



European Energy Regulators’ Work Programme 2011 Evaluation of Responses

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1. Introduction

European energy regulators launched a public consultation on their public work programme for 2011 on 13 September 2010. For the first time, responses were gathered through the European energy regulators' website directly; for this purpose, an online questionnaire was set up and stakeholders were asked to register for participation. While 47 stakeholders indicated an interest in participating in the public consultation, ten of them did not do so in the end. A total of 37 stakeholders, representing associations, companies or individuals, actually participated in the public consultation, ten up from 27 responses to the public consultation conducted in late 2009. The average response rate was some 53%, i.e. over 19 of the 37 possible replies were received.

In the interest of transparency, a list of respondents and all responses to the public consultation are displayed on the website of the European energy regulators at www.energy-regulators.eu, along with the present evaluation of responses and the revised work programme for 2011. The responses are also included below, with the exception of plain 'yes' answers, indicating that the respondents agreed with the CEER position, or 'no comment'. The online tool also gave stakeholders the possibility to mark parts of their answers as 'confidential'. Two respondents chose to do so, i.e. these answers are reproduced below but not marked.

The online public consultation also enabled stakeholders to make partial statements and complete them at a later stage, logging on again with the same password. Several stakeholders made use of this possibility.

2. Summary of responses

Of the 37 stakeholders that responded to the public consultation, the great majority appreciated the possibility to comment on CEER's 2011 work programme and supported the general thrust of its contents. We therefore believe that the draft CEER work programme for 2011, both in its key areas and the individual deliverables proposed, succeeds in striking a balance between the many and challenging tasks European energy regulation needs to address and the resources constraints that must be borne in mind.

Even so, CEER has received a number of indications and constructive proposals from stakeholders which will translate into concrete changes in the CEER work programme 2011. The major ones are:

- Throughout the consultation, a great number of stakeholders voiced the opinion that energy efficiency should be more prominent. The central importance of energy efficiency will be underlined in the revised CEER work programme 2011. Moreover, an additional deliverable on energy efficiency will be introduced.
- Deliverable C-14, on the oversight of virtual gas trading points, was considered least important of all proposed deliverables. It also had the lowest response rate and only five stakeholders indicated that they would participate in a public consultation. In addition, three out of the four comments received indicated that this was not seen as an immediate priority at the moment. CEER therefore agrees to withdraw this deliverable from the 2011 work programme and might consider it again in the future, if appropriate.

The London Forum in autumn 2010 made a number of requests to European energy regulators which directly impact on the CEER work programme for 2011. This includes the creation of a new deliverable to monitor the implementation of the GGP on customer complaint handling, and the specification of one deliverable into advice on price comparison tools.

Discussions within CEER and with the ACER Director during the consultation period of the draft CEER work programme 2011 have led to the decision to transfer all regional topics to the ambit of action of ACER. Regional work will remain a priority for NRAs through the Regional Initiatives, but regional work at European level will in the future be coordinated and organised by ACER. The description of key area 6 on regional market integration is amended to reflect this development; the three deliverables that mainly focus on regional market integration (C-20, C-21 and C-22) will be proposed to ACER for its consideration, along with the reactions received in this consultation.

CEER would like to thank all stakeholders that have participated in the public consultation on its draft 2011 work programme and looks forward to working with them on the development of the individual deliverables.

3. Detailed evaluation of responses

This chapter analyses in detail all comments and responses received by stakeholders on the CEER work programme 2011. European energy regulators gladly note that the respondents welcomed the opportunity of this public consultation, and appreciate the work stakeholders have invested in commenting on the document.

The clear structure inherent to the online public consultation system increases the information content of the answers received and gives stakeholders’ reactions more thrust by eliminating an element of uncertainty. The tables contain the full answers given by stakeholders and present European energy regulators’ reactions to them.

3.1. Consultation question A: How do you assess our general approach and objectives?

The first question related to whether respondents thought that the overall objectives proposed by European energy regulators for CEER in 2011 and the approach taken to them was appropriate; whether any major issues were missing; or whether current and probable future issues for 2011 were covered sufficiently and adequately.

The following comments were submitted:

#	Resp.	Comment	Our position	Explanation
A-1	50 Hertz Transmission	50Hertz welcomes Regulators’ initiative of consulting their work programme for 2011 and informing stakeholders about their key areas of concern. Moreover, the cooperation of European Regulators in order to face European issues related to the implementation to the European Internal Market is highly appreciated.	take note	

#	Resp.	Comment	Our position	Explanation
A-2	BDEW	<p>As we understand, this work will be in full responsibility of ACER after its formal establishment. As it is stated in the introduction to the work programme CEER will continue its work as a voluntary cooperation of the national regulatory authorities in Europe.</p> <p>We feel that there must be a guarantee for 3-months consultation periods, to allow experts in the subjects to share their insights. This should especially be the case in the process of development of Framework Guidelines.</p> <p>Key areas of work:</p> <p>In general, BDEW perceives the implementation of 3rd Package as the heart of ACER's and CEER's work for 2010 and beyond. Those key areas should correspond to the issues and roles assigned to ACER and national regulators within the 3rd Package. ACER has published its work programme for 2011</p> <p>Hence, some of the areas which are identified in the draft work programme need to be seen in a different context. This applies in particular to the following areas of work:</p> <ul style="list-style-type: none"> • Affordability and Consumer Issues (work area 3) • Climate Change (as part of work area 4) and non-grid related aspects of renewables and energy efficiency • External Relations (work area 7) <p>Of course, these issues should not be neglected. However, we have doubts whether and in which way they should be addressed by CEER: In our view, these issues are mainly political decisions and should primarily be dealt with by the EU-Commission or national political authorities. In addition, the different not all national regulators hav</p>	disagree	<p>Based on the experience in the past, CEER believes that a consultation period of 2 months is sufficient.</p> <p>Consumer and climate change issues all have regulatory aspects to them and impact upon regulation. And of course these are precisely the aspects CEER will concentrate on in its work.</p> <p>In the area of external relations we have mainly addressed and will continue to do so the relations with other regulatory authorities outside of the European Union.</p>
A-3	Borg	<p>There needs to be a deeper understanding of how energy efficiency work and how this will affect energy services delivered by energy companies.</p>	agree	<p>In 2010 CEER contributed to the development of the report "A Description of Current Regulatory Practices for the Promotion of Energy Efficiency" in the framework of the International Confederation of Energy Regulators (ICER). For 2011, depending on the outcome of the Bucharest Forum, CEER is considering the elaboration of best practices in the field of energy efficiency.</p>

#	Resp.	Comment	Our position	Explanation
A-4	CECED	<p>CECED compliments CEER on the participatory approach it has adopted and for consulting stakeholders, notably on its Work Programme. However, we think that energy efficiency is not sufficiently addressed. Energy efficiency is a key resource for the energy market and contributes to security of supply, network reliability, affordability and to many aspects of the efforts toward implementation of the 3rd Package as well as the achievement of Europe's energy and climate targets.</p> <p>Energy efficiency, and in particular, the 'built environment' - including all housing stock and correlated installed stock of Energy using products -, should be integrated in all key areas of concern and not only as a part of key area 4. Energy demand management and energy savings are a first order priority that should be addressed throughout the 7 key objectives.</p>	take note	<p>A great number of responses received during this public consultation targeted the topic of energy efficiency. CEER will therefore refer to this reaction to A-4 in all comments that take the same or a similar direction.</p> <p>Energy efficiency is a concept which contributes to all three pillars (security of supply, affordable energy for competitive economies, and environmental sustainability) of the integrated approach to climate and energy policy which is pursued within the EU. By its very nature as a horizontal idea, energy efficiency is of course part of our entire spectrum of work in all key areas even though not explicitly mentioned everywhere.</p> <p>We will highlight this aspect in an amended description of key area 4. However, please also note that the key areas CEER has set for the work programme 2011 should not be seen as separate work packages but rather as the basic strategic principles behind the deliverables proposed. They interlace naturally rather than being isolated from each other. Work in each key area will take place against the backdrop of the other six.</p> <p>Explicitly on the topic of energy efficiency, CEER will also address this through our work on smart grids and smart meters. In addition, as a reaction to stakeholders' great interest in energy efficiency, CEER is considering making the results of a deliverable public which had previously been planned as an internal report.</p> <p>Furthermore, CEER will address energy efficiency and renewables through our contributions to the work of ICER (International Confederation of Energy Regulators). ICER, which is chaired by CEER and entails significant work and participation from the NRAs from CEER, published a report on energy efficiency in June 2010. Following on in this vein, case studies will be undertaken. Currently, ICER is in the process of preparing a report on renewable and distributed generation.</p>

#	Resp.	Comment	Our position	Explanation
A-5	CEDEC	<p>We appreciate the more restrictive approach for the CEER Work Programme, and the focus on a limited number of key topics.</p> <p>The overview of topics addressed is broad and well balanced.</p> <p>Streamlining and coordination between initiatives of CEER, ACER and the European Commission (thus avoiding also possible duplication and overlaps) will certainly contribute to a more timely and efficient planning of our contributions and to the quality of our input.</p>	take note	
A-6	ClientEarth	<p>ClientEarth is a non-profit environmental law organisation based in London, Brussels, Paris and Warsaw. We are lawyers working at the interface of law, science and policy. Using the power of the law, we develop legal strategies and tools to address major environmental issues. Our work covers climate change and energy system transformation, access to justice, biodiversity, transparency, health and environment, and tropical forests.</p> <p>Within this consultation, ClientEarth would like to stress the role of the European Energy Regulators (EER) in relation to energy efficiency and savings. We recognise the important role of the EER in relation to energy issues in Europe. As energy efficiency and savings constitute an integral part of energy policies, we recognise the need for EER to take them fully into account in the work programme.</p> <p>Within the key areas of the EER work for 2011, we see energy efficiency and savings being part not only of key area 4 (climate change, renewable energy issues and energy efficiency) but also other areas, such as 3rd Package implementation (key area 1), security of supply and infrastructure (key area 2), affordability and consumer issues (key area 3) as well as external relations dimension (key area 7). Therefore, we recognise the importance of EER's involvement in relation to energy efficiency and savings.</p> <p>ClientEarth will not explore all energy efficiency and savings aspects within this public consultation but wishes to highlight the importance of these areas within the planned work of EER.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
A-7	COGEN Europe	<p>The Key Areas of work for 2011 fail to adequately integrate the current policy objectives on energy efficiency.</p> <p>Despite the fact that key point 4 is entitled "Climate change, renewable energy issues and energy efficiency", the description of this key area fails to address energy efficiency -or for that matter renewable energy as well. The CEER document "C-8" does address renewables but only through the prism of "the implications of non-harmonised support schemes"; this is not in itself conducive to better integration of renewables or greater (renewable) resource efficiency.</p> <p>It is striking that while activities related to the 3rd liberalisation package and infrastructure issues receive a lot of attention, there seems to be little focus on ensuring that the electricity system as a whole is managed in an optimal way.</p> <p>Moreover, the CEER work plan does not seem to fit in well with the stated focus of DG Energy on 'resource efficiency'. This would appear to be a major failing of the 2011 CEER workplan and should be redressed as soon as possible.</p> <p>On a more general note that CEER workplan seems geared to much towards short term activities and is devoid of a strategic dimension which should start with networks, smart operating approaches and energy efficiency.</p>	agree and disagree	<p>We agree that the description of key area 4 did not sufficiently address energy efficiency (see A-4 (CECED)).</p> <p>Regarding the better integration of renewables we would like to highlight the CEER Conclusions Paper on "Regulatory aspects of the integration of wind generation in European electricity markets" (C10-SDE-16-03) which was published in 2010.</p> <p>Concerning the management of the electricity system as a whole the European energy regulators have indeed addressed this in great detail in this work programme [e.g. C-6 (smart grids); C-9 (generation adequacy)] and also in the work programme of the ACER (e.g. opinion on the 10-year network development plans).</p> <p>Of course the CEER work is motivated by the European energy policy of the past decade. And whenever timely and appropriate European energy regulators have brought forward general concepts and strategic considerations on the topics in question. The European energy regulators have a leading role in developing a target model for the future integrated electricity market in Europe.</p>
A-8	E3G	<p>E3G welcomes the draft work programme and the opportunity to respond to this Consultation. We look forward to the creation of ACER and to engaging with it in due course. However we see a strong continued role for CEER in sharing best practice between national regulators and in feeding in the perspective of regulators into European policy processes.</p>	take note	

#	Resp.	Comment	Our position	Explanation
A-9	EDF	<p>introduction in B6-B7 With an increased number of consultations, CEER must target more than ever the quality of the consultations conducted, rather than the quantity, and setting priority areas is absolutely necessary. In terms of methodology, EDF believes that :</p> <ul style="list-style-type: none"> -Stakeholder consultation processes should be regarded as a key practise to ensure that the decision making process of the regulatory bodies remains in line with market expectations. A proper stakeholder involvement has already shown its positive effects on the speed and direction of market development and integration. Market stakeholders should therefore remain involved early and extensively in the process. -The consultation process must remain open. Obviously, if the options proposed for the rules to be defined are in fact not really open to discussion and have already been “decided” in advance whether by regulators or by the European Commission, there might be a decreasing interest to answer of stakeholders. - CEER’s consultations should be focussed on specific issues, either complementing ACER’s and NRAs’ works or anticipating issues to be dealt with. They should not be redundant or without clear goal. For example, with view to the amount of consultation to be dealt with, consulting on status reviews is questionable. - CEER should wait for some experience feedback from the implementation and the impact of new guidelines before launching new works on the same topics. to be continued in B1 	take note	<p>CEER values very highly the contributions of stakeholders to our work. We also recognise the concern of the respondent regarding the increased number of consultations, but it must be borne in mind that European energy regulators are active in a wide range of areas and thus consultations add up.</p> <p>This is one of the reasons why CEER - together with the European Commission, ACER and indeed the ENTSOs - has agreed on a coordinated and concerted 3-year planning.</p> <p>Especially a public consultation on a work programme increases the planning security of all involved parties.</p> <p>CEER recognises the respondent’s view that status reviews do not need to be consulted upon. Indeed this is not the case in 2011.</p>
A-10	EDF Energy	<p>EDF Energy agrees with the general approach and objectives that CEER have proposed, especially the intention to focus on a small number work areas. With the formation of ACER as part of the third package, 2011 will be an important year to determine working relationships and hierarchies and, by developing the seven areas, ACER should be firmly established in its role.</p> <p>We would prefer an approach that includes some comment on contingency planning if it was found that issues identified in the consultation documents were more complex than originally anticipated. Equally, it may be the case that schedules can be changed as issues can be resolved more quickly than thought possible during the planning process.</p>	agree	<p>As has been the practice so far CEER presents its work programme for the upcoming year early on but underlines that new developments and changes in the regulatory landscape that need to be reacted to will be taken up whenever appropriate, i.e. also during the course of a year.</p> <p>The same kind of flexibility of course also applies to the timing of deliverables.</p> <p>We will highlight this in the introduction to the work programme.</p>

#	Resp.	Comment	Our position	Explanation
A-11	EEB	EEB welcomes the opportunity to comment on and give input to the CEER work programme and look forward to continued engagement. We recognise the seven key work areas for 2011 however we are concerned at the lack of attention to energy efficiency. Energy efficiency is an essential aspect to Europe's energy concerns, with regards the huge benefits it can bring, and yet it is up until now overlooked. We believe energy efficiency is a resource of central importance to the energy market generally and it should explicitly be an integral part of work in all areas. Energy efficiency contributes to security of supply, network reliability, affordability and a raft of other aspects of the efforts toward implementation of the 3rd Package and achievement of Europe's energy and climate targets.	take note	See our reaction to response A-4.
A-12	Elexon	This is ELEXON Limited's response to the consultation on the European Regulators' 2011 Work Programme. ELEXON is the Balancing and Settlement Code (BSC) administrator for England, Scotland and Wales. We operate the imbalance settlement arrangements for wholesale electricity in this part of the European Union. ELEXON believes the approach and objectives to be appropriate. We particularly welcome transparency in the development processes for pan European energy markets and welcome early engagement of CEER with stakeholders. On one specific point we suggest that the planned workshops permit electronic (webinar) participation if they don't already do so, to allow more parties to actively participate. It can be difficult for those who would have further to travel, and electronic participation reduces costs in both time and money as no travelling or accommodation is involved.	take note	CEER will certainly analyse the possibilities for electronic participation through a variety of channels and consider their feasibility for stakeholder involvement action.

