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**Agency for the  
Cooperation of Energy Regulators  
Work Programme  
2015**

**December 2014**

## Director's Foreword

2015 will be another milestone year for the Agency. Significant progress towards the completion of the internal energy market (IEM) – i.e. towards meeting the goal defined by the EU Council in 2011 and reaffirmed several times since then - has already been achieved: for example, the day-ahead wholesale electricity market operates on the basis of a single platform across much of the European Union, from the Atlantic shores of Portugal to those of the Barents Sea, and a single platform is already used for allocating capacity on the majority of internal EU gas interconnection points. However much still remains to be done and, in any case, the completion of the IEM is a process that requires continuous effort to ensure further development and fine-tuning, as new challenges – mostly related to the increased penetration of renewable-based generation – are looming on the horizon, to which regulators should respond. 2015 is also the target year set by the EU Council for the removal of “energy islands”, i.e. for better integrating regions with limited interconnection capacity with the rest of the Union. Finally, in 2015, the new wholesale energy market monitoring framework mandated by REMIT should become operational. Therefore, much work remains ahead of us to ensure a well-functioning, competitive, secure, sustainable and transparent EU-wide energy market.

This Work Programme illustrates how the Agency plans to contribute to the achievement of the above goals. The structure of the document is somewhat different from the one used in previous years, as it follows the format of the Single Programming Document for EU Agencies. Once it becomes mandatory, this document will replace four different documents: the multiannual and annual work programmes, the draft budget outline and the Multiannual Staff Policy Plan (MSPP). The Agency has decided for the early adoption of this new format.

In this context, one of the major novelties is the introduction of a multiannual outlook for the 2015 – 2017 period. It focuses on the objectives in the four main areas on which the Agency expects to concentrate its activities:

- The (post-2014) completion of the IEM;
- The infrastructure challenge;
- The monitoring of wholesale energy markets;
- The longer-term regulatory challenges.

The above areas, aimed at delivering tangible benefits to European energy consumers by ensuring more choice and better prices, will guide the Agency's work also in 2015.

In 2013 the Agency completed the preparation of the Framework Guidelines in the eight areas identified by the European Commission as core for the IEM integration. By the end 2014 the Agency has proposed for adoption 12 of the 14 corresponding Network Codes, and 3 of them have already been adopted. The immediate objective is therefore for the remaining Network Codes to be finalised and adopted, but at the same time, to implement the provisions in the adopted Network Codes, possibly even before they become binding.

The Agency will also continue to monitor developments in the IEM, including the proper implementation of the rules contained in the Network Codes. In much of its work, the Agency has relied, and will continue to rely, on the extensive involvement of experts from National Regulatory Authorities, for whose support I am very grateful.

A well-functioning IEM requires efficiently-developed infrastructure. Beyond its tasks, related to the network development plans and more generally to the ENTSOs' activities under the Third Package, the Agency will focus also on the implementation of the TEN-E Regulation. It will continue to play a crucial role in the work related to the selection of Projects of Common Interest (PCIs), infrastructure projects which are particularly beneficial in supporting a more integrated European energy market and removing "energy islands". The Agency may also be called to take decisions on investment requests and cross-border cost allocation submitted by PCI promoters. The first such decision was adopted in August 2014 (on the Gas interconnection Poland Lithuania).

While the above areas remain of crucial importance, the Agency's greatest challenge in 2015 is likely to be the launching of the new, unprecedented and sector-specific energy market monitoring framework mandated by REMIT. The Agency has been working since 2011 on its implementation and the new framework should come into operation in 2015. Effective monitoring of energy markets, including trading in wholesale products, should promote confidence among market participants and European energy consumers that energy prices reflect the interplay of demand and supply and are not distorted (inflated) by abusive market behaviour. Unfortunately, so far the Agency has not been able to secure the additional human resources required to operate the new monitoring framework effectively. This lack of resources, if it were to persist, would not only hamper the monitoring of wholesale energy markets, but also greatly reduce the effectiveness with which the

purposely-developed IT platforms and systems could be used. Without sufficient human resources market abuse instances could go undetected, with energy consumers ending up paying higher electricity and gas prices.

While the Work Programme focuses to a great extent on the tasks mandated to the Agency through legal acts, the Agency, together with NRAs, has begun looking at longer-term challenges. The Conclusions Paper “Energy Regulation: A Bridge to 2025”, issued in September 2014, contains European energy regulators’ conclusions on the challenges in the electricity and gas sectors over the coming decade and recommendations on the appropriate regulatory response. Linked to the Bridge initiative and in parallel to it, the Agency is conducting a review of the Gas Target Model to assess how it can best meet the challenges which the energy sector will face in the next few years. A similar assessment of the Electricity Target Model, in particular with respect to flexible response and mechanisms to promote system adequacy, will be conducted next year. Work on the above tasks in the coming years will however largely depend on the resources available.

Indeed, the increasing gap between the widening mandate attributed to the Agency and the financial and human resources assigned to it remains one of my major concerns. This Work Programme has been developed in line with the estimate of expenditure for 2015 made by the Administrative Board in March 2014, with a supportive opinion by the Board of Regulators. Should the resources foreseen not become available to the Agency, the Work Programme would need to be revised, especially with respect to tasks related to the implementation of REMIT and, to a lesser extent, the TEN-E Regulation.

Finally, I would like to gratefully acknowledge the commitment, dedication and effort of my colleagues in the Agency, who have been instrumental in what the Agency has achieved so far, and the continuous engagement and support of the Agency’s Administrative Board, the Board of Regulators, the Board of Appeal, the European Parliament’s Committee for Industry Research and Energy and the Directorate-General for Energy of the European Commission. Sincere thanks also to all the stakeholders who are involved in our activities and contribute to our work in many ways, including through our public consultations. No great challenge can be met without the concerted effort of all the players involved; the formidable task of achieving a well-functioning, secure, sustainable and transparent IEM is no exception.

Alberto Pototschnig, Director  
Ljubljana, September 2015

## Table of Contents

<b>LIST OF ABBREVIATIONS AND ACRONYMS .....</b>	<b>7</b>
<b>MISSION STATEMENT .....</b>	<b>10</b>
<b>SECTION I – GENERAL CONTEXT.....</b>	<b>12</b>
<b>STRATEGIC AIMS .....</b>	<b>12</b>
<b>SECTION II - MULTIANNUAL OUTLOOK 2015 - 2017.....</b>	<b>16</b>
<b>1. MULTIANNUAL OBJECTIVES.....</b>	<b>16</b>
<b>2. MULTIANNUAL PROGRAMME .....</b>	<b>20</b>
2.1 INTRODUCTION.....	20
2.1.1 <i>Strategic Areas.....</i>	20
2.1.2 <i>The regulatory practice.....</i>	21
2.1.3 <i>Risks.....</i>	24
2.2 COMPLETION OF THE INTERNAL ENERGY MARKET .....	25
2.2.1 <i>Framework Guidelines and Network Codes.....</i>	25
2.2.2 <i>IEM Implementation.....</i>	25
2.2.3 <i>NC Implementation and Monitoring .....</i>	26
2.2.4 <i>Monitoring of the Internal Energy Market.....</i>	26
2.2.5 <i>Completion of the IEM - objectives and expected achievements.....</i>	26
2.2.6 <i>Risks.....</i>	27
2.3 WHOLESALE ENERGY MARKET INTEGRITY AND TRANSPARENCY.....	27
2.3.1 <i>Institutional Framework .....</i>	27
2.3.2 <i>Completion of REMIT Implementation .....</i>	28
2.3.3 <i>Wholesale Market Monitoring .....</i>	29
2.3.4 <i>REMIT - objectives and expected achievements.....</i>	30
2.3.5 <i>Risks.....</i>	30
2.4 THE EUROPEAN INFRASTRUCTURE CHALLENGE.....	30
2.4.1 <i>Institutional Framework .....</i>	30
2.4.2 <i>TYNDP.....</i>	31
2.4.3 <i>Identification of PCIs .....</i>	31
2.4.4 <i>Cross-Border Cost Allocation.....</i>	31
2.4.5 <i>Infrastructure - objectives and expected achievements.....</i>	32
2.5 INTERNATIONAL COOPERATION .....	32
2.5.1 <i>Institutional Framework .....</i>	32
2.5.2 <i>International Cooperation - objectives and expected achievements .....</i>	34
2.5.3 <i>Risks.....</i>	34
2.6 FUTURE CHALLENGES, INCLUDING RES INTEGRATION.....	34
2.6.1 <i>Institutional Framework .....</i>	34
2.6.2 <i>"Energy Regulation: A Bridge to 2025" Implementation .....</i>	35

2.6.3	<i>Review of the Electricity and Gas Target Models</i>	35
2.6.4	<i>Future challenges - multiannual objectives and expected achievements</i>	35
2.6.5	<i>Risks</i>	36
<b>3.</b>	<b>HUMAN AND FINANCIAL RESOURCES OUTLOOK</b>	<b>36</b>
3.1	OVERVIEW OF THE PAST AND CURRENT SITUATION	36
3.2	RESOURCE PROGRAMMING	39
3.2.1	<i>Financial resources</i>	39
3.2.2	<i>Human resources</i>	41
<b>SECTION III – WORK PROGRAMME 2015</b>		<b>49</b>
<b>1.</b>	<b>THE AGENCY’S PRIORITIES FOR 2015</b>	<b>49</b>
<b>2.</b>	<b>CONSULTATION ON 2015 WORK PROGRAMME</b>	<b>50</b>
<b>3.</b>	<b>OPERATIONAL ACTIVITIES</b>	<b>50</b>
3.1	ELECTRICITY FRAMEWORK GUIDELINES & NETWORK CODES	50
3.1.1	<i>Framework Guidelines</i>	50
3.1.2	<i>Network Codes, their implementation and its monitoring</i>	51
3.2	GAS FRAMEWORK GUIDELINES & NETWORK CODES	54
3.2.1	<i>Framework Guidelines</i>	55
3.2.2	<i>Network Codes, their implementation and its monitoring</i>	56
3.3	CROSS-SECTOR ISSUES (ELECTRICITY AND GAS)	60
3.3.1	<i>Monitoring</i>	61
3.3.2	<i>Regional Initiatives</i>	62
3.4	TSO COOPERATION	65
3.4.1	<i>Electricity</i>	65
3.4.2	<i>Gas</i>	67
3.5	GUIDELINES FOR TRANS-EUROPEAN ENERGY INFRASTRUCTURE	68
3.5.1	<i>Electricity and Gas</i>	69
3.6	ACTIVITIES WHICH ARE SUBJECT TO SPECIFIC CONDITIONS	71
3.7	OPINIONS AND RECOMMENDATIONS ON THE AGENCY’S OWN INITIATIVE	74
3.8	WHOLESALE MARKET MONITORING – REMIT	76
3.9	ORGANISATION, ADMINISTRATION AND FUNCTIONING OF THE AGENCY	82
3.9.1	<i>Organisation</i>	82
3.9.2	<i>Communication</i>	82
3.9.2.1	<i>External Communication</i>	83
3.9.2.2	<i>Internal Communication</i>	89
3.9.3	<i>The Agency’s Premises</i>	91
3.9.4	<i>Human Resources</i>	93
3.9.5	<i>Audit</i>	95
3.9.6	<i>ICT Infrastructure</i>	96
3.9.7	<i>Internal and Horizontal Tasks</i>	97

<b>ANNEX I: 2015 RESOURCE ALLOCATION PER ACTIVITY</b>	<b>99</b>
<b>ANNEX II: FINANCIAL RESOURCES</b>	<b>101</b>
TABLE 1 – EXPENDITURE	101
TABLE 2 – REVENUE	102
TABLE 3 – BUDGET OUTTURN AND CANCELLATION OF APPROPRIATIONS	103
<b>ANNEX III: HUMAN RESOURCES</b>	<b>104</b>
TABLE 1 – STAFF POPULATION AND ITS EVOLUTION; OVERVIEW OF ALL CATEGORIES	104
TABLE 2 – MULTI-ANNUAL STAFF POLICY PLAN YEAR N+1-YEAR N+3	105
<b>ANNEX IV: RECRUITMENT, APPRAISAL AND STAFF MATTERS</b>	<b>107</b>
A. RECRUITMENT POLICY	107
1. <i>RECRUITMENT OF TEMPORARY AND CONTRACT AGENTS</i>	107
2. <i>SELECTION PROCEDURES</i>	107
3. <i>GRADE AND FUNCTION GROUP CORRESPONDING TO THE TASKS AND TO THE LEVEL OF THE POST</i>	108
4. <i>DURATION OF EMPLOYMENT</i>	108
5. <i>RULES ON THE SECONDMENT OF THE NATIONAL EXPERTS (SNE) TO THE AGENCY</i>	109
B. APPRAISAL OF PERFORMANCE AND RECLASSIFICATION/PROMOTIONS	109
C. MOBILITY POLICY	110
D. GENDER AND GEOGRAPHICAL BALANCE	111
E. SCHOOLING	113
<b>ANNEX V: BUILDINGS</b>	<b>115</b>
<b>ANNEX VI: PRIVILEGES AND IMMUNITIES</b>	<b>116</b>
<b>ANNEX VII: 2015 INDICATIVE PROCUREMENT PLAN FOR OPERATIONAL TASKS</b>	<b>116</b>
<b>ANNEX VIII: KEY PERFORMANCE INDICATORS</b>	<b>118</b>
<b>ANNEX IX: ACER RISK REGISTER 2015</b>	<b>129</b>
<b>ANNEX X: OVERVIEW OF THE TASKS AND RESPONSIBILITIES ASSIGNED TO THE AGENCY AND THEIR LEGAL BASES</b>	<b>133</b>



## LIST OF ABBREVIATIONS AND ACRONYMS

Abbreviation	Meaning
The Agency	Agency for the Cooperation of Energy Regulators
AB	Administrative Board
AMITWG	ACER Monitoring, Integrity and Transparency Working Group
ARIS	Agency's REMIT Information System
AWG	Agency Working Group
BoA	Board of Appeal
BoR	Board of Regulators
CBA	Cost Benefit Analysis
CBCA	Cross-Border Cost Allocation
CEER	Council of European Energy Regulators
CEREMP	Centralised European Register of Energy Market Participants
CMP	Congestion Management Procedures
Dir	Directive
DMO	Department of Market Oversight
DAS	Department of Analysis and Surveillance
EC	European Commission
EnC	Energy Community

ECRB	Energy Community Regulatory Board
ENTSO-E	European Network of Transmission System Operators for Electricity
ENTSO-G	European Network of Transmission System Operators for Gas
ERGEG	European Regulators' Group for Electricity and Gas
ERI	Electricity Regional Initiative
ESMA	European Securities and Markets Authority
FERC	Federal Energy Regulatory Commission
FG	Framework Guideline
FTE	Full Time Equivalent
GRI	Gas Regional Initiative
HVDC	High Voltage Direct Current
IEM	Internal Energy Market
INEA	Innovation and Networks Executive Agency
ITC	Inter-TSO Compensation
MiFID	Markets in Financial Instruments Directive
MMR	Market Monitoring Report
MoU	Memorandum of Understanding
MS	Member State
MSPP	Multi-annual Staff Policy Plan

NC	Network Code
NDP	Network Development Plan
NRA	National Regulatory Authority
PCI	Project of Common Interest
Reg	Regulation
REMIT	Regulation for Energy Market Integrity and Transparency
SMARTS	Market monitoring software
SNE	Seconded National Expert
TEN-E	Trans-European Energy Network
TF	Task Force
TSO	Transmission System Operator
TYNDP	Ten Year Network Development Plan

## MISSION STATEMENT

The mission of the Agency for the Cooperation of Energy Regulators (the “Agency”), a European Union agency, as defined in Regulation (EC) No 713/2009<sup>1</sup>, is to assist the National Regulatory Authorities for energy (NRAs) in exercising, at European Union (EU) level, the regulatory tasks performed in the Member States (MSs) and, where necessary, to coordinate their actions, particularly on cross-border issues or on issues which, whilst national, have a wider impact. The Agency was therefore established to fill the regulatory gap at EU level (beyond and across national borders) and to contribute towards the effective functioning of the Internal Energy Market in electricity and natural gas.

The Agency plays a central role in the development of EU-wide network and market rules with a view to enhance competition. It also has a general advisory role vis-à-vis the European Institutions as regards regulatory issues. The Agency coordinates regional and cross-regional initiatives to promote market integration. It monitors the work of European networks of transmission system operators (ENTSOs) and notably the preparation and the implementation of their EU-wide network development plans. It also monitors the functioning of gas and electricity markets in general.

The Regulation on wholesale energy market integrity and transparency (REMIT) which established rules prohibiting abusive practices affecting wholesale energy markets, extended the Agency’s responsibilities to the monitoring (at European level) of wholesale energy markets in close collaboration with national regulatory authorities.

The Regulation on Guidelines for trans-European energy infrastructure (“TEN-E Regulation”), which lays down guidelines for the timely development of priority energy infrastructure in specified corridors and areas, expanded the Agency’s responsibilities in the energy network planning area, by involving the Agency in the process for the selection of Projects of Common Interest (PCIs) and their regulatory treatment.

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<sup>1</sup> Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators (OJ L 211, 14.8.2009, p. 1).

In summary, the Agency has been assigned tasks and responsibilities by the Third Package – Directive 2009/72/EC (the “Electricity Directive”), Directive 2009/73/EC (the “Gas Directive”), Regulation (EC) No 713/2009 (the “Agency Regulation”), Regulation (EC) No 714/2009 (the “Electricity Regulation”) and Regulation (EC) No 715/2009 (the “Gas Regulation”) –, REMIT, Regulation (EU) 994/2010 on security of gas supply, Commission Regulation (EU) 838/2010 on the inter-TSO compensation mechanism (the “ITC Regulation”) and the TEN-E Regulation. An overview of these tasks and responsibilities, and their legal bases, is presented in Annex X.

# SECTION I – GENERAL CONTEXT

## STRATEGIC AIMS

### Background

The Agency was established as part of the new institutional framework defined by the Third Package to support the completion of the Internal Energy Market and to fill the regulatory gap emerging in this process due to the national competences of NRAs. Therefore, in its initial period, the Agency focused its effort on tasks related to the development of common market and network operation rules - through the preparation of Framework Guidelines and, later on, the evaluation of the Network Codes drafted by the ENTSOs - and to the planning of the development of European energy networks - with its opinions on the TYNDPs. At the same time, the Agency took over from ERGEG<sup>2</sup> the coordination and support of the Electricity and Gas Regional Initiatives (ERI and GRI), a voluntary process launched by European energy regulators in 2006 and involving all energy sector stakeholders, aimed at developing pilot projects at regional level for speeding up the integration of energy markets and, later on, for promoting the early implementation of the provisions to be contained in the Network Codes. In 2012 the Agency started its Internal Energy Market monitoring activities and published its first Market Monitoring Report.

New important responsibilities were assigned to the Agency at the end of 2011 by REMIT. REMIT aims at increasing transparency of wholesale energy markets and to promote their integrity by establishing a new, sector-specific monitoring framework to detect market manipulation and insider trading, thus deterring market abusive behaviour. In this respect, the Agency was tasked with collecting trade and fundamental data related to all wholesale energy market transactions, irrespective of where they are concluded (on organised

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<sup>2</sup> The European Regulators' Group for Electricity and Gas (ERGEG) was set up by the European Commission (Decision of 11 November 2003 2003/796/EC) as its advisory body on internal energy market issues. Following the Agency becoming fully operational, With ACER fully operational, ERGEG was formally dissolved by the European Commission, with effect from 1 July 2011.

markets, through other trading venues or over the counter) and of the type of product traded (for physical delivery or financial settlement) and with conducting an initial assessment and analysis of these transactions to identify suspicious events which are then notified to NRAs, responsible for investigations and enforcement. The monitoring framework introduced by REMIT, for its geographical and product scope, is unprecedented worldwide and its implementation poses a formidable challenge for the Agency, NRAs, market participants - which will have to report trade data - and other stakeholders - responsible for reporting fundamental data. The Agency started the implementation of REMIT even before the Regulation was adopted. This activity continued in 2012 and 2013, and is continuing in 2014. The go-live of the new monitoring framework with its reporting obligations, whose timeline depends on the adoption of Implementing Acts by the European Commission, is expected in mid-2015. At that point, the Agency will have the information available effectively and efficiently to detect instances of suspect market manipulation and trading based on inside information. Whether the Agency will be able to actually do it will depend on the availability of the required additional expertise and resources, in an area - wholesale energy market monitoring - which is very different from the original focus of the Agency's activities (according to the Third Package).

Finally, in 2013, the TEN-E Regulation introduced a new framework for the development of critical energy infrastructure – PCIs –, foreseeing a role for the Agency in the process for identifying PCIs and in assisting NRAs in dealing with investment requests – including for cross-border cost allocation – submitted by PCI promoters. While the new tasks assigned to the Agency by the TEN-E Regulation are in an area – energy network development planning – on which the Agency had already been working on the basis of the provisions of the Third Package (e.g. the opinions on the TYNDPs), these new tasks have added substantially to the workload of the Agency.

This brief description of the developments in the legislative mandate of the Agency since its establishment – which has focused on the main pieces of relevant legislation – illustrates, on the one hand, the most important components of the current mission of the Agency and, on the other, how this mission has been “unexpectedly” and significantly expanded over the last three years.

Adding to this, the Agency, in cooperation with the Council of European Energy Regulators (CEER), at the end of last year, launched an initiative - "Energy Regulation: A Bridge to 2025" - to identify trends in the energy sector over the next ten years and their regulatory implications. A Conclusions Paper, illustrating the results of this initiative, was issued by the Agency on 19 September 2014<sup>3</sup> and presented to the public in Brussels on 23 September 2014.

### **A challenging future**

While the current legislative framework and the first three years of its activity may indicate the areas in which the Agency will be called to operate in the future, there is no guarantee that the Agency's mandate will not be again further expanded, or otherwise modified, in the years to come, including in relation to the new challenges which the energy sector will face - and which the Agency itself is currently exploring through the Paper "Energy Regulation: A Bridge to 2025".

In particular, the Agency has demonstrated the validity of its role as an effective instrument for developing a European dimension in the cooperation among NRAs and to make this cooperation even more robust and effective. This successful experience may attract additional tasks to the Agency. Areas where additional competences may be assigned to the Agency, subject to legislative intervention, include the oversight of the ENTSOs and other bodies which fulfil essential functions in the energy sector, the approval of EU-wide regulatory instruments and security of supply.

Therefore, any multiannual outlook turns out to be challenging to describe in at least two respects: first because of the complexity of some of the tasks entrusted onto the Agency, often unprecedented, which may project some uncertainty as to the exact shape of the Agency's action; secondly because the Agency may be called to perform tasks in new areas, something which is difficult to predict at the moment.

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<sup>3</sup> Recommendation of the Agency No 05/2014 of 19 September 2014 on the regulatory response to the future challenges emerging from developments in the internal energy market.



This said, it seems likely that over the next three years the Agency will focus its activities at least on the following four main areas, which will already guide the Agency's work next year:

- The (Post-2014) Completion of the Internal Energy Market;
- The Infrastructure Challenge;
- The monitoring of wholesale energy markets;
- The longer-term regulatory challenges.

Moreover, recent geopolitical developments, notably in Eastern Europe, have once again raised concerns regarding the security of energy supply in the EU. While this is an area of primary responsibility of MSs and the European Commission, some of the activities performed by the Agency, and included in this Work Programme (e.g. the review of the Gas Target Model in order to increase the liquidity of gas markets, or the decisions on cross-border cost allocation for infrastructure project which should facilitate their development), may contribute to enhance the security of EU energy supply. It is therefore possible that in the future the Agency will be called to contribute more explicitly to the common effort to increase the security of energy supplies. However, as at present no particular move in this direction can be foreseen, no specific action in this regard is included in this Work Programme.

## SECTION II - MULTIANNUAL OUTLOOK 2015 - 2017

### 1. MULTIANNUAL OBJECTIVES

**The (Post-2014) Completion of the Internal Energy Market.** Supporting the integration of the electricity and gas markets in the European Union was the main role assigned to the Agency by its founding Regulation and other provisions in the Third Package.

In 2011 the Council of the European Union set 2014 as the target date for the completion of the Internal Electricity and Gas Markets. Significant progress has already been achieved, both in terms of the development of the required market and network operation rules and on the ground. Therefore, while by the end of the year it will be possible to claim that the integration of the internal electricity and gas markets has advanced significantly, this process will have to continue beyond this year and the Agency will still have to be engaged and crucially contribute to it. This will relate, on the one hand, to the completion and adoption of those Network Codes currently under development and, on the other hand, to the implementation of the provisions in the adopted Network Codes, possibly ahead of their becoming binding. As an ongoing activity, the Agency will continue to monitor developments in the Internal Energy Market, as well as starting the monitoring of the implementation of the Network Codes. These monitoring activities may result in recommendations for amending Network Codes or for other regulatory intervention, which may require the involvement of the Agency.

**The Infrastructure Challenge.** As already mentioned, the TEN-E Regulation has introduced a new framework aimed at promoting the development of PCIs, i.e. infrastructure projects which are particularly beneficial in supporting a more integrated European energy market. In 2011 the Council of the European Union set 2015 as the target date for removing “energy islands”, i.e. better connect those regions in the European Union whose systems have limited interconnection capacity with the rest of the Union. According to the Third Package, the Agency was already involved in the energy network development project, but the TEN-E Regulation projected this involvement into a completely new dimension. Apart from being required to assess the cost-benefit analysis methodologies developed by the ENTSOs and

the consistent application of the criteria for identifying PCIs, the Agency may also be called to take decision on investment requests and cross-border cost allocation submitted by PCI promoters. PCI lists will be adopted every two years. TYNDPs - which are also developed every two years, but at present in different years for the electricity and gas sector - will serve as the basis for the PCI lists. Investment requests may be submitted by promoters of PCIs included in the lists. Therefore, the TYNDP/PCI identification/investment request process will run over two years, repeating itself every two years. The Agency will be crucially involved in all the stages of this process.

**The monitoring of wholesale energy markets.** A well-functioning pan-European energy market demands that energy is traded according to the highest transparency and integrity standards. REMIT aims at establishing the conditions for this to happen. Therefore its effective implementation constitutes an integral part of the creation of an efficient internal energy market. REMIT introduces a new, unprecedented, sector-specific market monitoring framework to detect market abuse in European wholesale energy markets, thus deterring such behaviour. REMIT will be fully implemented only once the trade and fundamental data reporting obligation enters into force, which, as already indicated, is expected in mid-2015. At that point the Agency will have the information available to effectively and efficiently detect market manipulation and trading based on inside information. The strategy which the Agency will be able to adopt crucially depends on the available resources. In particular, given the sheer volume of transactions which will be reported by market participants, the Agency is planning to perform its monitoring functions, consisting in an initial assessment or analysis of the reported transactions, in two stages. The first stage will be based on the automatic screening performed by purposely-developed surveillance software. This screening is expected to identify anomalous events on the basis of predefined “alerts”. The second stage will look into these anomalous events to identify those for which market abuse can be suspected and which will be notified to NRAs for investigation. This second stage will focus on market participants’ behaviour and therefore will have inevitably to be conducted by highly qualified experts, whom the Agency does not have at present and would therefore have to be authorised to recruit.

