

**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY
REGULATORS No 12/2017**

of 28 July 2017

ON THE ENTSO-E ANNUAL REPORT 2016

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators¹, and, in particular, Articles 6(3)(b) and 17(3) thereof,

HAVING REGARD to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003², and, in particular, Articles 8(3)(e) and 9(2) thereof,

HAVING REGARD to the favourable opinion of the Board of Regulators of 19 July 2017, delivered pursuant to Article 15(1) of Regulation (EC) No 713/2009,

WHEREAS:

- (1) On 5 May 2017, the European Network of Transmission System Operators for Electricity ('ENTSO-E') submitted its annual report for 2016 (the 'ENTSO-E Annual Report 2016') to the Agency for its opinion. The report, according to ENTSO-E, is intended to highlight ENTSO-E's work in the area of market integration, IT & data, regional cooperation, infrastructure development, research, development & innovation, whilst placing a special focus on network codes and their implementation.
- (2) Pursuant to Article 6(3)(b) of Regulation (EC) No 713/2009, the Agency shall provide an opinion to ENTSO-E in accordance with the first subparagraph of Article 9(2) of Regulation (EC) No 714/2009 on relevant documents referred to in Article 8(3) of Regulation (EC) No 714/2009. Point (e) of Article 8(3) of Regulation (EC) No 714/2009 refers to an annual report to be adopted by ENTSO-E.
- (3) According to Article 6(3)(b) of Regulation (EC) No 713/2009, the Agency shall take into account for its opinion the objectives of non-discrimination, effective competition and the efficient and secure functioning of the internal market in electricity. Further, the Agency regards it as essential to consider for its opinion the purpose of the annual report. By its nature, such a report is meant to provide transparent information about ENTSO-E's activities. In particular, information about

¹ OJ L 211, 14.8.2009, p. 1.

² OJ L 211, 14.8.2009, p. 15.

the fulfilment of the various tasks of ENTSO-E under Regulation (EC) No 714/2009 is central,

HAS ADOPTED THIS OPINION³:

1. The ENTSO-E Annual Report 2016 provides a good account of ENTSO-E's activities in the year 2016.
2. The ENTSO-E Annual Report 2016 communicates the relevant information in a way that is generally easy to understand for all stakeholders.
3. The ENTSO-E Annual Report 2016 offers a good overall level of detail. It is important to adjust the level of detail to the specific information issue to ensure adequate clarity and completeness. In that respect, in the Agency's view, a few aspects in the ENTSO-E Annual Report 2016 could have benefitted from further elaboration, namely:
 - There are several references to activities in 2017, including both past and future activities (e.g. p. 20, 21 and 22). However, the reference point of time for the distinction between past and future activities in 2017 seems to be not the same. Also some of the future activities did already occur when ENTSO-E Annual Report 2016 was published. Basing the annual report on a common and consistent reference date and indicating this date in the report could therefore contribute to a better understanding of the reported facts and activities.
 - The section on network codes reports also on the monitoring of the implementation of those codes (p. 23). As regards the experience and conclusions from the implementation of the network codes in 2016, in particular of Regulation (EU) 2015/1222 establishing a guideline on capacity allocation and congestion management, the report provides only rather general statements. However, according to Article 8(8) of Regulation (EC) No 714/2009, ENTSO-E is required to undertake an analysis of the implementation of the network codes and to include the results of this analysis in its annual report. The annual report should therefore present details on the implementation analysis and results.

Done at Ljubljana on 28 July 2017.

For the Agency:


Alberto Pototschnig
Director

³ This Opinion is prepared in line with the Agency's Work Programme for 2017, which assigns resources to various tasks depending on a task's classification in terms of priority as "critical", "important" or "relevant". "Relevant" tasks include the preparation of this Opinion, which was accordingly developed by using simplified format and work procedure.