#	Resp.	Comment	Our position	Explanation
A-13	Enagas	<p>Enagás welcomes CEER's work programme for 2011.</p> <p>However, we believe that the roles of ACER, ERGEG and CEER should be clearly defined.</p> <p>In the medium term Enagás believes that ACER should take over the role of CEER as an advisory body. Otherwise, if CEER keeps the role of advisory body to ACER, there should be an explicit decision from the European Commission stating this as it happened when ERGEG was established as advisory body to the EC through "Commission Decision 2003/796/EC (Commission Decision of 11 November 2003 on establishing the European Regulators Group for Electricity and Gas)"</p>	disagree	<p>The European Commission has announced that ERGEG will be discontinued when or shortly after ACER becomes fully operational. With the setup of ACER, regulators' involvement at EU level should become much clearer.</p> <p>CEER on the other hand is a fully independent "not-for-profit association" under Belgian law. To make CEER an ACER adviser would undermine its independence and limit its role to ACER items, which is not desirable. Regulators must have a platform where they can address all regulatory issues independently from entities and EU institutions, decide freely on priorities and address concerns that might not be easily addressed within ACER.</p> <p>While ACER's tasks and competences are laid down in European legislation, CEER as a private body reserves the right to provide its opinion about any topic it considers relevant.</p>
A-14	ENI	<p>Eni welcomes the intention of ERGEG to seek stakeholders' views on its work program. We generally appreciate the focus on seven specific areas.</p>	take note	

#	Resp.	Comment	Our position	Explanation
A-15	E.ON	<p>E.ON welcomes the Energy Regulators' decision to consult on their 2011 Work Programme. We think it is very helpful to know what topics and issues will be discussed in the upcoming year and appreciate the call for input on the importance of the upcoming consultations.</p> <p>E.ON believes that in order to find the most appropriate solutions for customers and the market, the close involvement of market participants and stakeholders in the regulatory process is of utmost importance. We are therefore committed to participate in those consultations that are relevant for our business. Regarding the consultation process, we ask that stakeholders are given sufficient time to respond and that transparency is improved even further, for example through publishing of conclusion documents within a specific time frame after responses have been received.</p> <p>We agree with the Energy Regulators' that the full implementation of the 3rd Package will be very important in the upcoming year. With its formal establishment in March 2011, the work on Framework Guidelines will be ACER's full responsibility although the Energy Regulators' advisory role and close cooperation with ACER will be very helpful in this process. However, it will be especially important to have well defined responsibilities and task between CEER and ACER in order to avoid confusion in the interim period before ACER is fully established and even afterwards.</p>	agree and take note	<p>Building on past experience CEER believes that an 8 week consultation period is an appropriate timeframe.</p> <p>We appreciate the suggestion that conclusion documents should be published within a certain period after the end of the consultation i.e. that the gap between consultation and publication of the conclusion paper should be kept as short as possible. The <u>online</u> public consultation on the CEER work programme 2011 has been designed to do exactly that: by structuring stakeholder input more clearly and facilitating the allocation of responses to each specific question the drafting process of the conclusion is sped up by approximately 2 weeks.</p>
A-16	ERDF	The analysis of the context and the definition of priorities are relevant. Particularly, we appreciate the efforts to move from global considerations to concrete implementations.	take note	
A-17	Eurogas	Eurogas can endorse the general approach and objectives.	take note	
A-18	Eurelectric	EURELECTRIC, representing the European electricity industry, welcomes the opportunity to comment on the European Energy Regulators' draft Work Program 2011. We believe that the work program addresses a variety of relevant regulatory areas in a comprehensive way and presents a coherent link between priority areas and respective actions.	take note	

#	Resp.	Comment	Our position	Explanation
A-19	EuroPEX	<p>EuroPEX welcomes the opportunity offered by CEER to comment on and provide input to the CEER Draft 2011 Work Programme. EuroPEX very much appreciates that CEER intends to continue providing its contribution to improve market functionality and act as a supporting body for the new Agency for the Coordination of Energy Regulators (ACER) and has decided to submit its work programme to a full consultation with stakeholders. It is indeed essential that consultations remain at the core of the regulators working methodology, and are applied in an efficient, non-discriminatory and systematic way. Power exchanges, being major actors in the development of an integrated European electricity market, commit to be very active participant and contributor on all the matters where expertise is required. EuroPEX is pleased to closely work in parallel with ACER and CEER and will maintain its ambition to provide insight in the future consultations carried out by ACER.</p> <p>The overall proposed approach and objectives of CEER Working Program are in line with EuroPEX expectations and we believe that the work of CEER over the coming year will be particularly essential for the transition and starting of activities of ACER. It is however important that the role of ACER as described under the Third Energy Legislative Package is not overlap with the activities of CEER.</p>	take note	
A-20	EWEA	<p>In general, EWEA supports the approach and objectives outlined in the draft work programme for 2011. The year to come is a year of transition for the European Energy Regulators as the official uptake of ACER takes place while CEER will remain active as a voluntary body of the European regulators. The attempt to signal to stakeholders what key areas are going to be dealt with by CEER in contrast to the main areas of work of ACER is therefore most welcome. The focus on a few key issues as outlined already in the 2010 work programme and prioritised both by the regulators and stakeholders is a pragmatic approach which should ensure consistency with the previous work programme as well as a clear distinction from the ACER activities to come.</p>	take note	

#	Resp.	Comment	Our position	Explanation
A-21	Friends of the Earth Europe	<p>CEER's position on ownership unbundling is very encouraging. It is a crucial step to higher shares of renewables and reduced utility opposition to energy efficiency. However, extending unbundling to DSOs must be prioritised.</p> <p>We feel that CEER must step up its advisory role to the European Commission, particularly regarding energy efficiency. Regulatory expertise and reputation can help convince policy makers to prioritise energy savings. CEER can provide expert advice on measures to reduce energy consumption, e.g. smart metering or differential pricing. It should also promote methods developed outside the EU, such as the US practice of only authorising new power plants if achieving the goal of matching up supply and demand cannot be achieved more cost effectively through increased energy efficiency.</p> <p>A new concern that CEER must recognise is the growing use of bio-liquids for electricity production (particularly in Finland, Germany, Italy and Portugal). When the complete production / consumption cycle and land use change consequences are taken into account, the use of bio-liquids has very serious impacts for climate change (more so than oil and gas).</p>	take note	<p>In the CEER 2011 work programme a Status Review on TSO and DSO unbundling is foreseen.</p> <p>On the issue of energy efficiency please see our reaction to response A-4.</p> <p>On the concerns regarding bio-liquids please note that European energy regulators are not legally responsible in this field.</p>
A-22	Friends of the Supergrid	<p>Taking into account the commitments that EU member states have agreed upon by 2020 as well as the objective to almost decarbonise the EU economy by 2050, CEER should in general focus much more its work programme and that of ACER on the update regulatory framework that will help reach such objectives as well as that of increasing trade. In order to do so there is quite some urgency for new infrastructure. Focusing exclusively in making the trading rules compatible among neighbouring countries will not be sufficient.</p>	agree disagree take note	<p>Generally infrastructure and the development of new infrastructure is a particular focus of the work of ACER and have therefore not been duplicated in the CEER work programme.</p> <p>Additionally CEER will of course - if appropriate - react to the recently published energy strategy of the EU (Energy 2020) and the upcoming Energy Infrastructure Package.</p> <p>Also, the CEER 2011 work programme addresses issues that contribute to reaching the 20-20-20 objectives. These items include energy efficiency, renewable, smart grids and smart meters.</p>

#	Resp.	Comment	Our position	Explanation
A-23	GDF Suez	<p>- GDF SUEZ welcomes the opportunity to comment on the draft 2011 work programme of the Energy Regulators.</p> <p>- We appreciate the emphasis on stakeholder involvement and transparency, and confirm that we are looking forward to cooperating and responding to public consultations. We consider useful to have some feedback on how comments of the stakeholders are taken into account into the process.</p> <p>- The Energy Regulators intend to concentrate on seven policy areas and 22 deliverables, which represents a busy agenda for 2011. This also requires an important implication from stakeholders. The Regulators should therefore ensure that they concentrate on the most important issues and avoid redundancy with ACER's future consultations.</p> <p>- The duration of the public consultations must be sufficient to allow stakeholders to analyse Regulators' proposals and provide relevant feedback. Moreover, ACER will also propose its own consultations.</p>	take note	Please refer to our explanations in A-9 and A-15.
A-24	GEODE	<p>GEODE supports CEER 2011 Work programme and expresses its will to contribute.</p>	take note	
A-25	Green Circle	<p>We would like to highly appreciate the seriousness which CEER gives to public consultation of its agenda and the importance with which CEER works with external comments on the strategies. We recognise it as an extremely valuable.</p> <p>Nevertheless, we are discomposed by the design of the seven key work areas for year 2011. We would suggest much higher stress on complexity of energy production and consumption issues, which are in these seven areas discontinuous.</p> <p>An overall focus on energy savings and energy efficiency is needed: the consumption pattern of the energy system is a key element to most of the 7 areas. We argue, that decrease of consumption by energy efficiency and savings can make a great deal mainly in area 2 (security of supply and infrastructure), area 3 (customer affordability) and 6 (regional market integration).</p> <p>Thus we would appreciate much more holistic approach, not so focusing on the production side, but trying to work with the demand side in much more powerful context.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
A-26	NABU (Nature and Biodiversity Protection Union)	We appreciate CEER for reaching out to stakeholders, including non-governmental organisations, and for consulting on its Work Programme. There is a praiseworthy commitment to stakeholder involvement in CEER's upcoming work to judge by the number of workshops, public hearings and public consultations contemplated and which appear to be an integral part of CEER's approach.	take note	
A-27	National Energy Action	NEA welcomes collaborative working between the agencies involved in energy regulation in Europe. We are concerned to ensure that regulation works to the benefit of all consumers but that, in particular, protection is offered to vulnerable consumers including those suffering financial disadvantage. NEA believes that it is crucial that European regulators should prioritise action to promote the welfare of disadvantaged consumers and that, in doing so, consideration be given to existing best practice across the individual Member States with a view to replicating this best practice. Energy costs are generally rising across Europe and will almost certainly continue to do so. We note the growing interest in, and awareness of, energy poverty in Member States and welcome recognition in the Third Energy Package that action on energy poverty is required at national and Community-wide levels. In the UK the energy regulator, Ofgem, is an important agency in administering and monitoring energy poverty programmes undertaken by the energy industry. In addition, Ofgem has a crucial role in overseeing energy supplier practice in relation to equitable treatment of disadvantaged consumers in the competitive market through strong prescription in areas related to: debt and disconnection; payment methods; energy efficiency advice and practical assistance; and removal of discriminatory and unfair practice in the market.	take note	CEER recognises the importance of addressing energy poverty and protecting vulnerable customers and has done so through its dedicated Customer Working Group for many years now. In this context CEER has published a number of analysis and position papers. CEER has also actively contributed to the London Citizens Energy Forum ever since its inception.

#	Resp.	Comment	Our position	Explanation
A-28	Nordenergi / Dansk Energi	<p>(Question a.) Nordenergi reiterates its agreement with CEER on the basic goal of developing an EU wide appropriate regulatory framework with converging national implementations in order to</p> <ul style="list-style-type: none"> • Ensure an efficient level playing field energy market. • Making the energy market a cost-efficient lever for realizing the ambitious goals of energy and environmental policy. <p>2011 is not an isolated year of work, which the draft work program indicates but not fully includes in the prioritising. All tasks are to be completed by the end of 2011. Nordenergi strongly urges CEER to present a work program showing the flow of tasks addressed even in 2010 and continued in 2011 as well as tasks starting in 2011 for finalization in 2012. Probably the work program should contain even an indicative list of tasks to be initiated in 1st half of 2012. Such a kind of “rolling work program” would also make it much easier for stakeholders to plan their activities related to public consultations as well as implementation.</p>	take note	<p>The majority of the issues addressed by ERGEG in 2010 will be handed over to ACER for 2011.</p> <p>However, CEER will discuss this proposition of a “rolling work programme” and assess its feasibility for an approach in the future.</p>
A-29	NorGer	<p>NorGer welcomes the timely publication of the CEER's workprogramme and values the open consultation procedure and increased transparency in the work of CEER. NorGer hopes that this transparency initiative will also include improved access to not only CEER's draft working documents but also the responses of the ACER and the Commission to those draft documents. 6 of the 7 key areas are all of major importance to companies involved in the construction of a cross-border interconnector, such as the NorGer project. Co-ordination between national regulators on all these areas is vital for the success of cross-border interconnector project. Achieving a timely, coordinated result on each area should therefore be a key, horizontal objective informing each of these 6 areas.</p>	take note	<p>Regarding the publication of documents of ACER and the European Commission please note that these are subject to the transparency rules of these institutions.</p>

#	Resp.	Comment	Our position	Explanation
A-30	SSE	<p>SSE ('Scottish and Southern Energy') welcomes the opportunity to give its views on the CEER work program. Although the work program covers an extensive variety of key areas of work and activities, we believe the main focus should be on the development of the Framework Guidelines. Being an essential part of the Third Package, it is important to have an early start on the development of the Framework Guidelines and the Network Codes, not to waste time in providing regulatory certainty to the industry. Furthermore, as ACER will take over responsibilities from CEER in March 2011, it is important the development of the Framework Guidelines will not be delayed by this transition.</p> <p>----- -----</p> <p>SSE is one of the leading energy companies in the United Kingdom and is involved in the generation, transmission, distribution and supply of electricity and the storage, distribution and supply of gas. In addition to interests throughout the UK and Ireland, SSE is developing a renewable energy business across continental Europe.</p> <p>SSE is one of the leading energy companies in the United Kingdom and is involved in the generation, transmission, distribution and supply of electricity and the storage, distribution and supply of gas. In addition to interests throughout the UK and Ireland, SSE is developing a renewable energy business across continental Europe.</p>	take note	
A-31	WWF EPO	<p>WWF welcomes the opportunity to comment on the CEER work programme for 2011; our contribution aims to offer suggestions on specific areas of the CEER work programme, and in particular on how energy savings and efficiency could be further prioritised.</p> <p>The CEER work programme is structured around seven key areas that relates to several and different aspects of EU Energy Policy. However, as a general comment, the relevance of energy efficiency and savings as a key tool to create a well functioning and sustainable energy market that is less reliant on fuel imports seems to be neglected.</p> <p>While in the draft of the work programme only one of the key areas explicitly deals with energy efficiency, it would be extremely useful if CEER could incorporate a demand management approach, through energy efficiency, in most of the key area of its work.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
A-32	(confidential)	<p>The general approach is balanced and coherent, with exception for the focus on energy efficiency. On the quest to sustainability (in the broadest sense), energy efficiency is the most cost effective and long-lasting option to reduce EU CO2 emissions and the dependence on external energy supplies – thus enhancing EU energy security. It does not deserve sufficient attention, yet it is one of the most cost-effective and the most sustainable option for many reasons:</p> <ul style="list-style-type: none"> - enhances CO2 emissions reductions - reduces energy imports into EU - increases competitiveness of our industry - potential to reduce the increase in energy prices for consumers - reduce need for new power generation capacity 	take note	See our reaction to response A-4.
A-33	(confidential)	<p>We consider that CEER's action is key for the development of a coherent EU energy policy. In this respect, we believe that the regulator's sight should be placed on energy savings as a primordial element of EU energy policy. Energy efficiency provides energy security, fights climate change, combats fuel poverty and creates jobs. At a moment in which essential initiatives in the energy field are being drafted (Energy Infrastructure initiative, the Energy Efficiency Action Plan, the recast of the Energy savings Directive and others), it is vital that policymakers appreciate the importance of energy efficiency and savings as the starting point for an overall energy policy for Europe. CEER's role on that side could be key.</p> <p>Regarding the sector of buildings, CEER should underline the importance of this area for the overall energy policy. Buildings are responsible for 40% of the total final energy use in the EU, and a drastic reduction of the energy demand of 210 million EU buildings is an obvious step in the right direction for future EU energy policy.</p> <p>Taking into account CEER's aim to "aim to improving market functioning across Europe and ensuring a fair and predictable regulatory framework for all market participants, ultimately to the benefit of all consumers", Eurima believes that more energy efficient buildings will help households to deal with the burden of the increasingly volatile energy prices, contributing to the economic recovery and reduction of energy poverty.</p>	take note	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.</p>

3.2. Consultation question B: Do you consider that the deliverables we have proposed in their entirety appropriately address and cover the key objectives?

The second section asked for stakeholders' opinion about the seven priority areas set by the European energy regulators for 2011. Questions addressed each of the priority areas separately to gain a clear picture of stakeholders' position and to assign any issues as precisely as possible.

3.2.1. B1: Regarding key area 1: 3rd Package implementation

The Agency for the Cooperation of Energy Regulators (ACER) will become operational from 3 March 2011. The European energy regulators will continue to provide support to ACER to ensure that it can take up its responsibilities without delay and in an efficient manner. Within the context of the implementation of the 3rd Package, the European energy regulators will continue to provide substantial support, in particular as regards the development of Framework Guidelines (FG). European energy regulators will also continue their cooperation and dialogue to ensure a consistent and harmonised understanding of the 3rd Package provisions for the purposes of national implementation.