**The longer-term regulatory challenges.** The Conclusions Paper “Energy Regulation: A Bridge to 2025” issued on 19 September 2014 contains European energy regulators’

conclusions and on the challenges in the electricity and gas sectors over the coming decade and recommendations on the appropriate regulatory response within the framework of the Europe's Internal Energy Market.

The Conclusions Paper covers a wide range of aspects related to: the gas and electricity sectors, including the changing face of electricity generation in the European Union; the changing role of Distribution System Operators; consumer empowerment and protection; and retail markets. The document also includes a chapter on the governance of the process for the development of the internal European gas and electricity markets. The 2025 time horizon has been chosen to cover a period which is, at the same time, long enough to allow the development of a regulatory strategy, but not too long to keep the degree of uncertainty to a manageable level.

Some of the recommendations contained in the Conclusions Paper call for immediate action by the Agency and specific tasks to implement them have been included in this Work Programme. Other recommendations have a longer time span and will be implemented in future work programmes.

Linked to the Bridge initiative and in parallel to it, the Agency is conducting a review of the Gas Target Model to assess whether it needs to be “augmented” to better meet the challenges which the energy sector will face in the next few years. A similar assessment of the Electricity Target Model, with specific focus on flexible response and the mechanisms to promote system adequacy, will be conducted in 2015. Moreover, it may well be that a more robust governance framework for the Internal Energy Market would lead to the Agency being assigned greater responsibilities to promote the European regulatory dimension.

## **Risks and Uncertainties**

Apart from the uncertainties related to the future scope of the mission of the Agency, which has already been significantly extended since its establishment and which may be expanded again in the next years, the action of the Agency faces a number of risks, mainly related to its role as a EU institution dedicated to promoting the cooperation among energy Regulators and to the resources available to it.

Risks specific to the different areas of activities are identified in the Annual Work Programme section. Here only the more general risks, affecting all the activities of the Agency, are outlined.

First, one of the essential characteristics of the Agency is the fact that it brings together the expertise and experience of NRAs and complements them with a European dimension. The cooperation between the Agency and NRAs and between NRAs within the Agency is therefore an essential part of the working method of the Agency. Such cooperation takes place, at technical level, in the Agency's Working Groups (AWGs), which are composed of NRAs' experts and Agency's staff. However, AWGs are not part of the institutional set-up of the Agency and NRAs contribute to them on a purely voluntary basis. The Agency therefore faces the possible risk of a diminished engagement of NRAs in AWGs, possibly due to NRAs facing resource limitations. Apart from undermining one of the main tenets of the Agency's action, a possible reduced engagement of NRAs in AWGs would significantly impair the Agency's ability to deliver on its mandate.

Secondly, in many areas, the tasks performed by the Agency are part of processes where other institutions and stakeholders are involved. Therefore, the time at which the Agency is required to contribute to these processes depends on the timing of the other activities included in the same processes and performed by other actors. These interdependencies between the activities of the Agency and those of other institutions and stakeholders, apart from creating uncertainty in the exact timing of the performance of some of the Agency's activities, may also make the planning of the utilisation of the Agency's own resources more difficult.

Finally, since new tasks have been assigned to it, the Agency has been operating with a level of resources far below what would be required to deliver on its mission effectively and in a sustainable manner. For example, the Agency started to implement REMIT before it was able to recruit any additional dedicated staff member, and the same occurred for the implementation of the TEN-E Regulation, which in fact started well before the Regulation itself was adopted. In both cases the Agency used the flexibility inherent in young and efficient organisations to redeploy staff temporarily and to ask its staff to sustain an extraordinary level of effort, while counting also on the valuable support of NRAs. It is however

obvious that this cannot be a sustainable strategy. In particular, it is not possible to plan the future on the basis that this extra-ordinary effort will be maintained indefinitely. The experience and the better understanding of the scope of the additional tasks assigned to the Agency by REMIT and the TEN-E Regulation have indicated that the additional dedicated resources already assigned to the Agency (15 FTEs in 2012 and 2013 and 5 FTEs in 2014, respectively) are greatly insufficient to perform those tasks. If such a situation persists, the Agency will have to identify ways to implement these Regulations compatibly with the available resources, with the risk of a less effective implementation and of the related criticisms, directed to the Agency and, possibly, to the entire EU construct. This document, and in particular Section III presenting the Annual Work Programme outlining the specific activities which the Agency is planning to perform next year, have been developed on the assumption that the Agency will be assigned the resources required to effectively deliver on its mission, which were the basis of the estimate of revenue and expenditure for the financial year 2015, adopted by the Administrative Board on 19 March 2014, and which are presented in Section 3.2.

## **2. MULTIANNUAL PROGRAMME**

### **2.1 Introduction**

#### **2.1.1 Strategic Areas**

The Agency's activities over the next years will focus on four strategic areas:

- (Post-) Completion of the Internal Energy Market;
- Wholesale Energy Market Integrity and Transparency;
- The Infrastructure Challenge;
- Future Challenges (including Renewable Energy Sources Integration).

Success in achieving the objectives in the above areas will depend also on developments in two more horizontal areas of work with cross-cutting effects on the above strategic areas: regulatory practice and international cooperation.

## 2.1.2 The regulatory practice

### **Institutional Framework**

#### **Cooperation with NRAs**

The Agency promotes and facilitates the cooperation of NRAs at Union level and in the exercise of Union-related functions without replacing their regulatory functions at national level. It thus fully complements the European mandate of the NRAs (in line with their reinforced independence) and their duty to promote, in close cooperation with each other and the Agency, a competitive, secure and environmentally sustainable internal energy market (under the Third Package). Regulatory cooperation is reflected in the Agency's institutional structure, which includes a Board of Regulators in which NRAs are represented.

Furthermore, regulatory cooperation is also reflected in the Agency's internal technical organisational arrangements - through Working Groups, covering the main areas of the Agency's work, and two coordination groups on electricity and gas to oversee regional arrangements (bringing together the NRAs' representatives and Agency's staff).

#### **Board of Regulators (BoR)**

The Board of Regulators (BoR) consists of senior representatives of NRAs, one for each MS (and one alternate), and one non-voting representative of the European Commission. The Director also participates in the BoR meetings and presents his proposals and regular updates on the Agency's activities. Without prejudice to its members' acting on behalf of their respective national authorities, the BoR acts independently and its decisions must comply with European Union law.

Under the Third Package, the BoR is, *inter alia*, responsible for

- endorsing – through its favourable opinion – many of the Agency's opinions, recommendations and decisions in relation to the regulatory functions of the Agency before they are adopted by the Director;

- approving the Agency's Work Programme, before its adoption by the Administrative Board and the regulatory activities section of the Agency Annual Report.

The BoR is also consulted on the Agency's budget and provides guidance to the Director within its ambit of competences.

Other duties of the BoR include its formal opinion to the Administrative Board on the candidate to be appointed as Director. The BoR is also consulted by the European Commission on the proposal of the members of the Board of Appeal and makes recommendations with regard to the Commission's report on the evaluation of the Agency and its working methods.

In accordance with the REMIT Regulation, the BoR is consulted by the Director on all aspects of its implementation.

The BoR typically meets on a monthly basis. All the meeting agendas, minutes and background documents (following their approval) are made public and available at the following link:

[http://acernet.acer.europa.eu/portal/page/portal/ACER\\_HOME/Public\\_Docs/Board\\_of\\_Regulators/2012%20Meetings/23rd%20BoR](http://acernet.acer.europa.eu/portal/page/portal/ACER_HOME/Public_Docs/Board_of_Regulators/2012%20Meetings/23rd%20BoR)

Regular public debriefings from the BoR Chair and the Director are provided in order to raise awareness of its deliberations and progress in the preparation of the Agency's acts which are considered for adoption.

### **Working Groups (AWGs)**

The Agency's Working Groups (AWGs) bring together representatives of the NRAs and the Agency's staff to consolidate the expertise of regulators and their understanding of national markets with the expertise of the Agency's staff. The AWGs' objectives are to:



- provide inputs to the Director for the preparation of opinions, recommendations and decisions which are submitted for the consideration of the BoR;
- support the Director (and the Agency staff) on other tasks, such as reviewing and analysing stakeholders' submissions during a consultation process;
- provide information to the BoR on the issues relevant to the Director's proposal and to facilitate the necessary BoR decisions on the favourable opinion(s) required before the opinions, recommendations and decisions are adopted by the Director.

There are currently four AWGs which cover the main areas of the Agency's work on regulatory issues: Electricity; Gas; Monitoring, Integrity and Transparency; and Implementation, Monitoring and Procedures. Each AWG has established one or more Task Forces (TFs) to address specific issues. The AWGs are a core part of the Agency and are essential to ensure the high standard of the acts foreseen in the Agency's Work Programme.

In the future, the number and focus of the AWGs may be adapted to reflect the requirements of the regulatory framework within which the Agency operates.

The current structure of the AWGs and the TFs can be found on the following link:

[http://www.acer.europa.eu/The\\_agency/Organisation/Working\\_groups/Pages/default.aspx](http://www.acer.europa.eu/The_agency/Organisation/Working_groups/Pages/default.aspx)

### **Regulatory practice - objectives and expected achievements**

- Maintain high efficiency in the working method of the BoR, AWGs, to facilitate their overall operation with a view to promoting regulatory cooperation.
- Ensure that the structure and focus of the AWGs always reflect the requirements of the regulatory framework, by establishing, dissolving or modifying the remit of the AWGs as required to ensure the most efficient operation of the Agency.
- Increase public awareness of the BoR operations, and more generally on the activities of the Agency, through the debriefings.

- Improve the format of meetings and agendas, further facilitate the exchange of information in the dedicated folders, and provide Secretariat debriefings on the items in the agenda included for information.
- Develop, where appropriate, beyond the existing working arrangements, the tools for the cooperation of NRAs (including at regional level) and their strong links with the Agency in new areas such as monitoring of the markets for the effective implementation of the Network Codes.
- Contribute to developing regional cooperation further through the dedicated ERI and GRI Groups, in line with the agreed objectives set out in the cross-regional plans in electricity and in gas, with a focus on new pilot projects.
- Allow the sharing of best practices between NRAs and the Agency on issues of common interest.
- Foster exchange of experience with the regulatory associations outside the EU, where necessary, and on areas of mutual interest (e.g. FERC on market monitoring activities).
- Consolidate regulatory cooperation and working arrangements in the context of the tasks assigned to the Agency by the TEN-E Regulation.
- Reinforce cooperation between NRAs under REMIT, both at EU and regional level, through MOUs, and potential synergies in services to avoid duplication.

### **2.1.3 Risks**

The Agency relies on the secondment of experts from NRAs and the voluntary participation of NRAs in the AWGs, as well as in the Coordination Groups for the Regional Initiatives (RIs). According to the Third Package and REMIT, the Agency and the NRAs are under an obligation to mutually cooperate. Without this cooperation, the Agency would lack the contribution of the national expertise and experience provided by NRAs and it would be greatly limited – in fact more than it is already - in its ability to deliver according to its

regulatory mandate. The Agency would thus run the concrete risk of not meeting the expectation of stakeholders in delivering on its Work Programme, which is based on the assumption that the NRAs will continue to support the Agency through the AWGs and the Coordination Groups for the RIs.

## **2.2 Completion of the Internal Energy Market**

In February 2011 the European Council set 2014 as the target date for the completion of the internal market in electricity and natural gas and 2015 for the removal of energy islands. The European Council reaffirmed these goals in May 2013, when it stated that “speeding up the adoption and implementation of remaining network codes” was a priority. The Agency plays a central role both in the completion of the IEM and the removal of energy islands. These processes will remain at the forefront of the Agency’s Work Programme over the next years.

### **2.2.1 Framework Guidelines and Network Codes**

Progress in the development of Framework Guidelines and Network Codes is regularly monitored and discussed in Planning Group meetings, which take place typically every 2-3 months and bring together representatives from the European Commission – Directorate-General for Energy, ENTSO-E, ENTSG and the Agency. The Planning Group maintains and regularly updates a Three-Year Plan, where the activities of the four participating bodies in the Framework Guidelines and Network Codes area are assigned the appropriate timeline (which may occasionally change due to unexpected circumstances).

### **2.2.2 IEM Implementation**

Most of the activities of the Agency contribute to the completion of the Internal Energy Market. The driving visions are the Electricity and Gas Target Models, which set out an effective design for the electricity and gas markets in the European Union. These Target Models, which were developed over the last 3-5 years, are currently under review to assess whether any enhancement is required to address the new challenges facing the electricity and gas sector in the future.

### **2.2.3 NC Implementation and Monitoring**

Under the Third Package, the Agency cooperates with NRAs in order to ensure the compatibility of the regulatory frameworks in the MSs with the aim to achieve a competitive Internal Energy Market. Moreover, the Agency coordinates the regional framework for the early implementation of the Network Codes through two dedicated RIs: the ERI and the GRI.

Two Coordination Groups were set up – one for ERI and another one for GRI – with the aim to foster integration at regional and cross-regional level and to ensure that the activities and projects undertaken in the different regions are consistent. These groups involve NRAs, the Agency and the European Commission. Progress is reflected in regular annual and progress reports (the Annual Status Review Report and the online Progress Reports).

The Groups meet on a frequent basis and report regularly to the Director and to the BoR. Within the ERI, specific NRAs were designated as leaders of the four cross-regional roadmaps for the implementation of the Electricity Target Model in the area of Capacity Allocation and Congestion Management. Within the GRI, work at regional level is driven by Lead NRAs in the three gas regions, and early implementation of Network Codes started with the Roadmap on Capacity Allocation Mechanisms and will continue in other areas.

### **2.2.4 Monitoring of the Internal Energy Market**

The Annual Market Monitoring Report (MMR) is the Agency's flagship publication, covering all relevant developments in the European gas and electricity markets. The report is a fact-based analysis covering all 28 EU MSs. NRA's are involved in its production. The first MMR was published in November 2012, covering developments in 2011.

### **2.2.5 Completion of the IEM - objectives and expected achievements**

In electricity, the focus over the next few years will be on the implementation of all the Network Codes across the European Union and on the assessment of whether and how the Electricity Target Model could be improved or refined to meet the impending challenges. The Agency will put particular emphasis on the finalisation of the implementation of the Target

Model in the area of Capacity Allocation and Congestion Management and on the further integration of the Balancing markets.

The Agency will also continue to monitor and identify any obstacle to the well-functioning of the market and will strive to contribute to the policy debate and promote more coordinated and efficient solutions to address, in particular, problems of adequacy and flexibility. In this respect, the Agency will particularly focus on the role of demand response in addressing these challenges.

In gas, the Network Code on Harmonised Transmission Tariff Structures is expected to be finalised in 2015. For the time being, no new Framework Guidelines are expected to be put forward for development. The focus will thus shift to implementation and monitoring. In 2015, the Network Codes on Capacity Allocation Mechanisms and on Gas Balancing in Transmission Systems will enter into force. The Network Code on Interoperability and Data Exchange Rules may also enter into force in 2015. Before their formal entry into force, a number of their provisions should already be implemented early in some MSs through the GRI. Given the voluntary nature of this process, its success will depend on the willingness of NRAs and TSOs to step forward. As soon as a Network Code becomes formally binding, the Agency will start monitoring its implementation.

### **2.2.6 Risks**

Late adoption of the Network Codes in electricity could postpone their implementation accordingly. As already indicated, the early – voluntary - implementation of the provisions contained in the Network Codes depends on the willingness of NRAs and TSOs.

## **2.3 Wholesale Energy Market Integrity and Transparency**

### **2.3.1 Institutional Framework**

REMIT, which established rules prohibiting abusive practices affecting wholesale energy markets, extended the Agency's original mandate by assigning new responsibilities in the

area of wholesale market monitoring. Such activities are very different from the monitoring of the internal market which the Agency has been performing pursuant to its founding Regulation and require the Agency to acquire new IT infrastructure and software to collect data from market participants at EU level, as well as new market monitoring tools and specialised expertise.

Regulatory cooperation is, however, an essential element of REMIT. Close cooperation and coordination between the Agency and NRAs is necessary to ensure proper monitoring of energy markets. Coordination is needed between the ambits of responsibilities of the Agency (monitoring of the European market) and of NRAs (monitoring at national level and enforcement).

The creation of the Agency's Market Integrity and Transparency Working Group (AMIT WG) allows taking account of early input from the NRAs on the Agency's work. Furthermore, the regular discussions in the BoR will continue to promote such collaboration and to ensure that a coordinated approach is taken to the implementation of the relevant rules.

The Agency aims to ensure that NRAs carry out their tasks under REMIT in a coordinated and consistent way.

Moreover, apart from NRAs, the Agency cooperates closely with ESMA, the competent financial market authorities of MSs and, where appropriate, national competition authorities. The Agency may also establish strong links with major organised market places.

The scope and practical terms for implementing the cooperation with NRAs, ESMA and organised market places have been defined in Memoranda of Understanding (MoUs). Whilst the MoU with NRAs is a multilateral agreement, the MoUs with ESMA and with organised market places are bilateral.

### **2.3.2 Completion of REMIT Implementation**

During the REMIT implementation stage, the Agency will put in place the IT tools and procedures for effectively monitoring wholesale energy markets, including data exchange

with NRAs and other authorities (at national and EU level) with which the Agency will cooperate. This stage started with the entry into force of REMIT on 28 December 2011. Since then, the Agency has issued three editions of the Guidance on the application of REMIT definitions, a document defining the Registration Format and its Recommendations to the European Commission on the records of transactions. During the remaining part of the REMIT implementation stage, the Agency will focus on completing the development and deployment of the IT system for the effective monitoring of the markets in wholesale energy products (the IT system for market participants' registration is already operational). The software implementation will have to be completed within six months of the adoption by the European Commission of the Implementing Acts. As the adoption of the Implementing Acts is expected to take place towards the end of 2014, the implementation stage needs to be completed by mid-2015. The Commission's implementing acts may, however, foresee several phases of data collection and therefore REMIT implementation may go on beyond this period until data collection of all wholesale energy products covered by the Commission's implementing acts starts.

### **2.3.3 Wholesale Market Monitoring**

Once the Commission's implementing acts enter into force, the Agency will be responsible for actively monitoring trading in wholesale energy markets. This involves, *inter alia*, the collection of trade and fundamental data (to be reported by market participants and other reporting entities), screening such data in the light of the actual state of the energy systems, identifying instances of possible market abuse and notifying them to competent national authorities responsible for investigation and enforcement. The Agency will also be responsible for coordinating the investigations. Finally, the Agency will have to assess the operation and the transparency of different categories of market places and ways of trading and to make recommendations regarding market rules, standards and procedures which could improve market integrity and the functioning of the internal market. It may also evaluate whether any minimum requirement for organised markets could contribute to enhanced market transparency. However, given that the prohibitions and obligations of REMIT already apply since 28 December 2011 to market participants and persons professionally arranging transactions, the Agency has already been obliged to review and to coordinate suspected cases of breaches of REMIT since then.

### **2.3.4 REMIT - objectives and expected achievements**

The overall objective of the Agency's work under REMIT is to detect and prevent trading based on inside information and market manipulation. It is important to ensure that consumers and other market participants have confidence in the integrity of electricity and gas markets, that prices set on wholesale energy markets reflect a fair and competitive interplay between supply and demand, and that no profits can be drawn from market abuse. The goal of increased integrity and transparency of wholesale energy markets should therefore be to foster open and fair competition in wholesale energy markets for the benefit of final consumers of energy. Efficient market monitoring by the Agency at Union level is vital for detecting and deterring market abuse in wholesale energy markets.

### **2.3.5 Risks**

The Agency's monitoring and data collection tasks require appropriate financial and human resources in order to adequately fulfil these additional tasks assigned to it under REMIT. Without additional human resources the market monitoring of trading activity in wholesale energy markets by the Agency will be endangered, without the possibility of replacing the Agency, in its monitoring role at European level, by other competent authorities. This would put the achievement of REMIT's aims - transparency and integrity of wholesale energy markets - at risk. In addition, the Agency's market monitoring, coordination and data collection tasks will require a close interaction with NRAs and therefore create interdependencies with NRAs.

## **2.4 The European Infrastructure Challenge**

### **2.4.1 Institutional Framework**

Cooperation between the Agency and NRAs is foreseen in implementing the TEN-E Regulation, which entered into force on 15 May 2013. The Regulation aims at enhancing the physical integration of the internal energy market, including by ensuring that no MS is isolated from the European network.



The Agency has various functions and roles regarding the development of the electricity and gas infrastructure. Cost-efficient network development is essential for overcoming physical congestion, improving energy security and ensuring sustainability. Capacity allocation methods and/or congestion management procedures alone cannot resolve physical congestion in electricity and gas transmission systems, especially at interconnection points and other system bottlenecks. Adequate physical transmission capacity is thus a necessary prerequisite for achieving the Internal Energy Markets.

### **2.4.2 TYNDP**

Article 6(2) of the Agency Regulation requires the Agency to monitor the execution of the tasks of ENTSO-E and ENTSG in accordance with Articles 9 of the Gas and Electricity Regulations, and in particular those related to the preparation of a Ten Year Network Development Plan (TYNDP), a task performed by ENTSO-E and ENTSG on a bi-annual schedule. The Agency also monitors the preparation and the execution of the electricity and gas regional investment plans (RIPs) and of the national infrastructure development plans, and assesses their consistency with respect to the Europe-wide TYNDP.

### **2.4.3 Identification of PCIs**

According to the TEN-E Regulation, the Agency gives an Opinion on the cross-regional consistency of the regional PCI lists. In this way, the Agency contributes to the overall quality of the PCI identification process.

### **2.4.4 Cross-Border Cost Allocation**

If within 6 months of receiving an investment request, the concerned NRAs cannot agree on the cross-border cost allocation decision, they hand over the case to the Agency. The Agency may also be called to take such a decision upon the joint request of all concerned NRAs. In such cases, the Agency should take the decision within 3 months of taking over the case, unless further information is sought, in which case an additional 2 months can be added to the period.

## **2.4.5 Infrastructure - objectives and expected achievements**

The overall objective of the Agency's work on Infrastructure is to enable efficient infrastructure investments to take place, with a particular focus on cross-border investments. Such investments should help to integrate the internal energy market further, as well as to increase security of supply. In particular, they should contribute to the elimination of the so-called energy islands.

## **2.5 International Cooperation**

### **2.5.1 Institutional Framework**

While most of the tasks of the Agency relate to the cooperation among EU NRAs, some tasks require or may benefit from collaboration with regulatory entities in third countries.

Both the Agency Regulation and REMIT include provisions for the involvement of third countries in the activities of the Agency<sup>4</sup>, although so far no third country has been admitted to participate in the Agency.

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<sup>4</sup> Article 31 of Regulation (EC) No 713/2009 states that "(1) The Agency shall be open to the participation of third countries which have concluded agreements with the Community whereby they have adopted and are applying Community law in the field of energy and, if relevant, in the fields of environment and competition. (2) Under the relevant provisions of those agreements, arrangements shall be made specifying, in particular, the nature, scope and procedural aspects of the involvement of those countries in the work of the Agency, including provisions relating to financial contributions and to staff". Article 19 of REMIT states that "Insofar as is necessary to achieve the objectives set out in this Regulation and without prejudice to the respective competences of the Member States and the Union institutions, including the European External Action Service, the Agency may develop contacts and enter into administrative arrangements with supervisory authorities, international organisations and the administrations of third countries, in particular, with those impacting the Union energy wholesale market in order to promote the harmonisation of the regulatory framework. Those arrangements shall not create legal obligations in respect of the Union and its Member States nor shall they prevent Member States and their competent authorities from concluding bilateral or multilateral arrangements with those supervisory authorities, international organisations and the administrations of third countries".

However, the implementation of the Network Codes inevitably requires the coordination with third countries whose systems are interconnected with the EU networks, even more so in the case of synchronous electricity transmission systems. Therefore, Norway and Switzerland take part in some of the work carried out under the ERI<sup>5</sup>. Moreover, the Contracting Parties of the Energy Community are also due to implement the Network Codes in their jurisdictions. This calls for stronger cooperation between the Agency and the regulatory authorities in these third countries. Institutional cooperation between the Agency and the Energy Community, which started soon after the Agency was established and was further strengthened in 2014, will thus be enhanced, both as concerns relations with the Energy Community's Secretariat and its Regulatory Board (ECRB).

Furthermore, the TYNDPs in both electricity and gas typically also cover adjacent third countries. Their assessment may require the acquisition of information from regulatory authorities in such jurisdictions.

Finally, the effective implementation of REMIT requires the Agency to cooperate with entities tasked with wholesale market monitoring responsibilities in non-EU jurisdictions. Wholesale energy markets are becoming increasingly global and effective cooperation of monitoring authorities is essential to protect the integrity and transparency of these markets.

In this context, the Agency has been in contact with regulatory authorities in Switzerland<sup>6</sup> and the United States and expects, during 2014, to enter into appropriate administrative arrangements, according to article 19 of REMIT, with the US Federal Energy Regulatory Commission (FERC). These arrangements will govern the cooperation between FERC and the Agency whenever an exchange of experience or information is required to support the respective market monitoring activities.

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<sup>5</sup> In particular in the activities aimed at the early implementation of the provision in the Network Code on Capacity Allocation and Congestion Management in the area of wholesale electricity market coupling.

<sup>6</sup> The Swiss Federal Electricity Regulatory Commission ElCom. However, contacts in relation to the implementation of REMIT are suspended, pending the conclusion of the negotiations between the Swiss Federal Government and the European Union on the more general Energy *acquis*.

## **2.5.2 International Cooperation - objectives and expected achievements**

The Agency aims at fostering the exchange of experience with the regulatory institutions outside the EU, where necessary (including the Energy Community), and in areas of mutual interest (e.g. with FERC on market monitoring activities).

Cooperation with the Energy Community should be enhanced at the Working Group level, in the areas of Network Codes, infrastructure (e.g. exemptions, cross-border cost allocation), market monitoring, cross-border capacity allocation, and possibly other issues which relate to borders between the EU and the Energy Community.

One tangible objective would be to define a legal framework and processes for coordinated decisions on cross-border issues – e.g. related to infrastructure, capacity-allocation – in those cases where EU MSs and Energy Community's Contracting Parties are involved.

## **2.5.3 Risks**

Scarce resources, human and financial, in particular in the Energy Community Contracting Parties regulatory authorities may strongly limit their cooperation with the Agency, however the Energy Community Secretariat may financially support such cooperation.

