea and agreed that it would be useful. He further noted that NRAs would be happy to present views if invited.

Mr Maes pointed out that a paper has been under consideration in the AGWG that does highlight further improvements to the EIP, beyond the selection process.

8.2. Annual consolidated report on progress of projects of common interest

The Director noted that the annual report on the progress of PCIs is under development and must be completed by 30 June. The draft report will be presented orally to the BoR on 7 June and circulated for information and final comments later in the month. He informed the BoR that it is intended to have a “teaser” presentation for the Infrastructure Forum on 23 and 24 June.

9. Part B: Items for information only

Ms Geitona drew attention to the Bridge map. She noted that it has become too cumbersome and thus not user friendly and proposed that this would be the final version. The BoR rolling agenda already tracks deliverables for the BoR and can include dates of external events. CEER activities will be tracked separately.

The Director noted that the secondment of Mr Andrew White to the ACER Brussels office soon comes to an end. The Director and Lord Mogg thanked and congratulated Mr White for his outstanding work in the Brussels office and his invaluable contribution to a number of new initiatives.