The following comments were submitted:

#	Resp.	Comment	Our position	Explanation
B1-1	BDEW	This is a very valuable area of CEER involvement. Yet, CEER should work in clear relation with ACER's task and refrain from engaging into non-network related issues with the exception of monitoring functions assigned to regulators. Focus should be on cooperation of national regulators in their respective tasks.	disagree	Regulators decided to continue with the valuable work that has been done by CEER since energy market liberalisation started. In this key area, CEER will primarily deliver input on issues which are within ACER's scope. On the other hand, CEER should also address issues that are directly or indirectly related to the general concept of market liberalisation (e.g. wholesale markets) or such topics that might not be tackled by all members (e.g. financial services regulation or energy efficiency). For these issues regulators should also develop European views and speak with one voice.
B1-2	CECED	CEER inputs, especially to ACER, should explicitly recognise energy efficiency as a high priority resource that will contribute to meet carbon reduction targets and that provides energy services to customers at least cost.	take note	So far, ACER does not have competences in issues related to energy efficiency. But CEER should certainly contribute to changing this and ensure that energy efficiency is attributed a more prominent role.

#	Resp.	Comment	Our position	Explanation
B1-3	COGEN Europe	<p>The activities related to Key Area 1 do not directly address the crucial issues for decentralised generators but are rather focused on customer empowerment.</p> <p>Grid access remains an important issue for small-scale project developers, and in some cases also for large-scale projects, as is currently evidenced in Greece.</p> <p>CEER should allocate resources to benchmarking rules and procedures for grid access for generators, share best practice and help define a robust set of rules that would safeguard the interests of renewable, small-scale and cogeneration project developers, both at the transmission and distribution levels.</p>	take note	

#	Resp.	Comment	Our position	Explanation
B1-4	EDF	<p>Regarding the objectives, the top-down approach of the 3rd Energy Package obviously targets a harmonization of the rules. This should however not necessarily lead to uniform solutions throughout Europe. Some room should be left for local specificities as long as they do not harm competition and cross-border trade.</p> <p>The degree of maturity and the design of the electricity and gas markets are often the results of national boundaries. EDF therefore advocates a pragmatic approach, as opposed to a dogmatic one, and would like to underline that the objectives of both ACER and CEER should neither be the search for a total harmonization based on theoretical models, nor a systematic symmetrical approach between electricity and gas.</p> <p>For example, the Pentalateral Forum and other regional initiatives have shown that integration can also be a successful bottom-up process, the important driver being the involvement of market players, Member States and Regulators. The PCG and AHAG works on the target model have shown that pragmatic and practicable rules can emerge.</p> <p>Opting for such a pragmatic and progressive approach does not mean forgetting the final objective of an integrated European internal energy market able to ensure the security of supply and to deliver a sustainable energy at an affordable price. The monitoring exercise of this progressive move of all towards a target model is therefore of the utmost importance. In this process, local initiatives should be taken into consideration and therefore early movers should not be penalized either.</p> <p>In our industry governed by heavy and long term investments, a change in the rules cannot simply be implemented overnight. In this context, the role of regulation is also to help deliver the huge investments expected both in generation and in the networks in the next decade. This can happen through stable and pragmatic regulatory rules by giving market players visibility and by incentivising them to invest. In any case, the interim steps set to achieve the European market model should be implemented at the same pace in all Member states and there should not be any disparity of level in the implementation of the European regulation.</p>	take note	

#	Resp.	Comment	Our position	Explanation
B1-5	EDF Energy	The seven areas of work that have been identified for 2011 are essential for the successful delivery of the single energy market, although the seventh, external relations, may have less importance than the others.	take note	The European Commission's 'Energy 2020: A strategy for competitive, sustainable and secure energy', published in November 2010, focuses on five priorities, the fifth of which is strengthening the external dimension of the EU energy market. This is apparently a topic that keeps gaining in importance for the EU, which is why CEER sees its role in this general context confirmed.
B1-6	EEB	CEER input to ACER on the framework guidelines should explicitly recognise energy efficiency as a high priority resource to meet carbon reduction objectives and supply energy services to customers at least cost. These rules offer an opportunity not only to optimise allocation decisions but also to attract investment in resources for a low carbon future. The investment required for a decarbonised power system will be reduced if the market treats efficiency/reduced consumption as a resource.	take note	See our reaction to response A-4.
B1-7	Elexon	It is important in developing and implementing the Framework Guidelines that there is full consultation (both formal and informal) with all stakeholders who will be impacted (for example, small generators required to submit operational metering data under the Electricity Data Transparency Guideline) or who would have insights into any specific national issues in implementation. There should be extra effort to seek the views of those who are not currently directly represented at the Florence Forum for example.	take note	CEER values very highly the contributions of stakeholders to our work. Indeed, all input to ACER's work has been extensively consulted with stakeholders at the Fora and apart from them, through formal public consultations, but also through workshops or public hearings. In the case of the framework guidelines, ACER is planning to conduct another round of public consultations (please consult the 2011 ACER work programme on this point).
B1-8	Enagas	Enagás believes that the roles of ACER, ERGEG and CEER should be clearly defined. In the medium term Enagás believes that ACER should take over the role of CEER as an advisory body. Otherwise, if CEER keeps the role of advisory body to ACER, there should be an explicit decision from the European Commission stating this as it happened when ERGEG was established as advisory body to the EC through "Commission Decision 2003/796/EC (Commission Decision of 11 November 2003 on establishing the European Regulators Group for Electricity and Gas)"	disagree	See our reaction to response A-13.
B1-9	ENI	We welcome ERGEG work into the promotion of a harmonized European regulatory framework and the intention to involve stakeholders regularly in its consultation processes. This is particularly important when proposals relate to complex and technical themes such as framework guidelines, which need an operative approach to be effectively implemented.	agree	Like ERGEG, ACER and CEER will follow (or continue to follow in the case of CEER) the same line and engage for even more harmonisation and transparency in producing legally binding decisions and codes.

#	Resp.	Comment	Our position	Explanation
B1-10	E.ON	E.ON supports the goal of an integrated and competitive European energy market and therefore welcomes CEER's support to ACER which will facilitate ACER's work. However, roles and competencies must be clearly defined. CEER should foremost consider its own organization and activities and work to ensure that regulatory activity is proportionate, transparent and targeted where it is really needed to provide long-term value to consumer and regulated companies. Focus should be on cooperation of national regulators in their respective tasks.	agree	<p>European energy regulators endorse a comprehensive and cooperative approach between CEER and ACER, with CEER continuing as an independent organisation and, at least in the short-term, pursuing a broad role including undertaking essential "preparatory" work for ACER. CEER will also support individual NRAs in their independent national regulatory activity stemming from the 3rd Package (notably new duties).</p> <p>For those aspects that fall beyond ACER's immediate focus, CEER is seen as acting in a complementary way, without duplicating ACER functions.</p>
B1-11	ERDF	ERDF appreciates the fact that this area is considered not only through compliance aspects, but also through concrete questions: roles of the NRAs, responsibilities of the several players, ..., which are often key factors for a good implementation.	take note	<p>March 2011 is the deadline for transposition of the 3rd Package Directives into national law (even though certain provisions are to be complied with only by 2012 or 2013). The Regulations are applicable from 3 March 2011. Therefore, the focus in 2011 is on sharing interpretations and good practice to ensure a timely and proper implementation of the 3rd Package. It may be early to monitor already how the 3rd Package is implemented in specific areas, however, monitoring activities will be essential at some point in order to reach the sought objectives.</p>
B1-12	Eurogas	Yes, Eurogas especially welcomes the intention to revise the GGPOS (C13) and the work should be coordinated with C22.	agree	<p>The intention of CEER is to develop both deliverables in close cooperation to ensure that there are no contradictions.</p>

#	Resp.	Comment	Our position	Explanation
B1-13	Eurelectric	<p>In our view, although the program is aimed at covering a wide variety of priority areas, the drafting of the Framework Guidelines should be seen as a primary task for CEER/ERGEG in the upcoming months, and ACER once it has started its functioning in March 2011. We believe that timely preparation of the Framework Guidelines and prompt public consultation will be very important for smooth implementation of the 3rd Energy Package. Therefore we consider the early start of the work on a number of Framework Guidelines as a very positive development and suggest that the formal timetable for all the main Framework Guidelines outlined in the list of tasks for ACER should be agreed in the near time. In the area of wholesale market integration, we particularly welcome the start of the work on the Framework Guidelines on Capacity Allocation and Congestion Management. We believe that the adoption of the target model for European electricity wholesale market by the Florence Forum in December 2009 and a more detailed analysis of the target model implementation aspects within the Ad-Hoc Advisory Group (AHAG) conducted during 2010 have produced an extensive contribution to these Framework Guidelines and have laid a good basis for a timely development of the respective network codes. Furthermore, we believe that the drafting of the Framework Guidelines on Balancing should be taken up by the regulators right after the Framework Guidelines on Capacity Allocation and Congestion Management have been finalised. In our view, it is also essential to ensure coordination of the work in terms of timing and consistency between the Framework Guidelines on Capacity Allocation and Congestion Management and Comitology Guidelines on Governance, as well as Comitology Guidelines on Fundamental Electricity Data Transparency.</p>	<p>agree and take note</p>	<p>CEER shares the view that the development of framework guidelines and network codes is a primary task for us in the upcoming months, and for ACER once it has started functioning in March 2011 (even though other areas of work are also important). According to Regulations 714/2009 and 715/2009, it is for the Commission to establish an annual priority list. Indeed there have been some discussions already on priorities also within the context of the Florence and Madrid Fora. CEER agrees that from 3 March 2011 ACER is the competent body for developing and consulting upon framework guidelines and for contributing to the development of network codes. However, as evidenced by the work on the pilots during the interim phase, early “preparatory” work is essential and may be conducted within the CEER framework if appropriate and in close consultation with ACER. For a detailed timetable for ACER’s work, please consult the 2011 ACER work programme and the 3-year plan agreed between the European Commission, regulators and the ENTSOs.</p>

#	Resp.	Comment	Our position	Explanation
B1-14	EuroPEX	<p>EuroPEX supports CEER approach to cooperate and support the activities of ACER in implementing the Third Energy Legislative Package, particularly the development of Framework Guidelines. It is however worth stressing that Regulation (EC) No 713/2009 provides roles to ACER in terms of implementing the 3rd Package, either in developing Framework Guidelines or carrying out consultations:</p> <p>§9: The Agency has an important role in developing framework guidelines which are non-binding by nature with which network codes must be in line. It is also considered appropriate for the Agency, and consistent with its purpose, to have a role in reviewing network codes (both when created and upon modification) to ensure that they are in line with the framework guidelines, before it may recommend them to the Commission for adoption.</p> <p>According to the same Reg., ACER shall participate in the development of network codes in accordance with Article 6 of Regulation (EC) No 714/2009 and Article 6 of Regulation (EC) No 715/2009.</p> <p>§13: The Agency should consult interested parties, where appropriate, and provide them with a reasonable opportunity to comment on proposed measures, such as network codes and rules.</p> <p>It is therefore important that the roles of ACER and CEER neither conflict nor overlap. ACER should fulfil its role as described in the Regulation (EC) No 713/2009 whilst CEER could voluntarily acts as a supporting body to ACER.</p>	take note	
B1-15	EWEA	<p>CEER's planned support to ACER is welcome to provide for a smooth transition during the uptake of this new organisation. Consistency must be ensured, particularly on already ongoing dossiers currently carried out by ERGEG such as the Pilot Framework Guidelines on Electricity Grid Connection and on the assessment of ENTSO-E's work on the 10-year network development plan (TYNDP).</p>	agree	CEER will continue to provide support to ACER to ensure that it can take up its responsibilities without delay and in an efficient manner.
B1-16	GDF Suez	<p>- We welcome the continuing work of the Energy Regulators on ensuring a timely and correct implementation of the 3rd Package across the EU.</p> <p>- However, we would also like to stress that 2011 will be too early to make any conclusions on the effectiveness of the measures contained in the 3rd package. Member States have to implement the new legislation by March 2011. Before the implementation process is fully completed, no conclusive evaluation of the effectiveness of current legislation can be given. Therefore the Energy Regulators should avoid suggesting any additional measures before the 3rd package is fully functioning.</p>	take note	Please see our reaction to comment B1-11.

#	Resp.	Comment	Our position	Explanation
B1-17	Green Circle	Capacity payment mechanism should be developed in member states supported by initiatives towards energy efficiency. CEER should in the ACER processes work with the topic of energy efficiency as a powerful tool to meet the carbon reduction demands. To attract investments into decarbonisation, the reduction of emissions via increasing efficiency and mainly via savings should be treated as a resource. Being a resource, it should be also supported.	take note	See our reaction to response A-4.
B1-18	NABU (Nature and Biodiversity Protection Union)	CEER input to ACER on the framework guidelines should explicitly recognise energy efficiency as a high priority resource to meet carbon reduction objectives and supply energy services to customers at least cost. These rules offer an opportunity not only to optimise allocation decisions but also to attract investment in resources for a low carbon future. The investment required for a decarbonised power system will be reduced if the market treats efficiency/reduced consumption as a resource.	take note	See our reaction to response A-4.
B1-19	National Energy Action	NEA would have welcomed greater emphasis on the need to address energy poverty. The 3rd Package includes unprecedented recognition of energy poverty as a growing issue and, consequently, urges Governments of Member States to act on social protection through policies to mitigate the scale of this problem. In Great Britain, the regulator has a key role in this area and we would suggest that this consumer protection role should form a major element of all regulatory work. The 3rd Package exhorts Member States to implement policies including: national energy plans; providing appropriate social security benefits; and providing support for domestic energy efficiency improvements. All of these approaches have been adopted to some degree with Great Britain; NEA would recommend that the experience and expertise of Ofgem across these areas should serve as an initial template for the involvement of other regulatory bodies.	take note	Energy poverty is not currently within the ambit of action and competences of most European energy regulators. In connection with vulnerable customers, European energy regulators published a "Status review of the definitions of vulnerable customer, default supplier and supplier of last resort" on 9 September 2009 (E09-CEM-26-04).

#	Resp.	Comment	Our position	Explanation
B1-20	Nordenergi / Dansk Energi	<p>This is a general answer to all key areas:</p> <p>(Question b.) 2011 on one hand will be a year of adaptation to the new regulatory structure at EU-level (ACER) as well as to the new and extended portfolio of tasks for national regulatory authorities (NRAs). On the other hand a great number of tasks crucial to market integration will have to be completed. Therefore strict prioritization will be indispensable as CEER rightly stresses. While agreeing that the voluntary NRA cooperation in CEER still will have a role to play, Nordenergi urges the NRAs to give a top-priority to ACER-work – especially in 2011-12. The deadlines of the ACER 2011 Work Programme on drafting and completing the 8 top-priority Framework Guidelines are extremely tight. At the same time ACER opinions on the first derived draft Network Codes as well as draft ENTSO Ten Years Network Developments Plans have to be made. These tasks will require major resources among NRAs – as well as among TSOs and market stakeholders. The same goes for the continued developments within the framework of the Regional Initiatives.</p> <p>Despite this fact, the CEER presents a very ambitious 2011 work programme. The seven prioritized areas are in principle all relevant, but it is difficult to see that CEER has left anything out. Nordenergi urges the CEER to ensure, that issues strictly covered by the “3rd package” are prioritised.</p>	take note	<p>CEER shares the view that the development of framework guidelines and network codes is a primary task for us in the upcoming months, and for ACER once it has started functioning in March 2011. Nonetheless, there are other areas of work which are also important.</p> <p>We endorse a comprehensive and cooperative approach between CEER and ACER, with CEER continuing as an independent organisation and, at least in the short-term, pursuing a broad role including undertaking essential “preparatory” work for ACER. CEER will also support individual NRAs in their independent national regulatory activity stemming from the 3rd Package (notably new duties).</p> <p>For those aspects that fall beyond ACER’s immediate focus, CEER is seen as acting in a complementary way, without duplicating ACER functions.</p>

#	Resp.	Comment	Our position	Explanation
B1-21	Stadtwerke München GmbH	<p>Given the fact, that the 3rd Energy Package enhance and level up the powers and independence of ACER, ACER should nevertheless act only on transnational and cross-border network and regulation issues as well as requirements that need a pan-European harmonisation like cross-border trade and balancing rules including reserve power rules. But there have to be clear rules regarding the competences between the ACER and the NRA's. In our opinion, the competence of ACER should therefore cover only cross-border problems, whereas the competence of the NRA's should cover all national regulation issues, without cross-border reference. There has to be a clear task sharing between the national and European Level. All requirements that have no cross-border reference should not be covered by ACER. Regarding the cross-border issues and necessary pan-European harmonisation we support the important function of ACER. This has to be kept in mind when defining the exact split of roles and responsibilities between ACER and the NRA's. It is important to define exactly the competence of the ACER and the NRA to avoid an overlapping of competences and in consequence inefficiency between ACER and the NRA's. Therefore it is important to create structures of a decision making process, that enables the respective authority to make quick and effective decisions. Furthermore the independence of ACER from the Commission is important to make sure the division of powers.</p>	take note	<p>CEER endorses a comprehensive and cooperative approach between CEER and ACER, with CEER continuing as an independent organisation and, at least in the short-term, pursuing a broad role including undertaking essential "preparatory" work for ACER. CEER will also support individual NRAs in their independent national regulatory activity stemming from the 3rd Package (notably new duties).</p> <p>For those aspects that fall beyond ACER's immediate focus, CEER is seen as acting in a complementary way, without duplicating ACER functions.</p>
B1-22	WWF EPO	<p>Article 3.2 of the Directive 2009/72 concerning common rules for the internal market in electricity establishes that Member States may impose on undertakings operating in the electricity sector public service obligations, which may relate to environmental protection, including energy efficiency. In this framework, CEER should develop guidelines and research on how public service obligations on energy efficiency are applied at the national level.</p>	take note	See our reaction to response A-4.

