

DECISION No 07/2022
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS

of 18 May 2022

**on the Regional Coordination Centre Training and Certification of Staff
Methodology**

THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY
REGULATORS,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹ ('ACER'), and, in particular, Article 6(1) thereof,

Having regard to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity², and, in particular, Article 27(3) and Article 37(5) thereof,

Having regard to the outcome of the consultation with the European Network of Transmission System Operators for Electricity ('ENTSO-E'),

Having regard to the outcome of the consultation with the Agency's Electricity Working Group ('AEWG'),

Having regard to the favourable opinion of the Board of Regulators of 13 May 2022, delivered pursuant to Article 22(5)(a) of Regulation (EU) 2019/942,

Whereas:

1. INTRODUCTION

(1) Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity provided a legal framework to strengthen

¹ OJ L158, 14.6.2019, p. 22.

² OJ L158, 14.6.2019, p. 54.

regional coordination between transmission system operators ('TSOs') via the introduction of regional coordination centres ('RCCs') and assigning them with tasks of regional relevance. These tasks include training and certification of the staff working for RCCs in accordance with Article 37(1)(g) of Regulation (EU) 2019/943 with further details outlined in Annex I of Regulation (EU) 2019/943.

- (2) Pursuant to Article 37(5) of Regulation (EU) 2019/943, ENTSO-E shall develop, in accordance with the procedure set out in Article 27 of Regulation (EU) 2019/943, for the relevant tasks not covered by the applicable network codes or guidelines a proposal and submit it to ACER for approval.
- (3) The present Decision follows from ENTSO-E's submission of the "ENTSO-E proposal for the Regional Coordination Centres' task "Training and certification of staff" in accordance with Article 37(1)(g) of the Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity" (hereinafter referred to as the 'Proposal') seeking approval by ACER; Annex I of this Decision sets out the methodology as decided by ACER.

2. PROCEDURE

- (4) On 6 October 2021, ENTSO-E published for public consultation the draft "ENTSO-E Proposal for the Regional Coordination Centres' task "Training and certification of staff" in accordance with Article 37(1)(g) of the Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity". The consultation lasted until 19 November 2021.
- (5) On 18 February 2022, ENTSO-E submitted the Proposal to ACER for approval.
- (6) On 24 February 2022, ACER published a public notice together with ENTSO-E's proposal on its website, inviting interested third parties to submit their observations by 11 March 2022 in order to inform its assessment.
- (7) ACER cooperated with regulatory authorities and ENTSO-E and further consulted on the possible amendments to the Proposal through telephone conference calls and electronic exchanges of documents. In particular, the following steps were taken:
 - 8 March 2022: video conference call with regulatory authorities;
 - 9 March 2022: video conference call with ENTSO-E and regulatory authorities;
 - 16 March 2022: views sought at AEWG;
 - 18 March 2022: video conference call with ENTSO-E and regulatory authorities;
 - 23 March 2022: ACER's preliminary views being shared with ENTSO-E for consideration and for consultation on the proposed amendments;

- 23 March 2022: ACER's preliminary views being shared with the AEWG for consideration;
- 28 March 2022: video conference call with ENTSO-E and regulatory authorities, discussing ACER's preliminary views.

(8) The AEWG provided its advice on 22 April 2022, endorsing the draft ACER Decision on the Proposal. In its advice, the AEWG invited ACER to consider the suggestions received from Arera during the commenting phase regarding Articles 3(2)(c) and 13(2) of the Proposal. Arera's suggestions are outlined and addressed in section 6.4 below.

