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## **GDF SUEZ responds to ACER consultation on Draft Guidance Note on Consultation**

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**GDF SUEZ welcomes the ACER guidance note on consultation. We fully agree with this proposal and we would just add some general points.**

➤ **Section 4 : Timing**

Specifically regarding section 4.2. Of course it is essential to consult at an early stage to take into account stakeholders' positions but this is not sufficient. **The Agency should take them in account, which has not always been the case in the past** (c.f. CAM – mandatory bundle products, sunset clause)

➤ **Section 5 : Means and process**

**On the means and process, closed questions** (you can only answer yes or no, or you can only choose between a set of given answers, ..) are fine, but open answers should be possible.

**ACER must also be aware that responding to consultation is an important work for companies** if you want them to address all important issues. Therefore organisations must remain **reasonable regarding number of consultations and delays for response.**

➤ **Section 6 : Feedback**

**Section 6.4 :** We fully agree with this. If a code is controversial (receiving e.g. 6000 (RfG) or 2000 (CACM) amendment proposals), ACER should realize that there is a problem with the initial document, thus, the resulting document can never be to the satisfaction of all amendments, and thus a second consultation is worthwhile to be carried out. There might be a need to have additional time in such cases for example to prolong the 3 months ACER has to come to their conclusion on the proposed NC, so it is also important to have the Commission informed about this viewpoint.

**On the feedback,** we experience at many occasions that “answers” are “counted”. But it is important to realize that this is sometimes misleading depending on the portfolio of answers.

**More globally we would like this guidance note to be extended to all consultations** especially those from CEER and ENTSO E and G. We experience that the NetCodes transmitted to the Agency may be different from the version that ENTOSOs used in its consultation (For example ENTSO-E for RfG, CACM), not only taking on board amendments, but also sometimes new insights and views ex-post to the ENTOSOs consultation. In such a case it might be appropriate to have additional consultation for such extensive changes during the process.

We are confident of a good cooperation and are available for further clarifications if needed to our comments.