3.2.2. B2: Regarding key area 2: Security of supply and infrastructure issues

The European energy regulators will continue to contribute to a well-functioning and non-congested European energy infrastructure system. The main message of the European energy regulators remains that the completion of the single EU energy market is vital for Europe's security of supply. This is particularly relevant in view of the global financial crisis and the austerity measures which may affect investments. Understanding the treatment of generation adequacy in Europe is an important factor in ensuring security of supply and in improving certainty for investors, generators, network planners and electricity market participants in general. In this context, the European energy regulators will closely cooperate with ACER in developing the relevant FG and will provide ACER with input related to the ENTSOs' 10-year electricity and gas network development plans. The latter will be particularly important as regards future infrastructure development. European energy regulators will further contribute to shaping the future networks, including as regards the role of smart grids and smart meters. The European energy regulators will also provide input to the European Commission's energy infrastructure package expected to be proposed during 2010.

The following comments were received:

#	Resp.	Comment	Our position	Explanation
B2-1	50 Hertz Transmission	Yes, but please note that national and harmonized regulations are required for a stable investment environment for infrastructure lines.	agree and take note	The 3 rd Package aims to create harmonised regulations that will contribute to a positive investment climate in the future.
B2-2	BDEW	We support the understanding of the key role of the TYNDP and the need for coordination between national regulators as a key role for CEER. Focus should be on coordination of methodologies between NRAs and TSOs. We do believe that generation adequacy – with the exception of monitoring – should not be an issue dealt with by CEER because it affects the competitive and not the regulated part of the market. An early involvement of grid users in any kind of work is key.	take note and disagree	The coordination of the Ten-Year Network Development Plan will be dealt with by ACER. CEER considers generation adequacy work to be crucial in 2011.

#	Resp.	Comment	Our position	Explanation
B2-3	CEDEC	<p>Energy efficiency, in particular efficiency improvements to buildings and to the installed stock, should be recognised as a key contributor to “a well-functioning and non-congested European energy infrastructure system.”</p> <p>Infrastructure is not merely large-scale generation or transmission facilities; it also includes smaller structures such as the wires and pipes connecting individual buildings to the grid.</p> <p>It is therefore vital that the ‘built environment’ - including all housing stock and correlated EUP installed stock - count as energy system infrastructure. The built environment becomes a deliverer of ‘energy services’ through installed energy efficiency measures and customer-premise generation. Moreover, the economic arguments for zero/low carbon generation and expanded grids improve with zero emissions buildings and reduced/smart demand.</p> <p>Resource adequacy and security of supply is greatly enhanced through demand-side resources such as energy efficiency. In expanding cross-border connections, as well as in developing regional transmission plans, regulators should consider reductions in load through efficiency improvements to the built environment as an alternative to network upgrades and expansion. CEER’s Work Programme should undertake to further examine the role of energy efficiency as a cost-effective distribution network resource</p>	take note	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.</p>
B2-4	CEDEC	<p>Yes.</p> <p>* Concerning the will to “contribute to shaping the future networks” and the role of smart grids, a maximum coordination of (existing and possible new) initiatives of CEER and DG ENER would be appropriate.</p> <p>* Concerning “input to the EC energy infrastructure package” we insist on the necessary attention for DSO level investments (including metering).</p>	agree	
B2-5	COGEN Europe	<p>Security of supply is a key issue and network development plans can indeed provide solutions, as suggested in the Key Area 2 description. However, CEER does not address the issue of minimizing network losses, despite the opportunity for major improvements.</p> <p>In addition, the focus is on large projects rather than an optimisation of the electricity system as a whole. Generation adequacy is mentioned but looked at in isolation this focus is of limited value as generation adequacy can only be understood in conjunction with demand trends, which are fast evolving.</p>	take note	<p>In connection with minimising network losses, we would like to point out our work on smart grids, in which CEER attempts to address the issue from a holistic viewpoint.</p>

#	Resp.	Comment	Our position	Explanation
B2-6	EDF	<p>Comments to fields B1 and B2 The electricity and gas industries need a stable legal framework in order to have visibility for the operation of the system but also for the huge amount of investments (in generation and transmission for electricity; in regasification terminals, import pipelines, transportation and storage for gas) to be carried out in Europe if we want to be in a position to meet the challenge of security of supply.</p> <p>Security of supply is a key priority for the EU and, of course, a major issue for the European electricity and gas markets. Its significance has been highlighted by the new EU regulation on the security of gas supply. As regards electricity, the issue still needs to be globally addressed: it is being partly addressed by CEER (EREG) through the generation adequacy issue, and by ACER with the supervision of the network issue through the TYNDPs.</p> <p>If properly designed, the development of Framework Guidelines and European network codes will play a key role in facilitating market integration.</p>	take note	
B2-7	EEB	<p>Energy efficiency should be recognised as a key contributor to “a well-functioning and non-congested European energy infrastructure system.” Infrastructure is not merely large-scale generation or transmission facilities; it also includes smaller structures such as the wires and pipes connecting individual buildings to the grid.</p> <p>The built environment becomes a deliverer of ‘energy services’ through installed energy efficiency measures and customer- premise generation. Moreover, the economic arguments for zero/low carbon generation and expanded grids improve with zero emissions buildings and reduced demand.</p> <p>Resource adequacy and security of supply is greatly enhanced through demand-side resources such as energy efficiency. In expanding cross-border connections, as well as in developing regional transmission plans, regulators should consider reductions in load through efficiency improvements to the built environment as an alternative to network upgrades and expansion.</p> <p>Concretely, this means that the full economic potential of energy efficiency would be considered in all assessments of the need for and optimal level of cross-border connections, e.g., the 10 year network development plan.</p>	take note	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.</p>

#	Resp.	Comment	Our position	Explanation
B2-8	Elexon	In relation to smart grids and smart meters, it is crucial that national and European approaches are consistent at all times, for example the roll out of smart metering in the GB market is being actively pursued. It is important that pan European requirements that may impact this are identified and confirmed or otherwise as early as possible to avoid disruption.	agree	
B2-9	Enagas	<p>Enagás believes that the roles of ACER, ERGEG and CEER should be clearly defined.</p> <p>In the medium term Enagás believes that ACER should take over the role of CEER as an advisory body. Otherwise, if CEER keeps the role of advisory body to ACER, there should be an explicit decision from the European Commission stating this as it happened when ERGEG was established as advisory body to the EC through "Commission Decision 2003/796/EC (Commission Decision of 11 November 2003 on establishing the European Regulators Group for Electricity and Gas)"</p> <p>With regards to the Security of Supply and infrastructure, Enagás believes it is important to achieve a well-functioning gas market. ACER should look at ways of creating a non-congested market as well as supervising the implementation of the SoS regulation.</p> <p>It should be paid close attention to the Ten Year Network Development Plan done by ENTSOG and look into detail at those Infrastructure Projects which might serve positively to reinforce the Security of supply of gas in the EU even if they are not considered as priority projects under the TYNDP.</p>	take note and agree	<p>On the competences of ERGEG, CEER and ACER, please see our reaction to response A-13.</p> <p>European energy regulators will continue their dialogue with ENTSOG on all issues, but also on the development of the European Ten Year Network Development Plan as well as the development of regional plans. We agree that these plans are crucial for the development of the network and to highlight investment needs. The close relation with security of supply is evident. However, in our deliverable on the implementation of the new Security of Supply Regulation we will focus on those investments which are not market driven and thus benefit the internal market only to a limited extent.</p>
B2-10	E.ON	E.ON believes that in order to increase security of supply, a predictable regulatory framework and a stable and robust environment have to be provided to give investors the confidence they need to invest. We therefore encourage the creation and maintenance of a more integrated transparent and competitive energy market. We believe this to be the most efficient and effective way of ensuring security of supply and believe regulators should support the continued development of competitive markets. All regulatory work aiming to improve security of supply should be achieved through market based solutions.	agree	CEER agrees that security of supply is generally to be achieved via market development. However, the new Security of Supply Regulation also foresees investments which are not triggered by the market. For these investments it is necessary to develop cost-sharing principles.

#	Resp.	Comment	Our position	Explanation
B2-11	EWEA	<p>European Energy Regulators rightly emphasise the treatment of generation adequacy in Europe as an important factor in ensuring security of supply and in improving certainty for investors, generators, network planners and electricity market participants in general. Besides the regulators advice on the TYNDP, the completion of the single EU energy market is particularly vital in this regards and should be treated with priority in the CEER activities in 2011.</p> <p>European Energy Regulators should prepare for a future power system characterised by flexibility – with dynamic electricity markets (and an increased number of market participants) playing a key role to facilitate the integration of wind power generation and other renewables.</p> <p>EWEA therefore calls for the Energy Regulators to focus on market integration topics such as an EU-wide deployment of intra-day market trading with implicit auctioning and gate closure times as close to real time as possible, as well as the application of intra-day wind power forecasting for low reserve requirements. This would be also a logical follow-up on the recent CEER wind integration report which already touched upon these questions.</p> <p>EWEA urges the European Energy Regulators to deliberate on a joint methodology to adequately quantify the level of financial support for interconnectors in order to capture the specifics of electricity networks provisioning, which might stand in contrast to the existing approach to “self-financing” and “market-driven” energy networks. This would on the one hand take into account that infrastructure economies are characterised by multiple market failures, mainly due to natural monopoly and competition effects. On the other hand it would address the fact that cost calculations on projects with a regional or European interest do not include so far the non-commercial benefits of such infrastructure and the possibly higher risk inherent to new technologies (e.g. when looking at a future Supergrid).</p>	take note	
B2-12	Friends of the Earth Europe	<p>The work plan should stress that the most effective solution to energy dependence is reduced EU energy consumption.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B2-13	Friends of the Supergrid	<p>Friends of the Supergrid (FOSG) welcome CEER major objective to complete the single EU energy market as vital for Europe's security of supply. However, in order to do so and at the same time comply with the greenhouse gas reduction targets, an integrated new network is needed. Such network is what we call the European Supergrid that should become the transmission backbone of Europe's decarbonised power sector.</p> <p>The objective of the Supergrid, coinciding with that of CEER, will be to facilitate the trading of electricity across Europe and strengthen our security of supply.</p> <p>FOSG therefore considers that CEER and ACER should start analyzing in detail and therefore insert in its work programme, whether ACER has the necessary powers and recognized responsibilities under the present 3rd package so that it can act as a Single Regulator for the Supergrid. Since no such grid exists today, a new framework will need to be developed on time so that the standards to which the grid needs to be built, it's technological design philosophy, its ownership, governance, operating regimes, the planning and regulation techniques, the grid's geographic scope, the costs and benefits, are thought out prior to the new grid having it's first leg built.</p> <p>If such powers are not appropriate, CEER should seek doing the necessary to acquire them for ACER either within the existing framework or by proposing the EU Institutions to come up with new legislative proposals.</p>	take note	

#	Resp.	Comment	Our position	Explanation
B2-14	GDF Suez	<p>-All policy actions in this area must be based on an equilibrium between the need to ensure a reliable supply of energy, the need to manage at the European level a diversified portfolio of different sources of supply, and the necessity to preserve the affordability of energy to final customers. The regulatory framework must therefore be carefully adapted to take this balance into consideration and to maintain it. In particular, long-term gas supply contracts with producers have enabled the good functioning of the internal market for the last 30 years providing the strongest guarantees for a reliable gas supply. The regulatory framework has to prevent any interference with these long term commitments between producers and mid-streamers.</p> <p>-Guaranteeing the security of supply also implies proper development of gas infrastructures. Here again, the Regulatory framework must provide stability, long-term visibility and confidence needed to pursue the development and upgrades of European infrastructure through projects involving significant long-term financial commitments.</p> <p>-As far as the internal EU transmission networks are concerned, local TPA tariffs, especially when they are set by national regulators, must be based on a transparent and detailed methodology, also explaining how they take into account different legislative obligations such as the security of supply regulation.</p> <p>Cost of new infrastructures required to enhance the security of supply must be taken into account.</p>	take note	
B2-15	GEODE	<p>YES. GEODE welcomes Regulators will continue to prioritise Smart Grids and Smart Meters issues. Both topics are a priority for GEODE as they both require significant involvement from DSOs.</p>	take note	
B2-16	Green Circle	<p>In shaping future networks, energy efficiency will underpin the effectiveness of smart meters. The remit for distribution system operators should be of sufficient scope that energy efficiency becomes a foundation of smart meter rollout. Smart grids must be subject to careful analysis so as not to divert funds from cleaner cheaper carbon reductions. They must enable real efficiency investments, not just engage behavioural response in customers.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B2-17	NABU (Nature and Biodiversity Protection Union)	<p>Energy efficiency - in particular, efficiency improvements to existing and new buildings - should be recognised as a key contributor to "a well-functioning and non-congested European energy infrastructure system." Infrastructure is not merely large-scale generation or transmission facilities; it also includes smaller structures such as the wires and pipes connecting individual buildings to the grid.</p> <p>It is therefore vital that the 'built environment' - including all housing stock - count as energy system infrastructure. The built environment becomes a deliverer of 'energy services' through installed energy efficiency measures and customer- premise generation. Moreover, the economic arguments for zero/low carbon generation and expanded grids improve with zero emissions buildings and reduced demand. Resource adequacy and security of supply is greatly enhanced through demand-side resources such as energy efficiency. In expanding cross-border connections, as well as in developing regional transmission plans, regulators should consider reductions in load through efficiency improvements to the built environment as an alternative to network upgrades and expansion.</p>	take note	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.</p>
B2-18	National Energy Action	<p>Clearly, Member States will seek to roll-out their smart meter programmes and there will be a role for regulators in contributing towards development of a smart grid. However NEA would stress the role of energy efficiency in demand-side management and is disappointed that the scope for energy efficient housing to contribute to security of supply objectives is unrecognised.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B2-19	Stadtwerke München GmbH	<p>To foster a pan- European integrated grid ACER should boost and support accordant projects in R&D and create incentives for the necessary investments. R & D should focus on a secure and sustainable energy supply. This can only be achieved by a stronger integration of peripheral generation of renewables and combined heat and power via smart grids. R&D should concentrate on technologies, that afford the according development of the networks. But at the moment the current incentive regulation disregards investments for R&D. Therefore the network operator aren't able to support R&D. ACER should support an adequate framework for the investments in R&D in interoperable and secure grids, that enable the further development of the existing grids. Special interest should focus on steering and storage technologies, that assure in terms of high energy generation (e.g. wind power) and low energy consumption the stability of the grid. In equal measure too much regulation, that endanger investments in grids and therefore in security of supply by the ACER or the national regulation authorities has to be avoided. Problems regarding Solar and wind power stations: Solar and wind power stations are located typically not in the regions where the energy is needed. To warrant the security of supply it has to be secured that enough financial resources are available and that the investments made by the network operators has a adequate rate of return.</p>	take note	
B2-20	WWF EPO	<p>When CEER refers to "generation adequacy" in its work programme, demand management, through improved energy efficiency, will increase capacity margins and so should be regarded as a strategically important priority. Reducing energy consumption before building new infrastructure will adjust the size of the energy networks to the real energy needs of the EU, which will decline from now and 2020 if the 20% energy saving target is met. In addition, reduction of energy consumption is crucial to ensure security of supply, as energy savings are one of the largest local sources of energy immediately available in all Member States.</p> <p>For example, according to a recent study - Ecofys and Fraunhofer ISI, "Energy savings 2020. How to triple the impact of Energy Saving Policies in Europe" - Europe has to close a 208 Mtoe gap to reach its 20% energy saving objective by 2020, according to WWF's own calculation this gap is equivalent to nearly 7 times the energy flow through the Nabucco pipeline (if this is built to its stated capacity).</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B2-21	(confidential)	Energy distribution networks are huge systems. In particular, the electricity network is probably the most complex and vast system ever implemented by man and it works with quite remarkable performance and low relative losses. Nevertheless, due to its high pattern of use, these low losses can turn in to considerable net amounts of energy. Technical solutions to reduce this burden are available at the market and with demonstrated benefits. Efficient cabling systems and transformers bring a great efficiency improvement to the network, particularly if coupled with effective grid design... Power electronics for grid management have also had great developments and are now able to effectively improve the performance of the grid. http://www.leonardo-energy.org/energy-efficient-distribution-transformers	agree	

3.2.3. B3: Regarding key area 3: Affordability and consumer issues

The implementation of the 3rd Package provisions will continue to be a main objective for 2011. The policies in place are clear but concrete implementing measures need to be developed. The European energy regulators will in particular address the issues of retail market design, provisions on customer empowerment and energy poverty and smart metering as well as sharing experiences and good practice. More generally, regulators will continue their commitment and engagement with stakeholders and the European Commission's bodies to promote customer benefits in the energy sector, in particular through the Citizens' Energy Forum.

