

**OPINION No 12/2018
OF THE AGENCY FOR THE COOPERATION OF
ENERGY REGULATORS**

of 26 October 2018

**ON THE AMENDMENTS TO THE ENTSO-E MONITORING PLAN IN
ACCORDANCE WITH ARTICLE 63(2) OF COMMISSION REGULATION
(EU) 2016/1719 OF 26 SEPTEMBER 2016 ESTABLISHING A GUIDELINE
ON FORWARD CAPACITY ALLOCATION**

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation¹ (“FCA Guideline”) and, in particular, Article 63(2) thereof,

Whereas:

- (1) On 14 April 2017, the European Network of Transmission System Operators for Electricity (‘ENTSO-E’) submitted to the Agency its plan for the monitoring of the implementation of forward capacity allocation and the establishment of a single allocation platform in accordance with Article 63(2) of the FCA Guideline (‘FCA Monitoring Plan’) to the Agency for its opinion.
- (2) The Agency published an Opinion on the ENTSO-E FCA Monitoring Plan on 7 November 2017, inviting ENTSO-E to revise the FCA Monitoring Plan, taking the Agency’s concerns into consideration.
- (3) On 24 April 2018, ENTSO-E submitted to the Agency its amendments to the FCA Monitoring Plan, including an accompanying document ‘ENTSO-E feedback on ACER’s Opinion of 7 November 2017 on the ENTSO-E FCA Monitoring Plan’ explaining the changes made and the underlying reasons.
- (4) For its assessment of the ENTSO-E Monitoring Plan, the Agency took into account the scope and purpose of ENTSO-E’s monitoring duties regarding network codes and guidelines under Regulation (EC) No 714/2009, as well as the matters that the monitoring plan must cover pursuant to Article 63(1) of the FCA Guideline,

¹ OJ L 259, 27.9.2016, p. 42.

HAS ADOPTED THIS OPINION:

The Agency welcomes the alignment of the monitoring plans, pursuant to Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management and pursuant to the FCA Guideline, and hopes that the harmonisation of the monitoring activities will enhance the coherence between the different reports and increase the efficiency of the different drafting processes. The Agency also appreciates that ENTSO-E eventually accepted to include in its FCA Monitoring Plan an overview of the implementation of the significant provisions of the FCA Guideline (such as the provisions related to the Harmonised Allocation Rules (HAR)), as requested by the Agency in its Opinion.

While the Agency does not consider that the FCA Monitoring Plan needs to be amended again, it invites ENTSO-E seriously to consider the following elements, which are still not adequately described in the FCA Monitoring Plan after its amendments.

The monitoring of regional firmness regimes was shortly mentioned by ENTSO-E in its accompanying document. However, this subject was not reflected in the amendments to the FCA Monitoring Plan. Therefore, the Agency invites ENTSO-E to keep in mind that the report on the progress and potential problems with the implementation of forward capacity allocation according to Article 63(1)(a) of the FCA Guideline shall provide a full overview of all the regional provisions covered in regional annexes in the context of forward capacity allocation.

Regarding the report on the effectiveness of the operation of the forward capacity allocation and the single allocation platform according to Article 63(1)(d) of the FCA Guideline, the Agency still maintains that the first submission should not be conditional on the establishment of the single allocation platform, as the effectiveness of the operation of forward capacity allocation can be assessed independently of the implementation of the single allocation platform. Therefore, the Agency invites ENTSO-E to shift the first submission of this report to an earlier date linked to the HAR.

As mentioned in section 3.3 of the FCA Monitoring Plan, a consultation with the Agency is necessary for the statistical and quality indicators on capacity calculation, in accordance with Article 26(4) of the FCA Guideline. The Agency has received this document and understands that, for the moment, the description of the indicators cannot be provided in full detail, since the forward capacity calculation compliant with the FCA Guideline has not yet been implemented. The Agency requests to be consulted on these indicators again once implementation has moved to a further stage and, in any case, well in advance of the drafting of the report using these indicators.

Finally, this Opinion is focused on general aspects related to the FCA Monitoring Plan and does not evaluate the appropriateness of the scope and action plans of the reports listed therein. In the Agency's view, such an evaluation will be appropriate once more clarity and details on these reports are available.

Done at Ljubljana on 26 October 2018.

X 

Signed by: Alberto Pototschnig

For the Agency
Director ad interim
Alberto POTOTSCHNIG