# **2.6 Future Challenges, including RES Integration**

## **2.6.1 Institutional Framework**

The EU Council Conclusions of May 2013 stated that “the deployment of renewable energy sources will continue, while ensuring their cost reflectiveness [and] further market integration.” In fact, the future greater penetration of renewable-based generation into the European electricity system, beyond contributing to the achievement of the EU climate policy goals, will be a source of new challenges facing the electricity and gas systems in the years to come, including in terms of adequacy and flexibility. These challenges may require a regulatory and market design response. The Agency is committed to contributing to this effort.

## **2.6.2 “Energy Regulation: A Bridge to 2025” Implementation**

The Conclusions Paper ‘Energy Regulation: A Bridge to 2025’, adopted by the Agency on 19 September 2014, has identified the main trends which will characterise the energy sector over the next ten years, assessing their regulatory implications, so that the Agency and NRAs can develop a regulatory response which is fit for the purpose.

## **2.6.3 Review of the Electricity and Gas Target Models**

The review of the Gas Target Model is expected to be completed before the end of 2014. It was initiated due to a number of previously unforeseen market and political developments, which have a significant impact on the functioning of the European gas market. Once the review is completed, it should act as the joint vision of the Agency and NRA’s for the mid-term European gas market. It includes the following topics: properly linking gas and electricity market arrangements, updating the indicators for functioning wholesale markets and the implications of the use of gas in the transportation sector. A similar review of the Electricity Target Model, focussing on flexible response and system adequacy, will be conducted in 2015.

## **2.6.4 Future challenges - multiannual objectives and expected achievements**

The Conclusions Paper “Energy Regulation: A Bridge to 2025” contains a set of recommendations, including for regulatory action. While some of them call for immediate action by the Agency, in most cases, the recommendations have a longer time span and the most immediate objective for the Agency will be therefore to develop a structured approach to these activities and a (multi-annual) plan for their implementation, involving and agreeing it with other institutions and actors – and consulting stakeholders - as appropriate.

Once this planning stage is completed, the Agency will have to include the identified actions in its future annual Work Programme and implement them according to the defined calendar.

### **2.6.5 Risks**

Since a number of these activities may have to be implemented before they can be enshrined in regulations, in order to address the identified challenges in a timely manner, the main risk to their implementation is related to the limited (human) resources available to the Agency and other relevant institutions (e.g. NRAs). However, even once or where the actions are mandated by binding rules, the limited resources may still pose a risk in terms of timely and effective implementation. A delay in regulatory action to respond to the identified challenges may lead not only to a less efficient energy sector, but also possibly jeopardise the secure operation of the energy systems.

## **3. HUMAN AND FINANCIAL RESOURCES OUTLOOK**

### **3.1 Overview of the past and current situation**

Since its establishment in 2011, pursuant to Regulation 713/2009, the Agency has been working towards the completion of the single energy market.

In addition to this initial remit, the Agency has been assigned new tasks stemming from two new Regulations - REMIT and the TEN-E Regulations - which have substantially widened the mission, role and responsibilities of the Agency.

REMIT, which entered into force on 28 December 2011, assigned new responsibilities in the area of wholesale market monitoring. The new tasks differ substantially from the monitoring of the internal market which the Agency has been performing pursuant to the Agency Regulation. In order to perform these tasks, the Agency has needed to acquire new IT infrastructure and software to collect data from market participants and other stakeholders at EU level, and new monitoring tools. It now requires additional human resources with specialised expertise.

The tasks of the Agency with respect to REMIT are performed in two stages:

- (i) The **implementation stage**, in which the Agency puts in place the IT tools and the procedures - including on data sharing with NRAs and other authorities, at national and EU level, with which the Agency will cooperate - for effectively monitoring wholesale energy markets. This stage started with the entry into force of REMIT on 28 December 2011.
- (ii) The **operational stage**, in which the Agency will be responsible for actively monitoring trading in wholesale energy markets. As the operational stage will start early in 2015, this year will be crucial for the implementation of REMIT.

The new TEN-E Regulation, which entered into force in May 2013, has extended the role of the Agency in the area of energy infrastructure planning assessment. In this case the required expertise is similar to that used for some tasks under the Agency, the Electricity and the Gas Regulations (i.e. the assessment of TYNDPs), but the scale of the required effort will be much greater.

The table below represents an overview of the staff population and evolution of the different staff categories as envisaged until 2017. It includes the estimated needs of the Agency with regards to recruitment of additional staff in order to fulfil the new tasks and responsibilities in line with the two new Regulations.

**Staff population 2012 - 2017**

Staff population		Staff population actually filled in 31.12.2012	Staff population envisaged in EU Budget 2013	Staff population actually filled at 31.12.2013	Staff population in voted EU Budget 2014	Staff population in Draft EU Budget 2015	Staff population envisaged in 2016	Staff population envisaged in 2017
Officials	AD	0	0	0	0	0	0	0
	AST	0	0	0	0	0	0	0
	AST/SC	0	0	0	0	0	0	0
TA	AD	30	34	33	39	72	72	72
	AST	12	15	14	15	23	23	23
	AST/SC	0	0	0	0	0	0	0
Total		42	49	47	54	95	95	95
CA GFIV		1	1	1	5	9	9	9
CA GF III		0	0	0	0	0	0	0
CA GF II		3	6	6	6	6	6	6
CA GFI		0	0	0	0	0	0	0
Total CA	0	4	7	7	11	15	15	15
SNE		8	16	15	12	8	8	8
TOTAL	0	54	72	69	77	118	118	118



## 3.2 Resource programming

### 3.2.1 Financial resources

In order to implement its tasks in 2015, the Agency requires a 52.19% increase in available financial resources compared to 2014, as indicated in the table below. This increase is a reflection of the extended mandate assigned to the Agency by REMIT and the TEN-E Regulation.

	<b>2015</b>	<b>2014</b>	<b>Variation 2015/2014</b>
Title 1	11,096,236	6,572,375	68.83%
Title 2	2,732,251	2,424,825	12.68%
Title 3	2,730,100	1,882,800	45.00%
Total requested budget	16,558,587	10,880,000	52.19%

The budget of the Agency is fully subsidised from the general budget of the European Union and prepared in accordance with the principle of equilibrium, with revenue equal to expenditure.

Detailed revenue and expenditure tables can be found in Annex II.

The variances between the 2015 and 2014 budget per Title are explained as follows:

#### **Title I**

The 68.83% increase in the financial resources requested under Title I is needed to cover the costs of staff in active employment during the financial year 2015 as compared to 2014. This is a result of the following:

- an increase in the number of human resources needed for the implementation of REMIT. For the implementation of the energy market monitoring task 30 additional positions have been envisaged for the financial year 2015.
- an increase in the number of human resources needed for the implementation of the TEN-E Regulation. The Agency envisages for 2015 the employment of 6 additional staff members in order to deliver on its extended mandate.
- to support the increase in the volume of services envisaged by the Agency, 5 additional human resources are required to provide the related horizontal services.

## **Title II**

The 12.68% increase compared to 2014 in expenditure within Title II is primarily due to the need to rent additional parking spaces for staff and purchases of furniture for the office space available in line with the new rental contract which entered into force on 1 February 2014.

## **Title III**

The 45.00% increase in the operational expenditure of Title III mainly relates to:

- Expenditure to cover costs related to the implementation of REMIT and the proposed implementing acts. According to the implementing rules (in the comitology procedure at the time of drafting this Work Programme), the REMIT information system (ARIS) will go live early in 2015, using a phased approach for data collection during the year. This will require additional upgrades, including increased hardware capacity to accommodate the high volume of data to be processed in the ARIS system.
- The launch in 2014 of the market monitoring software (SMARTS) will require additional consultancy services in 2015, including for the development of additional functionality and enhancements, additional alerts and training of new staff.

- The envisaged possibility for market participants to report data directly to the Agency, included in the proposed implementing rules, implies that the Agency will need to develop an additional data collection channel for which additional IT consultancy to support users will be required.

The Agency's revenue for the year 2015 contains €415,924 in assigned revenue, being the budget outturn of the year 2013. The following table shows the calculation of the 2013 budget outturn:

<b>Budget outturn</b>	<b>2013</b>
<b>Revenue actually received (+)</b>	11 934 419
<b>Payments made (-)</b>	-6 561 834
<b>Carry-over of appropriations (-)</b>	-5 075 003
<b>Cancellation of appropriations carried over (+)</b>	118 814
<b>Exchange rate differences (+/-)</b>	-472
<b>Total</b>	415 924

The total budget outturn for the financial year 2013, amounting to €415 924, is composed of the unused budget appropriations of €295 045 and cancelled payment appropriation of €118 814 carried over from the financial year 2012.

Detailed information, including for previous years, can be found in Annex II.

### 3.2.2 Human resources

#### **New tasks, growth of existing tasks and efficiency gains**

The resources initially allocated to the Agency to implement its original mandate need to be enhanced due to the assignment of new tasks, which have resulted in an increased workload, greater responsibilities and a higher number of deliverables. The Agency's mandate has been extended into two new areas for which the following staffing needs have been identified:

## **REMIT - Operational stage and estimate of staff needs**

The Agency has been called to take on a key role in the area of wholesale energy markets monitoring under REMIT (see 3.1).

REMIT has introduced explicit prohibitions for market manipulation, attempted market manipulation and insider trading, which took effect immediately. Market participants are also already under the obligation to publish inside information and to notify the Agency and the relevant NRA/competent authority of any delay in such a publication. Finally, trading venues and other persons professionally arranging transactions in wholesale energy products are already required to establish and maintain effective arrangements and procedures to identify breaches of the market abuse prohibitions and notify NRAs of any suspected instance.

Therefore, the Agency may be called to act on instances of delayed publication of insider information or of market abuse or to coordinate cross-border investigations. However, much greater responsibilities await the Agency when the trade reporting obligations take effect, six months after the adoption by the European Commission of the Implementing Acts on the records of transactions.

The implementation stage, which started upon the entry into force of REMIT, is expected to be completed in the second half of 2014. In the operational stage, the Agency is expected to perform the following tasks:

1. Operate the European register of wholesale energy market participants, to be fed with registration data collected by NRAs in their national registers;
2. Operate and maintain the IT-system, the procedures and the protocols for the collection and analysis of the data and other information required for the market monitoring purposes;
3. Collect the trade and fundamental data, to be reported by market participants and other reporting parties, directly or through reporting channels, and other data (e.g. meteorological data) which is required for monitoring wholesale energy markets activities;

4. Establish a mechanism to share collected data with NRAs, competent financial authorities of the MSs, national competition authorities, the European Securities and Markets Authority (ESMA) and other relevant authorities;
5. Monitor trading activities in wholesale energy products to detect instances of suspected market abuse (market manipulation, attempted market manipulation and insider trading);
6. Notify instances of suspected market abuse to NRAs and/or other competent authorities, at national or EU level as the case might be, for investigation and enforcement;
7. Coordinate investigations carried out by NRAs and other competent authorities when they are conducted at super-national level;
8. Produce reports on trading in wholesale energy markets and on the monitoring activities performed by the Agency, as required by REMIT, or otherwise determined;
9. Take all necessary measures to prevent any misuse of, and unauthorised access to the information maintained in its systems.

The Agency's assessment indicates that in the operational stage significantly larger staff than foreseen in the Fiche Financière is required for the Agency to be able to fulfil the tasks assigned to it under REMIT. This is due to:

- The additional tasks assigned to the Agency during the legislative process and not envisaged in the Commission's proposal;
- The sheer scale and complexity of the Agency's monitoring activities, which have become evident with the detailed definition of the trading and fundamental data to be reported and collected by the Agency.

The additional tasks and the need for additional human resources necessary to perform them are as follows:

- Agency guidance on market abuse definitions (Articles 2, 6 and 16(1), second subparagraph, of REMIT) - 1 additional policy officer.
  
- Monitoring of additional data taking into account modifications to the definition of inside information, the prohibition of insider dealing and the obligation to publish inside information (Articles 2, 3 and 4 of REMIT) - 1 additional legal officer.
  
- Monitoring of additional data on emission allowances (Article 10(3) of REMIT) - 1 additional monitoring officer, 1 additional IT officer and 1 additional IT assistant.
  
- Establishment of strong links with major organised markets (Recital 18 of REMIT) - 4 additional monitoring officers.
  
- Assessment of the operation and transparency of different categories of market places and ways of trading (Article 7(3) of REMIT) - 1 additional policy officer.
  
- Close cooperation with NRAs, ESMA, national financial market authorities and, if applicable, competition authorities to ensure a coordinated enforcement of market abuse rules under REMIT and under the Market Abuse Directive (Article 1(3), 8, 10 and 16 of REMIT; MAD/MiFID review) - 1 additional policy officer.
  
- Registration of market participants (Article 9 of REMIT) - 2 additional staff members (1 IT officer, 1 senior IT assistant).
  
- Publication of data by the Agency (Article 12 of REMIT) - 1 additional IT officer and 1 additional IT assistant.

Therefore, it is estimated that at least 15 additional staff members (5 monitoring officers, 1 legal officer, 3 policy officers, 3 IT officers and 3 IT assistants) are required to fulfil the additional tasks stipulated by the REMIT legislators in the course of the legislative process.

***Scale of the Agency's monitoring of wholesale energy markets***

However, even for the basic monitoring tasks already included in the Commission's proposal, the Agency considers that a larger number of highly qualified staff members will be required if the Agency has to assume the active role in monitoring wholesale energy markets which is envisaged in REMIT. These tasks include:

- a) validating the data, to be reported by 200+ providers on a daily basis, and ensuring operational reliability of data received and maintained;
- b) managing the automated screening system to identify anomalous events;
- c) analysing the identified anomalous events to detect suspected instances of market abuse;
- d) preparing the cases to be notified to national authorities for their investigation;
- e) coordinating the investigative groups on cross-border cases;
- f) coordinating the enforcement of market abuse rules;
- g) drafting reports.

In particular, the most resource intensive task is expected to be the analysis of the data reported by market participants and other reporting parties collected by the Agency (sub. b) and c) above). Here different approaches can be envisaged, which will require different staffing levels and which will result in the Agency fulfilling to a different extent the requirements foreseen under REMIT.

The coverage of the full range of required expertise would require 12 additional monitoring officers supported by 2 assistants.

Finally, with the new tasks to be covered and the additional staff devoted to them, it is expected that the Market Monitoring Department will have to be restructured into two Departments. This will require one additional management position graded at AD11 to achieve the following organisational structure:

- Department of Market Oversight (DMO), responsible for performing daily oversight of the internal gas and electricity markets, identifying market events and trends and referring

issues of potential market manipulation or rules violations to the Department of Analytics and Surveillance. The DMO will also be responsible for proposing policy options and regulatory strategies for improving the functioning of trading venues;

- Department of Analysis and Surveillance (DAS), responsible for developing and implementing surveillance tools to detect potential instances of market abuse.

The additional 30 staff will be assigned to the Market Monitoring Department and are expected to be graded as follows:

<b>Grade</b>	<b>TAs for the Market Monitoring Department</b>
AD11	1
AD8	3
AD7	6
AD5	15
AST4	1
AST3	4

### **TEN-E Regulation**

The following constitutes the minimum expertise required for the performance of the Agency's functions and tasks defined by the TEN-E Regulation:

- Regulatory expertise at European and national level, particularly regarding gas and electricity network regulation;
- Experience in pre-investment project analysis (feasibility studies, investment risk analysis, project assessment and reporting) regarding technical, economic, and financial aspects of large-scale projects;
- Ability to review and execute cost analyses (such as cost-benefit analysis and cross-border cost allocation).



Such expertise is required separately for the electricity and the gas sectors, since the two sectors and the projects which will be put to the attention of the Agency are different in terms of technology, economics, risks, investment frameworks and other key aspects.

According to the Agency's assessment, at least 14 FTEs are needed to ensure full coverage of the tasks, divided equally between the electricity and gas sectors. In 2014, 5 additional posts were authorised. The European Commission indicated that the Agency may be able to avail itself of the support of the Innovation and Networks Executive Agency (INEA) for the monitoring of PCIs, although the details and conditions of such collaboration are still to be worked out. On the basis of this expected support from INEA, the Agency has reassessed its resource requirements (with respect to the estimates presented in the 2014 Work Programme) and, taking into account the 5 extra posts authorised in 2014, it now considers that 6 additional posts - of which 4 for experts and 2 for specialised IT support staff - are still required for the full implementation of the TEN-E Regulation.

The additional staff will be assigned to the Electricity and Gas Departments and are expected to be graded as follows:

<b>Grade</b>	<b>TAs for the Electricity Department</b>	<b>TAs for the Gas Department</b>
AD7	1	1
AD5	1	1
AST3	1	1

### **Negative priorities/decrease of existing tasks**

As new tasks in the areas of wholesale energy market monitoring and infrastructure development are being assigned to the Agency and the Agency cannot cease to deliver on its original mandate, additional resources are required. In case of insufficient resources, negative priorities, including among existing tasks, would have to be identified.

In particular, in such circumstances the Agency would focus primarily on the implementation of those tasks which are critical for the well-functioning of the Internal Energy Market and for delivering tangible benefits to energy consumers, deprioritising other activities. As concerns the analysis of the data reported by market participants and other reporting parties, the Agency would be obliged to fulfil to a different extent the requirements foreseen under REMIT, depending on the actual staff at its disposal.

### **Redeployment**

No redeployment is envisaged until 2018, as the Agency is marked as an Agency with new tasks and still has to recruit additional staff in order to implement its newly assigned tasks. Once the implementation of all new tasks is completed redeployment opportunities could be considered.

## **SECTION III – WORK PROGRAMME 2015**

### **1. THE AGENCY'S PRIORITIES FOR 2015**

The 2015 Work Programme already focuses on the priority areas identified as strategic objectives for the Agency over the next few years (see Section II.1).

In the area of electricity and gas markets integration, 2015 will see the adoption of the remaining Network Codes which have been developed on the basis of the eight Framework Guidelines prepared by the Agency since 2011 in the areas identified by the European Commission as core for the completion of the Internal Energy Markets. A number of these Network Codes will also enter into force in 2015 and, in any case, it is expected that the early implementation process will further progress.

In the energy infrastructure areas, in 2015 the second EU-wide PCI list will be adopted, based on the TYNDP for gas, to be developed by ENTSOG early in the year and the TYNDP for electricity expected from ENTSO-E late in 2014.

As already indicated, the trade and fundamental data reporting obligations under REMIT should enter into force in mid-2015, thus providing the Agency with the information required for wholesale energy market monitoring.

Finally, some of the recommendations stemming from the Conclusions Paper “Energy Regulation: A Bridge to 2025” will already be implemented in 2015, even though it is expected that most of the recommended activities will be implemented in the following years.

As already indicated in this document, the ability of the Agency to deliver in 2015 the activities presented in this Section crucially depends on the required human and financial resources, presented in Section II.3, being made available to the Agency.

## 2. CONSULTATION ON 2015 WORK PROGRAMME

A draft of this Work Programme was submitted by the Director to the Board of Regulators, to the European Parliament and to the European Commission on 30 June 2014, pursuant to Article 17(6) of the Agency Regulation, and published on the Agency's website. In preparation of the draft Work Programme, the Agency sought early stakeholders' feedback on the main areas of activity of the Agency in 2015 in a Workshop held in Ljubljana on 4 June 2014. Stakeholders were asked to provide feedback and inputs by 18 June.

The Agency thanks stakeholders for their valuable feedbacks and inputs on the outline of the Work Programme. The Agency has aligned its draft Work Programme with the Commission's public consultation document on the Annual priority list of Network Codes and Guidelines 2015.

## 3. OPERATIONAL ACTIVITIES

### 3.1 Electricity Framework Guidelines & Network Codes

This stream of work will be mainly driven by the timing of the Comitology process for the adoption of the Network Codes already recommended by the Agency, the efficiency of their implementation, but also by any new priorities set by the European Commission for 2015.

#### 3.1.1 Framework Guidelines

Task	Scoping to prepare for possible Framework Guidelines on rules regarding harmonised electricity transmission tariff structures
Legal basis	Article 6(4) Reg. (EC) No 713/2009; Articles 6(7), 6(9) and 8(6)(k) Reg. (EC) No 714/2009
Overview (status)	Scoping to prepare for possible Framework Guidelines on Rules regarding Harmonised Electricity Transmission Tariff Structures started in 2013 and will be completed in 2015.

Objectives and Outputs	Delivery of the Scoping for possible Framework Guidelines on Rules regarding Harmonised Electricity Transmission Tariff Structures according to the timeline indicated in the Three-Year Plan.
Performance indicators and targets (deadlines)	Timely delivery
Staff	0.4 FTE
Risks	Given the limited resources of the Agency, the involvement of NRAs and national experts is essential to ensure the timely delivery.

### 3.1.2 Network Codes, their implementation and its monitoring

Task	Reasoned opinion and Recommendation on the Network Code on Emergency and Restoration
Legal basis	Article 6(4) of Regulation (EC) No 713/2009; Articles 6(7) and 8(6)(f) of Regulation (EC) No 714/2009
Overview (status)	ENTSO-E shall submit the Network Code on Emergency and Restoration to the Agency by 1 April 2015.  The Agency shall issue an Opinion on this Network Code within three months of receiving it from ENTSO-E. The Recommendation to the European Commission could be issued at the same time as the Opinion or later, depending on whether the Agency is satisfied with the compliance of the Network Code with the Framework Guideline.
Objectives and Outputs	Delivery of the Opinion and Recommendation to the European Commission on the Network Code on Emergency and Restoration according to the timeline indicated in the Three-Year Plan.
Performance indicators and targets (deadlines)	The timely delivery of the Opinion and Recommendation on the Network Code on Emergency and Restoration (within 3 months of its submission by ENTSO-E).
Staff	0.3 FTE
Risks	Given the limited resources of the Agency, the involvement of NRAs and national experts is essential to ensure the timely delivery of the

	Opinion and the Recommendation.
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Task	Advice and support on Network Codes during the comitology process, as appropriate
Legal basis	Article 6 and Article 8(6)(a), (b), (g) and (j) Regulation (EC) 714/2009
Overview (status)	The Agency has recommended the adoption, by the EC via the comitology procedure, of the suites of electricity grid connection Network Codes, electricity system operation Network Codes, the Network Code on Capacity Allocation and Congestion Management, the Network Code on Forward Capacity Allocation. The Network Code on Electricity Balancing is expected to be recommended for the adoption by the end of 2014. The Network Codes' adoption process is set to continue through 2015.
Objectives and Outputs	Advice and support to be provided along the timelines determined by the Commission and the Comitology Committees.
Performance indicators and targets (deadlines)	The timely delivery of the feedback and support on the Network Codes in due course of comitology.
Staff	0.8 FTE
Risks	No appreciable risk.

Task	<b>Preparation for monitoring of the implementation of the adopted Network Codes;</b> <b>- Opinion on ENTSO-E's plan for the monitoring of the implementation of the adopted Network Codes;</b> <b>- Determination of a list of relevant information to be communicated by ENTSO-E to the Agency for the purpose of monitoring activities pursuant to the adopted Network Codes.</b>
Legal basis	Article 6(6) of Regulation (EC) No 713/2009 and Article 9(1) of Regulation (EC) No 714/2009
Overview (status)	The suites of electricity grid connection Network Codes, electricity system operation Network Codes, the Network Code on Capacity

	Allocation and Congestion Management, the Network Code on Forward Capacity Allocation have been recommended for the adoption by the EC via the comitology procedure.
Objectives and Outputs	<p>The Agency is preparing for the monitoring of the implementation of the adopted Network Codes. For this purpose it will establish (i) a suitable framework concept with the NRAs and the ENTSO-E, (ii) working processes and (iii) IT support.</p> <p>The Agency will coordinate with ENTSO-E's on a plan for the monitoring of the implementation of the adopted Network Codes. The Agency may deliver an Opinion on ENTSO-E's plan for the monitoring of the implementation of the adopted Network Codes to EC/ENTSO-E.</p> <p>The Agency will deliver the list of relevant information to be communicated by ENTSO-E to the Agency for the purpose of monitoring activities pursuant to the adopted Network Codes.</p> <p>The Agency will participate in stakeholder committees established pursuant to Network Codes.</p>
Performance indicators and targets (deadlines)	The timely delivery of the Opinion in ENTSO-E's plan for the monitoring of the implementation of the adopted Network Codes and of the list of relevant information to be communicated by ENTSO-E to the Agency.
Staff	0.8 FTE
Risks	The work load related to this task depends on the number of adopted Network Codes. Given the limited resources of the Agency, the involvement of NRAs is essential to ensure the timely preparation of the above deliverables.

<b>Task</b>	<p><b>General activities related to the decision-making process established pursuant to adopted Network Codes</b></p> <ul style="list-style-type: none"> <li>- Assistance in the decision making process for the development of proposals for terms and conditions or methodologies to be developed pursuant to the adopted Network Codes;</li> <li>- Delivery of opinions on terms and conditions or methodologies developed pursuant to adopted Network Codes and to be approved by relevant NRAs;</li> <li>- Coordination and possible dispute resolution in the process of NRA approval of the terms and conditions or methodologies</li> </ul>
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	<b>developed pursuant to adopted Network Codes; - Assistance in the functioning and the decision making process of different committees established pursuant to adopted Network Codes.</b>
Legal basis	The Network Codes provide specific roles for the Agency in the decision-making processes established pursuant to these Network Codes. The roles include facilitating coordination between parties seeking agreement, providing opinion on issues that need coordinated decisions and, in specific cases, issuing a decision when the parties seeking agreements were not able to find it.
Overview (status)	The suites of Network Codes have been developed and recommended for the adoption by the EC via the comitology procedure. Once the Network Codes enter into force, the Agency will be given a central role in facilitating the decision making process established within these Network Codes.
Objectives and Outputs	<p>The objective of this task is an efficient decision-making process for adoption of different terms and conditions or methodologies developed pursuant to Network Codes as well as in the functioning of different committees established pursuant to Network Codes.</p> <p>The expected output of this task will be efficient and timely implementation of different elements of the Network Code that are conditional on coordinated decisions of TSOs, NRAs or different committees established pursuant to Network Codes.</p>
Performance indicators and targets (deadlines)	The timely decision related to the terms and conditions or methodologies or related to tasks and responsibilities of the different committees established pursuant to Network Codes.
Staff	1.3 FTE
Risks	The Network Codes require a significant amount of coordinated decisions within the first few years after entry into force. In case of an excessive number of disputes among the parties seeking agreement, the Agency may, due to limited resources, not be able to facilitate the decision-making process in an efficient and timely manner.

## 3.2 Gas Framework Guidelines & Network Codes

This stream of work is driven by ENTSOG delivering the remaining Network Code (on Rules regarding harmonised transmission tariff structures), on the timing of the adoption of the Network Code on Interoperability and Data Exchange Rules, as well as on any new priorities



set by the European Commission for 2015.