The following comments were received:

#	Resp.	Comment	Our position	Explanation
B3-1	BDEW	We do believe that affordability and consumer issues – with the exception of monitoring functions as set as regulators tasks in the power/gas directive – should not be an issue dealt with by CEER because it affects the competitive and not the regulated part of the market.	disagree	According to the 3 rd Package NRAs must carry out their tasks while pursuing general objectives in terms of <ul style="list-style-type: none"> - effectiveness of market opening for all customers and suppliers; - efficiency of non-discriminatory and consumer-oriented systems; - enhancement of consumer protection and achievement of competition, both items being clearly linked; - and enforcement and effectiveness of ANNEX I provisions.

#	Resp.	Comment	Our position	Explanation
B3-2	CECED	<p>Energy efficiency improvements in homes and businesses is the best way to ensure affordability to consumers as the European market evolves—particularly as energy prices increase to reflect the cost of carbon. In addition to generically addressing “the issues of retail market design, provisions on customer empowerment and energy poverty and smart metering” under this area of the work programme, European energy regulators should focus on fully integrating energy efficiency into the regulatory framework across all member states and within ACER.</p> <p>The delivery of “negawatt-hours” and “negatherms” to households and businesses by energy service providers that are delivering efficiency measures to end-users should and will increase during implementation of the 3rd Package. Increased market concentration (e.g., vertical integration of both the retail market and the energy efficiency supply chain) and potential market abuse in this environment can take new forms to the disadvantage of consumers, especially households. The regulators role should be expanded to ensure that consumers are protected from these negative market developments.</p>	take note and agree	<p>On the topic of energy efficiency in general, please see also our reaction to response A-4.</p> <p>CEER agrees with the importance of energy efficiency in homes and businesses to ensure affordability to consumers.</p> <p>CEER will start working on energy efficiency measures from the consumer perspective in 2011 through drafting recommendations for the take off of a demand response electricity market with smart meters.</p> <p>The 3rd Package gives clearly a role in retail market monitoring to NRAs to prevent potential market abuse from dominant players.</p> <p>CEER recognises the role that energy service companies independent from energy retailers can play to develop innovative services to increase energy efficiency.</p>
B3-3	CEDEC	<p>Yes.</p> <p>On the issue of retail market design, the specific requirements of a future smart grid environment (in particular for DSOs) should also be taken into account. (cf key area 2)</p>	take note	It is CEER's opinion that smart grids should also deliver value for customers.
B3-4	COGEN Europe	<p>Affordability and consumer issues are very high up the political agenda both in Brussels and throughout the Member States, justifying CEER's focus on this Key Area.</p> <p>It appears that this area is correctly addressed through the activities C-1 to C-4.</p> <p>One aspect is missing however: the transparency of information on the attributes of the electricity supplied to end consumers. Currently the quality and level of detail of the information provided to end users is very patchy and there is a clear need for a streamlined approach in this area. In particular verifiable information based on guarantees of origin for renewables and cogeneration should be mandatory for all electricity suppliers and should figure prominently on electricity bills and should be available on the internet.</p>	take note	<p>CEER agrees that customer bills and suppliers' offers must be transparent. This will be a focus of deliverable C-4.</p> <p>Furthermore, during the 2010 London Forum, CEER agreed to work on GGP on price comparison tools to enable customers to make an informed choice of their suppliers and commercial offers.</p>

#	Resp.	Comment	Our position	Explanation
B3-5	ERG	E3G welcomes the focus on affordability and consumer issues. We would like to see this area addressed in an integrated manner that focuses on securing long-term best value for consumers rather than focusing on least-cost in the short term which may lead to greater burdens on the consumers of the future. Particular priorities including alleviating energy poverty, including through the provision of energy efficiency measures and tariff structures to protect vulnerable consumers, and promoting consumer empowerment through enabling demand response.	take note and agree	On the topic of energy efficiency in general, please see also our reaction to response A-4. CEER will start working on energy efficiency measures from the consumer perspective in 2011 through drafting recommendations for the take off of a demand response electricity market with smart meters.
B3-6	EDF	Customer issues are of rising importance for gas and electricity suppliers particularly on markets where the development of competition is at an early stage. We consider that the provisions of the Third Package in this field are already precise enough to be implemented rapidly and successfully. Beyond the sharing of good practices, the London Forum is addressing the main aspects where improvement or monitoring may be necessary (complaint handling, billing, etc.).	agree	On some aspects the provisions of the 3 rd Package are very precise. On some others we think it is beneficial to share good practices. Indeed, CEER has been a key player of the three first meetings of the London Forum as ERGEG GGPs have been endorsed by the Forum so far (complaint handling, monitoring, smart metering...).
B3-7	EER	Energy efficiency improvements in homes and businesses is the best way to ensure affordability to consumers as the European market evolves—particularly as energy prices increase to reflect the cost of carbon. In addition to generically addressing “the issues of retail market design, provisions on customer empowerment and energy poverty and smart metering” under this area of the work programme, European energy regulators should focus on fully integrating energy efficiency into the regulatory framework across all member states and within ACER.	take note	On the topic of energy efficiency in general, please see also our reaction to response A-4. CEER will start working on energy efficiency measures from the consumer perspective in 2011 through drafting recommendations for the take off of a demand response electricity market with smart meters.
B3-8	Elexon	See our answer to key area 2 on smart metering.	agree	CEER strongly supports the standardisation work pursued by the European Commission through the smart metering mandate M441.
B3-9	ENI	Concerning this point, we recognize the importance of the provisions introduced by the III Energy Package, but we want to point out that the methodology with which these general principles should be concretely implemented should be left to national concern.	take note	CEER intends to develop guidelines of good practice which are non-binding but should be of help to the Member States. However we think that on some specific aspects, minimum European requirements could be put in place.
B3-10	E.ON	The 2011 Work Programme announces a number of consultations targeted at customer affairs. E.ON respects the need to protect customers and their rights; however, as customers in a competitive market will in the end pay for additional services, it should be critically assessed whether a measure increases customers' benefits above its cost.	agree	CEER believes that customer benefits should always exceed costs. Indeed as E.ON says in the end they will pay for additional services.

#	Resp.	Comment	Our position	Explanation
B3-11	Eurogas	Yes, but the work on e.g. C2 and C3 has to be well co-ordinated.	agree	CEER will organise the treatment of these two deliverables to allow a good coordination.
B3-12	Eurelectric	On the retail issues, EURELECTRIC welcomes the proposal to follow up the DG SANCO Retail Markets Survey and the Commission Joint Working Group report on Retail Market Design presented at the 3rd Citizens' Energy Forum. Regarding the latter, in particular, we believe it is crucial to focus retail market design on clear and harmonized roles and responsibilities of all actors as well as harmonized and interoperable data exchange standards. EURELECTRIC will be pleased to provide input to both projects in the view of developing well-functioning retail markets.	take note	CEER will work closely with Eurelectric and other stakeholders through public consultation and, if requested, hearings and workshops.
B3-13	Friends of the Earth Europe	CEER's role in reducing consumer costs should be emphasised. By promoting measures to reduce energy consumption (e.g. a mandatory target for energy utilities, smart metering, differential pricing) CEER can reduce energy bills for private and business consumers. The potential benefits are extremely significant, ranging from lower household energy bills and reduced energy poverty to increased industrial competitiveness (as businesses cut their production costs and produce more efficient goods).	agree	CEER will start working on energy efficiency measures from the consumer perspective in 2011 through drafting recommendations for the take off of a demand response electricity market with smart meters. Furthermore, during the 2010 London Forum, CEER agreed to work on GGP on price comparison tools to enable customers to make an informed choice of their suppliers and commercial offers.
B3-14	Friends of the Supergrid	In addition to the Supergrid ensuring an internal market and security of supply, it will create another global opportunity for European companies to export sustainable energy technology. European companies have a worldwide lead in this technologies (particularly power electronics, HVDC transformation stations, cable manufacturing, control systems, and electronics testing), the installation methods, and building offshore renewable power stations and solar. If we are to fully exploit these renewable resources and deliver power on a continental scale, then the energy sector has to significantly reduce investment costs through a whole series of innovations, from plant design to voltage source technology. The efficiencies of scale resulting from these investments will reduce unit production costs over time in accordance with the cost curve common to all industries growing to maturity which will then guarantee low costs to consumers. Moreover, the rapid deployment of the Supergrid will reinforce the employment creation potential of European industry. Once developed and installed in Europe, the Supergrid will be rolled out across the globe, providing export earnings and enhanced employment potential. This will also result in net benefits to consumers and citizens.	take note	It seems rather out of scope of consumer issues.

#	Resp.	Comment	Our position	Explanation
B3-15	GDF Suez	<p>- Regulators must pay due consideration to consumer issues and we welcome ERGEG-CEER's intention to continue following this issue. In general, the regulatory framework must be assessed through quantified cost-benefit analysis, so as to ensure that it promotes solutions that bring tangible advantages to customers without a disproportionate impact on consumer prices.</p> <p>- Activities in this field should be undertaken in close cooperation with European and national consumer organisations.</p>	agree	CEER will work closely with consumer organisations and other stakeholders through public consultation and, if requested, hearings or workshops.
B3-16	GEODE	YES. GEODE will follow with special concern CEER work on retail market design and in particular, the work on advice on the take-off of a demand response electricity market with smart meters.	take note	CEER is looking forward to receiving GEODE's input on this new issue.
B3-17	Green Circle	<p>The delivery of "negawatt-hours" and "negatherms" to households and businesses by energy service providers that are delivering efficiency measures to end-users should and will increase during implementation of the 3rd Package. Increased market concentration (e.g., vertical integration of both the retail market and the energy efficiency supply chain) and potential market abuse in this environment can take new forms to the disadvantage of consumers, especially households. The regulators role should be expanded to ensure that consumers are protected from these negative market developments.</p>	agree	<p>CEER agrees with the importance of energy efficiency in homes and businesses to ensure affordability to consumers.</p> <p>The 3rd Package gives clearly a role in retail market monitoring to NRAs to prevent potential market abuse from dominant players.</p> <p>CEER recognises the role that energy service companies independent from energy retailers can play to develop innovative services to increase energy efficiency.</p>
B3-18	NABU (Nature and Biodiversity Protection Union)	<p>Energy efficiency improvements in homes and businesses is the best way to ensure affordability to consumers as the European market evolves - particularly as energy prices increase to reflect the cost of carbon. In addition to generically addressing "the issues of retail market design, provisions on customer empowerment and energy poverty and smart metering" under this area of the work programme, European energy regulators should focus on fully integrating energy efficiency into the regulatory framework across all member states and within ACER.</p> <p>The delivery of "negawatt-hours" and "negatherms" to households and businesses by energy service providers that are delivering efficiency measures to end-users should and will increase during implementation of the 3rd Package. Increased market concentration (e.g., vertical integration of both the retail market and the energy efficiency supply chain) and potential market abuse in this environment can take new forms to the disadvantage of consumers, especially households. The regulators role should be expanded to ensure that consumers are protected from these negative market developments.</p>	agree	<p>CEER agrees with the importance of energy efficiency in homes and businesses to ensure affordability to consumers.</p> <p>CEER will start working on energy efficiency measures from the consumer perspective in 2011 through drafting recommendations for the take off of a demand response electricity market with smart meters.</p> <p>The 3rd Package gives clearly a role in retail market monitoring to NRAs to prevent potential market abuse from dominant players.</p> <p>CEER recognises the role that energy service companies independent from energy retailers can play to develop innovative services to increase energy efficiency.</p>

#	Resp.	Comment	Our position	Explanation
B3-19	National Energy Action	Affordability and consumer issues comprise NEA's key interests and concerns. As indicated above, Great Britain possesses a comprehensive infrastructure to promote affordability through: discounted and subsidised tariffs; heating and insulation grant programmes; financial support through the social security system for vulnerable energy consumers; and oversight of retail market practices to ensure equity for disadvantaged households. In order to promote best practice, and to quantify and analyse the scale of n in Member States, CEER should support the establishment of a European Fuel Poverty Observatory as recommended in the recent Intelligent Energy 'EPEE' project. CEER should also support policy and research work directed towards establishing a consistent definition and understanding of energy poverty across the EU. In order for CEER to represent a common view on the extent of the problem and potential solutions it is necessary to share a common understanding of what is meant by energy poverty. CEER should commission further research into energy poverty issues and the situations in Member States to identify the most appropriate policies and programmes to ensure affordability for all households.	disagree	<p>According to the 3rd Package NRAs must carry on their tasks while pursuing general objectives in terms of effectiveness of market opening for all customers and suppliers; efficiency of non discriminatory and consumer-oriented systems; enhancement of consumer protection and achievement of competition, both items being clearly linked; and enforcement and effectiveness of ANNEX I provisions.</p> <p>According to the 3rd Package Member States shall take appropriate measures to protect final customers and shall in particular ensure there are adequate safeguards to protect vulnerable customers. Each Member State shall define a concept of vulnerable customers which may refer to energy poverty.</p> <p>NRAs have generally no special role defined by the Directive in the field of vulnerable customer protection. Indeed NRAs responsibilities differ greatly depending on countries. This is the reason why it is not possible for CEER at European level to commission research on energy poverty in 2011.</p>
B3-20	Gian Carlo Scarsi	Here we probably need some more work on retail market monitoring and value for money, customer empowerment, actual ease of switching (statistics sometimes lie) and the treatment of worst served customers as opposed to "average-served" ones.	take note	ERREG has released GGP on retail market monitoring indicators in 2010. We may work further on this in 2012 in coordination with ACER.
B3-21	SSE	SSE generally supports the CEER approach, but it should be emphasized that coordination of the different measures (Third Package, Smart meter roll-out, retail market monitoring, etc.) is essential to maximise effects.	agree	CEER will of course coordinate internally to ensure that overlap or duplication of work is avoided. Externally, CEER will work closely with consumer organisations, the industry and other stakeholders through public consultation and, if requested, hearings.
B3-22	WWF EPO	When dealing with energy poverty, CEER should explicitly take into consideration the role of energy savings in reducing citizens' energy bills. In particular, according to a draft of the European Commission on the expected "Energy 2020. A Strategy for competitive, sustainable and secure energy", with appropriate measures, energy savings can amount up to 1000 € for household in a year. Most of this savings can be achieved with deep renovations of existing buildings; therefore, the CEER should not overlook the role of upgrading the existing building stock in ensuring energy affordability. For the time being, CEER's activities do not directly cover the built environment; however, national energy regulators could play a very useful role in offering guidelines and advice in deploying energy performance contracting models, especially when energy companies are involved, in each country.	take note	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.</p>

#	Resp.	Comment	Our position	Explanation
B3-23	(confidential)	<p>The economic contribution of Energy Efficiency goes well beyond the cost of energy saved. Non-energy benefits (improved productivity, reduced maintenance costs) can be at least as high.</p> <p>Energy efficiency is mostly based on technical solutions but is also labour intensive - measures have a direct employment effect through auditors, energy managers, installers, etc. As energy efficiency reduces the cost of energy services, there is another positive indirect employment effect through the increased competitiveness of EU industry.</p> <p>Recognising the long life of many electricity using products (electric motors last 15-20 years), regulations are required to both increase the minimum efficiency standards of the equipment put on the market, as well as to accelerate their rates of adoption lowering total ownership costs. These regulations should also limit the market entry of inefficient products.</p> <p>Consumers/users also need to be more aware of the lifetime implications of the equipment they purchase. We need to push life-cycle approaches (operating cost, environmental impact, resource usage, etc) for a much wider range of products and systems. In this sense, a broad application of dynamic and informative labelling schemes is very useful.</p>	take note	<p>CEER agrees in principle with these statements.</p> <p>However, it seems to be rather out of scope of NRAs' responsibilities at the moment.</p>

3.2.4. B4: Regarding key area 4: Climate change, renewable energy and energy efficiency

The European energy regulators will continue to address the impact of climate change policies on the regulation of networks. The steps towards reaching the ambitious targets that the EU has set for itself have an impact on the regulators' work, who at the same time have to ensure that customer interests are always taken into account and that competition is not distorted. To this end, the European energy regulators will continue to provide advice to the European Commission at EU level and share experiences and good practices among themselves. The European energy regulators will cooperate with other regional regulatory associations through the International Confederation of Energy Regulators (ICER), and will take a leading role with respect to work on sharing information and best practice on the international regulatory response to climate change.

