

Mr Christian Zinglersen
Director
ACER

Cc: Dr Klaus-Dieter Borchardt
Director
Internal Energy Market DG ENER
European Commission

Mr Laurent Schmitt
Secretary General
ENTSO-E

By email only

16th January 2020

Dear Christian,

I am writing on behalf of all Regulatory Authorities with regard to the proposal by all Transmission System Operators (hereafter: TSOs) to further specify and harmonise imbalance settlement (hereafter: ISH proposal) in accordance with Article 52(2) of the Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (hereafter: EBGL).

The last Regulatory Authority received the ISH proposal on 11 February 2019, while the legal deadline was 18 December 2018 (i.e. six months after entry into force of EBGL).

Article 5(6) of EBGL requires all Regulatory Authorities to consult and closely cooperate and coordinate with each other in order to reach an agreement and issue a decision within six months following receipt of submissions to the last Regulatory Authority.

On 24 June 2019 all Regulatory Authorities reached a unanimous agreement to request to all TSOs an amendment to the ISH proposal.

Article 6(1) of EBGL requires all TSOs to submit a proposal for amended terms and conditions or methodologies for approval within two months following the request for amendment and all Regulatory Authority to decide within two months following the submission.

The amended ISH proposal has been received by the last Regulatory Authority on 14 November 2019, therefore, according to article 6(1) of EBGL, the deadline for a decision by all Regulatory Authority was 14 January 2020.

Since the amended ISH proposal has been submitted after the entry into force of the Commission Regulation (EU) 2019/942 of 5 June 2019, establishing a European Union Agency for the Cooperation of Energy Regulators, some Regulatory Authorities consider that they are not competent to issue a decision. Therefore, all Regulatory Authorities were not able to reach an agreement within the deadline of two months and, according to the article 5(7) of EBGL, from 14 January 2020 the ISH proposal is to be considered as referred to ACER.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Clara Poletti".

Clara Poletti
ERF Chair