Now that the first Commission Guidelines (on Congestion Management Procedures - CMP) have entered into force; therefore the monitoring of Network Code implementation has started in 2014.

### 3.2.1 Framework Guidelines

Task	Preparation for the Review of Transparency Rules, Scoping potential Framework Guidelines on Settlement Rules, Operational Procedures in an emergency and Follow-up on the Scoping in the area of Rules for Trading
Legal basis	Article 6 and Article 8(6)(i); (d); (f) of the (EC) Regulation 715/2009
Overview (status)	<p>Transparency Rules: revision of the current content and compatibility checks with the NCs adopted or in the process of adoption, scoping for new content or an improvement in governance.</p> <p>Settlement Rules and Operational Procedures in an emergency: full scoping, definition of content of the FG.</p> <p>Rules for Trading: Scoping concluded in 2014, recommending not to proceed with the development of FG</p> <p>Review prepared in the context of the Planning Group.</p>
Objectives and Outputs	<p>Transparency Rules: Ensure compatibility with codes;</p> <p>Settlement Rules and Operational Procedures in an emergency: Scoping document, set up of expert groups and launch of consultations.</p> <p>Identification and development of input or modifications of other NCs (Rules for Trading)</p>
Performance indicators and targets (deadlines)	Timely delivery by Q3-Q4/2015
Staff	0.7 FTE
Risks	Interest of the stakeholders may be limited for launching these projects, NRAs may have limited resources in supporting these projects.

### 3.2.2 Network Codes, their implementation and its monitoring

Task	Reasoned opinion and Recommendation on the Network Code on rules regarding harmonised transmission tariff structures
Legal basis	Article 6 and Article 8(6)(k) of the (EC) Regulation 715/2009
Overview (status)	Revision of the NC compliance with the FG by policy choices. The main discussions are expected on Mitigating measures and Floating payable price. Many other topics would require close analysis (transparency, circumstances, cost allocation test, revenue reconciliation, and multipliers).
Objectives and Outputs	Reasoned opinion to ENTSOG on NC compliance. Recommendation to the EC (when the code is compliant).
Performance indicators and targets (deadlines)	The timely delivery of the opinion (Q1 2015) and recommendation (Q2-Q3 2015) to the European Commission on the Network Code on harmonised transmission tariff structures. Network Code as much as possible in line with the Framework Guidelines, enabling an unqualified recommendation to the Commission.
Staff	0.8 FTE
Risks	Given the sensitivity of the topic and the complexity of the FG, the recommendation may be delayed.

<b>Task</b>	<b>Advice and support on the discussions on the Network Code on harmonised transmission tariff structures and the amendment of the Network Code on capacity allocation mechanisms regarding incremental capacity during the comitology process</b>
Legal basis	Article 6 and Article 7 of the (EC) Regulation 715/2009
Overview (status)	Both processes need to be aligned and therefore start in the second half of 2015. Meetings and discussions shall be scheduled by the European Commission.
Objectives and Outputs	Technical advice and support provided for the process (at the time the process will take place).
Performance indicators and targets (deadlines)	EC (and ENTSOG) satisfied with level of support and with communication. Target date: Q2-Q3/2015
Staff	0.2 FTE
Risks	Both topics are sensitive: communication and reaching consensus may be more difficult than for other codes. This may result in delays and the need for more resources.

<b>Task</b>	<b>Public consultation (based on article 7 of the Gas Regulation) on the amendments of the Network Code on Capacity allocation mechanisms regarding incremental capacity and the preparation of reasoned proposals to the Commission on the same issue</b>
Legal basis	Article 7 of the (EC) Regulation 715/2009
Overview (status)	Revision of the NC amendment in line with the Agency's guidance paper as well as the public consultation results. Discussions expected on open seasons.
Objectives and Outputs	Launch of a one month public consultation. Preparation of the reasoned proposal for amendment to the Commission on the ENTSOG proposal. Ensure the amendment's consistency with other relevant codes.

Performance indicators and targets (deadlines)	The timely organisation of the consultation (Q1 2015) and the timely delivery of the reasoned proposal for amendment to the Commission on the Network Code amendment (Q1-2 2015).
Staff	0.6 FTE
Risks	<p>The topic is linked to the politically sensitive Tariff FG (incremental tariffs, tariff adjustments, payable price) and contains capacity-related sensitivities such as open seasons.</p> <p>The timelines for the amendment may be difficult to adhere to due to the critical content which goes beyond the revision of rules.</p>

Task	<b>1<sup>st</sup> Agency's report on Progress of capacity bundling at interconnection points according to the Network Code on Capacity allocation mechanisms due on 4 November 2015</b>
Legal basis	<p>Article 20(1) of the Commission Regulation (EU) No 984/2013 of 14 October 2013 (<i>NC CAM</i>)</p> <p>Articles 8(8) and 8(9) of Regulation 715</p>
Overview (status)	Bundling arrangements shall be reported to the relevant NRAs and national reports shall be sent to the Agency regarding the yearly progress of capacity bundling.
Objectives and Outputs	Based on the national reports, the Agency publishes a report on the progress made on capacity bundling. (Expected after November 2015).
Performance indicators and targets (deadlines)	Timely delivery of the report and data collection ahead of report (Q4 2015)
Staff	0.3 FTE
Risks	National information may not be provided on time. Regulators collect this information also from network users and TSOs, which may be late given the large number of stakeholders potentially involved.

Task	<b>2<sup>nd</sup> Agency report on monitoring of Congestion at interconnection points (incl. transparency platform data, conditions for firm day-ahead use-it-or-lose-it mechanisms and changes in bundled capacity at interconnection points)</b>
Legal basis	Point 2.2.2.1.2 of the Commission's Decision of 24 August 2012 Annex I Point 2.2 on Congestion management procedures in the event of contractual congestion ( <i>CMP Guidelines</i> )
Overview (status)	The Second Report on Congestion at interconnection points is to be prepared with a view to the recommendations of the first Agency report.
Objectives and Outputs	Improved data quality and data collection. Second Report.
Performance indicators and targets (deadlines)	The timely delivery of the report and the collection of data for the report possibly along the amended deadlines proposed in the first Agency report. Target date: Q2 2015
Staff	0.4 FTE
Risks	Data requirements may still not meet the standards. Data requirements and resources for further and deeper analysis may not be available.

Task	<b>Preparation for and monitoring of the implementation of the adopted Network Codes (Implementation monitoring Report on congestion management procedures)</b>
Legal basis	Article 8(8), 8(9) and 9(1) of the (EC) Regulation 715/2009
Overview (status)	For the CMP implementation report data collection started in 2014.
Objectives and Outputs	Preparation of the report.
Performance indicators and targets (deadlines)	Target date: Q1 2015

Staff	0.7 FTE
Risks	Incomplete implementation in some countries may cause delays, as data recollection may not be possible at the time of the effective drafting of the report due to limited resources.

Task	Opinion(s), if sought by NRAs, on within day obligations and annual report on interim measures according to the Network Code on Balancing
Legal basis	Article 27 and 46 of the Commission Regulation (EU) No 312/2014 of 26 March 2014 (NC Balancing) Articles 8(8) and 8(9) of Regulation 715
Overview (status)	Within-day obligations and annual reports of TSOs reviewing the situation on the need on Interim measures require the Agency to draft an opinion.
Objectives and Outputs	Preparation of the opinions.
Performance indicators and targets (deadlines)	Timely delivery: within six months as to the date of the receipt of the full recommendation or request.
Staff	0.3 FTE
Risks	A large amount of requests arriving at the same time to the Agency.

### 3.3 Cross-Sector Issues (Electricity and Gas)

As regards the Agency's work on Internal Energy Market monitoring, Article 11 of the Agency Regulation specifies that the Agency shall monitor the internal market for electricity and natural gas, and, in particular, retail prices of electricity and natural gas, access to networks (including the access of electricity produced from renewable energy sources), and compliance with consumer rights as laid down in the Third Package. This activity has to be carried out in close cooperation with the European Commission, NRAs and other relevant organisations, and without prejudice to the competences of competition authorities.

### 3.3.1 Monitoring

#### Monitoring of the internal markets in electricity and natural gas

Task	The 4 <sup>th</sup> Market Monitoring Report covering retail prices in electricity and natural gas, barriers to entry, wholesale market integration, consumer welfare benefits or losses as a result of market integration (or lack thereof), access to networks (including electricity produced or gas sourced from renewable energy sources), and compliance with consumer rights (including protection and enforcement of consumer rights)
Legal basis	Articles 11 (1) and (2) of Regulation (EC) 713/2009
Overview (status)	<p>In 2015 the Market Monitoring Report (MMR) will focus on the functioning of energy markets and ways to improve their efficiency, in order to make energy more affordable for European consumers. More specifically, the MMR will analyse the evolution of retail prices for electricity and natural gas, wholesale market integration, access to networks (including electricity produced or gas sourced from renewable energy sources), and compliance with consumer rights.</p> <p>In line with previous issues, the MMR will provide in-depth analysis of barriers to integration and give recommendations to the European Parliament and Commission on how to remove them.</p> <p>The Agency's policy and market monitoring teams for gas and electricity will coordinate the substance of the MMR with the Directorate-General for Energy of the European Commission in order to avoid duplication of work.</p> <p>The Agency will also cooperate and coordinate with the Council of European Energy Regulators (CEER).</p>
Objectives and Outputs	<p>Annual Market Monitoring Report:</p> <p>Expected completion date: November 2015.</p>
Performance indicators and targets (deadlines)	<p>Timely completion of the Annual Market Monitoring Report.</p> <p>Positive feedback by the European Parliament, the European Commission and stakeholders on the market monitoring report, including the possibility of a survey following the publication and presentation of the report.</p>
Staff	8.5 FTE
Risks	The quality of the report depends on the quality and accessibility of the data received by the Agency. Human resource constraints may

	impact the timely delivery and quality of the report. The integrity of all data sources needs to be secured electronically and, in some cases, to be coordinated with REMIT.
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### 3.3.2 Regional Initiatives

Since its formal establishment in March 2011, the Agency coordinates the ERI and GRI and monitors the implementation of regional and cross-regional projects developed in the ERI and GRI framework.

Given the status of adoption of the Network Codes, the Agency expects that the ERI and the GRI will continue to be in 2015 a useful tool to foster the earlier implementation of EU rules, complementing the development of Framework Guidelines and Network Codes, while remaining a widely appreciated framework for cooperation among NRAs, TSOs and other stakeholders at regional and EU level.

The early implementation of Network Codes remains a voluntary exercise until their entry into force, whereupon it becomes binding. By late 2015, once the dates of entry into force are reached, the work will progressively shift and will be coordinated and monitored under dedicated processes. At that time, the Agency, the European Commission, NRAs, TSOs and other stakeholders involved in the ERI and the GRI will review the concept of Regional Initiatives and adapt it to the new binding implementation process, incorporating the best practices observed in the RIs framework.



## A) Support and Monitoring

Task	Coordination and monitoring of activities for the early voluntary implementation of Network Codes before their rules become legally binding
Legal basis	Several articles on regional cooperation in Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 Article 6 of Regulation 715/2009 (EC) (gas) Article 6 of Regulation 714/2009 (EC) (electricity)
Overview (status)	Early implementation of Network Codes is ongoing in several areas in electricity and gas in accordance with the ERI Roadmaps, endorsed by the Florence Forum in December 2011, and the CAM Roadmap developed in cooperation with ENTSOG in gas, published on 1 March 2013 and updated in October 2013.  The framework for facilitating early implementation in other areas of upcoming Network Codes in gas (Balancing, Interoperability and Data Exchange) is in the process of being defined.
Objectives and Outputs	The early implementation of Network Codes aims at promoting the completion of the Internal Energy Market, stimulating experience in sharing and exchange of best practices, raising awareness about the implications of the Network Codes and their expected impact on their activities, promoting transparency and ensuring that the lessons learned during implementation are duly taken into account in future amendments of the Network Codes.
Performance indicators and targets (deadlines)	Timely implementation according to the milestones and deadlines set out in the Roadmaps <sup>7</sup> or still to be defined for other upcoming areas in gas.
Staff	2.3 FTE
Risks	Strong commitment is required from all parties involved in order to ensure early implementation, especially from TSOs, NRAs,

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[http://www.acer.europa.eu/Electricity/Regional\\_initiatives/Cross\\_Regional\\_Roadmaps/Pages/Cross-Regional-Roadmaps.aspx](http://www.acer.europa.eu/Electricity/Regional_initiatives/Cross_Regional_Roadmaps/Pages/Cross-Regional-Roadmaps.aspx)  
[http://www.acer.europa.eu/Gas/Regional\\_%20Intiatives/CAM\\_roadmap/Pages/default.aspx](http://www.acer.europa.eu/Gas/Regional_%20Intiatives/CAM_roadmap/Pages/default.aspx)

	ENTSOE, ENTSOG, power exchanges and other stakeholders.
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## B) Annual Status Review Report

Task	Regional Initiatives Annual Status Review Report, reviewing developments in the Electricity and Gas Regional Initiatives and providing guidance for future work
Legal basis	Several articles on regional cooperation in Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009
Overview (status)	Yearly report providing an overview of all regional and cross-regional activities coordinated by the Agency through the Electricity and Gas Regional Initiatives.
Objectives and Outputs	The report aims to promote transparency towards stakeholders, providing information on progress achieved during the year in regional and cross-regional activities, challenges faced and guidance for the way forward.
Performance indicators and targets (deadlines)	Timely input from NRAs through ERI and GRI Coordination groups and timely completion of internal drafting and revision. Expected completion date of the Regional Initiatives Status Review Report 2015: December 2015.
Staff	0.6 FTE
Risks	The involvement of NRAs and national experts is essential to ensure the timely delivery of the report.

## C) Progress Reports

Task	On-line progress reports on the activities of the Electricity Regional Initiative and the Gas Regional Initiative
Legal basis	Several articles on regional cooperation in Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009
Overview (status)	The online ERI and GRI progress reports are complementary to the Regional Initiatives Annual Status Review Report and allow for a more regular update on regional developments throughout the year.

Objectives and Outputs	The reports aim to promote transparency towards stakeholders by regularly keeping track on progress in regional and cross-regional projects and activities.
Performance indicators and targets (deadlines)	Adequate input by NRAs and timely drafting and publication of reports by the Agency. Expected timeframes: Spring and Autumn 2015.
Staff	0.2 FTE
Risks	The involvement of NRAs and national experts is essential to ensure the timely delivery of the reports.

## 3.4 TSO Cooperation

The tasks related to the Agency's work on TSO cooperation, pursuant to Article 6 of the Agency Regulation, consist in formulating opinions on draft statutes, list of members and draft rules of procedure of the ENTSOs; formulating opinions on draft annual work programmes, draft Community-wide TYNDPs and other ENTSO's relevant documents (e.g. annual Summer and Winter supply outlooks); monitoring the execution of tasks of ENTSOs, monitoring progress of new interconnector projects, the implementation of TYNDPs and regional cooperation of TSOs.

### 3.4.1 Electricity

<b>Tasks</b>	<b>Annual monitoring report on the implementation and management of the inter-TSO compensation fund</b> <b>Opinions on ENTSO-E's annual work programme and ENTSO-E's annual report</b> <b>Opinions on ENTSO-E's annual Summer and Winter supply outlooks</b> <b>Opinions on ENTSO-E's common network operation tools including a common incidents classification scale</b> <b>Opinion on ENTSO-E's research and development plan</b> <b>Opinion on the electricity national ten-year network development plans to assess their consistency with the Community-wide network development plan and (if appropriate) recommendations to amend the national ten-year network</b>
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	<p><b>development plans or the Community-wide network development plan</b></p> <p><b>Opinion on ENTSO-E's recommendations relating to the coordination of technical cooperation between Community and third-country transmission system operators</b></p> <p><b>Opinion on monitoring the implementation of the electricity Community-wide TYNDP and the progress as regards the implementation of projects to create new interconnector capacity</b></p>
Legal basis	<p>Article 1(4) of Annex Part A, Commission Regulation (EU) No 838/2010</p> <p>Articles 6(3)(b) and 6(4) of Regulation (EC) No 713/2009 in conjunction with Articles 8(3)(d) and 8(3)(e) of Regulation (EC) No 714/2009</p> <p>Article 6(3)(b) of Regulation (EC) No 713/2009 in conjunction with Article 8(3)(f) of Regulation (EC) No 714/2009</p> <p>Article 6(3)(b) of Regulation (EC) No 713/2009 in conjunction with Article 8(3)(a) of Regulation (EC) No 714/2009</p> <p>Article 6(3)(b) of Regulation (EC) No 713/2009 in conjunction with Article 8(3)(a) of Regulation (EC) No 714/2009</p> <p>Article 8(11) of Regulation (EC) No 714/2009</p> <p>Article 6(3)(b) of Regulation (EC) No 713/2009 in conjunction with Article 8(3)(c) of Regulation (EC) No 714/2009</p> <p>Articles 6(7) and 6(8) of Regulation (EC) No 713/2009</p>
Overview (status)	<p>Annual monitoring report on ITC, opinions on ENTSO-E's annual work programme and ENTSO-E's annual report, on ENTSO-E's annual Summer and Winter supply outlooks, on ENTSO-E's research and development plan, on the electricity national ten-year network development plans, on monitoring the implementation of the electricity Community-wide TYNDP were already prepared in the last years (2012 and/or 2013 and/or 2014).</p> <p>Activities about opinions on ENTSO-E documents to be carried out upon submission of the relevant documents by ENTSO-E.</p>
Objectives and Outputs	<p>Annual monitoring report on ITC and opinions.</p>
Performance indicators and targets (deadlines)	<p>Timely delivery and quality of the documents.</p> <p>Monitoring report on 2014 ITC implementation: October 2015.</p> <p>Opinion on ENTSO-E's Work Programme: within two months after receipt of the document by ENTSO-E.</p>

	Opinion on ENTSO-E's other documents: after receipt of the document by ENTSO-E.
Staff	2.6 FTE
Risks	The delivery is subject to the release of corresponding documents by ENTSO-E and to the availability of resources.

### 3.4.2 Gas

<b>Tasks</b>	<p><b>Opinion on ENTSG's TYNDP 2015-2024</b></p> <p><b>Opinions on ENTSG's annual work programme and ENTSG's annual report;</b></p> <p><b>Opinions on ENTSG's common network operation tools including a common incidents classification scale and research plans;</b></p> <p><b>Opinions on ENTSG's annual Summer and Winter supply outlooks;</b></p> <p><b>Reviews and recommendations on national TYNDPs regarding their (in)consistency with the Community-wide TYNDP;</b></p> <p><b>Opinions on ENTSG's recommendations relating to the coordination of technical cooperation between Community and third-country transmission system operators;</b></p> <p><b>Report on monitoring the implementation of the Community-wide TYNDP and the progress as regards the implementation of projects to create new interconnector capacity.</b></p>
Legal basis	<p>For all deliverables: Article 6(3)(b) Regulation (EC) 713/2009.</p> <p>For Work Programme and TYNDP: Article 6(4) Regulation (EC) 713/2009 and Article 9(2) Regulation (EC) 715/2009.</p> <p>For Opinions on ENTSG's common network operation tools including a common incidents classification scale and research plans: Article 8(3)a of Regulation 715.</p>
Overview (status)	Opinions on submitted documents have been regularly delivered during the previous years, except for opinions on network operation tools including a common incidents classification scale and research plans and recommendations relating to the coordination of technical cooperation between Community and third-country transmission system operators, which were not submitted to the Agency by ENTSG.

Objectives and Outputs	<p>The Agency will deliver its opinion within two months from the day of receipt of the 2015 Work Programme and the draft TYNDP from ENTSOG (the work will be performed by the Agency staff in close cooperation with the relevant Agency's working group).</p> <p>Other opinions will be provided upon receipt from ENTSOG of the relevant documents, within a reasonable time (usually two to three months).</p>
Performance indicators and targets (deadlines)	Timely delivery of the reports and opinions.
Staff	2.8 FTE
Risks	The delivery is subject to the release of corresponding documents by ENTSOG and to the availability of resources (taking into account the possible re-prioritisation of activities for the tasks of Regulation (EU) No 347/2013).

### 3.5 Guidelines for Trans-European Energy Infrastructure

The TEN-E Regulation assigned various new tasks to the Agency in the field of infrastructure development. However the resources assigned to the Agency have been insufficient and some of these tasks were deprioritised in 2013. Also for 2015, the performance of the tasks listed in this Section depends on the Agency being assigned the required additional staff as presented in Section II.1.

The Agency, where appropriate, may consolidate some of the deliverables envisaged by the TEN-E Regulation and listed below with deliverables related to the TSO cooperation work area tasks, particularly where the tasks and deliverables are complementary.

### 3.5.1 Electricity and Gas

Task	Annual consolidated report on progress of projects of common interest and (if appropriate) recommendations to facilitate the implementation and overcome delays/difficulties in PCI implementation
Legal basis	Article 5(5) of Regulation (EC) No 347/2013
Overview (status)	The first consolidated reports is due in 2015, following the submission by project promoters of annual reports for each project of common interest to the competent authority either to the Agency or, for projects falling under the categories set out in Annex II.3 and 4 of Regulation (EC) No 347/2013, to the respective Group.
Objectives and Outputs	Upon the receipt of the submissions from project promoters by 31 March 2015, the Agency will deliver its consolidated report within three months from the day of receipt.
Performance indicators and targets (deadlines)	Timely delivery of the report.
Staff	2.0 FTE
Risks	The delivery is subject to the timely submission by project promoters of their annual reports and to the quality of the submitted reports, particularly regarding the provision of the necessary information about progress achieved in the development, construction and commissioning of the projects with regard to permit granting and consultation procedures, and, where relevant, delays compared to the implementation plan, the reasons for such delays and other difficulties encountered.

Task	Opinion on the draft regional lists of proposed projects of common interest, in particular on the consistent application of the criteria and the cost-benefit analysis across regions
Legal basis	Annex III 2(12) of Regulation (EC) No 713/2013
Overview (status)	An Opinion on the draft regional lists of proposed projects of common interest was delivered for the first time by the Agency in 2013. The Agency will deliver its opinion within three months from the receipt of the draft regional lists and the accompanying

	opinions of Groups, under the procedure of Article 15(1) of Regulation (EC) No 713/2009.
Objectives and Outputs	The Agency will deliver its opinion focusing in particular on the consistent application of the criteria and the cost-benefit analysis across regions.
Performance indicators and targets (deadlines)	Timely delivery of the opinion.
Staff	2.0 FTE
Risks	The delivery is subject to the timely submission of the draft regional lists of proposed projects of common interest and of the opinions of Groups, and to the quality of the submissions, particularly regarding the application of the criteria and the cost-benefit analysis across regions.

<b>Task</b>	<b>Recommendation regarding the cross-border cost allocation requests submitted in the framework of the second Union list of electricity and gas projects of common interest</b>
Legal basis	Article 7(2) of Regulation (EC) No 713/2009
Overview (status)	In accordance with its work programme for 2014, the Agency issued a recommendation regarding the cross-border cost (CBCA) allocation requests submitted in the framework of the first Union list of electricity and gas projects of common interest. In 2015 the Agency will revise and update the recommendation.
Objectives and Outputs	The Agency will review and update its recommendation on best practices regarding the information that is necessary to be submitted with a CBCA request and the high-level principles that NRAs shall follow when handling a CBCA request, by taking into consideration the practices since the adoption of Regulation (EC) No 347/2013. A revised and updated recommendation will be issued.
Performance indicators and targets (deadlines)	Timely delivery of an updated and revised recommendation.
Staff	1.3 FTE



Risks	The delivery is subject to the quality of the submissions CBCA requests as well as the decisions on CBCA.
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## 3.6 Activities which are Subject to Specific Conditions

The tasks listed in this Section are either performed upon request from certain parties, as specified in the Third Package or in the TEN-E Regulation, or are triggered by certain external events. If necessary, additional resources may have to be re-allocated during the year from other activities. The referral of tasks to the Agency at unpredictable moments of time, along with the ensuing obligation to produce pre-specified deliverables within tight schedules, poses a considerable challenge to the Agency, a small institution which will have to deal with highly demanding peak workloads at irregular intervals.

In 2015 the Agency may be called to perform the following tasks on request:

Task	<b>Decision on terms and conditions and operational security of cross-border interconnectors and on exemptions, when requested jointly by the concerned NRAs or when the concerned NRAs fail to take a decision within a predefined period (6 months, with possible extension)</b>
Legal basis	Regulation (EC) No 713/2009, Article 8 for decisions on terms and conditions and operational security of cross-border interconnectors Article 36(4) of Directive 2009/73/EC for decisions on exemptions
Overview (status)	When required - i.e. when the concerned NRAs jointly request such a decision, or when they fail to reach an agreement within a predefined period (6 months, with a possible extension).
Objectives and Outputs	Expected completion date: delivery of a decision within six months from the date of referral to the Agency.
Performance indicators and targets (deadlines)	Timely delivery of a decision within six months from the date of referral to the Agency.
Staff	1.0 FTE

Risks	Timely receipt of complete file and supporting material from NRAs, carrying out a quality consultation with NRA participation prior to taking a decision.
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Task	Decisions on investment requests including on cross-border cost allocation
Legal basis	Article 12(6) of Regulation (EC) No 347/2013
Overview (status)	For projects of common interest included in the first Union list, project promoters submitted their investment request as required by Article 12(3) of Regulation (EC) No 347/2013. In 2014 approximately 20 CBCA requests were submitted. Investment / CBCA requests can be continuously submitted. New CBCA requests are expected in 2015.
Objectives and Outputs	Delivery of a decision within three months from date of referral to the Agency, with a possible two months extension in cases where additional information is needed.
Performance indicators and targets (deadlines)	Timely delivery of a decision within the prescribed period of time from date of referral to the Agency.
Staff	1.0 FTE
Risks	Availability of the Agency and possibly NRA resources and required data. Timely receipt of complete file and supporting material from NRAs, carrying out a quality consultation with NRA and stakeholder participation prior to taking a decision.

Task	Requests for updates and improvements of the (electricity or gas) methodology for cost-benefit analysis
Legal basis	Article 11(6) of Regulation (EC) No 347/2013
Overview (status)	The CBA methodologies shall be approved by the Commission and published by the ENTSO for Electricity and the ENTSO for Gas on their websites. The methodologies shall be updated and improved regularly. The Agency, on its own initiative or upon a duly reasoned request by national regulatory authorities or stakeholders, and after formally consulting the organisations representing all relevant stakeholders and the Commission, may request such updates and

	improvements with due justification and timescales.
Objectives and Outputs	Request(s) for updates and improvements of the CBA methodology(ies).
Performance indicators and targets (deadlines)	Timely delivery of ad-hoc requests for CBA methodologies updates and improvements.
Staff	0.3 FTE
Risks	Coordination of stakeholders, timely receipt of quality information from NRAs and stakeholders, time constraints.