The following comments were received:

#	Resp.	Comment	Our position	Explanation
B4-1	BDEW	We do believe that climate change and energy efficiency issues – with the exception of monitoring - should not be an issue dealt with by CEER because it affects the competitive and not the regulated part of the market. This may be different for some elements of renewable energy as its impact on networks may be considerable.	disagree	Climate change and energy efficiency are among the issues that many regulators deal with already now, and the role of regulators is increasing in these fields. Climate change and energy efficiency also affect networks and their regulation. The general sentiment that particularly energy efficiency should be part of energy regulators' work is also reflected in the great majority of other responses received.

#	Resp.	Comment	Our position	Explanation
B4-2	Boig	<p>CEER should ensure that all its members follow the example of the "best in class" and remove perverse incentives to energy companies to transmit, distribute and supply end use customers with more of their product; this applies particularly to small users of energy such as households and small businesses. For example, there should be no "volume driver" in the distribution price controls, which penalise distribution companies if they reduce the energy they deliver.</p> <p>CEER members have a legal obligation to oversee the supply activities of energy companies. eceee welcomes the growing interest in the development of energy service companies which supply both energy and energy efficiency. But we believe there may be unfair competition issues and long term consumer issues at stake where the development of ESCOs involves the historical energy supplier, particularly if it develops the energy efficiency activities as a direct result of any kind of energy efficiency obligations placed on it. For example, the insulation market in the UK is dominated by subsidies from the energy suppliers as part of their obligations under CERT and there is virtually no market outside the energy supplier linked activity. Several UK energy suppliers are developing insulation businesses and taking over existing insulation businesses. . Conceivably, in the future the 6 major insulation installers by controlling who the subsidies for CERT are given to this issue should be explored.</p>	take note	See our reaction to response A-4.
B4-3	CECED	<p>Energy efficiency should not only be included in this key area, but rather should suffuse all work areas. Emissions reduction and renewable goals must build on a foundation of energy efficiency that stands as a pre-requisite. Not only does it make meeting the targets more feasible, it makes the delivering RES cheaper.</p> <p>In its advisory role to the European Commission and facilitating the exchange of good practices among regulators (a role highlighted in this section), CEER should emphasize the importance of "efficiency first" policies in the hierarchy of climate change initiatives for the reasons discussed in ECF's Roadmap 2050 and other studies. This has some practical implications for regulators in designing support schemes: For example, efficiency savings in buildings would be required before the owner qualifies for renewable subsidies.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B4-4	ClientEarth	<p>We recognise the importance of energy efficiency and savings within the context of climate change and European Energy Regulators' (EER) involvement in relation to this area.</p> <p>However, ClientEarth considers that energy efficiency and savings are important not only in the context of climate change but are also crucial for:</p> <ul style="list-style-type: none"> - reducing Europe's energy dependency and therefore improving its security of supply - improving Europe's job market through creating new jobs - reducing energy bills and fuel poverty and therefore addressing affordability and consumer issues - helping Europe and its businesses take the lead in the global race for innovative and sustainable products <p>Energy efficiency and savings are also a crucial element when considering energy infrastructure in Europe and ensuring network reliability.</p> <p>Three of the above mentioned elements should be highlighted, namely 1. reducing energy dependency and therefore improving Europe's security of supply, 2. reducing energy bills and fuel poverty and therefore addressing affordability and consumer issues, and 3. energy efficiency and savings as a crucial element for considering energy infrastructure in Europe. Energy efficiency and savings are the solution in all these three cases. Reductions in energy demand mean building Europe's independence from external sources and an important step towards self-sufficiency, less energy used by consumers and therefore lower energy bills and less network upgrades and expansion needed.</p> <p>Therefore, we recognise the importance of full integration of energy efficiency and savings issues into the EER 2011 work programme.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B4-5	COGEN Europe	<p>A resolute and coordinated answer to the climate change challenge is not and should not be portrayed as equivalent to a robust renewables and energy efficiency policy. The wording of the CEER draft Workplan for 2011 does not distinguish between these objectives and focuses solely on the response to the threat of climate change.</p> <p>The final 2011 workplan must address fully the issue of energy efficiency both at the network level and at the generation level as a coherent system approach is required.</p> <p>The drive towards a resource efficiency economy (and first and foremost a resource efficient energy sector) is now a political objective. Regulators can do much to improve energy efficiency and resource efficiency, through ensuring -for example- public access to network capacities in order to optimise siting of new plants.</p> <p>The new European Energy Strategy for 2020 calls, in its "Action 3: Reinforcing efficiency in energy supply" for "energy efficiency, in the production as well as in the distribution, [to] become an essential criterion for the authorisation of generation capacities and efforts are needed to substantially increase the uptake of high efficiency cogeneration, district heating and cooling."</p> <p>Regulators have a vital role to play in this regard and the CEER Workplan should aim to take this now priority into consideration and help coordinate the work of national regulators in this area.</p>	take note	See our reaction to response A-4.
B4-6	E3G	<p>Energy systems in Europe are undergoing rapid change in the transition to a decarbonised economy. Protecting the public interest through the transition will require a progressive and proactive role for energy regulators. It is important that facilitating the low carbon transition is recognised as a key priority for energy regulators. Regulators will also need to differentiate between short term least cost approaches and overall public interest and best value in the longer term.</p> <p>We welcome the inclusion of energy efficiency under this heading, and would like to see efficiency and demand response treated as essential supply-side resources, to be considered on an equal basis with generation and infrastructure investment.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B4-7	EDF	<p>Regarding the EU objectives of a low carbon economy set by the Climate Package, a particular attention should be paid to:</p> <ul style="list-style-type: none"> - The need for the rules to concentrate on the economic incentives for new investments, recognizing the value of generation technologies that do not emit CO2 or that emit less CO2 while avoiding distortions; - Keeping in mind the 2020 targets, regulators should focus on the impact and integration of renewable generation on electricity markets and networks. <p>Regarding Smart Grids, considered as a means to achieve the ambitious targets of the Climate Package, EDF would like to stress how challenging and costly it might be to make the networks "smart" enough to accommodate the new distributed generation technologies and at the same time exploit the capabilities of Demand Side Management (DSM) so as to both achieve high levels of efficient use of energy and meet the EU targets. In this respect, we consider that:</p> <ul style="list-style-type: none"> - The approach to Smart Grids should be both user-centric and addressed from a global power system perspective ; - As regards the funding of Smart Grids, a business model which allows to equitably share the financing between the various stakeholders must be developed ; - In order to facilitate their effective development, it is essential to allow cost minimization in ensuring interoperability between the various technologies across the EU. 	take note	CEER will in 2011 work on smart grids, energy efficiency and renewable energy.
B4-8	EERB	<p>Energy efficiency should not only be included in this key area, but rather should suffuse all work areas. Emissions reduction and renewable goals must build on a foundation of energy efficiency. Not only does it make meeting the targets more feasible, it makes the delivering RES cheaper.</p> <p>In its advisory role to the European Commission and facilitating the exchange of good practices among regulators (a role highlighted in this section), CEER should emphasize the importance of "efficiency first" policies, as a cost effective and considerable contribution to climate policies and objectives.</p>	take note	See our reaction to response A-4.
B4-9	ENI	<p>We notice that in this field there is no specific reference to natural gas. Thus, we would like to remind the extremely importance of this source of energy, for two reasons. Firstly at present it considerably contributes to reducing emissions; secondly electricity production from renewable is still not as affordable and performing in absolute terms as generation from natural gas.</p>	take note	

#	Resp.	Comment	Our position	Explanation
B4-10	E.ON	E.ON is committed to contribute to the climate goals and a low carbon portfolio. We therefore support and encourage CEER to develop positions and provide support to the European Commission. However, it is of utmost importance that all approaches must focus on transparent, non-discriminatory and market-based measures and agree with CEER that any distortion of competition must be avoided.	take note	CEER work will take into account the aspect of well-functioning competition in the electricity market. In particular, we would like to highlight our deliverable C-8 on non-harmonised renewable support schemes.
B4-11	Eurogas	Gas is not mentioned. Although it is less relevant to the planned work on C3 and C6 than electricity, gas should not be overlooked in initiatives associated with energy efficiency. Biogas initiatives too may be relevant.	take note	
B4-12	European Copper Institute	<p>On the quest to sustainability (in the broadest sense), energy efficiency is the most cost effective and long-lasting option to reduce EU CO2 emissions and the dependence on external energy supplies – thus enhancing EU energy security.</p> <p>A recent study commissioned by the European Climate Foundation demonstrated that to reach the 20% energy savings target by 2020, it is necessary to triple the current policy efforts. This would result in:</p> <ul style="list-style-type: none"> - lower energy bills for consumers, with savings of up to €78 billion annually by 2020 - millions of new jobs - a massive boost to innovation in low-carbon industries and services both within the EU and globally <p>Incorporating energy efficiency features, up front, in appliances, new buildings and other structures (machinery, infrastructure, etc) is much cheaper than replacing them or improving their efficiency later on. However, the upfront incremental cost for the more efficient alternative is something that an SME (Small and Medium Enterprise), or a private consumer, may not be able to afford.</p> <p>Industrial installations, domestic appliances and buildings all have long life-spans (> 10 years, up to 40 or 50 for buildings). The investments we make today will still be there by 2020 and beyond. If we don't invest in high efficiency solutions now, we will miss the 20% target in 2020, and even more ambitious targets further on.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B4-13	Eurelectric	With regard to the development of renewable energy sources in electricity, EURELECTRIC believes that the work program should include some specific work on how RES-E should be integrated efficiently into the EU markets. In line with the work started by the European Commission in the field of "Integration of Renewables" at the last Florence Forum, we believe that the area of work number 4 "Climate change, renewable energy issues and energy efficiency" should be closely connected with the analysis on the effects on market functioning and market integration.	agree	CEER work will look at the effects of non-harmonised support schemes for renewables (deliverable C-8).
B4-14	Eurima	Energy efficiency is a resource of central importance to the energy market that should be integrated horizontally into all 7 of its key work areas of the CEER work programme rather than being just a part of key area 4 alone. We believe that CEER, when providing input to the European Commission on institutional, practical and organizational challenges, should underline with more emphasis the benefits of energy efficiency in general, and energy efficiency in buildings in particular, in order to make EU energy smarter, cleaner and closer to the citizen's benefits and interests. We consider therefore that it is imperative to address existing buildings as the 'low hanging fruit' that will be used to meet the EU targets on climate change, security of energy supply, economic recovery and social welfare.	take note	On energy efficiency in general please see our reaction to response A-4. We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.
B4-15	EWEA	EWEA would like to reiterate its view expressed in the previous work programme consultation urging the European Regulators to take due account of the provisions in the RES directive, in particular on the stipulation that national governments and TSOs should guarantee sufficient transmission capacity and fair access for renewable electricity to the transmission network. Further work from the Regulators would be therefore most welcome beyond the only deliverable in this area, namely on the implications on non-harmonised RES support schemes. EWEA recommends to expand the Regulators' activities in this field and follow up on the topics raised in the CEER wind integration report, in particular grid access barriers and regulatory challenges in a future offshore grid.	take note	CEER takes note of the propositions and assesses the resources available to work on these issues. In 2011, it is envisaged that NRA expert resources will also be needed to provide assistance to ACER.

#	Resp.	Comment	Our position	Explanation
B4-16	Friends of the Earth Europe	<p>Reducing greenhouse gas emissions means switching to a low consumption, renewable based energy system. CEER has a key role to play. Renewable energy access to the grid must be guaranteed. Delaying tactics from fossil fuel and nuclear interests must be exposed and - when representing a barrier to competition – fined accordingly.</p> <p>When approving new infrastructure development, such as power lines, CEER must encourage regulators to apply environmental and safety criteria. This means taking into account the full environment and social risks of nuclear and CCS infrastructure, and refusing authorisation when renewables and energy efficiency investment could fulfil the same purpose of matching electricity demand.</p> <p>Energy efficiency is even more important. Power companies are naturally resistant to an effective EU-level energy efficiency policy - such as a mandatory 2020 target - due to concerns that sales would fall.</p> <p>However, it must be recognised that the economy wide benefits will outweigh the effect of reduced sales in the energy sector. Consequently the EU must set a mandatory energy savings target for 2020 and develop effective compliance tools. Good practices already exist: under the 3rd energy package, Regulators can fine energy utilities up to 10% of their annual turnover for non compliance with ownership unbundling requirements. Similar powers should be developed to ensure compliance with a binding energy savings target.</p>	take note	
B4-17	Friends of the Supergrid	<p>FOSG recommends CEER to follow closely and get involved in the North Sea Initiative or also called the Pentilateral Energy Forum that the 10 countries of this region launched in December last year and that is about to sign a Memorandum of Understanding by the end of this year. One of the objectives of this regional cooperation initiative is to foster a joint commitment of relevant stakeholders to tackle all technical, market, regulatory and policy barriers to the deployment of offshore RES and the North Seas grid.</p>	take note	<p>CEER has closely followed the preparation of the Memorandum of Understanding and the NRAs of the 10 countries will support the initiative through their letter and in the future, through participating in the work.</p>

#	Resp.	Comment	Our position	Explanation
B4-18	GDF Suez	<p>- A lot has been done in this area during the last three years at the European level (revision of the EU-ETS Directive, adoption of the Decision on the effort sharing for non-EU-ETS sectors, of the Directive on the capture and storage of carbon, new Directive on renewables, recast of the Directive on energy efficiency in buildings and revision of EcoDesign and EcoLabeling Directives, etc.). GDF SUEZ considers priority should now be given to the effective implementation of these new EU legislations in all Member States.</p> <p>- The national implementation of these measures should be accompanied by a coordinated approach regarding the need for improving European interconnections (increased investments and enhanced day-to-day management) i.e. need to ensure that the internal market rules fully integrate the higher shares of intermittent renewable energy sources in the energy production at national level.</p>	take note	<p>CEER has contributed to the use of European interconnections through the preparation of draft Framework Guidelines on Capacity Allocation and Congestion Management.</p> <p>In 2011, work will continue under the auspices of ACER.</p> <p>As regards energy efficiency, please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities</p>
B4-19	Green Circle	<p>In its advisory role to the European Commission and facilitating the exchange of good practices among regulators (a role highlighted in this section), CEER should emphasize the importance of “efficiency first” policies in the hierarchy of climate change initiatives for the reasons discussed in ECF’s Roadmap 2050 and other studies. This has some practical implications for regulators in designing support schemes: For example, efficiency savings in the building would be required before the owner qualifies for renewable subsidies.</p>	disagree	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities</p>
B4-20	NABU (Nature and Biodiversity Protection Union)	<p>As stressed above, energy efficiency should not only be included in this key area, but rather should suffuse all work areas. Emissions reduction and renewable goals must build on a foundation of energy efficiency. Not only does it make meeting the targets more feasible, it makes the delivering RES cheaper.</p> <p>In its advisory role to the European Commission and facilitating the exchange of good practices among regulators (a role highlighted in this section), CEER should emphasize the importance of “efficiency first” policies in the hierarchy of climate change initiatives for the reasons discussed in ECF’s Roadmap 2050 and other studies. This has some practical implications for regulators in designing support schemes: For example, efficiency savings in the building would be required before the owner qualifies for renewable subsidies.</p>	take note	See our reaction to response A-4.

