

Ljubljana, 22 March 2024

**Subject: Establishment of a consultative Expert Group on standardised Power Purchase Agreements (PPAs)**

Dear Sir or Madam,

The European Union Agency for the Cooperation of Energy Regulators (hereafter “ACER”) has decided to set up a new consultative expert group on matters related to Power Purchase Agreements (hereafter “PPAs”) on the internal market for electricity and specifically on their possible standardisation.

The primary focus of this group is to provide valuable insights and recommendations to ACER. In a first instance to address the assessment of the need for standardised PPA contracts in the European energy market. The group will investigate the possible advantages and viability of implementing standardised PPA contracts, with the aim of improving transparency, efficiency, and market integration. Experts will offer advice on essential perspectives regarding the legal and regulatory aspects associated with standardised PPAs, guaranteeing alignment with European energy policies and objectives.

In case ACER assesses a need to standardise PPA contracts, the experts will also advise on the development of such contracts.

The expert group will be established for the duration of two years.

The terms of reference for the Group and specific criteria for the experts are provided in Annex 1.

At this stage, only experts responding to the criteria identified in Annex 1 are invited to apply.

In order to ensure transparency and openness, the organisation to which the applicant belongs should be registered in the EU Transparency Register at the following link: <https://ec.europa.eu/transparencyregister/public/ri/registering.do?locale=en>.

The application should set out briefly:

- List of relevant qualifications, including education and number of years of experience after award of the university degree in the area of PPAs, and in which countries or markets such experience has been obtained. Specific professional experience in the electricity sector, especially when it relates directly to PPAs, shall be taken into consideration. Minimum 4 years of relevant professional experience in the electricity sector will be required for industry experts and relevant academic field of research for academics and researchers;
- The person’s current involvement in the electricity industry as well as the company or organisation (including EU stakeholder organisation) he or she is a member of. For association members, please indicate current and past participation/contribution in task forces or working groups and the subject(s) dealt with;

- List of relevant publications; and
- Contact details.

Please apply by **19 April 2024**, i.e. four weeks after publication of this “Open Letter” on ACER’s website. Applications received after this deadline will not be considered.

Following the receipt of applications, a list of the members of the expert group will be drawn up according to a selection procedure conducted by ACER. According to the “Rules of Procedure for the establishment of ad hoc expert groups” (see Annex 2 of this letter), the Group shall aim to have a broad range of relevant expertise according to Annex 1 and guarantee a balanced diversity.

Applications should be sent to: **PPA.expertgroup@acer.europa.eu**

In case you have any questions, please do not hesitate to contact us at the same email address.

Yours sincerely,



Christophe Gence-Creux

*Head of the Electricity Department*

## **Annex 1**

### **Terms of reference for the ad hoc expert group on standardised Power Purchase Agreements**

#### **Deliverable**

The ad hoc expert group (hereafter “the expert group”) should deliver expert advice on the specific questions requested by ACER on PPAs. The form of the advice to be submitted by the expert group to ACER will be determined by the Chairpersons of the expert group.

#### **Schedule**

The expert group shall meet at least twice on the question to standardise PPA contracts and possibly two to four more times on the development of such contracts (if ACER assesses standardisation is beneficial). The expert group is expected to meet through virtual meetings. The invitations and agendas will be communicated in accordance with the Rules of Procedures of the expert group.

The expert group will be established for the duration of two years.

#### **Qualification**

Members of the expert group will be qualified individuals selected by ACER based on their expertise in the area of PPA contracts and taking account of the different nature of the stakeholders affected by the work of ACER.

Members of the expert group are bound by confidentiality requirements in relation to all non-public information they are provided with.

Knowledge in the context of the ongoing works on the reform of Electricity Market Design and of Regulation (EU) No 2019/943 on the internal market for electricity, of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), and of Commission Recommendation (EU) 2022/822 of 18 May 2022 on speeding up permit-granting procedures for renewable energy projects and facilitating Power Purchase Agreements constitutes a strong advantage. Knowledge of financial regulation impacting energy markets and Clean Energy for All Europeans Package is also considered advantageous.