<b>Task</b>	<b>Opinions on preliminary decisions by NRAs on TSO certification when requested by the Commission</b>
Legal basis	Article 9(2) of Regulation (EC) No 713/2009 Article 3(1) of Regulations (EC) No 714/2009 and (EC) No 715/2009
Overview (status)	Regular consultation and information exchange takes place between the Commission and the Agency. The Agency has not been requested to provide the opinion on the national regulatory authority's decision regarding the certification of TSOs yet.
Objectives and Outputs	Provide support to TSO certification by delivering, upon request, an opinion on preliminary decisions by NRAs on TSO certification.
Performance indicators and targets (deadlines)	Timely delivery of the opinion to the Commission.
Staff	0.3 FTE
Risks	Receipt of complete quality information about the preliminary decision on certification along with all pertinent supporting evidence, coordination with stakeholders, time constraints.

Task	Opinions and recommendations in the areas of its competence, upon request by Member States, NRAs, the European Parliament, the Council and the European Commission
Legal basis	Regulation (EC) No 713/2009, Article 5
Overview (status)	Upon request by Member States, NRAs, the European Parliament, the Council and the European Commission.
Objectives and Outputs	Provide support to Member States, NRAs, the European Parliament, the Council and the European Commission, by delivering the requested opinions and recommendations. The opinion / recommendation must be delivered within six months from the request, except for complex issues requiring data collection/surveys/ consultations.
Performance indicators and targets (deadlines)	Timely delivery of the opinions and recommendations.
Staff	0.5 FTE
Risks	Receipt of complete quality information about the issue for which an opinion and/or recommendation is requested along with all pertinent supporting evidence, coordination with stakeholders, time constraints.

### 3.7 Opinions and Recommendations on the Agency's own Initiative

This stream of work depends on the potential needs identified by the Agency to develop additional opinions and recommendations, as well as on available resources.

In 2014 the Agency has conducted a review of the Gas Target Model. This may result in recommendations, *inter alia*, on the criteria to be used by NRAs to assess progress made, at national level, towards the development of fully functioning wholesale markets based on entry-exit systems to facilitate the development of competition.

In particular, the Conclusion Paper "Energy Regulation: a Bridge to 2025" identifies a number of areas where the Agency is expected to provide recommendations to the

European Commission:

- on the facilitation of the development of flexible response and its implications for the design of the electricity market and the operation of the electricity system;
- on a more coordinated and consistent approach to assessing system adequacy and on the design of interventions, in particular on Capacity Remuneration Mechanisms;
- on specific mechanisms to further enhance the cooperation between NRAs.
- on the enhancement of the regulatory oversight of the ENTSOs. The Agency's recommendations may include proposals to give the Agency the powers to issue binding decisions, where appropriate and proportionate, on ENTSOs core tasks;
- on the regulatory oversight of mandatory and voluntary EU TSO bodies.

In 2015 the Agency may decide to issue:

Task	Opinions and recommendations in the areas of its competence, to Member States, NRAs, the European Parliament, the Council and the European Commission, whenever this is appropriate for ensuring the proper functioning of the Internal Energy Market
Legal basis	Regulation (EC) No 713/2009, Article 5
Overview (status)	<p>The Agency has the responsibility of issuing opinions and recommendations on its own initiative, whenever appropriate, for ensuring the proper functioning of the European Internal Energy Market.</p> <p>During 2014 the Agency has conducted a review of the "Gas Target Model" which aims at identifying the aspects of the Target Model which need to be enhanced in order to promote the well-functioning of the internal gas market. The review may result in the Agency issuing a recommendation on its own initiative in 2015.</p> <p>The Conclusion Paper "Energy Regulation: a Bridge to 2025" identifies a number of areas where the Agency is expected to provide recommendations to the European Commission.</p>

Objectives and Outputs	<p>Recommendation following the review of the Gas Target Model may be issued, depending on the results emerging from the review.</p> <p>Recommendation on the facilitation of the development of flexible response and its implication for the design of the electricity market and the operation of the electricity system.</p> <p>Recommendation on a more coordinated and consistent approach to assessing system adequacy and on the design of interventions, in particular on Capacity Remuneration Mechanisms.</p> <p>Recommendation on the enhancement of the regulatory oversight of the ENTSOs.</p> <p>Recommendation(s) on specific mechanisms to further enhance the cooperation between NRAs and the effectiveness of the regulatory action at EU level.</p> <p>Opinions and Recommendations in other areas, including on the regulatory oversight of mandatory and voluntary EU TSO bodies, to be initiated if necessary or appropriate.</p>
Performance indicators and targets (deadlines)	Timely delivery of a recommendation
Staff	2.0 FTE
Risks	Completion of work by stakeholders on the Target Models, interaction with stakeholders, time constraints.

### 3.8 Wholesale Market Monitoring – REMIT

While many of the obligations and the market abuse prohibitions introduced by REMIT already apply since the entry into force of the Regulation on 28 December 2011, the requirement for market participants to register and the obligation to report on wholesale energy product transaction will only apply from, respectively, three and six months after the adoption by the Commission of the Implementing Acts.

The tasks to be performed by the Agency in 2015 and related to the implementation of REMIT will therefore depend on the timing of the adoption of the REMIT Implementing Acts by the Commission.

In particular, the operational stage of REMIT, when the Agency will be required to operate the Centralised European Register of Energy Market Participants (CEREMP), to collect data through the Agency's REMIT Information System (ARIS) and to monitor the wholesale energy markets using the transaction and fundamental data reported by market participants and other stakeholders, will start sometime in 2015. By that time the Agency will have completed the development and deployment of the IT platforms and procedures for the acquisition of market participants registration information from NRAs, the operation of CEREMP, the acquisition of the reported transaction and fundamental data, the assessment of trading activities to detect any instance of market abuse, the sharing of these data with NRAs, the notification to NRAs of suspected market abuse instances and the coordination of cross-border investigations.

In this Work Programme it is assumed that the Implementing Acts are adopted by late 2014, so that the Agency will be required to complete the development and deployment of the IT platforms and procedures referred to above by early 2015. The tasks listed below reflect this assumption.

The tasks listed in this Section are subject to the Agency being provided with the appropriate financial and human resources, in order to adequately fulfil the additional tasks assigned to it under REMIT. The Agency will not be in a position to monitor trading activities in wholesale energy markets to detect and prevent trading based on market abuse as foreseen by REMIT, should the requested additional human resources not be provided. The full implementation of this Work Programme depends on the Agency being assigned the required additional staff envisaged in this respect and presented in Section II.1. It is assumed that these additional resources will be recruited in the course of 2015. Therefore, each additional member of staff is counted as ½ full-time equivalent over the whole year.

Task	Operation, further development and, if necessary, enhancements of the Centralised European register of energy market participants (CEREMP), of the Agency's REMIT Information System (ARIS) for collection of trade, fundamental and other data and for the data sharing with NRAs, in connection with the REMIT implementing acts
Legal basis	Articles 7-10 and 12 of Reg. 1227/2011
Overview (status)	Software development and customisation is ongoing
Objectives and Outputs	<p>Deployment and running of CEREMP completed by the date of adoption of the Implementing Acts, in order to allow sufficient time to NRAs and market participants to complete the first phase of the registration;</p> <p>Deployment and running of ARIS and its market monitoring solution completed within 6 months of adoption of the Implementing Acts concerning the data to be reported within this date;</p> <p>Sharing and dissemination of information with the entry into effect of the Implementing Acts.</p> <p>Ensuring operational reliability and professional secrecy concerning the information received by the Agency, by taking all necessary measures to prevent misuse of, and unauthorised access to, the information received and maintained in the Agency's systems, by identifying sources of operational risk and by minimising them through the development of appropriate systems, controls and procedures.</p>
Performance indicators and targets (deadlines)	<p>99% of planned system availability.</p> <p>AND 0 breaches of the security system with a data leakage involved.</p> <p>Registration shall start no later than 3 months after the implementing acts are adopted, data collection and data sharing shall start 6 months after the Implementing Acts are adopted.</p>
Staff	8.5 FTEs
Risks	The registration process takes place at a national level. NRAs may not have sufficient resources for managing the strict deadline of 3 months for completing the first phase of registration, especially in countries with a high number of market participants. Practical solutions have to be adopted for ensuring the completion of the registration process in the timeframe envisaged by REMIT.



	<p>Data collection will be extremely complex due to the huge amount of data to be gathered and the diversity of sources. Many operational aspects have to be defined through the implementing acts; however it is not possible to wait until the formal approval of the implementing acts, as the IT-system would not be ready on time. Consequently, adjustments will be needed during the course of 2014 and requests for changes may be necessary.</p> <p>Reliance on data collection under EU financial market rules (EMIR, MiFID).</p> <p>Delays in establishing protocols and common security standards with NRAs and limited resources for market monitoring in EU NRAs.</p> <p>Risk of leakage of highly sensitive trade data if adequate security measures are not in place.</p>
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<b>Task</b>	<b>Market monitoring of trading activity in wholesale energy markets to detect and prevent trading based on inside information and market manipulation according to Article 7 of REMIT, in cooperation with NRAs, on the basis of data collected in accordance with the REMIT implementing acts, and establishment, further development and operation of the Agency's market surveillance solution to perform its market monitoring activity</b>
Legal basis	Article 7 and 8 of Reg. (EU) 1227/2011
Overview (status)	Monitoring methodologies under development. On-going review of notified cases.
Objectives and Outputs	Market Monitoring of the data collected according to Article 8 of Reg. (EU) 1227/2011. Increased integrity and transparency of wholesale energy markets. Detection of abusive practices.
Performance indicators and targets (deadlines)	75% of alerts assessed in a preliminary initial assessment (PIA) AND 75% of PIAs reviewed.
Staff	14 FTE
Risks	Quality of the monitoring depends on the quality of the data received. Limited resources for market monitoring in EU NRAs.

<b>Task</b>	<b>Coordination of NRAs and other relevant authorities, including at the regional level, without prejudice to their responsibilities, aiming to promote best practices for the implementation of REMIT and to ensure that NRAs carry out their tasks under REMIT in a coordinated and consistent way, including the update of the Agency's guidance on the application of REMIT definitions, and coordination of NRAs' investigation activities on cross-border market abuse instances</b>
Legal basis	Article 16(1) of Reg. (EU) 1227/2011
Overview (status)	Ongoing
Objectives and Outputs	To aim at ensuring that NRAs and other relevant authorities carry out their tasks under REMIT in a coordinated and consistent way, including the update of the Agency's guidance on the application of REMIT definitions and coordination of NRAs' investigation activities on cross-border market abuse instances.  Publication of Agency Guidance as required.  Coordination of investigation of alleged cross-border market abuse instances as required.
Performance indicators and targets (deadlines)	80% of cross-border investigatory groups established within 30 working days of the reviewed initial assessment referrals to relevant NRAs and other relevant authorities.
Staff	3 FTEs
Risks	Risk of leakage of highly sensitive trade data if adequate security measures are not in place.

<b>Task</b>	<b>Cooperation with NRAs, ESMA, competent national financial market authorities and other authorities and with supervisory authorities, international organisations and the administrations of third countries with the aim of ensuring that a coordinated approach is taken to the enforcement of market abuse rules where actions relate to one or more wholesale energy products which are financial instruments to which Article 9 of Directive 2003/6/EC applies and also to one or more wholesale energy products to which Articles 3, 4 and 5 of REMIT applies according to Article 1(3) of REMIT</b>
Legal basis	Articles 1(3), 10, 16 of Reg. (EU) 1227/2011

Overview (status)	Ongoing
Objectives and Outputs	Cooperation on the basis of Memoranda of Understanding (MoUs); Coordination of investigation of alleged cross-border market abuse instances as required.  Promotion of best practices for the implementation of REMIT.
Performance indicators and targets (deadlines)	Conclusion of MoUs with relevant authorities and implementation of the MoUs in practice through regular meetings with the relevant authorities.
Staff	3 FTEs
Risks	Risk of leakage of highly sensitive trade data if adequate security measures are not in place.

Task	Annual report on the Agency activities under REMIT according to Article 7(3) of REMIT
Legal basis	Article 7(3) of Reg. (EU) 1227/2011
Overview (status)	Expected submission of the 2nd Annual Report of REMIT: Q2 2015.
Objectives and Outputs	<p>The Agency shall submit at least on an annual basis a Report to the Commission in which the Agency shall assess the operation and transparency of different categories of market places and ways of trading and may make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market. It may also evaluate whether any minimum requirements for organised markets could contribute to enhanced market transparency.</p> <p>Recommendations for potential reviews of REMIT, in particular according to Article 6 of REMIT, in view of potential needs to align REMIT definitions with new relevant Union legislation in the fields of financial services and energy, or in view of new developments on wholesale energy markets or of REMIT implementing acts.</p>
Performance indicators and targets	Submission of the AR on REMIT implementation by end Q3.

(deadlines)	
Staff	1.5 FTE
Risks	No appreciable risk.

## 3.9 Organisation, Administration and Functioning of the Agency

### 3.9.1 Organisation

At present the internal structure of the Agency is based on four departments:

- The Electricity department,
- The Gas department,
- The Market Monitoring department,
- The Administration department.

and the Director's office.

If the additional staffing required fully to implement REMIT is authorised, the Market Monitoring Department will have to be restructured into two Departments: Department of Market Oversight (DMO) and Department of Analysis and Surveillance (DAS).

In 2015 the Administrative Board is expected to meet 4 times and the Board of Regulators 10 times. Meetings of the Board of Appeal cannot be planned in advance, as they depend on the requirements of the appeals lodged, if any.

### 3.9.2 Communication

According to the Agency Regulation, the Agency is required to consult extensively and at an early stage on its regulatory activities. Stakeholders' relations are thus an important part of

the Agency's communication activities. At the same time the Agency strives to ensure that staff is well informed and has a common understanding of the Agency's mission and objectives.

In order to further develop its external and internal communication activities, in 2014 the Agency adopted its first fully-fledged Communication Strategy, which it will continue to implement in 2015.

### **3.9.2.1 External Communication**

The external communication of the Agency takes two main forms: involving NRAs and stakeholders in the Agency's work; and, communicating with the general public directly and through the media. The main objective of the Agency's communication is to increase the transparency of the Agency's activities, reinforcing its position as an independent, credible, transparent, service-oriented and efficient expert EU body in energy regulation.

Digital communication remains the Agency's main communication channel. The focus is on securing regular improvements and updates of the available means: the Agency's website and e-alerts. The Agency has also developed new channels, such as the citizens' summaries (putting the Agency's activities in a wider context using language that is comprehensible also to non-experts) and the Agency debriefings for stakeholders, which will also be used in 2015. The Agency is also striving to increase the use of e-surveys, through which stakeholders will increasingly have the possibility of providing feedback on the quality of the Agency's document, and webinars; and will explore possibilities for its presence on social media.

The Agency's public events are the second main means of engaging with policy makers and stakeholders, as well as the media. Public events serve the purpose of allowing stakeholders to contribute to the Agency's deliverables; inform of the Agency's latest documents; as well as brief interested parties on future developments.

Publications remain an effective way of promoting the Agency's activities; most are produced in digital form only. Print is strictly limited, in line with the Agency's environmental

commitments. Besides reports on specific issues related to gas and electricity, the Agency issues four large-scale reports annually which undergo professional graphic design (see deliverables below).

The Agency's external communication will focus on the following tasks:

Task	Agency Website
Overview (status)	This is the Agency's first point of contact. In 2014 the Agency completed full migration of extranet contents to the new website. Navigation was made more user-friendly and its contents were fully updated.
Objectives and Outputs	<p>The Agency's goal is to further improve its website in terms of usability, features and functionalities, so that it evolves from a document storage facility to a website which is easy to navigate and regularly updated so as to encourage returning visits.</p> <p>In 2015 tasks will focus on enhancing / further developing:</p> <ul style="list-style-type: none"> <li>Online surveys;</li> <li>The dedicated workspace for meetings/workshops;</li> <li>Features for news and announcements;</li> <li>The publication of citizens' summaries.</li> </ul>
Performance indicators and targets (deadlines)	<p>Website hits: 5% increase with respect to year N-1.</p> <p>Online survey: at least 2/3 of respondents satisfied or highly satisfied.</p>
Staff	0.5 FTE
Risks	Timely delivery by external contractors of outputs related to the website.

Task	Relations with Journalists
Overview (status)	<p>Press releases are launched on very specific topics which may have an impact on the general public. When more specific developments are issued, an e-alert (Infoflash), which may be accompanied by a web piece of news, is launched.</p> <p>Infoflashes provide fresh information on upcoming ACER conferences, workshops and events, as well as newly published open consultations or official documents such as Framework Guidelines, opinions, recommendations, etc. They are also used to provide information on new tenders or the Agency's public debriefings. Infoflashes are issued to over 2,500 contacts (a number in constant growth), including stakeholders, national regulators, academics, media, think tanks, as well as other interested citizens. Subscription to the Agency's alerts is available within seconds when visiting ACER's website homepage.</p> <p>Press briefings generally coincide with the launch of press releases; they also focus on major events or deliverables.</p> <p>In addition, the Agency regularly responds to journalists' questions.</p>
Objectives and Outputs	<p>The aim is to keep a large number of interested people and multipliers regularly informed on the Agency's activities and initiatives, through press releases, Infoflashes and briefings.</p> <p>The Agency aims to further engage not only with specialised media but also with national media in Member States, as gateways to policy-makers, national experts and the general public.</p>
Performance indicators and targets (deadlines)	<p>Urgent requests from journalists are to be answered on a timely basis (within 3 working days, unless otherwise specified).</p> <p>Number of news items within Infoflashes: &gt;40.</p> <p>Number of references to the Agency in selected media included in the Agency's media monitoring (proxy for impact): 200</p>
Staff	0.2 FTE
Risks	No appreciable risk.

<b>Task</b> <b>Events: Annual Conference</b>	
Overview (status)	The Agency organises an Annual Conference for all stakeholders. The event typically focuses on one of the Agency's major areas of work.
Objectives and Outputs	The conference provides a platform for a high-level exchange of views among stakeholders and an outlook for a more strategic overview of the Agency's tasks.
Performance indicators and targets (deadlines)	Number of participants: > 150. Participants satisfaction survey: 2/3 majority satisfied or highly satisfied.
Staff	0.2 FTE
Risks	Potential difficulties in attracting quality speakers, which may reduce the interest of the event and the level of participation.

<b>Task</b> <b>Events: Workshop on the Outline of the 2015 Work Programme</b>	
Overview (status)	June 2015
Objectives and Outputs	The aim is to receive feedback on the Outline of the Agency's Annual Work Programme for the following year from interested parties and to open the consultation period in which the Agency is open for suggestions on its AWP.
Performance indicators and targets (deadlines)	Over 20 participants (either present at the event or through interactive web streaming).
Staff	0.1 FTE
Risks	Limited inputs from stakeholders, as most of the Agency's AWP is set by legal requirements.



<b>Task</b> <b>Print publications: Annual Activity Report</b>	
Overview (status)	The Agency reports yearly on its activities and achievements in relation to the tasks assigned to it in a specific year.
Objectives and Outputs	To provide a succinct but complete overview of the Agency's achievements, in line with the Agency's reporting requirements.
Performance indicators and targets (deadlines)	By 15 July 2015 Over 10 website hits within one month of publication.
Staff	0.1 FTE
Risks	No appreciable risk.

<b>Task</b> <b>Print publications: Regional Initiatives Status Review Report</b>	
Overview (status)	The Agency reports yearly (also quarterly per sector) on the progress of the regional initiatives.
Objectives and Outputs	To promote the early implementation of some of the most critical rules for the integration of the electricity and gas markets.  To promote transparency towards stakeholders, informing them on progress achieved in RIs, obstacles faced during the year and indicate the way forward.
Performance indicators and targets (deadlines)	By February 2015 Over 15 website hits within one month of publication. Reader survey: 2/3 majority of respondents satisfied or highly satisfied.
Staff	0.1 FTE
Risks	No appreciable risk.

<b>Task</b> <b>Print publications: Market Monitoring Report</b>	
Overview (status)	The Agency provides an assessment of the progress made towards the implementation of the Third Energy Legislative Package ('the 3 <sup>rd</sup> Package') and the completion of the internal energy market. This report is issued together with the Council of European Energy Regulators (CEER).
Objectives and Outputs	By November 2015 Provides in-depth analysis of barriers to integration and give recommendations to the European Parliament and Commission on how to remove them.
Performance indicators and targets (deadlines)	Over 75 website hits within one month of publication. Reader survey: 2/3 majority of respondents satisfied or highly satisfied.
Staff	0.1 FTE
Risks	No appreciable risk.

<b>Task</b> <b>Print publications: REMIT Report 2013</b>	
Overview (status)	The Agency reports on its activities under the Regulation on wholesale energy market integrity and transparency (REMIT).
Objectives and Outputs	To assess the operation and transparency of different categories of market places and ways of trading and may make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market.
Performance indicators and targets (deadlines)	Expected submission of the 2nd Annual Report of REMIT: Q2 2015. Over 30 website hits within one month of the publication of the report.
Staff	0.2 FTE
Risks	No appreciable risk.

Task	Other Publications
Overview (status)	Besides its major publications, the Agency also prepares brochures and specific leaflets in all 24 EU official languages for events and visits. These leaflets in all EU languages are also accessible digitally from the Agency's web homepage. The Agency also publishes many other sectorial reports on specific issues related to gas and electricity.
Objectives and Outputs	Informing the general public and stakeholders on the Agency's activities, both general and more specific ones. The material is regularly updated to reflect new tasks assigned to the Agency.
Performance indicators and targets (deadlines)	Revision of leaflets' texts and republication if necessary by December 2015.
Staff	0.1 FTE
Risks	No appreciable risk.

### 3.9.2.2 Internal Communication

Internal communication is geared towards the Agency's staff, seconded national experts, locally contracted employees and trainees. It should enable both management and staff to fulfil their responsibilities effectively and efficiently. The overall objective is to increase the level of awareness of the Agency's work and recent developments related to the Agency in order to contribute to the staff engagement and job satisfaction, which in turn contributes to the positive reputation and performance of the Agency. Staff members must be regularly informed of policy decisions taken by the Boards and the Director, enabling them to better understand their role and to acquire broader knowledge of the Agency's activities. This should contribute to a common corporate culture and ultimately also improve external communication.

Effective communication from the Agency's management and Human Resources should provide staff with the tools to speak positively and consistently about the Agency. An effective internal communication should ensure that the Agency's staff is engaged with the organisation's mission and goals and fully aware of its role in achieving them, while providing timely feedback to address potential issues.

To achieve these goals the main internal communication channels are:

- Digital communication: website, newsletters, newsfeeds
- Events/internal conferences (presentations)

Task	Internal newsletter
Overview (status)	An internal newsletter for the Agency's staff is circulated on a monthly basis.
Objectives and Outputs	To increase the level of awareness of ACER's work and recent developments related to the Agency.
Performance indicators and targets (deadlines)	Staff satisfaction measured through a question on the internal newsletter in the staff survey. 2/3 of participating staff satisfied or highly satisfied.
Staff	0.2 FTE
Risks	No appreciable risk.

Task	Lunch-time presentations
Overview (status)	The Agency organises monthly presentations in which ACER staff members present specific topics related to the Agency's tasks to their colleagues.
Objectives and Outputs	To provide staff with an opportunity to acquaint itself with the work and tasks of the various departments.
Performance indicators and targets	2/3 of staff satisfied or highly satisfied (measured through an internal newsletter survey).

(deadlines)	
Staff	0.1 FTE
Risks	Attendance may be erratic, as events are planned well in advance and the Agency's workload may sometimes prevent registered colleagues from participating.

Task	ACER intranet as a tool to support internal communication
Overview (status)	ACER's intranet has been further developed to include all information relevant to the Agency's staff (including legal acts, HR issues, medical issues, policies, etc.).
Objectives and Outputs	To provide new features and services according to staff needs and demands. To keep information updated and easily retrievable.
Performance indicators and targets (deadlines)	Question included in the annual staff survey on the level of information shared by line managers. 2/3 of participating staff satisfied or highly satisfied.
Staff	0.1 FTE
Risks	No appreciable risk.

<b>TOTAL STAFF for communication tasks</b>	<b>2.0 FTE</b>
Overall risk assessment for communication tasks	Human resources constraints in communication and IT support for the Agency's website could result in delays when providing public information to stakeholders.

### 3.9.3 The Agency's Premises

In October 2012 the Agency launched a procurement procedure to select its permanent premises, taking into account the increase of the Agency staff as a result the new tasks

assigned to the Agency by REMIT and the TEN-E Regulation. On 1 February 2014 the Agency established itself in its permanent premises in Ljubljana, with an option for expansion. In the course of the coming years certain adaptations and changes might be needed, depending on the use of the premises.