#	Resp.	Comment	Our position	Explanation
B4-21	National Energy Action	<p>CEER should consider these issues in a holistic manner. Whilst renewable energy programmes should clearly be supported the example of the UK demonstrates how pursuit of one policy objective can be to the detriment of another. For example, funding of Feed-in Tariffs (to promote micro-generation) through consumer bills produces negative outcomes in terms of affordability. It is important that CEER recognises, and argues against, the inequitable and regressive consequences of levies on consumer bills to promote Government policy objectives. Domestic energy efficiency is the single effective, rational and sustainable approach to meeting both social and environmental challenges. In advocating and promoting domestic energy efficiency programmes CEER will be addressing both B3 and B4 priorities. However, it should be emphasised that subsidising energy efficiency programmes through regressive consumer bill levies, rather than through progressive direct taxation will be to the detriment of disadvantaged energy consumers. Ofgem has taken an important role in a number of domestic energy efficiency programmes in Great Britain including the Carbon Emission Reduction Target and the Community Energy Saving Programme and has extensive knowledge and expertise to communicate to the wider European regulatory infrastructure.</p>	take note	CEER will take the experiences of other Member States into account and especially look at best and promising practices.
B4-22	Stadtwerke München GmbH	<p>In the future it will be important to find economically feasible solutions how to integrate a steadily increasing share of volatile renewable energy into the energy market. Several instruments could be useful: Demand side management, Enforced grid connections, Enforced storage capacity, For certain technologies (e.g. biomass, virtual power plants) incentives for renewable power producers for a more demand orientated power production, Improved weather forecasts.</p> <p>We are convinced that an integrated approach on a European level is needed to find the cheapest and most effective mix of instruments. Both, the needed investment in new and greener infrastructure as well as the increasing prizes for raw materials will influence future energy prices. Increased energy prizes are therefore very likely to happen in the future. On the one hand higher energy prices give incentives for energy efficient behaviour. If they are too high, on the other hand, they stragulate the competitiveness of the European economy and put a strain on private consumers. Energy Efficiency is a classical “low hanging fruit” which potentials should be exploited by the European Union during the next years. Increased Research & Development efforts could help to introduce new technologies during the next decade. Additionally to more efficient and therefore cost effective energy consumption, this will enable the energy sector to a better demand side management which is necessary to integrate renewable energy.</p>	take note	CEER will be cooperating with other regional associations of energy regulators on renewable energy and distributed generation. This work will address the impact on renewables on network and markets.

#	Resp.	Comment	Our position	Explanation
B4-23	WWF EPO	<p>CEER should encourage and promote energy savings within its core role of regulating energy and gas networks both in terms of ensuring efficiency of systems and promote end-use efficiency.</p> <p>In promoting end-use efficiency CEER could play a role in i) informing consumers and companies on how to reduce their energy consumption, ii) ensuring wide deployment of smart meters, and iii) promoting the application of differentiated prices for electricity in order to influence consumers' choices.</p> <p>In its advisory role to ACER and the Commission, CEER could develop thinking and research on how the energy business model could move from one where energy company profits rise with the quantity of energy sold, to a model in which profits are dependent on selling energy services, i.e., a package that ensures a certain result, such as indoor thermal comfort, through the provision of both energy and energy efficient technologies. Such an analysis could be extremely helpful for the expected proposal for a Directive on Energy Efficiency and Savings, which will replace the Energy Service Directive, and is expected during Q3 of 2011 according to the Commission's Work Programme for 2011.</p> <p>In addition, and more in particular, in order not to restrict the scope of CEER members' work, the first sentence of this key work area (#4) should be changed as follows: "The European energy regulators will continue to address the impact of climate change requirements on the regulation of energy systems".</p>	take note	<p>On energy efficiency in general please see our reaction to response A-4.</p> <p>We agree that energy efficiency in buildings plays an important role, but is currently not included in the range of responsibilities of most European energy regulatory authorities.</p> <p>The proposition of changing the wording is worth supporting.</p>

3.2.5. B5: Regarding key area 5: Financial services and energy trading

The European energy regulators are committed to protecting energy market integrity and to removing major barriers to competition and liquidity, in particular in relation to energy trading transactions. That is why in previous years European energy regulators have made concrete proposals to the European Commission on this issue and are actively following up on the implementation on a tailor-made framework for energy on market abuse and on transparency, record-keeping and exchange of information between energy regulators and financial supervisors.

The following additional comments were received:

#	Resp.	Comment	Our position	Explanation
B5-1	BDEW	Parts of this key area are set as tasks for implementation with the 3rd energy package. We support the engagement of regulators in favour of a tailor-made regime for energy trading. By doing this CEER should focus on the specific mission of regulators.	agree	Market integrity is a key issue for all players in the market and thus ensuring it is very important. CEER believes that energy regulators should play an important role within such a regime as the complexity of the market is very much energy driven. Furthermore, energy regulators are key in determining the market design in the energy markets.
B5-2	CECED	The current text focuses on energy market integrity as it relates to supply-side energy trades. However, to the extent that 'white certificates' are traded on the market (or bilaterally) an assessment of the integrity of those trades in term of the energy savings actually underlying them should be included under CEER's work programme for 2011.	take note	
B5-3	EDF	These issues are being addressed by the European Commission through various initiatives, whether Remit, Mad or the Derivatives. In this respect, EDF considers that the measures to ensure transparency and integrity of wholesale markets in electricity and gas should: <ul style="list-style-type: none"> - establish clear monitoring responsibilities and coordination between financial and energy market regulators - both at a national and EU level ; - identify a common understanding of what constitutes inside information and market abuse which takes account of the specifics of the energy sector and does not restrict firms from optimising physical assets ; - put in place detailed fundamental data transparency requirements to ensure a level playing field across the EU ; - ensure regulators have timely access to the information they need to discharge their duties to monitor wholesale markets ; and, - improve market transparency by requiring the trade repository to publish anonymous transaction data on a regular basis. 	take note	The response mentions important pillars of a supervisory regime for energy trading which will duly be taken into account.

#	Resp.	Comment	Our position	Explanation
B5-4	ENI	We deem positive the achievement of better and effective transparency in energy trading at European level, notwithstanding this, existing informative obligations should be firstly applied. Considering the undergoing EC proposal on transparent energy traded market, we would avoid any duplication of requests, but we would welcome further discussions in order to reach a regulatory regime tailor made on the energy sector.	agree	Unnecessary obligations put on market participants or duplication of requests should be avoided to the extent possible by a cooperation of regulatory authorities.
B5-5	E.ON	E.ON believes it is very important to remove barriers to competition and to further increase the transparency of wholesale markets to enhance liquidity and competition in energy markets. There-fore, we strongly support measures to increase transparency and market integrity but would also like to emphasize that confidentiality of transactions should be kept.	agree	It is very important to remove barriers to competition and to further increase the transparency of wholesale markets to enhance liquidity and competition in energy markets. Information released to the market should not release information regarding the position of a certain market participant if this would be of competitive disadvantage for this market participant.
B5-6	Eurogas	The issues in this area should focus on the elements of a tailor-made energy regime, and this may not be the context in which to comment on hub issues.	take note	
B5-7	EWEA	EWEA welcomes the suggested activities on securing energy market integrity. EWEA regards this topic is important as transparent and regularly updated information should be available to all market players in order to analyse the best market opportunities. It will not only ensure fairer market behaviour, but also provide for the best possible imbalance management in a market based and non-discriminatory way which will facilitate the integration of wind power.	take note	Market integrity is a key issue for all players in the market, also for renewable energy sources.
B5-8	GDF Suez	- Energy Regulators and stakeholders should ensure that the work on financial services policy takes into account the specificities of the energy sector and that any additional regulation does not result in new obstacles for the development of the internal energy market. The activities of Energy regulators should be closely coordinated with other regulatory authorities on European and national level.	agree	Energy regulators will coordinate with other relevant regulators in the field of market integrity, e.g. financial regulators.
B5-9	Green Circle	This section as currently written focuses on energy market integrity as it relates to supply-side energy trades. However, to the extent that 'white certificates' are traded on the market (or bilaterally) an assessment of the integrity of those trades in term of the energy savings actually underlying them should be included under CEER's work programme for 2011.	take note	

#	Resp.	Comment	Our position	Explanation
B5-10	NABU (Nature and Biodiversity Protection Union)	This section as currently written focuses on energy market integrity as it relates to supply-side energy trades. However, to the extent that 'white certificates' are traded on the market (or bilaterally) an assessment of the integrity of those trades in term of the energy savings actually underlying them should be included under CEER's work programme for 2011.	take note	
B5-11	Gian Carlo Scarsji	Probably some more work needed on coordinating CEER (and ACER) with the European financial services regulatory/supervisory agency to be based in London.	take note	Energy regulators will coordinate with other relevant regulators in the field of market integrity, e.g. financial regulators.
B5-12	Stadtwerke München GmbH	Besides the primary trading platform for gas as well a functioning secondary trading platform is of considerable importance for a liquid secondary capacity market and thus in general for an efficient capacity management. But the functioning of the secondary market is no compulsive condition for liquidity of the gas market. Much more important is instead making the primary capacities, that are hold by very few market players via long-term bookings, available for the market. Without an sufficient offer of primary capacities a good secondary capacity market can't fulfil its function expected by market players and regulators neither. In our point of view the secondary market is used by the primary capacity market partners just to show that trading on the secondary market doesn't work, because there is no interest of other market players in this market. Additionally we want to stress, that via the long-term bookings of primary capacities only "slices" of capacities are brought to the secondary market: "Entry-capacities" are offered separately to "Exit-capacities" and only from point to point. This two aspects are leading to many problems (physically and administratively) in entering the capacity market for new market players like the SWM. Important is, that Entry and Exit capacities are brought on the market as package and that the purchase of point-to-point-capacities should be replaced by the purchase of capacities between balancing areas or market areas.	agree	CEER agrees that bundling of capacities between virtual trading points would benefit the development of the internal market. Thus, European energy regulators have proposed bundling of capacities within its framework guideline on capacity allocation.

3.2.6. B6: Regarding key area 6: Regional market integration

The 3rd Package explicitly envisages the development of regional markets as a stepping stone to a single European energy market. The European energy regulators are committed to adapting the role of the existing Regional Initiatives (RI) in the context of these strong regional cooperation elements of the 3rd Package. At the same time, efforts in the electricity and gas regions will continue to ensure delivering progress in market integration and a convergence of regional markets towards a single European reality.

The following additional comments were received:

#	Resp.	Comment	Our position	Explanation
B6-1	BDEW	<p>There is a need for adaption of the Regional Initiatives with the new rules from 3rd package legislation. We are supportive to ERGEG/CEER's proposals communicated during 2010 whilst a communication of the commission on the future structure is still pending.</p> <p>We want to highlight that the Regional Initiatives have been highly successful and want to see them supported and incorporated. This is especially the case in the Power sector where large progress has been achieved in the CWE and Nordic market.</p> <p>We support the idea of a top-down guidance based on broadly elaborated and accepted target models whilst allowing progress in bottom-up approaches as long as they are not hindering the development to the integrated European energy market.</p>	agree	
B6-2	CECED	<p>The observations and recommendations in this Advisory Note regarding the role of energy efficiency as a system resource (and infrastructure investment) applies when a regional perspective is taken.</p>	take note	See our reaction to response A-4.
B6-3	E3G	<p>E3G strongly welcomes the inclusion of regional market integration as a key area of the workplan. We see market integration as a key element to securing an efficient, affordable and low carbon energy system across the EU.</p>	agree	

#	Resp.	Comment	Our position	Explanation
B6-4	EDF	<p>The integration of regional electricity and gas markets should remain a top priority of the regulators' Work Programme without forgetting that it cannot be developed everywhere in Europe at the same pace.</p> <p>The integration of regional electricity and gas markets should remain a top priority of the regulators' Work Programme without forgetting that it cannot be developed everywhere in Europe at the same pace.</p> <p>Introduction part 1 EDF welcomes the opportunity given by CEER to comment on its 2011 Work Programme and as already stated last year, we believe this upstream process provides visibility to the industry and helps focusing on the main issues.</p> <p>After reading both ACER's and CEER's 2011 Work Programmes, we understand that beyond the tasks defined in the Third Energy Package (in this very first stage mainly related to the elaboration of Framework Guidelines, to the supervision of Network Codes and TYNDPs to be produced by the ENTSOs), ACER will take over some of the monitoring tasks performed by ERGEG since 2003. The remainder (Guidelines of Good Practices, benchmarking reports, status reviews, advices, etc...) will be now carried out by CEER.</p>	agree	
B6-5	Enagas	<p>From Enagás point of view the South Gas Regional Initiative (S-GRI), where Enagás has been deeply involved, has been right forum where TSOs, NRAs and other stakeholders could put their ideas together in order to increase cooperation. Within this context, Enagás would like to stress the importance of focusing in just one credible priority between a small number of countries.</p> <p>Enagás encourages CEER to continue working in the RI.</p> <p>Not only does the proposed work program not address this topic directly, neither the deliverables.</p>	agree and take note	
B6-6	E.ON	<p>E.ON supports the development of regional markets as we believe they will facilitate the implementation of the single European markets for both electricity and gas. E.ON stresses that the creation of a sustainable and well-functioning single European market needs to develop based on a market approach. Thus, regulatory intervention should be focussed on setting the right framework conditions.</p>	agree	

#	Resp.	Comment	Our position	Explanation
B6-7	Eurelectric	<p>We agree that the regional market harmonization and integration should remain one of the key priorities for the European regulators. The European Commission's Communication on the Electricity Regional Market Integration due to be published in November 2010 is foreseen to address the issue of governance of the integration process on both the EU and regional level. A number of important topics including the involvement of the Member States, restructuring of the process of building regional integrated electricity markets, coordination and monitoring of the ongoing projects, are expected to be tackled in the Communication in the view of fostering regional market integration.</p> <p>EURELECTRIC believes that in order to get a better coordination between a top-down strategy and bottom-up pragmatic best practices, CEER/ERGEG, and later ACER, should take a more action-oriented approach to the market integration process. Therefore we suggest that the draft work program is not only limited to monitoring actions (e.g. Benchmarking report on Intra-day capacity allocation), but also includes coordination tasks aimed at ensuring implementation of harmonized regional solutions in line with the agreed EU target model. In this context, a close collaboration with the European Commission and intense consultations with the market stakeholders on all levels will be crucial to ensure implementation of the target model by 2015.</p>	agree	<p>The coordination task should be carried out mainly by ACER. ACER will have to take a more-action oriented approach to the market integration process.</p>
B6-8	EuroPEX	<p>EuroPEX supports the need for CEER to continue its role of adapting the existing regional initiatives in order to strengthen the regional cooperation. It is however important that regional market integration of the existing and future projects within different regions is carried out in line with the target models that are agreed in the Ad-Hoc Advisory Group (AHAG) and recommended by the Florence Forum (for electricity).</p>	agree	<p>Regional market integration will be carried out in line with the framework guidelines and network codes. However, we will not wait until they become binding to take actions; there is, on some points, enough consensus to take actions now.</p>
B6-9	EWEA	<p>Continuity on the Regulators' work on the Regional Initiatives is most needed as a practical step towards the creation of a truly integrated European market. Given the European generation mix of the future, market rules must be established that lead to an efficient allocation of wind and other renewable generation capacity. Particularly, the uptake of functioning intra-day markets is crucial for the efficient integration of large amounts of wind energy and for cost-efficient system operation in general. EWEA therefore welcomes the proposed activities on regional markets and intraday capacity allocation. This should also support ACER's upcoming work on Framework Guidelines on capacity allocation and congestion management.</p>	agree and take note	

#	Resp.	Comment	Our position	Explanation
B6-10	Friends of the Supergrid	FOSG recommends CEER to follow closely and get involved in the North Sea Initiative or also called the Pentalateral Energy Forum that the 10 countries of this region launched in December last year and that is about to sign a Memorandum of Understanding by the end of this year. One of the objectives of this regional cooperation initiative is to foster a joint commitment of relevant stakeholders to tackle all technical, market, regulatory and policy barriers to the deployment of offshore RES and the North Seas grid.	take note	The initiative will see the active participation of those regulators directly involved in the project as CEER participation is not foreseen at the moment.
B6-11	GDF Suez	- We welcome the Regulators' commitment to adapt Regional Initiatives in the framework of the 3rd package.	take note	
B6-12	GEODE	YES. GEODE supports the work being done by RI as they constitute a step towards achievement of a European internal energy market.	agree	
B6-13	Green Circle	The observations and recommendations in this Advisory Note regarding the role of energy efficiency as a system resource (and infrastructure investment) applies when a regional perspective is taken.	take note	See our reaction to response A-4.
B6-14	Gian Carlo Scarsi	I would expect ACER to be heavily involved in this, possibly taking over from ERGEG. Great CEER/ERGEG work so far on the RIs. They should be used as examples in other regulated sectors, but energy is incredibly more advanced on this. The CEER role should be preserved, alongside that of ACER (assuming ACER will be the "New ERGEG" in this respect).	agree	Indeed, it is planned that all regional agendas be transferred to ACER in the future.

3.2.7. B7: Regarding key area 7: External relations

In 2011, European energy regulators will continue their work to promote a shared view of open, transparent and competitive energy markets on an international stage, whilst seeking to influence the global debate on regulatory issues pertinent to the development of secure, sustainable and affordable energy supplies. On the one hand, we will remain actively involved in the activities of the International Confederation of Energy Regulators (ICER) and will pursue the promotion and the development of the International Energy Regulatory Network (IERN). On the other hand, we will promote further exchanges of best practices in cooperation with our various counterparts, including longstanding partners from South East Europe and the Euro-Mediterranean countries as well as associations of regulatory authorities from producing, transit and other consuming countries.

For the most part, European energy regulators' activities under this key area do not involve individual deliverables or documents; rather they consist of ongoing contacts, exchanges and dialogue with regulatory counterparts around the world. To learn more about the joint work of the world's energy regulators through ICER, visit www.icer-regulators.net.

