



## ACER consultation – Draft Guidance Note on Consultations

### EDF Group Response

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#### **For the EDF Group**

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The EDF Group welcomes the opportunity given by ACER to comment this draft guidance note on consultations. Indeed, EDF Group companies are regularly participating to consultations, whether at European or national level. They therefore support such a process believing that (i) stakeholders have a role to play in the development of rules for the European electricity and gas markets and that (ii) an efficient consultation process is a prerequisite to proper stakeholders' involvement.

#### **Regarding the objectives**

We do share ACER's objectives of involving stakeholders and benefiting from their expertise or explanations on the impact of envisaged measures. This however implies giving the opportunity to express a global position, a reasoning, not just partial elements. We try to produce, whenever possible, a single Group position both reflecting a common position to all Group companies and taking into account national specificities.

#### **Regarding the timing**

We appreciate ACER's will to consult stakeholders at an early stage of preparation of its positions and acts.

We do support the present (minimum) two-month period for consultations on Framework Guidelines. The periods of 4 weeks or less proposed for other issues in general may appear quite short to deal with complex regulatory issues. They could also reveal complex to handle internally because of the time needed to find the relevant expertise within our companies, to analyze the documents, to align between different Group companies and get the positions duly approved.

### **Regarding the means and processes**

We do understand the complexity of analyzing numerous answers, so as to produce a satisfactory evaluation of the comments received to a public consultation. This leads ACER to switch from open contributions (often directed with a set of questions) to online questionnaires.

However, we would like to draw ACER's attention on the fact that online questionnaires present many disadvantages, notably the difficulty to freely introduce the approach a stakeholder has to an issue, or the impossibility to really develop a reasoning. Questions can be formulated in a very restrictive way. Many questions exploring regulatory solutions cannot be simply answered by yes or no.

If there is no other choice than switching to online consultations, we would therefore recommend:

- (i) to keep a sufficient capacity (characters) for each answer box,
- (ii) to keep answer boxes for general comments,
- (iii) to keep the possibility to upload documents (which should be considered as part of the answer),
- (iv) to enable stakeholders to get a confirmation email with the response uploaded.

### **Regarding the feedback**

We would like to thank ACER for the valuable evaluations of the comments received.

We also support the existing possibility of consulting a second time (on specific points) if the responses reveal significant problems or if the revised documents are substantially different from the initial proposal submitted to consultation.

We take the opportunity of this consultation to mention the problems faced by stakeholders with the new ACER website. It appears quite complex (at least not always intuitive) and time consuming to find the latest documents published (not always mentioned neither on the front page nor in the "news" section; sometimes non working links, etc.) We all have experienced IT problems some day but ACER's documents and consultations are of importance. We therefore miss the efficiency of the former website and hope the situation will return to normal soon.

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