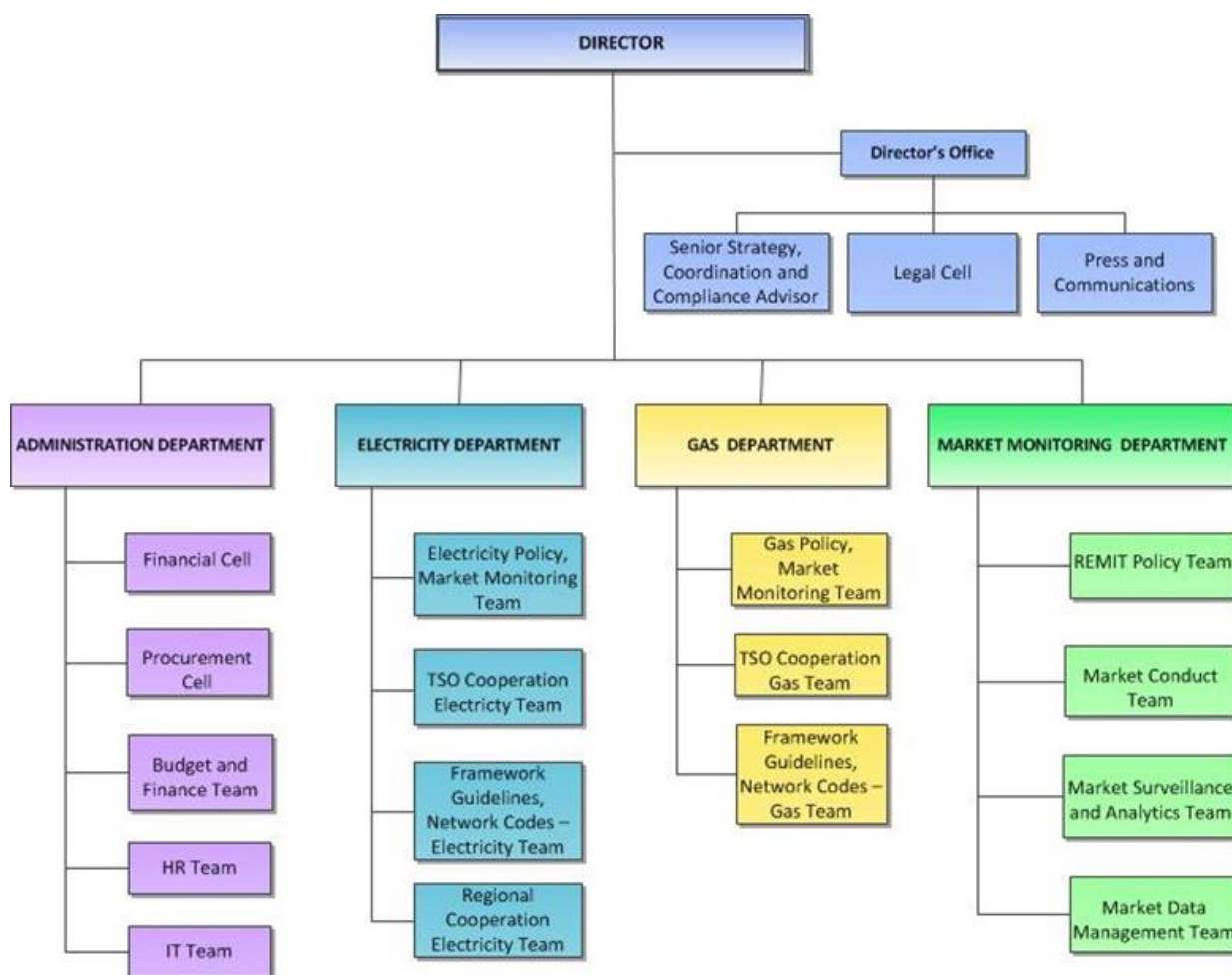
Task	Procurement and facility management
Overview (status)	<p>In August 2015 there will be an option to expand the Agency's premises on one of the floors, which is currently shared with two other tenants. The whole floor would then be available for the sole use of the Agency.</p> <p>In 2015 the Agency will keep its liaison office in Brussels with two staff members (1 AD and 1 SNE) assigned to it. The office is hosted in the premises made available, free of charge, by the Council of European Energy Regulators (CEER), as a contribution in kind to the working of the Agency. The IT and information resources are shared with the liaison office, which makes it an indispensable part of the Agency's structure.</p>
Objectives and Outputs	<ul style="list-style-type: none"> <li>- The objective is to expand the occupancy of one of the floors so that it is used solely by the Agency. This shall include fitting out and equipping with furniture the additional office space, and aligning the premises with the Agency's security policy.</li> <li>- Refurbishing two of the Agency's meeting rooms to enable a more efficient use of space.</li> <li>- Ongoing fitting out and maintenance of office premises to ensure smooth continuation of the Agency's work.</li> </ul>
Performance indicators and targets (deadlines)	<ul style="list-style-type: none"> <li>- To reach an agreement with the landlord on the expansion of one of the floors by the end of Q2.</li> <li>- Finalise fitting out, and equipping with furniture, the additional office space by the end of September 2015.</li> <li>- Finalise refurbishing of 2 meeting rooms in Q3.</li> </ul>
Staff	2 FTE (both also involved in procurement activities concerning the entire Agency)
Risks	The actual availability of the additional office space, the availability of financial resources and human resource constraints may impact the timely delivery of the objectives.

### 3.9.4 Human Resources

The organisational chart below reflects the internal structure of the Agency as of June 2014, which envisages 54 temporary agents, 6 contract agents on long-term employment, 5 contract agents on short-term employment and up to 12 seconded national experts (SNEs). The number of allocated staff in the different departments is the following:

- Director's Office: 14
- Administration Department: 16
- Electricity Department: 16
- Gas Department: 16
- Market Monitoring Department: 15

## ORGANISATIONAL CHART



Task	Human Resources
Overview (status)	<p>The Human Resources Team is focused on the consolidation of processes and procedures and the implementation of the amended Staff Regulations and new Implementing Rules.</p> <p>Due to unexpected turnover of staff, recruitment activities are at a higher level than expected, which adds to on-going challenges.</p> <p>The Team has also worked to implement recommendations from previous audits, with the aim of not receiving critical comments in future audits.</p> <p>Best practices are being implemented to strive for a balanced</p>



	workplace.
Objectives and Outputs	<p>The Agency's targets for 2015 are to:</p> <p>Complete the recruitment of staff needed to fulfil the tasks of the Agency;</p> <p>Successfully complete the Annual performance appraisal exercise to be carried out in 2015, according to the new Implementing Rules;</p> <p>Receive positive evaluation results from both IAS and ECA.</p>
Performance indicators and targets (deadlines)	<p>Reaching 90% recruitment target.</p> <p>100% of the Agency's staff subject to performance appraisal in the 2015 exercise, in line with the new Implementing Rules.</p> <p>No critical or very important recommendations from IAS and ECA audits.</p>
Staff	3 FTE
Risks	An increase in the number of recruitment procedures could absorb more resources of the HR Team than expected.

### 3.9.5 Audit

The activities of the Agency are regularly evaluated by the Internal Audit Services (IAS) of the European Commission and by the European Court of Auditors (ECA).

According to the Strategic Audit Plan 2013 – 2015 of IAS, the audit topics for this period will focus on:

- Budget execution and procurement;
- IT governance (in the context of preparedness for REMIT);
- Planning, budgeting and monitoring;
- Development of Framework Guidelines and opinion on Network Codes.

The audit performed by ECA is mainly focused on the financial, HR and procurement areas.

Task	Budget Implementation and Audit
Overview (status)	Since its establishment, the Agency has not received any critical recommendations from the internal and external auditors. Furthermore, all recommendations from previous years have been implemented as planned, reported in a timely manner and approved by the respective authority.
Objectives and Outputs	The Agency's objectives for 2015 are to achieve: <ul style="list-style-type: none"> <li>- A high level of budget implementation for both commitment and payment appropriations.</li> <li>- Receive positive evaluation results from both IAS and ECA.</li> </ul>
Performance indicators and targets (deadlines)	At least 95% execution of 2015 commitment appropriations by the end of Q4. Minimum 75% execution of 2015 payment appropriations by the end of Q4. Positive opinion of the IAS. Non-qualified opinion from ECA.
Staff	2 FTE + 3 FTE in the Agency's horizontal Financial Cell
Risks	Procurement procedures implemented on time. Proper and timely implementation of contracts by the project managers.

### 3.9.6 ICT Infrastructure

Task	ICT Development
Overview (status)	In 2015 the Agency will be entering its fifth year of operation; a renewal of the ICT strategy and parts of its IT infrastructure will be necessary to meet the Agency's evolving needs and to adjust to technological trends. At the same time, high standard IT services must continue to provide all the necessary IT tools and applications for the attainment of the Agency's objectives.
Objectives and Outputs	<ul style="list-style-type: none"> <li>- The Agency's current ICT strategy covers the years 2013-2015. A new ACER ICT Strategy 2016-2018 will be drafted and approved in 2015;</li> <li>- Further development and acquisition of applications and services to cover the Agency departments' needs and the</li> </ul>

	<p>maintenance or renewal of the existing ones. The IT Team shall collect and assess business requirements and proceed with all the necessary procedures that will contribute to the more efficient functioning of the Agency;</p> <p>- Where needed, of ICT equipment, software and hardware infrastructure of the Agency will be upgraded or renewed. In addition, at the end of 2014 a significant amount of the Agency's IT equipment will have reached its retention period and therefore new equipment will need to be ordered. The new equipment will be delivered in 2015 and the IT Team will have to ensure a smooth transition between the old and new equipment;</p> <p>- Continue providing high level IT support services that enable the Agency staff to perform their tasks effectively.</p>
Performance indicators and targets (deadlines)	<ul style="list-style-type: none"> <li>- Approval of the ICT Strategy by Q4 of 2015;</li> <li>- Successful and timely completion of the tasks necessary to meet the Departments' needs included in the 2015 IT Action Plan;</li> <li>- Smooth transition between old and new equipment within Q1;</li> <li>- 80% of staff satisfied or very satisfied with IT services on the basis of an annual satisfaction survey.</li> </ul>
Staff	4.0 FTE
Risks	<p>Human resource constraints and mobility of IT staff may impact the timely delivery and the quality of the objectives.</p> <p>Close collaboration with the Agency's Departments is needed in order to effectively define and implement their IT needs.</p>

### 3.9.7 Internal and Horizontal Tasks

Apart from the specific tasks and deliverables presented in this Work Programme, the Agency needs to maintain administrative support and a number of central services. Strategic direction, leadership and coordination across the different departments are also essential to ensure the effective and efficient operation of the Agency in delivering on its mission and meeting its objectives.

Therefore, beyond the staff devoted to specific activities and deliverables, the following positions have a more strategic and coordination role:

- Director, Assistant to the Director and Secretary of the Director: 3 FTE;
- Head of Administration, Assistant to the Head of Administration/Internal Control Assistant: 2 FTEs;
- Strategy, Coordination and Compliance adviser: 1 FTE.

In addition, staff members allocated to the following positions also have a more horizontal role not assigned to specific activities / deliverables within this Work Programme:

- Legal advisers: 3 FTE;
- National Regulatory Agencies Cooperation Officers: 3 FTE;
- Knowledge Manager: 1 FTE;
- Relations with Stakeholders (requests): 1 FTE.

The Agency has requested 5 additional horizontal posts to be filled in 2015. For the purposes of this Work Programme these staff members are counted as ½ FTE each, on the assumptions that the posts will indeed be allocated to the Agency during the budgetary procedure and that they will be recruited progressively during the course of the year.

- Human Resources (1/2 FTE);
- Communication (1/2 FTE);
- Procurement (1/2 FTE);
- IT (1/2 FTE);
- Legal adviser (1/2 FTE).

## **ANNEX I: 2015 RESOURCE ALLOCATION PER ACTIVITY**

The human resources allocated to the activities foreseen in the AWP 2015 are the following:

- 77 Full Time Equivalents (FTE) available in 2014 according to the establishment plan;
- 41 FTE considered necessary by the Agency to fulfil its tasks related to REMIT (30 FTE), the TEN regulation (6 FTE) and horizontal tasks (5 FTE), in line with the Agency's MSPP for 2015. The additional 41 staff members are calculated as ½ FTE, on the assumption that they will be recruited progressively throughout the year, for a total of 20.5 FTE. The total FTEs allocated to the activities and deliverables of the 2015 AWP thus amounts to **97.5 FTEs**.

These FTE are included without prejudice to the budgetary procedure. If necessary, the Agency will revise and align its 2015 Work Programme to the resources available, following the conclusion of the budgetary procedure.

### **2015 Full Time Equivalents - Breakdown per Activity:**

Electricity Framework Guidelines & Network Codes: 3.6 FTE

Gas Framework Guidelines & Network Codes: 4.0 FTE

#### Cross-sector (Electricity and Gas)

- Monitoring of the internal markets in electricity and natural gas: **8.5 FTE**
- Regional Initiatives: **3.1 FTE**

TSO Cooperation: 5.4

TEN-E Regulation: 5.3 FTE

Activities subject to specific conditions: 3.1 FTE

Opinions and Recommendations on the Agency's own initiative: 2.0 FTE

### Wholesale Market Monitoring

- Centralised European Registry for Energy Market Participants (CEREMP), Agency's REMIT information system (ARIS): **8.5 FTE**
- Market monitoring of trading activity in wholesale energy markets: **14 FTE**
- Coordination of NRAs, etc. aiming to promote best practices for REMIT: **3 FTE**
- Cooperation with NRAs, etc. for coordinated approach to market abuse: **3 FTE**
- Annual REMIT Report: **1.5 FTE**

### Horizontal Activities (Organisation, Administration and Functioning of the Agency)

- Director and horizontal matters in the DO (including assistants, relations with stakeholders and knowledge management): **6 FTE**;
- Legal cell in the Director's Office: **3 FTE + 0.5 FTE**;
- National Regulatory Agencies Cooperation: **3 FTE**;
- Communication: **2 FTE + 0.5 FTE**
- Head of Administration, Assistant to the Head of Administration/Internal Control Assistant: **2 FTEs**;
- Procurement and facility management **2 FTE + 0.5 FTE**
- Human Resources: **3 FTE + 0.5 FTE**;

Budget implementation and audit, including Financial Cell: **5 FTE**

- ICT development: **4 FTE + 0.5 FTE**.

**Total allocated to the activities in the 2015 AWP = 97.5 FTE**

## ANNEX II: FINANCIAL RESOURCES

### Table 1 – Expenditure

Expenditure	N		N+1	
	Commitment appropriations	Payment appropriations	Commitment appropriations	Payment appropriations
<b>Title 1</b>	6,572,375	6,572,375	11,096,236	11,096,236
<b>Title 2</b>	2,424,825	2,424,825	2,732,251	2,732,251
<b>Title 3</b>	1,882,800	1,882,800	2,730,100	2,730,100
<b>Total expenditure</b>	<b>10,880,000</b>	<b>10,880,000</b>	<b>16,558,587</b>	<b>16,558,587</b>

EXPENDITURE	Commitment appropriations				
	Executed Budget 2013	Budget 2014	Draft Budget 2015		VAR 2015 / 2014
			Agency request	Budget Forecast	
<b>Title 1</b>					
<b>Staff Expenditure</b>	<b>4 864 334</b>	<b>6 572 375</b>	<b>11 096 236</b>	<b>10 081 684</b>	<b>68,83%</b>
<b>11 Salaries &amp; allowances</b>	4 413 891	5 822 956	10 362 501	9 347 949	77,96%
<i>- of which establishment plan posts</i>	<i>3 641 344</i>	<i>4 760 444</i>	<i>9 294 008</i>	<i>8 279 456</i>	95,23%
<i>- of which external personnel</i>	<i>772 547</i>	<i>1 062 512</i>	<i>1 068 493</i>	<i>1 068 493</i>	0,56%
<b>12 Expenditure relating to Staff recruitment</b>	72 500	142 853	90 000	90 000	-37,00%
<b>13 Mission expenses</b>	92 515	153 644	164 535	164 535	7,09%
<b>14 Socio-medical infrastructure</b>	28 967	50 361	42 000	42 000	-16,60%
<b>15 Training</b>	100 142	211 792	215 000	215 000	1,51%
<b>16 External Services</b>	136 340	178 769	195 000	195 000	9,08%
<b>17 Receptions and events</b>	19 979	12 000	27 200	27 200	126,67%
<b>Title 2</b>					
<b>Infrastructure and operating expenditure</b>	<b>3 367 162</b>	<b>2.424.825</b>	<b>2 732 251</b>	<b>2 732 251</b>	<b>12,68%</b>
<b>20 Rental of buildings and associated costs</b>	657 243	963 400	902 600	902 600	4,54%

EXPENDITURE	Commitment appropriations				
	Executed Budget 2013	Budget 2014	Draft Budget 2015		VAR 2015 / 2014
			Agency request	Budget Forecast	
21 Information and communication technology	2 079 707	427 500	425 500	425 500	-0,47%
22 Movable property and associated costs	48 117	120 000	183 800	183 800	53,17%
23 Current administrative expenditure	118 408	130 240	158 000	158 000	21,31%
24 Postage / Telecommunications	41 400	95 000	77 500	77 500	-18,42%
25 Meeting expenses	200 413	273 685	258 551	258 551	-5,53%
26 Running costs in connection with operational activities		20 000	20 000	20 000	0,00%
27 Information and publishing					
28 Studies	221 875	495 000	706 300	706 300	42,69%
<b>Title 3 Operational expenditure</b>	<b>3 405 341</b>	<b>1.882.800</b>	<b>2 730 100</b>	<b>2 730 100</b>	<b>45,00%</b>
to be specified by chapter	3 405 341	1 882 800	2 730 100	2 730 100	45,00%
<b>TOTAL EXPENDITURE</b>	<b>11 636 837</b>	<b>10.880.000</b>	<b>16 558 587</b>	<b>15 544 035</b>	<b>52,19%</b>

**Table 2 – Revenue**

Revenues	2014	2015
	Revenues estimated by the agency	Budget Forecast
EU contribution	10 880 000	16 558 587
Additional EU funding: ad hoc grants and delegation agreements	0	0
Other revenue	0	0
<b>Total revenues</b>	<b>10 880 000</b>	<b>16 558 587</b>



REVENUES	2013	2014	2015		VAR 2015 / 2014
	Executed Budget	Revenues estimated by the agency	As requested by the agency	Budget Forecast	
<b>1 REVENUE FROM FEES AND CHARGES</b>					
<b>2 EU CONTRIBUTION</b>	10 065 412	10 188 000	16 142 663	15 128 111	58,44%
- Of which assigned revenues deriving from previous years' surpluses	1 571 425	692.000	415 924	415 924	-39,90%
<b>TOTAL REVENUES</b>	<b>11 636 837</b>	<b>10 880 000</b>	<b>16 558 587</b>	<b>15 544 035</b>	<b>52,19%</b>

## Table 3 - Budget outturn and cancellation of appropriations

### Calculation budget outturn

Budget outturn	2011	2012	2013
Revenue actually received (+)	4,490,199	7,241,850	1,934,419
Payments made (-)	-2,379,418	-4,837,747	-6,561,834
Carry-over of appropriations (-)	-830,838	-1,951,409	-5,075,003
Cancellation of appropriations carried over (+)	292,289	240,691	118,814
Adjustment for carry over of assigned revenue appropriations from previous year (+)	0	0	0
Exchange rate differences (+/-)	-807	-782	-472
Adjustment for negative balance from previous year (-)	0	0	0
<b>Total</b>	<b>1,571,425</b>	<b>692,606</b>	<b>415,924</b>

## ANNEX III: HUMAN RESOURCES

**Table 1 - Staff population and its evolution; Overview of all categories**

Staff population		Actually filled as of 31.12 N-2	Authorised under EU budget N-1	Actually filled as of 31.12.N-1	Authorised under EU budget for year N	Actually filled as of 31.12.N	Envisaged in draft budget for year N+1	Envisaged in N+2	Envisaged in N+3
Officials	AD	0	0	0	0		0	0	0
	AST	0	0	0	0		0	0	0
	AST/SC	0	0	0	0		0	0	0
TA	AD	30	34	33	39		72	72	72
	AST	12	15	14	15		23	23	23
	AST/SC	0	0	0	0		0	0	0
Total		42	49	47	54		95	95	95
CA GFIV		1	1	1	5		9	9	9
CA GF III		0	0	0	0		0	0	0
CA GF II		3	6	6	6		6	6	6
CA GFI		0	0	0	0		0	0	0
Total CA		4	7	7	11		15	15	15
SNE		8	16	15	12		8	8	8
TOTAL		54	72	69	77		118	118	118

**Table 2 - Multi-annual staff policy plan Year N+1-Year N+3**

Category and grade	Establishment plan in EU Budget N-1		Filled as of 31/12/N-1		Modifications in year N-1 in application of flexibility rule		Establishment plan in voted EU Budget n		Modifications in year N in application of flexibility rule		Establishment plan in Draft EU Budget N+1		Establishment plan N+2		Establishment plan N+3	
	officials	TA	officials	TA	officials	TA	officials	TA	officials	TA	officials	TA	officials	TA	officials	TA
AD 16																
AD 15																
AD 14		1		1				1				1		1		1
AD 13																
AD 12																
AD 11		4		4				4				5		5		5
AD 10																
AD 9		2		2				2				2		2		2
AD 8		6		7		7		7				10		10		10
AD 7		6		5		5		5				15		15		15
AD 6		3		2				6				6		6		6
AD 5		12		9				14				33		33		33
<b>Total AD</b>		34		30				39				72		72		72
AST 11																
AST 10																

AST 9																
AST 8																
AST 7																
AST 6																
AST 5		1		1		1						1		1		1
AST 4						1						3		3		3
AST 3		14		13		13						19		19		19
AST 2																
AST 1																
<b>Total AST</b>		15		14		15						23		23		23
AST/SC1		49		44		54						95		95		95
AST/SC2																
AST/SC3																
AST/SC4																
AST/SC5																
AST/SC6																
<b>Total AST/SC</b>																
<b>TOTAL</b>																

## ANNEX IV: RECRUITMENT, APPRAISAL AND STAFF MATTERS

### A. Recruitment policy

#### 1. Recruitment of temporary and contract agents

The recruitment policies for temporary and contract agents were established with the respective implementing rules adopted by the Agency in 2011 (Administrative Board Decision AB n° 10/2011 on the adoption of general implementing provisions on the procedure governing the engagement and the use of temporary agents at the Agency and Administrative Board Decision AB n° 11/2011 on the adoption of general implementing provisions on the procedures governing the engagement and the use of contract staff at the Agency). All the recruitments of staff are carried out in accordance with the above mentioned implementing provisions. ACER's Director Decision 2014/06 on Guidelines on recruitment procedures and work of the Selection Committees for the Selection of Temporary Staff and Contract Staff repealed and replaced the previous decision in order to ensure that the principles of independence, impartiality and equal treatment and sound administration are enshrined in all the selection procedures. This amendment will also allow for greater transparency and facilitate changes which follow new practices aimed at ensuring equal treatment of candidates.

#### 2. Selection procedures

The selection procedures involve the following steps:

- Publication of a vacancy notice on the Agency and EPSO websites, defining eligibility and selection criteria, indicating the type and duration of the contract and the recruitment grade.
- Setting up of a selection committee representing the recruiting Department, the Human Resources section, and the Staff Committee.
- Pre-selection of candidates on the basis of CVs, permitting the evaluation of eligibility and selection criteria.
- Invitation of selected candidates to interviews and written tests, covering the specific competences in the area of expertise, in particular in the domain of the Agency, general aptitudes and language abilities.
- Assessment of candidates through interviews and written tests. The assessment is carried out by the selection committee against predefined criteria.
- All steps and decisions taken by the selection committee are recorded in writing in the minutes of the selection procedure.
- The selection committee proposes a short list of successful candidates sent to the Authority Habilitated to Conclude Contracts (AHCC) who establishes the reserve lists and offers the employment contracts.
- The candidates to be recruited should pass a compulsory medical aptitude test. Their entry grade and step, as well as their personal rights, are determined by the PMO.

### *3. Grade and function group corresponding to the tasks and to the level of the post*

So far the long-term temporary agents who took up the posts were, as a rule, recruited at levels AD5, AD6, AD7, AD8, AD9, AD11, AST3 and AST5. The Director was recruited at AD14 level.

It should be noted that the Agency had to recruit a number of qualified senior experts from the energy sector, in particular those with experience in regulation. There are relatively few candidates with such profiles available on the labour market. In this specific sector, the Agency had to compete with the attractive conditions of employment offered both by the private energy industry and the public national regulatory authorities.

Rules on grading of temporary and contract agents were laid down in ACER implementing rules (Administrative Board Decision AB n° 12/2011 on the general implementing provisions concerning the criteria applicable to classification in grade and step on appointment or engagement for temporary agents and Administrative Board Decision AB n° 11/2011 for contract agents).

### *4. Duration of employment*

The Director's post is that of a short-term temporary agent. He/she is offered a fixed-time period not exceeding five years, with the possibility of one extension for another fixed-time period not exceeding three years, on the basis of a proposal from the Commission endorsed by the Administrative Board after consultation with the Board of Regulators.

This proposed duration of employment was approved by the Commission and adopted through the implementing rules under Article 110 procedure (Article 6(3) on duration of contracts of the Administrative Board Decision AB n° 10/2011 on the adoption of general implementing provisions on the procedure governing the engagement and the use of temporary agents at ACER). It is also dependent on an unchanged mandate for the Agency.

Long-term temporary agents are offered a first fixed-term contract of five years. Considering the long-term or permanent nature of the regulatory tasks entrusted to the Agency, the extension following the initial 5 years fixed-term contract will be for an indefinite duration (Article 6(1) on duration of contracts of the Administrative Board Decision AB n° 10/2011). All extensions of contract for temporary agents will be subject to a confirmation of the long-term need for the post, and to a thorough examination of the performance of the post holder.

Long-term contract agents are offered a first fixed-term contract of at least 3 months and not more than five years. The renewal of a contract in function groups II and IV shall be for another fixed period of at least three months and not more than five years. A second renewal without interruption will lead to an indefinite-duration contract, however it may only be granted if the first two contracts covered a total period of at least five years (Article 6(1) (2) on duration of contracts of contract agents from Administrative Board Decision AB n° 11/2011).

Contract agents for short-term functions will be recruited for time-limited support and administrative functions, for time-limited projects, and for compensating long absences of staff on long-term functions. They are offered an initial fixed-term contract whose duration is based on the duration of the tasks to be performed, but will certainly not exceed five years.

#### 5. Rules on the secondment of the national experts (SNE) to the Agency

Seconded national experts (SNEs) are national or international civil servants from a national, regional or local public administration or an International Governmental Organisation (IGO), working temporarily for the Agency under the rules applicable to such experts.

Their task is to assist the Agency's staff, carrying out the duties assigned to them under the Work Programme. National experts have the same obligations as other Agency staff - they must, in the course of their work, act solely in the interest of the Agency. Under no circumstances are they to enter into financial commitments on behalf of the Agency and may not negotiate on relevant matters or commit the Agency vis-à-vis third parties. National experts are to work in the field defined in their working agreements. There should be no conflict of interest between the work assigned to them and the work they perform for the seconding institution.

SNEs are not recruited by the Agency; they do not become staff members of the Agency but remain employed and paid by their initial employer, who secondes them to the Agency. As compensation for the additional costs of living temporarily abroad, SNEs are entitled to daily and monthly subsistence allowances.

The initial period of secondment of national experts may not be less than six months and more than two years, renewed up to a total period of four years.

Detailed rules on the secondment of SNEs are defined in the Administrative Board Decision n° 02/2011 laying down the rules on the secondment of national experts to the Agency.

## **B. Appraisal of performance and reclassification/promotions**

### **1.1. Appraisal of performance and promotion/reclassification.**

The ability, efficiency and conduct in the service of each staff member of the Agency are subject to a periodical report made at least once every two years in accordance with Article 43 of the Staff Regulations.

The Administrative Board adopted 2 decisions on **performance appraisal** (Decision AB n° 25/2011 establishing the policy and procedure for the performance appraisal of staff and Decision AB n°

26/2011 concerning the appraisal of the Director of the Agency for the Cooperation of Energy Regulators).

In compliance with the Staff Regulations and in line with the requirements of the decisions on performance appraisal, a Joint Appraisal and Reclassification Committee (JARC) has also been established and its members and alternates nominated with a Decision of the Director 2012-011 as of 24 March 2012.

In 2015 the fourth performance appraisal exercise will take place, assessing the period from 01 January 2014 to 31 December 2014.