3. ACER'S COMPETENCE TO DECIDE ON THE PROPOSAL

- (9) Pursuant to Article 6(1) of Regulation (EU) 2019/942, ACER should adopt individual decisions on technical issues where those decisions are provided for in Regulation (EU) 2019/943.
- (10) Pursuant to Article 37(5) of Regulation (EU) 2019/943, for the tasks set out in this Article and not already covered by the relevant network codes or guidelines, ENTSO-E shall develop a proposal, in accordance with the procedure under Article 27 of the same Regulation, for the tasks set out in Article 37 of that Regulation and not already covered by the relevant network codes or guidelines, and this proposal is subject to approval by ACER.
- (11) Pursuant to Article 27(3) of Regulation (EU) 2019/943, ACER should either approve or amend the Proposal within three months after receiving it from ENTSO-E.
- (12) ENTSO-E submitted the Proposal in accordance with Article 37(5) of Regulation (EU) 2019/943 to ACER for approval. The Proposal concerns the RCC tasks of training and certification of staff working for RCCs under Article 37(1)(g) and point 12 of Annex I of Regulation (EU) 2019/943. Those tasks concern technical issues and are not yet covered by any network code or guideline.
- (13) Therefore, ACER is competent to decide on this Proposal under Article 6(1) of Regulation (EU) 2019/942 and Article 27(3) and Article 37(5) of Regulation (EU) 2019/943.

4. SUMMARY OF THE PROPOSAL

- (14) The Proposal consists of the following elements:
- (a) The recitals and Articles 1 and 2, which contain provisions on the subject matter and scope and on the definitions and interpretation;
 - (b) Articles 3 to 8, which includes provisions on training of staff, covering aspects related to the RCC training programme, the RCC training coordinator and rules on joint or common training modules;

- (c) Articles 9 to 11, which includes provisions on the certification of staff such as structure and requirements of the certification, as well as on the formal authorisation process for the joint training module of the RCCs;
- (d) The final provisions of Articles 12, 13 and 14, which contain provisions on roles and responsibilities, the timescale for implementation of the methodology and language.

5. OBSERVATIONS RECEIVED BY ACER

- (15) No observations were received by ACER in response to the public notice published together with ENTSO-E's proposal on ACER's website, inviting interested third parties to submit their observations.

6. ASSESSMENT OF THE PROPOSAL

6.1. Legal framework

- (16) Articles 27 and 37 of Regulation (EU) 2019/943 set out requirements regarding the proposal for a methodology for training and certification of staff working for RCCs.
- (17) Article 37(1)(g) of Regulation (EU) 2019/943 provides that each RCC shall carry out training and certification of staff working for RCCs.
- (18) Article 37(5) of Regulation (EU) 2019/943 provides that, for the tasks set out in Article 37 which are not already covered by the relevant network codes or guidelines, ENTSO-E must develop a proposal in accordance with the procedure set out in Article 27 of Regulation (EU) 2019/943.
- (19) Article 27(2) of Regulation (EU) 2019/943 requires ENTSO-E to consult on the proposed methodology before submitting the proposal. Article 27(3) provides that ACER must approve or amend the proposal within three months of the date of receipt of the proposal, and consult ENTSO-E before approving the amended proposal. In accordance with the same Article, ACER must publish the approved proposal on its website within three months of the date of receipt of the proposed documents.
- (20) Point 12 of Annex I of Regulation (EU) 2019/943 sets out in more detail the task of training and certification of staff working for regional coordination centres.

6.2. Consultation and submission of the Proposal

- (21) Article 27(2) in conjunction with Article 37(5) of Regulation (EU) 2019/943 requires ENTSO-E to carry out a consultation involving all relevant stakeholders, including regulatory authorities and other national authorities, and take the results of that consultation into consideration in its proposal, before submitting the proposal.
- (22) As indicated in paragraphs (4) and (5), ENTSO-E consulted stakeholders from 6 October to 19 November 2021, as well as consulted with regional security coordinators, and submitted the Proposal on 18 February 2022.

- (23) Therefore, ENTSO-E fulfilled the requirements of Article 27(2) in conjunction with Article 37(5) of Regulation (EU) 2019/943 regarding the involvement of stakeholders and the submission.

