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GDF SUEZ responds to ACER consultation on Draft Guidance Note on Consultation

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GDF SUEZ welcomes the ACER guidance note on consultation. We fully agree with this proposal and we would just add some general points.

➤ **Section 4 : Timing**

Specifically regarding section 4.2. Of course it is essential to consult at an early stage to take into account stakeholders' positions but this is not sufficient. **The Agency should take them in account, which has not always been the case in the past** (c.f. CAM – mandatory bundle products, sunset clause)

➤ **Section 5 : Means and process**

On the means and process, closed questions (you can only answer yes or no, or you can only choose between a set of given answers, ..) are fine, but open answers should be possible.

ACER must also be aware that responding to consultation is an important work for companies if you want them to address all important issues. Therefore organisations must remain **reasonable regarding number of consultations and delays for response.**

➤ **Section 6 : Feedback**

Section 6.4 : We fully agree with this. If a code is controversial (receiving e.g. 6000 (RfG) or 2000 (CACM) amendment proposals), ACER should realize that there is a problem with the initial document, thus, the resulting document can never be to the satisfaction of all amendments, and thus a second consultation is worthwhile to be carried out. There might be a need to have additional time in such cases for example to prolong the 3 months ACER has to come to their conclusion on the proposed NC, so it is also important to have the Commission informed about this viewpoint.

On the feedback, we experience at many occasions that “answers” are “counted”. But it is important to realize that this is sometimes misleading depending on the portfolio of answers.

More globally we would like this guidance note to be extended to all consultations especially those from CEER and ENTSO E and G. We experience that the NetCodes transmitted to the Agency may be different from the version that ENTOSOs used in its consultation (For example ENTSO-E for RfG, CACM), not only taking on board amendments, but also sometimes new insights and views ex-post to the ENTOSOs consultation. In such a case it might be appropriate to have additional consultation for such extensive changes during the process.

We are confident of a good cooperation and are available for further clarifications if needed to our comments.