

OPINION No 01/2019
OF THE AGENCY FOR THE COOPERATION OF
ENERGY REGULATORS

of 9 January 2019

ON THE DRAFT ENTSO-E ANNUAL WORK PROGRAMME 2019

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to 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 Regulators¹, and, in particular, Article 6(3)(b) thereof,

Having regard to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003², and, in particular, Article 9(2) thereof,

Having regard to the favourable opinion of the Board of Regulators of 12 December 2018, delivered pursuant to Article 15(1) of Regulation (EC) No 713/2009,

Whereas:

1. INTRODUCTION

- (1) Article 9(2) of Regulation (EC) No 714/2009 requires the European Network of Transmission System Operators for Electricity ('ENTSO-E') to submit a draft annual work programme, including the information regarding the consultation process, to the Agency for an opinion.
- (2) On 17 October 2018, ENTSO-E submitted to the Agency for its opinion the draft ENTSO-E Annual Work Programme 2019 (the 'Work Programme 2019'), which covers the period from September 2018 to December 2019, a summary of the remarks received during the public consultation process and indications of how they were taken into account.

¹ OJ L211, 14.8.2009, p. 1.

² OJ L 211, 14.8.2009, p. 15.

2. SUMMARY OF ENTSO-E ANNUAL WORK PROGRAMME 2019

(3) The Work Programme 2019 presents the activities which ENTSO-E plans for 2019 along six areas. Chapter 1 describes the work for the implementation of network codes. Chapter 2 provides an overview of all future-planning activities for the power system. Chapter 3 shows the actions for transforming Europe's electricity architecture for information and communication technology. Chapter 4 explains the activities for the cooperation with distribution system operators (DSOs). Chapter 5 sets out the plans concerning regional coordination among transmission system operators (TSOs). Chapter 6 outlines the work towards improving transparency.

3. ASSESSMENT OF THE WORK PROGRAMME 2019

3.1 Legal framework

(4) According to Article 8(5) of Regulation (EC) No 714/2009, the annual work programme has to contain a list and description of the network codes to be prepared, a plan on coordination of operation of the network, and research and development activities, to be realised in that year, and an indicative calendar.

(5) Article 10(1) of Regulation (EC) No 714/2009 requires ENTSO-E, while preparing the annual work programme, to conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant market participants and, in particular, the organisations representing all stakeholders, in accordance with the rules of procedure referred to in Article 5(1) of the same Regulation.

(6) According to Article 6(3)(b) of Regulation (EC) No 713/2009, the Agency has to take into account in its opinion the objectives of non-discrimination, effective competition and the efficient and secure functioning of the internal markets in electricity.

(7) According to Article 6(4) of Regulation (EC) No 713/2009 and Article 9(2) of Regulation (EC) No 714/2009, the Agency has to assess the ENTSO-E draft annual work programme also with regard to a sufficient level of cross-border interconnection open to third-party access and the compliance with the relevant provisions of Directive 2009/72/EC and Regulation (EC) No 714/2009.

3.2 Compliance with Regulation (EC) No 713/2009 and Regulation (EC) 714/2009

(8) The focus of the Work Programme 2019 is on the implementation of network codes, on the planning and innovation for the future power system, on the development of a new information and communication technology approach, on the development of the partnership with DSOs, on the coordination of regional developments and on the improvement of transparency.

(9) The Work Programme 2019 contains a list and a description of the network codes that have been prepared and are now to be implemented, observations with regard to the envisaged coordination of network operation, references to research and development activities to be realised, and indicative calendars for deliverables.

- (10) Still, the informative value of the Work Programme 2019 could be further enhanced by focusing the text even more on concrete projects and deliverables, compared to past and present activities.
- (11) For instance, the Work Programme 2019 (p. 18) indicates that *'to track Europe's progress towards transforming its energy system and achieving its climate goals, ENTSO-E will release for the first time in December 2018, and in the following years, an Energy Outlook. Based on the data gathered by TSOs and by other actors of the energy sector, the Outlook will build on a wide spectrum of indicators to give a factual state-of-play of Europe's energy transition'*. Especially for this new deliverable, a more extensive description of its content and of its links – if any – with ENTSO-E's deliverables which are mandated by European Regulations would be beneficial.
- (12) ENTSO-E carried out a public consultation on a draft version of its work programme 2019 from 6 August 2018 to 17 September 2018.³

4. CONCLUSION

- (13) The Agency considers the Work Programme 2019 in line with the requirements of Articles 8(5) and 10(1) of Regulation (EC) No 714/2009. The Agency did not identify such elements in the Work Programme 2019 that would suggest that the Work Programme 2019 has negative effects on non-discrimination, effective competition, efficient and secure functioning of the market, or the sufficient level of cross-border interconnection open to third party access. The Agency did also not identify any incompliance with relevant provisions of Regulation (EC) No 714/2009,

HAS ADOPTED THIS OPINION:

1. The Agency considers the draft ENTSO-E Annual Work Programme for 2019 as in line with the requirements of Articles 8(5) and 10(1) of Regulation (EC) No 714/2009 and with the objectives and requirements of Article 6(3)(b) and 6(4) of Regulation (EC) No 713/2009 and Article 9(2) of Regulation (EC) No 714/2009.
2. This Opinion is addressed to the European Network of Transmission System Operators for Electricity.

Done at Ljubljana on 9 January 2019.


For the Agency
Director ad Interim
Alberto POTOTSCHNIG

³ <https://consultations.entsoe.eu/entso-e-general/annual-work-programme-2019/>