ACER will be seeking to ensure representation of the following types of stakeholders:

- Market participants;
- Organised markets and other persons professionally arranging transactions and offering PPA contracts;
- Users and distributors of wholesale energy market information (e.g. information providers, analysts);

- Sector associations, including those
  - representing (groups of) smaller potential buyers and sellers of PPAs;
  - representing members with experience on buying PPAs
  - representing members with experience on selling PPAs
- Consultancy firms and service providers;
- Legal professionals (advising on PPAs); and
- Academics or researchers.

ACER will draw up a list of candidates who meet the relevant criteria. Once the list is constituted, ACER will select up to 14 applicants to become members of the expert group, and up to 4 applicants to be put on the reserve list. The selection will focus on forming a diverse group of experts. The list should represent expertise covering all aspects of PPA contracts. Special attention will be given to have representation from buyers and sellers of PPAs (and those representing them), from small and large actors as well as from geographically diverse locations in the EU. For the selection of potential experts with similar profiles, criteria such as the number of years of experience will be considered.

## **Annex 2**

### **Rules of Procedure for the ad hoc consultative Expert Group on standardised Power Purchase Agreements (hereafter “expert group”)**

#### **Article 1 – Purpose**

The role of the expert group is to provide, on an ad hoc basis, expert views to ACER in the development of regulatory policies linked to Power Purchase Agreements and related topics. The status of the input provided by the expert group is that of **advice** to ACER. **The determination and implementation of regulatory policies are those of ACER alone.**

#### **Article 2 – Application procedure**

An Open Letter for the establishment of an ad hoc expert group will be published on the ACER website.

Persons interested in becoming members will be invited to contact ACER within the deadline specified in the Open Letter (generally four weeks after the Open Letter has been published). To be valid, the application of the expert must contain the following information:

- List of relevant qualifications, including education and number of years of experience in the area concerned specifying in which countries and markets these have been gained;
- Current involvement in the electricity industry and the company or organisation (including EU stakeholder organisation) he or she is a member of (indicate current and past participation/contribution in task forces or working groups of associations by indicating the subject dealt with);
- List of relevant publications; and
- Contact details.

Applications will be assessed by a selection committee established by ACER on the basis of the information submitted by candidates.

Selected candidates will be contacted individually by ACER to confirm their appointment as members of the expert group. This communication will take place within three weeks after the closing of the period for applications which is made public on the ACER website together with the Open Letter for the establishment of an expert group.

#### **Article 3 – Membership**

The expert group is composed of members appointed by ACER.

The expert group shall aim at having a broad range of relevant expertise and diversity among its members. Specific criteria (depending on the relevant area of expertise) may be defined for the appointment of the experts.

Members are appointed *ad personam* and primarily for their competences and shall therefore not have alternates.

Members are required to abide by the terms of ACER's Rules of Procedure for ad hoc expert groups, and shall sign them for acceptance upon joining the expert group.

The number of experts in an expert group will not exceed 14.

#### **Article 4 – Chairs**

Meetings shall be chaired by ACER representatives.

#### **Article 5 – Responsibilities of the Chairs**

The Chairs are responsible for the efficient conduct of the business of the ad hoc expert group and shall in particular:

- Plan the work of the expert group by defining its tasks;
- Draw up the agenda for the meetings of the expert group and ensure minutes are taken;
- Chair the meetings of the expert group;
- Monitor the application of these Rules of Procedure;
- Present the work of the expert group to ACER on a regular basis; and
- Present the work of the expert group externally (particularly to the electricity fora, when relevant).

#### **Article 6 – Independence of the experts**

Members shall make a declaration of commitment in their application to fulfil their duties and a declaration of interests which could be considered to be prejudicial to their independence.

#### **Article 7 – Confidentiality of information**

Experts shall not disclose to any persons, or company, including the one they might be linked to, any information acquired as a result of their work in the expert group.

The obligation to maintain confidentiality shall continue to apply even after participation of members in the expert group has ceased.

#### **Article 8 – Transparency**

The organisations to which the members of the expert group belong shall be registered in the EU Transparency Register.

The list of members of the expert group shall be made public.