6.3. Required content of the Proposal

- (24) Article 37(1)(g) of Regulation (EU) 2019/943 on the RCC's task of training and certification of staff working for RCCs is set out in more detail in point 12 of Annex I of Regulation (EU) 2019/943, which provides that:

- RCCs must prepare and carry out training and certification programmes focusing on regional system operation for the personnel working for RCCs; and
- The training programs shall cover all the relevant components of system operation, where the RCC performs tasks including scenarios of regional crisis.

- (25) ACER considers that the abovementioned elements have been included in the Proposal as explained below.

- (26) The Proposal meets the requirement of point 12.1 of Annex I of Regulation (EU) 2019/943 related to the obligation to prepare and carry out training and certification programmes focusing on regional system operation for the personnel working for RCCs.

- (27) Articles 3 – 9 of the Proposal set out the rules for the training of staff working for RCCs and Articles 9 – 11 of the Proposal provide the rules on the certification of staff working for RCCs.

- (28) The Proposal meets the requirement of point 12.2 of Annex I of Regulation (EU) 2019/943, since the proposal covers all the relevant components of system operation where the RCC performs tasks.

- (29) Article 1(2) provides that the methodology applies to all aspects of the training and certification needed for the RCCs to perform the tasks that the RCCs carry out in accordance with Article 37(1) and Annex I of Regulation (EU) 2019/943, as well as any additional tasks which may be added according to Article 37(2) of Regulation (EU) 2019/943 or according to any new regulation, which would enter into force in the future, including those related to any regional desk established according to Article 44(2) of Regulation (EU) 2019/943.

- (30) In order to add further clarity to the methodology in this regard, ACER added a new point a) in Article 4(2), to indicate clearly that the RCC Training Programme should cover all the tasks that the RCCs carry out in accordance with Article 37(1) and Annex I of Regulation (EU) 2019/943, as well as any additional tasks which may be added according to Article 37(2) of Regulation (EU) 2019/943 or according to any new regulation, which would enter into force in the future.

6.4. Amendments to the Proposal

- (31) ACER has introduced amendments to the Proposal to improve its structure, wording and clarity. Further editorial changes, not explicitly mentioned below, have been made to improve the readability and clarity of the wording of the Proposal.
- (32) The changes introduced by ACER have been discussed and consulted with ENTSO-E throughout a very good cooperation during the procedure for this Decision. During the discussions, ENTSO-E confirmed that the changes improve the clarity of the methodology.
- (33) With regard to the suggestion made by Arera during the commenting phase of the AEWG advice, namely regarding Article 3(2)(c) of the Proposal on whether the methodology should also mention the RCC training module formal authorisation process, ACER considered that no change to the Proposal is necessary as the consequences of this change could not be ascertained and since the list contained in Article 3 is non-exhaustive, including in any case a certain degree of flexibility.

6.4.1 On the Recitals of the Proposal

- (34) ACER deleted recital (4) of the methodology as this contained a general statement regarding the approval of the proposals by ACER for all the tasks listed in Article 37(1) of Regulation (EU) 2019/943 by 1 July 2022, which would not be accurate for all the tasks.
- (35) ACER introduced three recitals (5)-(7) in order to emphasise the need to support third countries in applying similar rules to those contained in Regulation (EU) 2019/943. These recitals refer to a new provision introduced in the methodology (see Article 13(7)) and provide that all TSOs of those SORs neighbouring third country TSOs should endeavour where necessary to enter into agreements setting the basis for their technical cooperation and compliance with the relevant EU legislation.

6.4.2 On the definitions and interpretation (Article 2)

- (36) ACER amended the definition of “RCC Operators” in Article 2 to clarify that the task under Article 37(1)(g) of Regulation (EU) 2019/943 is not covered by this definition, as this task is not carried out by RCC Operators but by the RCC training Coordinator. Conversely, a reference to Article 37(1)(g) of Regulation (EU) 2019/943 was added to the definition of “RCC Training Coordinator”.

6.4.3 On the RCC training programme (Article 4)

- (37) As indicated above in paragraph (30), ACER added a new point a) in Article 4(2), to indicate clearly that the RCC Training Programme should cover all the tasks that the RCCs carry out in accordance with Article 37(1) and Annex I of Regulation (EU) 2019/943, as well as any additional tasks which may be added according to Article 37(2) of Regulation (EU) 2019/943 or according to any new regulation, which would enter into force in the future.

