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## Open letter for the establishment of an ad hoc expert group

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Ljubljana, 12 April 2012

**Object:** Establishment of a wholesale energy market surveillance ad hoc expert group

Dear Sir or Madam,

The Agency for the Cooperation of Energy Regulators (hereafter “the Agency”) has decided to set up an informal wholesale energy market surveillance ad hoc expert group (hereafter “the Group”).

The goal of this group will be to advise and assist the Agency and national regulatory authorities in preparing for their wholesale energy market monitoring and surveillance activities according to Article 7 and 8 of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (REMIT) in order to enhance the efficiency and effectiveness of the market monitoring activities, including the use of various market monitoring and surveillance tools (e.g. analysis of transaction reports, including orders to trade).

The Group may submit opinions and advice on any issue related to the tasks of the Agency according to Articles 7 and 8 of Regulation (EU) No 1227/2011 with particular focus on the areas mentioned above and on the following ones:

- advising the Agency on guidance and recommendations to national regulatory authorities, to the extent that these do not concern individual market participants, i.e. in particular the Agency’s non-binding guidance according to Article 16(1) of Regulation (EU) No 1227/2011 on the application of the definitions set out in Article 2 of Regulation (EU) No 1227/2011;
- contributing to the Agency’s efforts to establish a European common monitoring culture and consistent monitoring practices;

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- contributing to the Agency's assessment of market developments.

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 areas related to market monitoring and / or surveillance of wholesale energy markets, and in which countries or markets these have been gained. Minimum 4 years of relevant professional experience in the energy sector is required;
- 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 in/contribution to task forces or working groups of associations by indicating the subject dealt with);
- List of relevant publications;
- Contact details.

Please apply by **27 April 2012** on the Agency's website. Applications received after this deadline will not be considered.

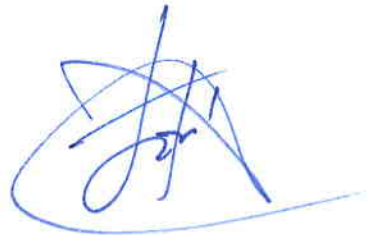
Following the reception of the applications, a list of the members of the expert group will be drawn up according to a selection procedure conducted by the Agency.

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 spread.

Should you have any questions about this letter or the work of the Agency in this area, please do not hesitate to contact:

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**José Braz**  
ACER Market Integrity and Transparency Working Group Chair

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## Annex 1

### Terms of reference for the wholesale energy market surveillance ad hoc expert group

#### Deliverables

The wholesale energy market surveillance ad hoc expert group (hereafter “the Group”) should deliver expert advice on the specific questions raised by the Agency and related to wholesale energy market surveillance 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

The Group shall meet at least 4 times a year, and is expected to meet in the Agency’s premises in Ljubljana (other arrangements can be defined by the Chairperson of the Group). The meetings will be organised in co-ordination with the Agency. The experts shall serve for a period of two and a half years.

#### Qualification

Members of the Group will be qualified individuals selected by the Agency on the basis of their expertise in the area of wholesale energy market monitoring and surveillance.

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

Knowledge of the contents of - and discussions on - Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency is a precondition.

The Agency will be seeking to ensure representation of the following types of market surveillance experts:

- Market surveillance experts on intraday/within-day, day-ahead and derivatives wholesale energy markets from energy exchanges or other persons professionally arranging transactions

- Market surveillance experts on balancing markets from Transmission System Operators.

The Agency will draw up a list of candidates who meet the relevant criteria. Once the list is constituted, the Agency will select up to 10 applicants to become members of the Group.

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## 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 and/or the European Energy Regulators.

### **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.