The expert group shall operate in accordance with the need for a high level of transparency.

The following documents of the expert group shall be published on the ACER website, subject to the respect of confidentiality requirements:

- Open Letter for the establishment of an ad hoc expert group;
- Rules of Procedure for ad hoc expert groups;
- Minutes in a summary form.

### **Article 9 – Invitations to meetings**

Any meeting of an expert group shall be convened at the invitation of the expert group Chairs.

The date of the first meeting will be communicated in due course after the establishment of the ad hoc expert group.

Invitations shall be issued not later than 14 calendar days before the meeting.

### **Article 10 – Agenda**

A draft agenda shall be drawn up by the Chairs and circulated to the members of the ad hoc expert group no later than 7 calendar days before the meeting. The agenda shall be adopted at the beginning of each meeting.

### **Article 11 – Documentation**

Documents that are necessary for the meetings shall be normally circulated to the members of the ad hoc expert group at least 7 calendar days before the meeting.

### **Article 12 – Minutes**

It is the responsibility of the Chairs, to take the minutes of the meeting of the expert group. The minutes shall include a summary record of the proceedings and action points.

Views, whether expressed orally or in writing by members in the context of an expert group shall not be ascribed to a particular individual.

### **Article 13 – Reimbursement**

Experts should bear their own costs.

### **Article 14 – General provisions**

Amendments to these Rules of Procedure shall be approved by ACER.

**Annex 3**

**DECLARATION OF COMMITMENT AND CONFIDENTIALITY**

I, the undersigned ..... in my function as [alternate] member of the ACER Expert Group on standardised Power Purchase Agreements,

hereby undertake to make all reasonable efforts to fulfil my duties as [alternate] member of the of the ACER Expert Group on standardised Power Purchase Agreements. In particular, I am aware of my responsibility to declare at each meeting of the Group any interest which might be considered prejudicial to the treatment of items on the agenda.

hereby declare that I am aware of my obligation to respect confidentiality, even after my duties have ceased, if the information is subject to a request for confidentiality or for reasons of professional secrecy. I shall also respect the confidential nature of the opinions expressed by other members during discussions in meetings or provided in written form.

I understand that this declaration will be entered in a register held by ACER, which is accessible to the public.

Date:.....

Place:.....

Signature:.....

**Annex 4**

**DECLARATION REGARDING CONFIDENTIALITY AND PERSONAL DATA  
PROTECTION**

I, the undersigned,....., formally  
declare that:

- (1) I will treat confidentially any information and documents, in any form (i.e. paper or electronic), disclosed in writing or orally in relation to my participation and/or the performance of my tasks as a member of the ACER Expert Group on standardised Power Purchase Agreements ('the Group'), and process any personal data in accordance with [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
- (2) I am fully aware of my obligations, *inter alia* in terms of confidentiality and personal data protection arising from my participation to the Group.
- (3) I will undertake to observe strict confidentiality in relation to my work as follows:
  - I will not use or disclose, directly or indirectly, confidential information or documents for any purpose other than fulfilling the tasks relating to my participation to the Group, without prior written approval from ACER;
  - I will not discuss the work of the Group with others, including other experts or relevant service staff not directly involved;
  - I will not communicate outside the relevant ACER team any confidential information that is revealed to me or that I have discovered. I will not make any adverse use of information given to me.

I shall continue to be bound by these undertakings after completion of my work unless this disclosure of confidential information is required by law.

If materials/ documents/ reports/ deliverables are made available to me either on paper or electronically, I agree to be held personally responsible for maintaining the confidentiality of the documents or electronic files sent and for returning, erasing or destroying all confidential documents or files on completing my work as instructed.

- (4) When my work takes place on premises ACER, I :
  - must not remove from the premises any copies or notes, either on paper or in electronic form;
  - will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent, and for returning, erasing or destroying all confidential documents or files on completing my work as instructed.

- (5) If I seek further information (e.g. from the internet, specialised databases, etc.) to complete my work, I :
- must respect the overall rules for confidentiality for obtaining such information;
  - must not contact third parties without prior written approval from ACER.

Date:.....

Place:.....

Signature:.....