6.4.4 On the requirements of the certification (Article 10)

- (38) ACER deleted the second sentence of Article 10(3), since the regulatory authorities have already the powers to request information from the RCCs (see Article 62 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU).

6.4.5 On the roles and responsibilities (Article 12)

- (39) Following discussions with ENTSO-E and regulatory authorities, ACER revised Article 12(3) to clarify that the type of RCC operators may be different within an RCC, since RCC operators may operate different functions with different roles, which may not be interchangeable.

6.4.6 On the implementation of the methodology (Article 13)

- (40) ACER introduced a new paragraph 2 to Article 13, clarifying that within 48 months after ACER's approval of the methodology, the RCCs shall train and certify a sufficient number of RCC Operators for all the tasks which are operational, listed in Article 37(1)(a-f) of Regulation (EU) 2019/943. For all the remaining tasks, implementation shall take place in accordance with Article 4(5). In this regard, ACER considered the suggestion made by Arera during the commenting phase of the AEWG advice regarding Article 13(2) of the Proposal. Arera suggested that implementation shall take place as provided in Article 4(5) of the Proposal for both operational and non-operational tasks. ACER therefore reworded this Article to ensure that implementation will also cover existing but non-operational tasks along with the non-existing (new) tasks.
- (41) As regards the reasons for setting the implementation period of four years for training and certification of RCC operators, it is to note that the Proposal did not include a deadline for the training and certification of sufficient number of RCC operators. ACER therefore discussed with ENTSO-E and the regulatory authorities the appropriate time needed for all RCCs to comply with such a deadline. It was agreed to set this deadline to four years since the prospective RCCs experience different states-of-play. ACER understands that there are regional security coordinators (RSCs) that do not have all the IT tools for the existing tasks available, which need to be in place and fine-tuned to provide trustworthy results ahead of the certification of operators.
- (42) ACER revised paragraph 3 of Article 13 to clarify that each RCC will train and certify its RCC Operators according to the current practices, which might be to not have a certification process in place, until the implementation of the methodology.
- (43) In line with the changes to the recitals mentioned above, ACER introduced a new paragraph 7 in Article 13 to provide that all TSOs of those SORs neighbouring third country TSOs not bound by Regulation (EU) 2019/943 shall endeavour to conclude

with these third country TSOs agreements aiming at third country TSOs' cooperation and implementation of this methodology as appropriate.

7. CONCLUSION

- (44) For all the above reasons, ACER considers the Proposal in line with the requirements of Regulation (EU) 2019/943, provided that the amendments described in this Decision are integrated in the Proposal, as presented in Annex I.
- (45) Therefore, ACER approves the Proposal subject to the necessary amendments and editorial changes. To provide clarity, Annex I to this Decision sets out the Proposal as amended and approved by ACER,

HAS ADOPTED THIS DECISION:

Article 1

The Regional Coordination Centre Training and Certification of Staff Methodology according to Article 37(1)(g) of Regulation (EU) 2019/943 is adopted as set out in Annex I to this Decision.

Article 2

This Decision is addressed to ENTSO-E.

Done at Ljubljana, on 18 May 2022.

- SIGNED -

*For the Agency
The Director*

C. ZINGLERSEN

Annexes:

Annex I – RCC Training and Certification of Staff Methodology

Annex Ia – RCC Training and Certification of Staff Methodology – with track changes - (For information only)

In accordance with Article 28 of Regulation (EU) 2019/942, the addressee may appeal against this Decision by filing an appeal, together with the statement of grounds, in writing at the Board of Appeal of ACER within two months of the day of notification of this Decision.

In accordance with Article 29 of Regulation (EU) 2019/942, the addressee may bring an action for the annulment before the Court of Justice only after the exhaustion of the appeal procedure referred to in Article 28 of that Regulation.