The Agency's policy on the **promotion and reclassification of staff** is based on the relevant implementing rules of the European Commission. The Administrative Board adopted 2 decisions on the reclassification (Decision AB n° 11/2012 establishing the policy and procedure for the reclassification of temporary agents and Decision AB n° 12/2012 establishing the policy and procedure for the reclassification of contract agents).

Long-term temporary agents for assistant positions can be reclassified up to the grade of AST11 and administrative positions will, as a rule, be reclassified up to grade AD14 in line with the AB Decision establishing the policy and procedure for the reclassification of staff.

The list of temporary agents and contract agents proposed for reclassification is drawn up by the Management Committee. Reclassification is decided by the Authority Habilitated to Conclude Contracts (AHCC), based on the proposal from the Management Committee.

## C. Mobility policy

### **Mobility (internal mobility, between the agencies and between the agencies and the institutions)**

#### *Mobility within ACER*

The Agency has been recruiting staff continuously from its establishment, and has not yet reached its full staffing; therefore, mobility within ACER and the publication of vacant posts internally has not been implemented yet.

#### *Mobility among agencies (Inter-agency Job Market)*

ACER has acceded to the agreement on the Inter-agency Job Market (IAJM) as of 9 November 2012. Up until now, no posts/positions were filled with staff recruited through IAJM.

#### *Mobility between the agencies and the institutions*

Out of 54 staff members recruited in the period 2010 – 2014, 19 staff members came from other institutions (5 from EU agencies and 16 from EC).



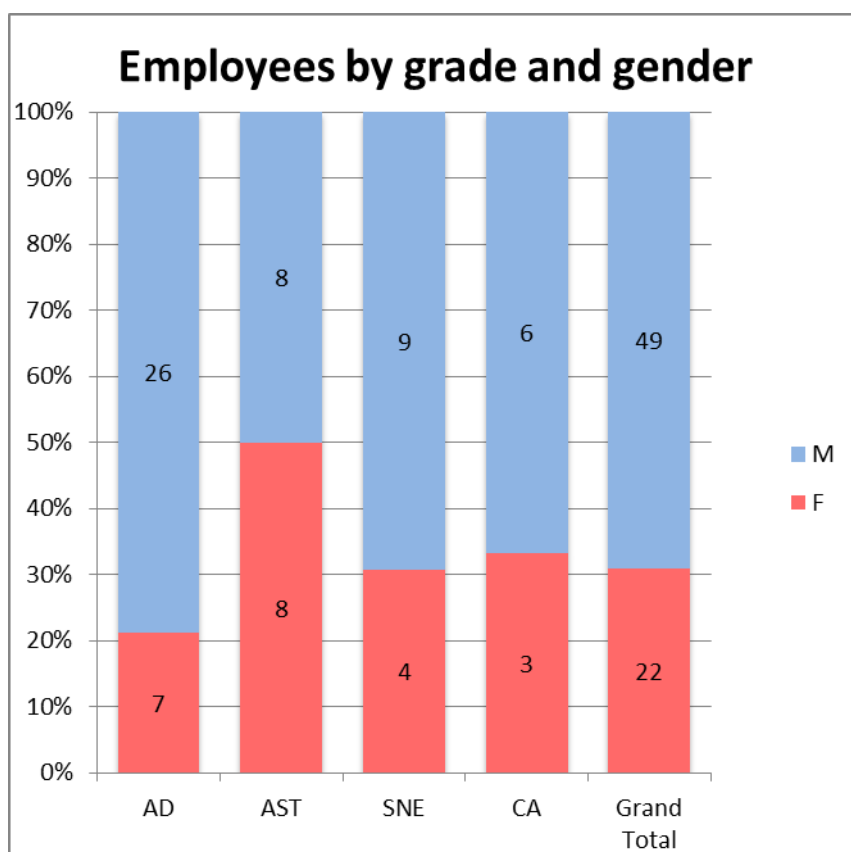
## D. Gender and geographical balance

### Gender balance

In accordance with Article 1d of the Staff Regulations and Articles 12(1) and 82(1) of the CEOS, ACER applies an equal opportunities policy for its staff, adopting measures and taking actions to promote equal opportunities for men and women. Its targets can be broken down into several types of measures:

- to remove barriers to any gender discrimination in recruitment, training and career development paths;
- to reconcile personal and working life (e.g. implementing provisions on teleworking have been adopted with the Decision AB n° 21/2012);
- to raise awareness on issues of gender equality;
- to protect the dignity of the person in the workplace.

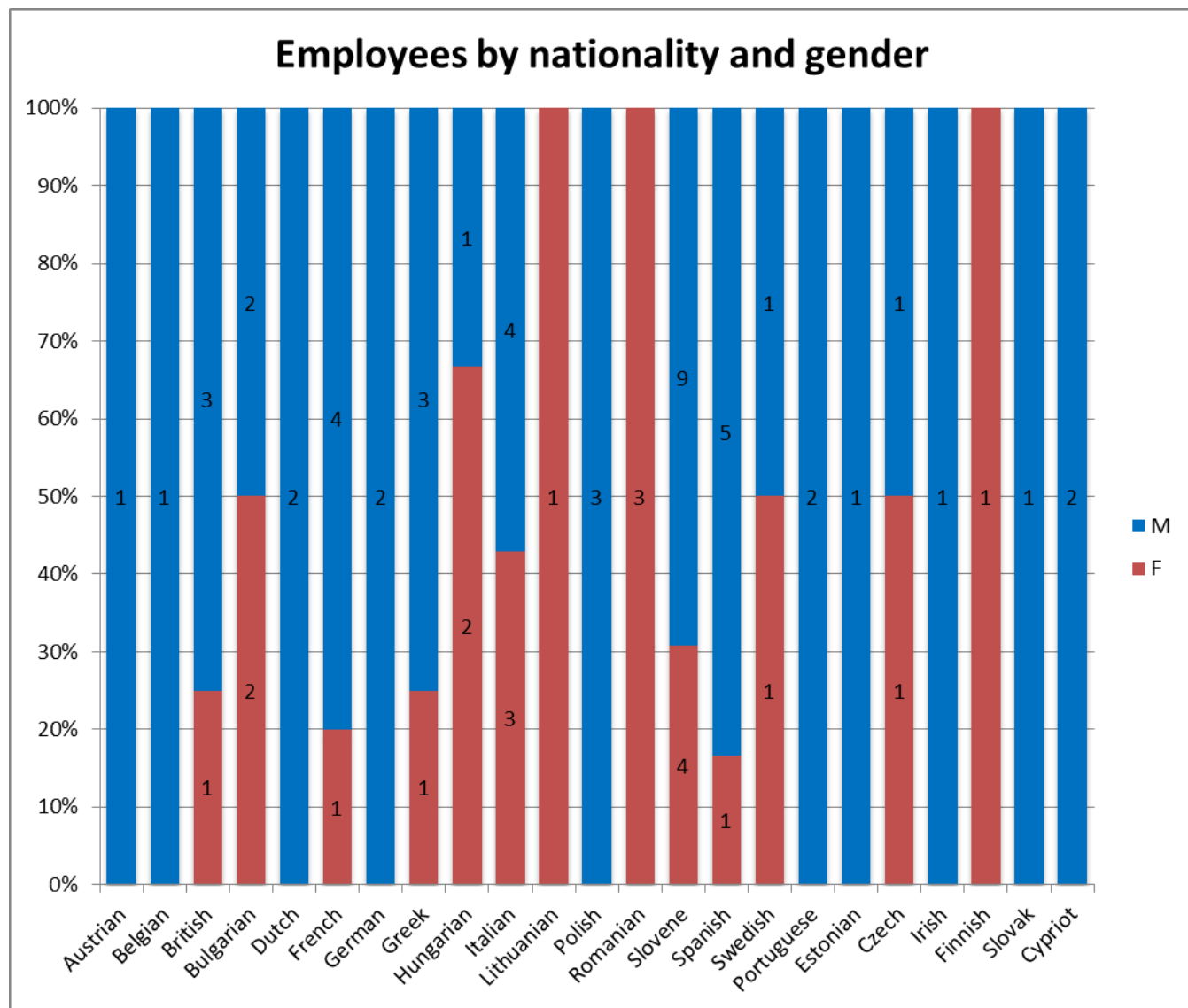
The graph below represents an overview of the Agency's staff by grade and gender and nationality as of June 2014.



## Geographical balance

In June 2014, ACER employed 57 staff members and had 14 SNEs of different geographical origin. Staff and SNEs came from 23 different EU countries.

The table and the graph below represent an overview of the Agency's staff by country of origin and gender in June 2014.



## E. Schooling

There are three private international schools in Ljubljana:

1. **QSI International School of Ljubljana**, an American school operating in Ljubljana since 1995, offers education from pre-school through secondary school (4-17 years of age).
2. **British School International** is a newly established school for students aged 3-18. It also offers Cambridge International Examinations and A-level qualification in the Secondary section.
3. **Ecole Française de Ljubljana** is part of AEFE (Agency for teaching French abroad) network for 2 to 11 years old children. Lessons are in English, French and Slovenian language.

There are international sections in the national school system, both at primary (OŠ Danila Kumar) and secondary level (Gimnazija Bežigrad).

**OŠ Danila Kumar** has been offering an international programme since 1993 for children of foreign nationals living in Slovenia. The Ministry of Education subsidises the school, covering more than half of the operational costs. International programmes exist also at the kindergarten level. School tuition fees for international schools cost between 5.505 EUR and 6.500 EUR. The fees for the kindergarten programme (food included) amount to 7.769 EUR per year.

**Gimnazija Bežigrad** started with its two international programmes in 1993. Both programmes are offered by the International Baccalaureate Organization. The Middle Years Program (MYP) is for students in grades 9 and 10 and the Diploma Program (DP) for grades 11 and 12. School tuition fee for the international programme is 4797.00 EUR.

ACER strives to find the best possible solutions for the schooling of children of the Agency's staff together with the Slovenian Government. As established in the Seat Agreement (Article 13) between the Slovenian Government and the Agency, the Government will undertake to establish a European School within the public school network in Slovenia, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools.

European Schools provide multilingual tuition in all EU languages and offer the European Baccalaureate recognised in all MSs. Staff members of the EU Institutions, including the agencies, should enjoy free access to European Schools (school fees and transport included).

Since there is no European school that could be attended free of charge in or within 50 kilometres from Ljubljana, and in fact anywhere in Slovenia, the Agency's staff members are obliged to send their children to international schools offering education in English or French. These schools are considerably more expensive than the cost staff members can cover with the double education allowance foreseen under Article 3, Annex VII of the Staff Regulations. In this respect a measure of

social nature is needed to address the unequal working conditions (in line with the Article 1(e) of the Staff Regulations) to which the Agency's staff is subject to compared to the staff working in other European Union institutions located where European Schools are available.

For this reason in 2011 the Administrative Board adopted Decision AB no 01/2011 of 11 February 2011 "on the support granted to ACER staff members in respect to kindergarten and school fees", where it is recognised that "the Agency needs to employ and retain staff of the highest standards of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of EU Member States", that "the availability of proper schooling opportunities is extremely important in attracting staff to the Agency" and, therefore, that "in the absence of a European School in Ljubljana, it is appropriate that the Agency provides support to staff against the cost of international schooling in Ljubljana or elsewhere, in order for staff to be able to choose the best possible solution for kindergarten and schooling of their children".

Currently the Agency is preparing to make the payments directly to the schools. The service contracts with the schools and kindergartens have been prepared and a new Director Decision will be adopted to specify the implementation of this new mechanism. The Agency has adopted a threshold for covering the registration and tuition fees which will be set at 55% of the average reference price (European School fees in Brussels), adjusted for the current coefficient for Slovenia.

In both cases (European section or international school programmes), the Agency includes the budgetary credits necessary to cover its financial contribution in the provisional draft budget sent to the budgetary authority in the framework of the annual budgetary procedure. The Agency also transmits full information on the measures planned to the budgetary authority.

There are also four universities in Slovenia, amongst others the University of Ljubljana with 23 faculties and 3 art academies.

## ANNEX V: BUILDINGS

Current building(s)

	Name, location and type of building	Other Comment
<i>Information to be provided per building:</i>	Trg republike 3, Ljubljana, office building, rented	The Agency's current rental contract entered into force on 01.02.2014. The premises are suitable for up to 112 working places. At the moment the Agency has 95 staff members (this includes temporary agents, contract agents, seconded national experts, interim staff and trainees) and 12 working places available for consultants working on site.
Surface area (in square metres)	2,871.22 m2 and 35 parking spaces	
- Of which office space	2,670.50 m2	
- Of which non-office space	200.72 m2	
Annual rent (in EUR)	653,350.73	Of which pure rent 578,493.41 and parking 74,857.32
Type and duration of rental contract	Rental for 5 years with a possibility for an extension for an additional period of up to five (5) years.	
Host country grant or support	<i>Not applicable.</i>	
Present value of the building	<i>Not applicable.</i>	

### Building projects in planning phase

The Agency plans to expand a part of one floor. The occupancy of the floor is at the moment shared

with two other tenants who will move out in August 2015. The expansion shall increase the rental area for 118.28 m<sup>2</sup> and provide additional seven (7) working places. The expansion will enable the Agency to have the floor for its sole use which will enable it to set up a proper reception area, in line with the security policy of the Agency currently under development. The increase in rent due to the increase in the surface as well as the fitting out costs of the area will have minor financial implications.

### **Building projects submitted to the European Parliament and the Council**

There are no new building projects foreseen.

## **ANNEX VI: PRIVILEGES AND IMMUNITIES**

The Protocol on the Privileges and Immunities of the European Union governs the status of the European Institutions and their staff in relation to the MSs. Thus, the protocol applies in full to the Agency and its staff.

The relations between the Agency and its host country, as well as particular rules and privileges applicable to Agency staff in Slovenia, are governed by the Seat Agreement between the Slovenian Government and the Agency for the Cooperation of Energy Regulators, signed in Ljubljana on 26 November 2010.

## **ANNEX VII: 2015 INDICATIVE PROCUREMENT PLAN FOR OPERATIONAL TASKS**

<b>Tasks</b>	<b>Estimated value in Eur<sup>8</sup></b>	<b>Tentative number of contracts<sup>9</sup></b>	<b>Tentative timeframe<sup>10</sup></b>
Web application development, software maintenance and remote support to stakeholder services	750,000	2	Q2-Q4

<sup>8</sup> Estimated commitments 2015.

<sup>9</sup> Framework contracts, specific contracts, direct contracts, amendments or agreements, as appropriate. Order forms throughout the year are counted as one contract.

<sup>10</sup> Tentative timeframe for launching new procurement procedure or for signing specific contracts/order forms under the existing framework contracts.

IT infrastructure hosting services for the Agency	280,000	2	Q2-Q4
IT consultancy services for the implementation of the Agency's REMIT Information System (ARIS)	300,000	2	Q2-Q4
Market monitoring system for the Agency's REMIT information system (ARIS)	500,000	2	Q2-Q4
Oracle software licences and associated services	200,000	1	Q2-Q4
Provision of legal assistance in the field of energy regulation for the Agency	60,000	1	Q1-Q4
Provision of economic assistance in the field of energy regulation for the Agency	450,000	1	Q1-Q4
Provision of technical assistance in the field of energy regulation for the Agency	196,300	1	Q1-Q4
Provision of catering services for the Agency's events	40,000	1	Q1-Q4
Provision of conference room facilities and catering services in Brussels for the Agency's events	20,000	1	Q1-Q4
Provision of printing services for the Agency	20,000	1	Q1-Q4
Provision of legal and administrative support services to the Agency's Board of Appeal	10,000	1	Q2
Agency's website set-up and maintenance services	59,500	2	Q3-Q4
Provision of design services for the Agency	15,000	1	Q1-Q4
General legal support services for the Agency (Slovenian law and litigation before the Slovenian courts, EU social law and litigation before the Civil Service Tribunal and litigation before the EU Courts)	20,000	1	Q1-Q4
<b>TOTAL PLANNED PROCUREMENT 2015</b>	<b>2,920,800</b>	<b>20</b>	

## ANNEX VIII: KEY PERFORMANCE INDICATORS

### External Communication

Task	Agency Website
Objectives and deadlines (indicative)	<p>To continue improving the website as a vital tool to perform the Agency's tasks in cooperation with stakeholders and to strengthen overall external communication. More specifically, the Agency aims to enhance the capability of the website in the following areas:</p> <ul style="list-style-type: none"> <li>- Online surveys;</li> <li>- Dedicated workspace for meetings/workshops;</li> <li>- More dynamic features for news and announcements;</li> <li>- Improve user-friendliness.</li> </ul>
KPIs	<ol style="list-style-type: none"> <li>1. Website hits: 5% increase with respect to the preceding year.</li> <li>2. Online survey: at least 2/3% of respondents satisfied or highly satisfied.</li> </ol>

Task	Relations with media / information for stakeholders
Objectives and deadlines (indicative)	<p>To send Infoflashes (e-alerts to registered contacts) with the aim of keeping a large number of interested people and multipliers regularly informed on the Agency's activities and initiatives.</p> <p>To answer urgent requests from journalists on a timely basis (within 3 working days, unless otherwise specified).</p>
KPIs	<ol style="list-style-type: none"> <li>3. Number of news items within Infoflashes: &gt;40.</li> <li>4. Number of references to the Agency in selected media included in the Agency's media monitoring (proxy for impact): 200</li> </ol>



### **Staff satisfaction**

Task	Review of staff engagement /satisfaction
Objectives and deadlines (indicative)	<p>To assess on a regular basis staff's engagement and satisfaction with internal communication and more in general satisfaction with working at the Agency in order to address potential shortcomings.</p> <p>Review to be performed every 2 years.</p>
KPIs	<p>5. 2/3 of participating staff satisfied or highly satisfied.</p> <p>6. 70% of staff satisfied or highly satisfied with the level of information shared by line managers.</p>

### **Administration and human resources**

Task	Human Resources
Objectives and deadlines (indicative)	<p>To recruit additional resources in line with the Establishment Plan and replace departing staff members in an efficient and timely manner.</p> <p>To successfully complete the Annual performance appraisal exercise.</p> <p>To ensure that staff members regularly attend training to improve their skills.</p>
KPIs	<p>7. Average length of recruitment procedures: 3 months (including the 1-month period of publication of the Vacancy Notice).</p> <p>8. 100% of the Agency's staff subject to performance appraisal on an annual basis.</p> <p>9. 75% of staff satisfied or very satisfied with the Agency's training policy.</p>

### **Budget implementation and audit**

Task	Budget Implementation and Audit
Objectives	<p>To achieve a high level of budget implementation for both commitment and payment appropriations.</p> <p>To implement recommendations of the Internal Audit Service in a timely manner and to receive a positive opinion the European Court of Auditors and implement its recommendations.</p>
KPI	<p><b>10.</b> At least 95% execution of commitment appropriations.</p> <p><b>11.</b> Minimum 75% execution of payment appropriations.</p> <p><b>12.</b> Non-qualified opinion received from ECA and 75% of its recommendations implemented according to Agency's Action Plan.</p> <p><b>13.</b> 85% of IAS recommendations implemented in line with the Agency's Action Plan.</p>

### **ICT Infrastructure**

Task	ICT Development
Objectives	<p>To ensure the further development and acquisition of applications and services to cover the Agency's departments' needs and to maintain or renew those already in place.</p> <p>Where needed, upgrade or renew the ICT equipment, software and hardware infrastructure of the Agency.</p>
KPI	<p><b>14.</b> 80% of staff satisfied or very satisfied with IT services on the basis of an annual satisfaction survey.</p>

### **Regulatory practice and cooperation with NRAs**

Task	Regulatory Cooperation
Objectives	<p>Maintain high efficiency in the working method of the BoR and AWGs, and to facilitate their overall operation with a view to</p>

	<p>promoting regulatory cooperation. Increase awareness of the BoR operations by the public through debriefings. Improve the format of meetings and agendas, facilitate the exchange of information through dedicated folders, and provide Secretariat debriefings on the items in the agenda included for information.</p> <p>Develop, where appropriate, beyond the existing working arrangements, the tools for the cooperation of NRAs (including at regional level) and their strong links with the Agency in new areas such as monitoring of the effective implementation of the Network Codes.</p> <p>Contribute to developing the regional cooperation in line with the agreed objectives set out in the cross-regional plans in electricity and in gas, to foster the (early) implementation of the provisions in the Network Codes, with a new focus on new pilot projects.</p> <p>Allow the sharing of best practices between NRAs and the Agency on issues of common interest.</p> <p>Foster exchange of experience with the regulatory associations outside the EU, where necessary, and on areas of mutual interest (e.g. Energy Community; FERC on market monitoring activities, EU-US regulatory dialogue).</p> <p>Consolidate regulatory cooperation and working arrangements in the context of the Energy Infrastructure work and a consistent framework across the regions and corridors in undertaking the Agency's new tasks under the proposed TEN-E Regulation.</p> <p>Produce a yearly, high-quality Market Monitoring report.</p> <p>Reinforce cooperation between NRAs under REMIT, both at EU and regional level, through MOUs, and potential synergies in services to avoid duplication.</p>
KPI	<p><b>15.</b> 70% positive feedback from an annual survey measuring stakeholders' satisfaction with the Agency's regulatory activities.</p>

### **Electricity Framework Guidelines, Network Codes, Opinions and Recommendations**

<b>Task</b>	<b>Agency Acts in the Electricity field foreseen in the Work Programme and in the regulations relevant for the Agency</b>
Objectives and deadlines (indicative)	Timely delivery of Framework Guidelines, Network Codes (amendments) and related opinions and recommendations and support the comitology procedure.

KPI	<b>16.</b> 90% of above acts delivered according to the timelines indicated in the Work Programme (i.e. in line with the Three-Year Plan or legal deadlines set by the Regulations), as possibly updated by the Planning Group process. The Work Programme may be subject to revisions in case the resources assigned to the Agency by the Budgetary Authority are different from those on which the Work programme is based.
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### **Gas Framework Guidelines, Network Codes, Opinions and Recommendations**

Task	Agency Acts in the Gas field foreseen in the Work Programme and in the regulations relevant for the Agency
Objectives and deadlines (indicative)	Timely delivery of <ul style="list-style-type: none"> <li>• Scoping reports</li> <li>• Framework Guidelines</li> <li>• Opinions and Recommendations on Network Codes (amendments)</li> <li>• Support to comitology procedure</li> <li>• Implementation monitoring reports</li> </ul>
KPI	<b>17.</b> 90% of acts delivered according to the timelines indicated in the Work Programme (i.e. in line with the Three-Year Plan or legal deadlines set by the Regulations), as possibly updated by the Planning Group process. The Work Programme may be subject to revisions in case the resources assigned to the Agency by the Budgetary Authority are different from those on which the Work programme is based.

### **Cross-Sector Issues (Electricity and Gas)**

Tasks	<p><b>Key reports produced by the Agency in the Gas and Electricity fields:</b></p> <p><b>Annual Market Monitoring Report</b></p> <p><b>Regional Initiatives Annual Status Review Report</b></p> <p><b>On-line quarterly reports on the activities of the Electricity and Gas Regional Initiatives</b></p> <p><b>Annual Consolidated Report on progress of projects of common</b></p>
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	<p><b>interest</b></p> <p><b>Other key deliverables to be completed in the course of the year</b></p>
Objectives and deadlines (indicative)	<p>Overall objective: timely preparation of high quality reports. More specifically:</p> <p>A) The <u>Annual Market Monitoring Report</u> is to provide in-depth analysis of barriers to IEM integration and give recommendations to the European Parliament and Commission on how to remove them. Expected completion date: November.</p> <p>B) The on-line <u>Regional Initiatives Annual Status Review Report</u> promotes transparency towards stakeholders, informing them on progress achieved in RIs, obstacles faced during the year and indicates the way forward. Expected completion date: January.</p> <p>C) The on-line <u>ERI and GRI progress reports</u> are complementary to the Regional Initiatives Annual Status Review Report, allowing for a more regular tracking of updated regional developments on a quarterly basis. Expected timeframes: Spring and Autumn.</p> <p>D) <u>Annual Consolidated Report on progress of projects of common interest</u> Report published within three months of the receipt of the annual reports by the project promoters.</p> <p>E) <u>Other key deliverables</u> to be completed in the year in question (to be determined beforehand on an annual basis). Expected timeframes to be determined on an annual basis.</p>
KPIs	<p><b>18.</b> 80% of the above-mentioned reports timely published.</p> <p><b>19.</b> Positive feedback to selected reports based on online surveys (70% satisfied or very satisfied).</p>

## Opinion on ENTSO-E and ENTSG Relevant Documents

<p><b>Tasks</b></p>	<p>ENSTO-E related opinions, reviews, recommendations and reports:</p> <p>Annual monitoring report on the implementation and management of the inter-TSO compensation fund</p> <p>Opinions on ENTSO-E's annual work programme and ENTSO-E's annual report</p> <p>Opinions on ENTSO-E's annual Summer and Winter supply outlooks</p> <p>Opinion on the electricity Community-wide Ten-Year Network Development Plan (TYNDP)</p> <p>Reviews and recommendations on national TYNDP regarding their (in)consistency with the Community-wide TYNDP</p> <p>Opinion on ENTSO-E's common network operation tools including a common incidents classification scale</p> <p>Opinion on ENTSO-E's research and development plan</p> <p>Opinion on ENTSO-E's recommendations relating to the coordination of technical cooperation between Community and third-country transmission system operators</p> <p>Report on monitoring the implementation of the electricity Community-wide TYNDP and the progress as regards the implementation of projects to create new interconnector capacity</p> <p>Opinion on ENTSO-E's draft Scenario Outlook &amp; Adequacy Forecast</p> <p>Opinion on the draft regional lists of proposed electricity projects of common interest</p>
<p>Objectives and deadlines (indicative)</p>	<p>To meet the legal reporting requirements foreseen in various Regulations.</p> <p>Activities to be carried out upon submission of the relevant documents by ENTSO-E.</p> <p>E.g. Monitoring report on ITC implementation: September.</p> <p>Opinion on ENTSO-E's Work Programme: within two months after receipt of the document from ENTSO-E.</p> <p>Opinion on the electricity TYNDP: within two months after receipt of the document from ENTSO-E.</p>

	<p>Opinion on ENTSO-E's other documents: after receipt of the document from ENTSO-E.</p> <p>Opinion on the draft regional lists of proposed electricity projects of common interest: within three months of the date of receipt.</p>
KPI	<b>20.</b> 90% the opinions, reviews, recommendations and reports timely delivered.

