

**OPINION No 01/2020
OF THE EUROPEAN UNION AGENCY
FOR THE COOPERATION OF ENERGY REGULATORS**

of 7 February 2020

on the draft ENTSO-E Annual Work Programme 2020

THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 4(3)(b) thereof,

Having regard to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity, in particular, Article 32(2) thereof,

Having regard to the favourable opinion of the Board of Regulators of 22 January 2020 delivered pursuant to Article 24(2) of Regulation (EU) 2019/942,

Whereas:

1. INTRODUCTION

- (1) Article 32(2) of Regulation (EU) 2019/943 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 ACER for an opinion.
- (2) On 9 December 2019, ENTSO-E submitted to ACER for its opinion the draft ENTSO-E Annual Work Programme 2020 (the 'Work Programme 2020'), which covers the period from September 2019 to December 2020.

¹ OJ L158, 14.6.2019, p. 22.

2. SUMMARY OF ENTSO-E ANNUAL WORK PROGRAMME 2020

- (3) The Work Programme 2020 presents the activities which ENTSO-E plans for 2020 along two main areas. Chapter 1 describes the work for the implementation of network codes and guidelines and include a special focus on the implementation of the deliverables under the Clean Energy Package (CEP) and on the network interface: transmission and distribution, transmission system operators and distribution system operators (TSO-DSO). Chapter 2 provides an overview of future power system development and transparency with a special focus on infrastructure development, resource adequacy, regional development and data exchange.

3. ASSESSMENT OF THE WORK PROGRAMME 2020

3.1. Legal framework

- (4) According to Article 30(4) of the Regulation (EU) 2019/943, 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 31(1) of the Regulation (EU) 2019/943 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 stakeholders and, in particular, the organisations representing such stakeholders, in accordance with the rules of procedure referred to in Article 29.
- (6) According to Article 4(3)(b) of Regulation (EU) 2019/942, in its opinion on the draft ENTSO-E annual work programme, ACER has to take into account the objectives of non-discrimination, effective competition and the efficient and secure functioning of the internal market for electricity.
- (7) According to Article 4(5) of Regulation (EU) 2019/942, ACER 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 Regulation (EU) 2019/943 and Directive (EU) 2019/944.

3.2. Compliance with Regulation (EU) 2019/942 and Regulation (EU) 2019/943

- (8) The focus of the Work Programme 2020 is on the implementation of network codes and of the deliverables of the Clean Energy Package.
- (9) The Work Programme 2020 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) ENTSO-E carried out a public consultation on a draft version of its work programme 2020 from 17 October 2019 to 15 November 2019.

4. ASSESSMENT OF ENTSO-E ANNUAL WORK PROGRAMME 2020

- (11) ACER regrets ENTSO-E's unwillingness to play a more active coordination role in the Bidding Zone review process.

5. CONCLUSION

- (12) ACER considers the informal draft of the ENTSO-E Annual Work Programme for 2020 in line with the requirements of Articles 30(4) and 31(1) of the Regulation (EU) 2019/943. ACER did not identify such elements in the Work Programme 2020 that would suggest that the Work Programme 2020 has negative effects on non-discrimination, effective competition, efficient and secure functioning of the electricity market, or the sufficient level of cross-border interconnection open to third party access. ACER did also not identify any non-compliance with relevant provisions of Regulation (EU) 2019/943 and Directive (EU) 2019/944.

HAS ADOPTED THIS OPINION:

1. ACER considers the Work Programme 2020 in line with the requirements of Articles 30(4) and 31(1) of Regulation (EU) 2019/943 and with the objectives and requirements of Articles 4(3)(b) and 4(5) of Regulation (EU) 2019/942.
2. This Opinion is addressed to the European Network of Transmission System Operators for Electricity.

Done at Ljubljana, on 7 February 2020.

- SIGNED -

*For the Agency
The Director*

C. ZINGLERSEN