

4th Implementation and Monitoring Group meeting, 8 March 2018

– Conclusions

Participants: EC (Chair of the NC IMG), ACER, ENTSOG, ENTSO-E.

1. Welcome, agenda and action points review

Conclusion

- The actions points from last meeting have been reviewed and relevant progress was reported in this meeting.

2. Follow up NC implementation and implementation monitoring issues

a) Update on Monitoring and Transparency Platform

- ENTSO-E's dashboard and ACER/ENTSO-E Data Provision Agreement
- ENTSOG presentation on Gas Transparency platform

Conclusions

- The NC IMG acknowledges the progress made towards improvement of the consistency and quality of the Transparency Platforms. It invites ENTSOG and ACER to explore the possibility of an agreement on data sharing and of closer cooperation regarding monitoring issues. Regarding the use of data published in the Transparency Platforms, the NC IMG recognises that, as a general rule, the data should be made available to users without use restrictions (open data licence).

- The NC IMG members welcome the establishment of a TSO/DSO Electricity NC implementation group as a subgroup under the TSO/DSO platform.

b) Language waiver letters for ACER decisions

Conclusion

- The NC IMG recommends continuing efforts towards a pragmatic approach, i.e. the provision of language waivers by TSO to the Agency while at the same time respecting the need for a translation in exceptional cases and upon request by a TSO/NRA.

c) FUNC: update on state of play and discussion on EC involvement regarding consultations

Conclusion

- The NC IMG welcomes the use of the FUNC platform by stakeholders as a transparent and structured tool to treat gas NC implementation issues.

- Close cooperation will take place between ACER, ENTSOG and the EC on working level when assessing the issues which are raised on the FUNC.

3. Discussion on potential Gas NCs amendments

a) Clarify priorities

b) Identify potential amendments

c) Timetable

Conclusions

- The NC IMG members exchanged their views on the way forward regarding potential amendments of gas NCs.

- Potential amendment proposals will be assessed by NC IMG members in close cooperation, without prejudice to the role of each Organisation under the legislation and with sufficient involvement of stakeholders.

4. Tracking and coordination of regional proposals in electricity guidelines

a) ACER's and ENTSO-E's strategies to track and coordinate regional proposals

b) EC's potential role in following up regional proposals

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- The NC IMG underline that the electricity TSOs have a legal obligation to submit a pan EU or regional proposal in a timely manner.
- TSOs on regional level should closely cooperate through reporting and updates to ENTSO-E, relevant NRAs, ACER and the EC informing them early in advance about potential blocking issues which may result in a delay to achieving the deadline. In particular where it is foreseen that TSOs have difficulties to reach an agreement, guidance should be sought to ensure that a timely submission is ensured.
- Article 9(4) CACM should be seen as a last resort mechanism and it should be triggered only after all means for TSOs to submit a proposal when the legal deadline has been exhausted.
- If nevertheless, TSOs cannot deliver the proposal within the legally mandated deadlines, the formal process has to be triggered and the EC has to be notified.
- In the latter case, as one option and a first step, the EC could ask the TSOs to submit the proposal within a new deadline. If a TSOs proposal cannot be agreed, the NRAs should give the necessary guidance to enable such agreement.