<b>Tasks</b>	<p><b>ENTSO-G related opinions, reviews, recommendations and reports:</b></p> <p><b>Opinions on ENTSG's annual work programme and ENTSG's annual report</b></p> <p><b>Opinions on ENTSG's annual Summer and Winter supply outlooks</b></p> <p><b>Opinion on the gas Community-wide Ten-Year Network Development Plan (TYNDP)</b></p> <p><b>Reviews and recommendations on national TYNDP regarding their (in)consistency with the Community-wide TYNDP</b></p> <p><b>Opinions on ENTSG's common network operation tools including a common incidents classification scale</b></p> <p><b>Opinions on ENTSG's research and development plans</b></p> <p><b>Opinions on ENTSG's recommendations relating to the coordination of technical cooperation between Community and third-country transmission system operators</b></p> <p><b>Report on monitoring the implementation of the Community-wide TYNDP and the progress as regards the implementation of projects to create new interconnector capacity</b></p> <p><b>Opinion on the draft regional lists of proposed gas projects of common interest</b></p>
Objectives and deadlines (indicative)	<p>To meet the legal reporting requirements foreseen in various regulations.</p> <p>Activities to be carried out upon submission of the relevant documents by ENTSG.</p> <p>Opinion on ENTSO-G's Work Programme: within two months after receipt of the document from ENTSO-G.</p> <p>Opinion on the gas TYNDP: within two months after receipt of the document from ENTSG.</p> <p>Opinion on ENTSG's other documents: after receipt of the</p>

	document from ENTSOG.  Opinion on the draft regional lists of proposed gas projects of common interest: within three months of the date of receipt.
KPI	<b>21.</b> 90% the opinions, reviews, recommendations and reports timely delivered.

### **Wholesale Market Monitoring – REMIT**

<b>Task</b>	<b>Establishment, further development and operation of a Centralised European Registry for Energy Market Participants (CEREMP) and of the Agency's REMIT information system (ARIS) for collection of trade, fundamental and other data and for the data sharing with NRAs, in connection with the REMIT implementing acts</b>
Objectives and deadlines (indicative)	To operate CEREMP and its interfaces with the registration system of NRAs.  To collect and make data available for internal assessment and for sharing with NRAs for REMIT purposes.  Data collection and sharing shall start 6 months after the implementing acts are adopted.
KPI	<b>22.</b> 99% system availability.  <b>23.</b> 0 breaches of the security system with a data leakage involved.

<b>Task</b>	<b>Market monitoring of trading activity in wholesale energy markets to detect and prevent trading based on inside information and market manipulation, in cooperation with NRAs, on the basis of data collected in connection with the REMIT implementing acts, and establishment, further development and operation of the Agency's market surveillance solution to perform its market monitoring activity</b>
Objectives and deadlines (indicative)	Market Monitoring of the data collected according to Article 8 of REMIT. Increased integrity and transparency of wholesale energy markets. Detection of abusive practices.



KPI	<b>23.</b> 75% of alerts assessed in a preliminary initial assessment (PIA) and 75% of PIAs reviewed. The actual approach to market monitoring will depend on the level of resources available to the Agency.
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Task	Coordination of NRAs and other relevant authorities, including at the regional level, without prejudice to their responsibilities
Objectives and deadlines (indicative)	To ensure that NRAs and other relevant authorities carry out their tasks under REMIT in a coordinated and consistent way, including the update of the Agency's Guidance on the application of REMIT definitions and coordination of NRAs' investigation activities on cross-border market abuse instances.  Coordination of investigation of alleged cross-border market abuse instances as required.
KPIs	<b>24.</b> 80% of cross-border investigatory groups established within 30 working days of the reviewed initial assessment referrals to relevant NRAs and other relevant authorities. The actual approach to market monitoring will depend on the level of resources available to the Agency.

Task	Cooperation with ESMA, competent national financial market authorities and other authorities and with supervisory authorities, international organisations and the administrations of third countries to promote a coordinated approach is taken to the enforcement of market abuse rules where actions relate to one or more wholesale energy products which are financial instruments to which Article 9 of Directive 2003/6/EC applies and also to one or more wholesale energy products to which Articles 3, 4 and 5 of REMIT applies
Objectives and deadlines (indicative)	Cooperation on the basis of Memoranda of Understanding (MoUs); Coordination of investigation of alleged cross-border market abuse instances as required.
KPIs	<b>25.</b> Conclusion of MoUs with relevant authorities and implementation of the MoUs in practice through regular meetings with the relevant authorities.

Task	Reporting on REMIT: Annual Report on the Agency activities under REMIT
Objectives and deadlines (indicative)	<p>The Agency shall submit at least on an annual basis a Report to the Commission in which the Agency shall assess the operation and transparency of different categories of market places and ways of trading and may make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market. It may also evaluate whether any minimum requirements for organised markets could contribute to enhanced market transparency.</p> <p>Recommendations for potential reviews of REMIT, in particular according to Article 6 of REMIT, in view of potential needs to align REMIT definitions with new relevant Union legislation in the fields of financial services and energy, or in view of new developments on wholesale energy markets or of REMIT implementing acts</p> <p>Expected submission of the Annual Report of REMIT: Q2/Q3.</p>
KPI	<b>26.</b> Submission of the Annual Report on REMIT implementation by end Q3.

## ANNEX IX: ACER RISK REGISTER 2015<sup>11</sup>

Risk Description <sup>12</sup>	Risk type <sup>13</sup>	Activity/Objective affected	Risk Response <sup>14</sup>	Action Plan Summary		
				Brief description of action to be taken	Responsible	Implementation Target Date
<b><u>REGULATORY ACTIVITIES</u></b>						
<b>1. Implementation of REMIT</b> In 2015 the Agency plans to continue its activities for the full implementation of REMIT. At the time in which the 2015 WP was planned there was a considerable divergence between the minimum	External	Implementation of REMIT:  1. Centralised European register of energy market participants	Avoid/ Reduce	<ul style="list-style-type: none"><li>- Raise awareness among National Regulatory Authorities, EU institutions, stakeholders, on the benefits of the proper implementation of REMIT</li><li>- Revision of the Work</li></ul>	Director’s Office, Market Monitoring Department, IT section of the ADMIN department	Q1 - Q4

<sup>11</sup> **Only for critical risks**

<sup>12</sup> Including cause and potential consequence. Risks are assessed always at their residual level (i.e. after taking into account controls existing in the organisation). The identified impact and likelihood of the residual risk shall be described in the field.

<sup>13</sup> Internal vs. External

<sup>14</sup> Avoid / Transfer / Reduce / Accept

<p>allocation of human resources which the Agency considered necessary to fulfil its role in meeting the objectives of REMIT and the Commission's staffing proposal.</p> <p>The success of REMIT will also depend on the cooperation with National Regulatory Agencies, especially as concerns the follow-up and investigations in cases of potential market manipulation identified by the Agency.</p> <p>Ineffective application of REMIT, even if due to reasons outside the Agency's control, could represent a reputational risk for ACER (in addition to the economic damage suffered by taxpayers due to the negative effects on markets).</p>		<p>(CEREMP) and the Agency's REMIT Information System (ARIS).</p> <p>2. Market monitoring of trading activity in wholesale energy markets to detect and prevent trading based on inside information and market manipulation.</p> <p>3. Coordination of NRAs aiming to promote best practices for the implementation of REMIT and to ensure that NRAs carry out their tasks under REMIT in a coordinated and</p>		<p>Programme and review of priorities in line with the available funds</p>		
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		<p>consistent way.</p> <p>4.Cooperation with NRAs, ESMA, competent national financial market authorities, etc. with the aim of ensuring that a coordinated approach is taken to the enforcement of market abuse rules where actions relate to one or more wholesale energy products which are financial instruments.</p>				
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Risk Description	Risk type	Activity/Objective affected	Risk Response	Action Plan Summary		
<b><u>HORIZONTAL MATTERS</u></b>						
<b>2. Conflicts of Interest</b>  The management of (potential) conflicts of interests is crucial to ensure ACER’s independence and transparency, and to maintain the trust of stakeholders and citizens in the Agency’s integrity. The highest level of integrity is required to ensure the quality and credibility of regulatory measures. Conflicts of interest, actual or perceived, may put integrity of the decision-making process into question and should be avoided or, where this is not possible, effectively managed.	Internal & External	All regulatory activities, procurement procedures	Reduce	- Effective implementation of the Agency’s Conflict of Interest Policy (to be finalised in 2014), especially as concerns publication of Declarations of Interest, follow-up to potential conflicts of interest identified both in relation to the Agency’s staff and board members.	Director’s Office, HR, Heads of Department	Q2

## **ANNEX X: OVERVIEW OF THE TASKS AND RESPONSIBILITIES ASSIGNED TO THE AGENCY AND THEIR LEGAL BASES**

This Annex presents an overview of the tasks and responsibilities assigned to the Agency together with their respective legal bases.

<b>A - Tasks assigned by the Third Package</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
<b>Tasks regarding ENTSOs</b>		
1. Provide an opinion to the Commission on draft statutes, list of members and draft rules of procedure of ENTSOs.	Opinion	Article 6(1) Reg 713/2009; Article 5(2) Reg 714/2009, and Article 5(2) Reg 715/2009
2. Monitor the execution of ENTSOs tasks.	Monitoring	Article 6(2) Reg 713/2009; Article 9 Reg 714/2009, and Article 9 Reg 715/2009
3. Provide an opinion to ENTSOs on the draft annual work programme, the draft Community-wide network development plan and other relevant documents (e.g. annual summer and winter supply outlooks).	Opinion	Article 6(3)(b) Reg 713/2009; Article 9(2) Reg 714/2009; Article 9(2) Reg 715/2009
4. Monitor the implementation of Community-wide NDPs, investigate the reasons for inconsistencies between Community NDPs, and their implementation and make recommendations to TSOs, NRAs or other competent bodies.	Monitoring Recommendation	Article 6(8) Reg 713/2009

5. Provide opinions to NRAs – at NRAs' request - and recommendations to ENTSOs or NRAs to ensure consistency of national 10yr-network development plans with the Community-wide 10yr-network development plans.	Monitoring Opinion Recommendation	Article 8(11) Reg 714/2009; Article 8(11) Reg 715/2009; Article 22(5) Dir 2009/72; Article 22(5) Dir 2009/73
6. Provide an opinion to ENTSOs on Network Codes not relating to areas covered by a request addressed to the ENTSOs by the Commission.	Opinion	Article 6(3)(a) Reg 713/2009; Article 8(2) Reg 714/2009; Article 8(2) Reg 715/2009
7. Participate in the development of Network Codes relating to areas covered by a request addressed to the ENTSOs by the Commission.	Consultation	Article 6(4) Reg 713/2009; Article 6 Reg 714/2009 Article 6 Reg 715/2009
8. Submit non-binding Framework Guidelines to the Commission, carry out consultation on draft Framework Guidelines; if necessary, review the Framework Guidelines and re-submit them to the Commission.	Drafting Consultation	Article 6(4) Reg 713/2009; Article 6(2) to (4) Reg 714/2009; Article 6 (2) to (4) Reg 715/2009
9. Provide a reasoned opinion to ENTSOs on Network Codes developed on the basis of Framework Guidelines.	Reasoned opinion	Article 6(4) Reg 713/2009; Article 6(7) Reg 714/2009; Article 6(7) Reg 715/2009
10. Submit Network Codes developed by ENTSOs on the basis of Framework	Recommendation	Article 6(4) Reg 713/2009; Article 6(9) Reg 714/2009; Article 6(9) Reg 715/2009



Guidelines to the Commission and recommend that they be adopted.		
11. Prepare and submit draft Network Codes to the Commission, at the request of the Commission and where the ENTSO failed to develop a Network Code upon a Commission's request.	Drafting Recommendation	Article 6(4) Reg 713/2009; Article 6(10) Reg 714/2009; Article 6(10) Reg 715/2009
12. Propose amendments to Network Codes.	Reasoned proposal Consultation	Article 7(1) and (2) Reg 714/2009; Article 7(1) and (2) Reg 715/2009
13. Provide duly reasoned opinion to the Commission, where ENTSOs have failed to implement a non-binding Network Code.	Reasoned opinion	Article 6(5) Reg 713/2009; Article 8(2) Reg 714/2009; Article 8(2) Reg 715/2009
14. Monitor and analyse the implementation of binding Network Codes and Guidelines, and report to the Commission.	Monitoring Reporting	Article 6(6) Reg 713/2009
15. Monitor progress as regards the implementation of projects to create new interconnector capacity.	Monitoring	Article 6(7) Reg 713/2009
16. Monitor regional cooperation of TSOs; take due account of the outcome when formulating its opinions, recommendations and decisions.	Monitoring	Article 6(9) Reg 713/2009; Article 12 Reg 714/2009 Article 12 Reg 715/2009

<b>Tasks regarding NRAs</b>		
17. Provide a framework for NRAs' cooperation. Promote cooperation between NRAs and TSOs at regional and EU level. Make recommendations on binding rules for cooperation to the Commission.	Cooperation Recommendation	Article 7(3) Reg 713/2009; Article 6(2) Dir 2009/72 Article 7(2) Dir 2009/73
18. Adopt individual decisions on technical issues as provided for in the Third Package.	Decision	Article 7(1) Reg 713/2009
19. Provide recommendations on the harmonisation of technical rules.	Recommendation	Article 5 Dir 2009/72; Article 8 Dir 2009/73
20. Provide recommendations to assist NRAs and market players in sharing good practices.	Recommendation	Article 7(2) Reg 713/2009
21. Provide an opinion on whether a NRA decision complies with Guidelines or other relevant provisions of the Third Package and inform the Commission and the MS concerned where the NRA does not comply with the opinion of the Agency.	Opinion	Article 7((4) and (5) Reg 713/2009; Article 39 Dir 2009/72; Article 43 Dir 2009/73
22. Deliver an opinion when an NRA encounters, in a specific case, difficulties with the application of Guidelines.	Opinion	Article 7(6) Reg 713/2009
23. Provide an opinion on decisions of NRAs on TSO certification. At the request of the Commission, express its views on the certification of third countries TSOs.	Opinion	Article 9(2) Reg 713/2009; Article 3(1) Reg 714/2009; Article 3(1) Reg 715/2009; Article 11(6) Dir 2009/72; Article 11(6) Dir 2009/73
<b>Tasks regarding terms and conditions for access to and operational security of cross-</b>		

border infrastructure		
24. Decisions on cross-border infrastructure, including exemption decisions for new interconnectors and new gas infrastructures.	Decision	Article 7(7) and Articles 8 and 9 Reg 713/2009; Article 17(5) Reg 714/2009; Article 36 (4) Dir 2009/73
Monitoring and reporting on the electricity and natural gas sectors		
25. Monitor the internal markets in electricity and natural gas.	Monitoring	Article 11(1) Reg 713/2009
26. Produce a public annual report on the results of monitoring and, at the same time, submit an opinion to the European Parliament and to the Commission on the measures that could be taken to remove barriers to the completion of the internal markets in electricity and natural gas.	Publication of monitoring results	Article 11(2) and (3) Reg 713/2009
	Opinion	
Consultations and transparency		
27. Consult with market participants, TSOs, consumers, end-users, competition authorities.	Consultation	Article 10(1) and (3) Reg 713/2009
28. Provide objective, reliable and easily accessible information to the public and interested parties.	Information	Article 10(2) Reg 713/2009
29. Make public agenda, background documents and minutes of meetings of AB, BoR and BoA.	Publication	Article 10(4) Reg 713/2009
Other tasks		
30. Approve compliance programmes of joint undertakings.	Approval	Article 6(4) Dir 2009/72; Article 7(4) Dir 2009/73

31. Respond to consultation on Guidelines.	Opinion	Article 18(3) Reg 714/2009; Article 23(1) Reg 715/2009
32. Provide opinions or recommendations on any of the issues relating to the purpose for which it has been established, upon a request of the European Parliament, the Council or the Commission, or on its own initiative.	Opinion Recommendation	Article 5 Reg 713/2009
33. Provide secretarial services to the Administrative Board.	Support	Article 12(3) Reg 713/2009
34. Provide secretarial services to the Board of Regulators.	Support	Article 14(5) Reg 713/2009

<b>B - Tasks assigned by the ITC Regulation</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
<b>ITC Mechanism</b>		
1. Oversee the implementation of the Inter-Transmission System Operator Compensation ('ITC') Mechanism.	Monitoring	Point 1.4 Guidelines on the ITC Mechanism – Annex to Reg 838/2010 – Part A
2. Report to the Commission on the implementation of the ITC mechanism and the management of the ITC fund.	Reporting	Point 1.4 Guidelines on the ITC Mechanism – Annex to Reg 838/2010 – Part A
3. Provide an opinion on multi-party agreements' recommendations on adjustment to total compensation for the compensation for making infrastructure available to host cross-border electricity flows.	Opinion	Point 3.3 Guidelines on the ITC Mechanism – Annex to Reg 838/2010 – Part A
4. Provide a response to the	Response to	Point 3.6 Guidelines on the

Commission's consultation on the opinion on multi-party agreements relating to the compensation for the costs of hosting cross-border flows of electricity between transmission system operators participating in the ITC mechanism and those transmission system operators from third countries.	consultation	ITC Mechanism – Annex to Reg 838/2010 – Part A
5. Make a proposal to the Commission on the annual cross-border infrastructure compensation sum and provide an opinion to the Commission as to the suitability of using long run average incremental costs for the assessment of the costs of making infrastructure available for hosting cross-border flows.	Proposal Opinion	Points 5.1, 5.3, and 5.5 Guidelines on the ITC Mechanism – Annex to Reg 838/2010 – Part A
6. Provide an opinion to the Commission in case of disagreement on the proposal on the annual cross-border infrastructure compensation sum.	Opinion	Point 5.1 Guidelines on the ITC Mechanism – Annex to Reg 838/2010 – Part A

<b>Transmission Charging</b>		
7. Monitor the appropriateness of the ranges of allowable transmission charges.	Monitoring	Point 4. Guidelines for A Common Regulatory Approach to Transmission Charging - Annex to Reg 838/2010 – Part B
8. Provide an opinion to the Commission as to the appropriate range or ranges of transmission charges for the period after 1 January 2015.	Opinion	Point 5. Guidelines for A Common Regulatory Approach to Transmission Charging - Annex to Reg 838/2010 – Part B

<b>C - Tasks assigned by the Security of Supply Regulation</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
1. Participate in the Gas Coordination Group established to facilitate the coordination of measures concerning security of gas supply.	Membership	Article 12(1) Reg 994/2010

<b>D - Tasks assigned by REMIT</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
<b>Monitoring, data collection, and registration</b>		
1. Monitor, in close collaboration with NRAs and other relevant authorities, trading activity in wholesale energy products to detect and prevent trading based on inside information and market manipulation.	Monitoring	Article 7(1) Reg 1227/2011
2. Collect the data for assessing and monitoring wholesale energy markets.	Data collection	Articles 3(4)(b), 4(2), 7(1), 8, 10(3), 16(2) and (3) Reg 1227/2011
3. Establish a European Register of market	Data collection	Article 9(3) Reg 1227/2011

participants.		
<b>Reporting and recommendations</b>		
4. Report to the Commission on its activities under the Regulation.	Reporting	Article 7(3) Reg 1227/2011
5. Make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market.	Recommendation	Article 7(3) Reg 1227/2011
6. Make recommendations to the Commission as to the records of transactions, including orders to trade, which it considers are necessary to effectively and efficiently monitor wholesale energy markets.	Recommendation	Article 7(3) Reg 1227/2011
<b>Cooperation at Union and national level</b>		
7. Cooperate with NRAs, ESMA, national financial market authorities and national competition authorities.	Cooperation	Article 1(3) Reg 1227/2011
8. Ensure that NRAs carry out their tasks under the Regulation in a coordinated and consistent manner.	Coordination	Article 16 Reg 1227/2011
9. Publish non-binding guidance on the application of the definitions set out in Article 2 of the Regulation.	Guidance	Article 16(1) Reg 1227/2011
10. Establish a mechanism to share information on trading activities in wholesale energy products with NRAs, competent financial authorities of the Member States, national competition authorities, ESMA and other relevant authorities.	Guidance Cooperation	Article 10(1) Reg 1227/2011

11. Cooperate with the authorities responsible for overseeing trading in emissions allowances or derivatives relating to emissions allowances and establish mechanisms to share information on records of transactions in such allowances and derivatives.	Cooperation	Article 10(3) Reg 1227/2011
12. Inform ESMA and the competent financial authority, on its own initiative or at NRAs' request, where it suspects that acts are being or have been carried out which constitute market abuse.	Information	Article 16(2) and (3)(b) and (d) Reg 1227/2011
13. Request, on its own initiative or at NRAs' request, one or more national regulatory authorities to supply any information related to a suspected breach of the Regulation.	Information	Article 16(2) and (4)(a) Reg 1227/2011
14. Request, on its own initiative or at NRAs' request, one or more national regulatory authorities to commence an investigation and to take appropriate action where it suspects that there has been a breach of the Regulation.	Guidance	Article 16(2) and (4)(b) Reg 1227/2011
15. Establish and coordinate, on its own initiative or at NRAs' request, an investigatory group where it suspects that there has been a breach of the Regulation and it considers that the possible breach has, or has had, a cross-border impact.	Coordination	Article 16(2) and (4)(c) Reg 1227/2011
<b>International relations</b>		
16. Develop contacts and enter into administrative arrangements with third	Cooperation	Article 19 Reg 1227/2011



country authorities in so far as is necessary to achieve the objectives set out in the Regulation, in particular, to promote the harmonisation of the regulatory framework.		
<b>Consultations and transparency</b>		
17. Publish the Report to the Commission on its activities under the Regulation.	Publication	Article 7(3) Reg 1227/2011
18. Consult with interested parties before making recommendations to the Commission as to the records of transactions.	Consultation	Article 7(3) Reg 1227/2011
19. Consult with the interested authorities before establishing the mechanisms to share information on trading activity in wholesale energy products with them.	Consultation	Article 10(1) Reg 1227/2011
20. Make all recommendations available to the European Parliament, the Council and the Commission and to the public.	Disclosure	Article 7(3) Reg 1227/2011
21. Make the European register, or extracts thereof, as well as part of the information which it possesses publicly available provided that commercially sensitive information on individual market participants is not disclosed and subject to confidentiality requirements.	Disclosure	Articles 9(3) and 12 (2) Reg 1227/2011
22. Adopt and publish transparent rules on the manner it will disseminate information.	Adoption Publication	Article 12(2) Reg 1227/2011

<b>E - Tasks assigned by the TEN-E Regulation</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
<b>Monitoring and recommendation</b>		
1. Monitor the progress achieved in implementing the projects of common interest and make recommendations to facilitate the implementation of projects of common interest.	Monitoring Recommendation	Article 5(3) Reg 347/2013
2. Submit to the Groups a consolidated report for the projects of common interest, evaluating the progress achieved and make, where appropriate, recommendations on how to overcome the delays and difficulties encountered.	Reporting Recommendations	Article 5 (5) Reg 347/2013, Article 6 (8) and (9) Reg 713/2009
3. Provide an opinion to Member States and the Commission on the methodologies submitted by ENTSOs and publish it.	Opinion Publication	Article 11(2) Reg 347/2013
4. Request of relevant network, load flow and market data and relevant confidentiality agreements.	Request	Article 11(5) Reg 347/2013
5. Request, on its own initiative or upon a duly reasoned request by NRAs or stakeholders, and after formally consulting the organisations representing all relevant stakeholders and the Commission, of updates and improvements of methodologies; publication of the requests by NRAs or stakeholders and of all relevant non-commercially sensitive documents.	Request, Consultation Publication	Article 11(6) Reg 347/2013

6. Decision on investments requests, including cross-border cost allocation in case of disagreement among NRAs concerned or on their joint request; consultation of NRAs concerned and of project promoters; publication.	Decision Consultation Publication	Article 12 (6) Reg 347/2013
7. Notification to the Commission of all cost allocation decisions, together with all the relevant information.	Notification	Article 12 (7) Reg 347/2013
8. Facilitate the sharing of good practices and make recommendations regarding: (a) the appropriate incentives to be granted to some project of common interest; (b) a common methodology to evaluate the incurred higher risks of investments in electricity and gas infrastructure.	Cooperation Recommendation	Article 13 (5) Reg 347/2013 and Article 7(2) Reg 713/2009
9. Opinion on the common network operation tools adopted by the ENTSOs.	Opinion	Article 8 (3) Reg 714/2009
10. Ensure exchange of information between Groups.	Information	Annex III (1)
11. Where necessary, check the consistent application of the criteria/cost-benefit analysis methodology and evaluate their cross-border relevance for proposed projects falling under the categories set out in Annex II.1 and 2 of Regulation 1347/2013.	Analysis	Annex III (2)

12. Opinion on the draft regional list of proposed projects falling under the categories set out in Annex II.1 and 2 drawn up by the Groups.	Opinion	Annex III (2) and Article 15(1) Reg 713/2009
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<b>F – Tasks assigned by the Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
1. Report changes in the amount of bundled capacity offered at interconnection points as a result of the process pursuant to Article 6 (1) Regulation 984/2013	Reporting	Article 6 (4) Reg 984/2013
2. Publish a report on the progress made on bundled capacity	Reporting	Article 20 (1) Reg 984/2013
3. Facilitate implementation of the most appropriate option identified by the report as per Article 27 (3) Regulation 984/2013	Facilitator	Article 27 (3) Reg 984/2013

<b>G – Tasks assigned by the Network Code on Gas Balancing of Transmission Networks</b>		
<b>Agency's task</b>	<b>Type of action</b>	<b>Legal basis</b>
1. Provide an opinion to the adjacent national regulatory authority (-ies) on the motivated decision referred to in Article 27 (1) of Regulation 312/2014	Opinion	Article 7 (4) Reg 713/2009

2. Receive the notification of the motivated decision of the national regulatory authority pursuant to Article 46 (4) of Regulation 312/2014	Notification	Article 46 (4) Reg 312/2014
3. Receive the notification of the decision on a transitional period for TSOs	Notification	Article 52 (2) Reg 312/2014

**H – Tasks assigned by Annex I to Regulation No 715/2009 on conditions for access to the natural gas transmission networks as amended by Commission decision (2012/490/EU)**

Agency's task	Type of action	Legal basis
1. Publishing, by 1 <sup>st</sup> of March of every year, commencing with the year 2014, a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the preceding year	Publication	Point 2.2.1. (2) Annex I
2. Receive the notification of the decision of the national regulatory authority not to apply the provisions of point 2.2.2 of Annex I to Reg 715/2009	Notification	Point 2.2.3. (6) Annex I
3. Opinion on a harmonised format that allows for quantitative analyses	Opinion	Point 3.1.1.(1) point (e) Annex I

**I – Tasks assigned by Regulation No 543/2013 on submission and publication of data in electricity markets and amending Annex I to Regulation No 714/2009**

Agency's task	Type of action	Legal basis
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1. Provide an opinion on the proposal of the ENTSO for Electricity concerning the operation of the central information transparency platform and the associated costs	Opinion	Article 3 (2) Reg 543/2013
2. Provide an opinion on the draft manual of procedures submitted by the ENTSO for Electricity	Opinion	Article 5 Reg 543/2013



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