The following comments were received:

#	Resp.	Comment	Our position	Explanation
B7-1	BDEW	We would like to invite CEER to rigorously stick in external relations to issues which are defined as regulatory tasks by law, e.g. network related issues.	take note	European energy regulators address with their various counterparts issues that are in the scope of their competence and in their field of expertise, and will continue to do so. That being said, CEER also has to tackle new challenges. This is the reason why they will also take forward a report on the follow-up on energy efficiency and CEER Internal Report as input to ICER work on renewables, although several of them have no formal competence in this field.
B7-2	COGEN Europe	CEER should focus more on sharing best practice on energy efficiency when dealing with non-EU partners. The EU is taking a leading role in this area and CEER and its affiliates have the resources to investigate and create solutions adequately addressing the resource efficiency challenge ahead of us: this should be put to good use and the knowledge acquired should be disseminated to third countries.	take note	Sharing best practices on energy efficiency when dealing with non-EU partners is becoming increasingly important in our international activities (ICER work). Moreover, we consider that raising the profile of energy regulators globally, promoting the European model of independent energy regulation and enhancing energy security are also key axis of our external relations.

#	Resp.	Comment	Our position	Explanation
B7-3	ERG	<p>E3G particularly welcomes the work CEER has done so far in conjunction with ICER on the role of energy regulators in mitigating climate change. We would welcome further activity in this area, particularly on international best practice on: regulation and standardisation of smart grids; market arrangements for motivating investment in low carbon technologies; regulatory treatment of demand response; and issues relating to climate change adaptation and broader sustainability.</p> <p>We also see a clear role for CEER in engaging with the European Commission on its forthcoming work on external energy policy, and in discussions relating to the Mediterranean Solar Plan and other aspects of European neighbourhood energy relations.</p>	agree	<p>Being aware of the challenges the global energy sector is facing, CEER is progressively taking forward sustainability issues, also through ICER.</p> <p>We give importance to the recognition of our profile and expertise at a global level. We will closely follow-up the preparation by the Commission of the review of the external energy policy, notably with regard to the regulatory convergence of neighbouring countries.</p>
B7-4	EDF	<p>Introduction part 2</p> <p>With view to the numerous consultations to be launched in 2011 on the various draft Framework Guidelines (not to forget the Network Codes), we would like to underline the need for a clear coordination of works between ACER and CEER, whether on issues or agendas, as</p> <ul style="list-style-type: none"> - Stakeholders need a clear understanding of the roles and responsibilities depending on the level or the nature of the issue (e.g. why will CEER consult on electricity intra-day capacity allocation after the completion date of the Framework Guideline on CAM? What will be the respective objectives of Framework Guidelines and Guidelines of Good Practice?) - Stakeholders should not be solicited on the same issue - or very similar - by both bodies within a short period of time (e.g. Consultation on gas CAM). <p>Stakeholders also need to clearly understand the roles and responsibilities of ACER and of the European Commission (e.g. the Commission announced that it may propose a Framework Guideline on gas CAM in comitology. How relevant is it that in the meantime, ACER and CEER continue consulting on this topic?)</p>	take note	See our reaction to response A-13.
B7-5	EEB	<p>Energy efficiency should be highlighted as playing a key role for the issues described under this section. This is especially important with regards the development of secure, sustainable and affordable energy supplies when we consider how reduced energy use removes our dependence upon imports from 3rd countries.</p>	take note	See our reaction to response A-4.
B7-6	E.ON	<p>We would like to invite CEER to rigorously stick in external relations to issues which are defined as regulatory tasks by law e.g. network related issues.</p>	take note	See our reaction to response B7-2.

#	Resp.	Comment	Our position	Explanation
B7-7	EWEA	EWEA welcomes that the European energy regulators will continue their work to promote a shared view of open, transparent and competitive energy markets on an international stage.	take note	
B7-8	GDF Suez	<ul style="list-style-type: none"> - Insights from the experiences of non-European regulators can be a useful source of additional information. - International cooperation is necessary to foster regulatory convergence on an international level. Putting the European approach in an international perspective should also bring insights into the potential implications of different policy options with regards to the international competitiveness of the European industry. 	agree	
B7-9	Green Circle	Energy efficiency should be highlighted as playing a key role for the issues described under this section, e.g., those “pertinent to the development of secure, sustainable and affordable energy supplies.” As well as a topic for the “further exchange of best practices” that CEER intends to promote. with its various international counterparts.	take note	See our reaction to response A-4.
B7-10	NABU (Nature and Biodiversity Protection Union)	Energy efficiency should be highlighted as playing a key role for the issues described under this section, e.g., those “pertinent to the development of secure, sustainable and affordable energy supplies.” As well as a topic for the “further exchange of best practices” that CEER intends to promote. with its various international counterparts.	take note	See our reaction to response A-4.
B7-11	Gian Carlo Scarsi	Yes - although I expect ACER to cooperate with CEER on some of these aspects, still keeping CEER autonomous as an independent association of individual energy regulators.	agree	

3.3. Consultation question C: On the individual deliverables in chapter 5

The third section of the questionnaire enquired about respondents' views about the individual deliverables planned for CEER in 2011, asking for an assessment of each deliverable's importance and the stakeholders' willingness to participate in public consultations and/or workshops, where they are planned. This chapter gives concise information about each deliverable and then assesses in more detail the comments received; for a more extensive numeric analysis of the results of the public consultation, please refer to annex I of the present document.

3.3.1. C1: CEER Benchmarking Report on the roles and responsibilities of NRAs in customer empowerment and protection as of 1 January 2011

The 3rd Package bestows new responsibilities in consumer protection and empowerment on NRAs. The Benchmarking Report will assess their current situation and activities, including their work with the industry, consumers representations and public authorities, and the resources upon which they rely in informing consumers, handling complaints/disputes, promoting energy savings/smart use of energy and protecting vulnerable customers.

This deliverable was generally found to be important, and the following additional comments were received:

#	Resp.	Comment	Our position	Explanation
C1-1	BDEW	We are supportive for such benchmarking to support the harmonisation of markets. However this benchmarking should be open for all solutions in line with the 3rd package and should not favour special solutions. Cost benefit analysis should be part of such benchmarking.	agree	
C1-2	COGEN Europe	This deliverable should address the issue of electricity attributes disclosure to end consumers, including renewable energy sources and cogeneration.	take note	This will have to be studied.
C1-3	E.ON	E.ON welcomes this kind of benchmarking as it will aid the further harmonization of markets. We believe that the benchmarking should not favour specific solutions but rather be open to all kinds of solutions that are in line with the 3rd Package.	agree	
C1-4	Eurogas	Customers' interests are very important, but compared with other topics to be pursued, the benchmarking report is probably of lesser value.	disagree	As of today roles and responsibilities of NRAs regarding consumer affairs vary a lot depending on countries. The benchmarking report should be of special interest for countries where NRAs have no role but will have in the future, once the 3 rd Package is implemented. CEER holds that regulation has to take into account customers' interest on the long-term.

#	Resp.	Comment	Our position	Explanation
C1-5	GDF Suez	<ul style="list-style-type: none"> - GDF SUEZ supports the central role of consumers in the energy policy and welcomes the CEER's attention to this subject. - Activities conducted in this field must be coherent with consumer protection policies in general and with the overall framework of the 3rd package, which puts Member States at the forefront of consumer protection issues (e.g. article 3 of the Directives 2009/72/EC & 2009/73/EC). NRAs have an important role in helping to ensure that consumer protection measures are effective and enforced and have to do this together with other relevant authorities. - It is therefore important that the CEER Benchmarking Report reflects the overall system of consumer protection in Member States, the balance between the missions of different institutions and the importance of their respective roles. Consumer organisations should also be closely involved on these matters. 	agree	CEER will extend the benchmark to other authorities in charge.
C1-6	Nordenergi / Dansk Energi	<p>This is a general answer to all key areas:</p> <p>(Question c.ii). Nordenergi – directly and via EURELECTRIC – intends to actively participate on at least electricity related issues in consultations and probably also in workshops and hearings. Some participation might be as “national energy association”.</p>	take note	CEER is looking forward to receiving Nordenergi's input.

3.3.2. C2: CEER Advice following the EC/DG SANCO retail market survey to be released at the 3rd Citizen Energy Forum

Depending on the conclusions of the 3rd Citizen Energy Forum in London, CEER will embark on follow-up activities to the Retail Market Survey presented by the EC/DG SANCO.

This deliverable was generally found to be important, with 10 stakeholders indicating that they would participate in a workshop and 16 in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C2-1	BDEW	Such follow-up activities should be clearly in line with 3rd package regulation and not introduce new rules. Also here cost benefit analysis should be an essential part of such activities.	take note	At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers.
C2-2	CEDEC	Local energy companies that are members of CEDEC are interested in the wide range of possible topics related to retail market functioning, because of their involvement in the different parts of the value chain ((local) generation, distribution system, metering&data, supply, services).	take note	CEER is looking forward to receiving CEDEC's input.

#	Resp.	Comment	Our position	Explanation
C2-3	ENI	The DG SANCO survey concerns the electricity retail market, thus, if the advice is conceived to be cross-sectoral, it has to take into consideration the differences and the specificities of the retail natural gas market.	agree	At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers. This work will be expanded to gas for obvious reasons.
C2-4	E.ON	Such follow up activities should be clearly in line with 3 rd Package regulation and not introduce new rules. Also, a cost benefit analysis should be an essential part of such activities	take note	At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers.
C2-5	ERDF	Necessary after the 3rd energy forum.	agree	At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers.
C2-6	Eurogas	Although this is a cross-sectoral item, the DG SANCO survey concerns electricity and there should be no copy-paste of the approach from electricity to gas.	disagree	At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers. This work will be expanded to gas as CEER will take into account the customer perspective.
C2-7	GDF Suez	<ul style="list-style-type: none"> - GDF SUEZ welcomes the fact that Energy Regulators are involved in promoting a well-functioning retail energy market across Europe. However, from the information provided it is not clear what would constitute the announced follow-up activities. - Before the 3rd package is fully implemented and applied in national laws, market surveys will reflect a transitional situation. Follow-up measures based on an analysis of a transitional situation would have a limited capacity to positively affect retail market conditions and would generate uncertainty for consumers and businesses. The appropriateness and timing of CEER's actions in this field therefore needs further clarification. - It is also unclear how this deliverable will be coordinated with deliverable C4. Public and private stakeholders must be given sufficient time to evaluate and respond to CEER's Advice during the public consultation and the Regulators must foresee sufficient time to analyse and take account of stakeholders' input before proceeding with further proposals. 	agree	<p>At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers. This work will concern electricity and gas for obvious reasons.</p> <p>This deliverable will be coordinated with C-4. CEER will indeed reorganise work as a consequence of the London Forum.</p> <p>Regarding the timeframe for public consultations, CEER has made the experience that an eight-week consultation period is sufficient.</p>
C2-8	GEODE	GEODE will follow with particular interest the role of DSOs	take note	CEER is looking forward to receiving GEODE's input.

3.3.3. C3: CEER Advice on the take-off of a demand response electricity market with smart meters

Within the greater framework of progress on smart metering, this CEER Advice will particularly focus on the roles for DSOs vs. competitive players regarding customer services offered through smart meters; and balancing and settlement arrangements that could incentivise suppliers to make develop time of use offers to customers.

This deliverable was generally found to be very important, with 14 stakeholders indicating that they would participate in a workshop and 19 in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C3-1	BDEW	We consider common work of regulators on implementation of demand response as helpful. Such work should be clearly based on the 3rd package regulation and develop possible solutions in intensive cooperation with all stakeholders.	agree	
C3-2	CECED	Smart meters can play a fundamental role in the development of customer services and time of use offers to customers. It is important to ensure that the technical solutions adopted do not restrict the possibility of development of a competitive market for energy services.	agree	CEER recognises the role that energy service companies independent from energy retailers and DSOs can play to develop innovative services to increase energy efficiency. This will be taken into consideration.
C3-3	CEDEC	The specific requirements of a future smart grid environment will inevitably have an impact on DSOs and the services they offer (cf key area 2+3). --> As is written in the Conclusions of the London Forum, it would be better to mention : "... focus on the roles for DSOs AND competitive players ..." ("and" instead of "versus")	disagree	The "versus" word is there to emphasise the contrast to monopolistic players e.g. DSOs and competitive players.
C3-4	E3G	The development of a well-functioning demand response market has a critical role to play in lowering the cost of the energy system as a whole, particularly in the context of increasing intermittency. E3G strongly welcomes CEER's proposal to provide advice on the development of this market. We would suggest this workstream should look beyond smart metering alone to also incorporate the role of other smart grid technologies. We would also suggest that CEER should proactively seek the participation of potential new market entrants currently outside the power sector in its workshop and public consultation.	take note	CEER recognises the role that energy service companies independent from energy retailers and DSOs can play to develop innovative services to increase energy efficiency. This will be taken into consideration.

#	Resp.	Comment	Our position	Explanation
C3-5	Elexon	As Balancing and Settlement Code administrator for electricity in Great Britain, ELEXON is particularly keen to participate in the workshop and consultations on this topic. We believe we have insights into some of the changes that could be made to enable suppliers to incentivise demand side management by their customers. In order to make it as easy as possible to participate from a travelling time and cost perspective we would ask that the workshop includes participation via the intranet (webinar) technology.	take note	CEER is looking forward to receiving ELEXON's input. We will certainly analyse the possibilities for electronic participation through a variety of channels and consider their feasibility for stakeholder involvement action.
C3-6	E.ON	E.ON believes that cooperation of regulators on implementation of demand response is very reasonable. However, this work clearly has to be based on the 3rd Package regulation and all stakeholders should be involved when developing possible solutions.	agree	CEER values very highly the contributions of stakeholders to our work. Indeed, we will organise a public consultation, in which E.ON's participation will be more than welcome.
C3-7	ERDF	The clarification of the role and responsibilities of the several players, particularly the DSOs, is a very important key, in order to stabilize the legal frame, to reduce some uncertainties, and finally encourage the necessary initiatives.	take note	
C3-8	GDF Suez	<ul style="list-style-type: none"> - While preparing their Advice, the Energy Regulators should take into account the differences in consumption patterns and technological solutions that exist between Member States, and that may affect the benefits that the energy consumers can draw from smart meters. - The Regulators' Advice must be based on a detailed quantified cost-benefit analysis of the impact of new measures on the consumers, including consumer prices and typical bills, as well as the impact on the suppliers and the DSOs. - The Energy Regulators' Advice should be provided without encroaching on the capacity of national authorities to conduct an independent assessment on the implementation of different forms of the intelligent metering systems, as foreseen in the 3rd package. - It is not clear how this deliverable will be coordinated with deliverable C6, scheduled for publication at the same time. Energy Regulators might consider clarifying the link between C3 and C6 as demand response market impacts the development of smart grids. 	take note	CEER thanks GDF Suez for their suggestions, which will be studied in due time when the C-3 work is tackled.
C3-9	GEODE	GEODE will follow with particular interest the role of DSOs and other players regarding customer services offered through smart meters	take note	CEER is looking forward to receiving GEODE's input.

#	Resp.	Comment	Our position	Explanation
C3-10	Green Circle	Within the greater framework of progress on smart metering, this CEER advice will focus on the role for DSOs vs competitive players regarding customer services offered through smart meters and related offerings to reduce energy use and manage bills; and balancing and settlement arrangements that could incentivise suppliers to develop time-of-use offers to customers or other demand-side options for managing energy use, including energy efficiency improvements.	take note	
C3-11	NABU (Nature and Biodiversity Protection Union)	Within the greater framework of progress on smart metering, this CEER advice will focus on the role for DSOs vs competitive players regarding customer services offered through smart meters and related offerings to reduce energy use and manage bills; and balancing and settlement arrangements that could incentivise suppliers to develop time-of-use offers to customers or other demand-side options for managing energy use, including energy efficiency improvements.	take note	

3.3.4. C4: CEER Guidelines of Good Practice on retail market design, with a focus on supplier switching and billing

Depending on the conclusions of the 3rd Citizen Energy Forum in London, CEER will embark on follow-up activities to the Retail Market Design report presented by the EC. The GGP will address the roles and responsibilities of market players, including the DSOs role as neutral market facilitators.

This deliverable was generally found to be very important, with 13 stakeholders indicating that they would participate in a workshop and 15 in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C4-1	BDEW	We are supportive for such follow up activity to support the harmonisation of markets. Such follow up activities should be clearly in line with 3rd package regulation and not introduce new rules. All solutions in line with the 3rd package have to be treated equally and no special solutions should be favoured. Also here cost benefit analysis should be an essential part of such activities.	take note	CEER will follow up on the conclusions of the London Forum.
C4-2	CEDEC	For the DSO role as neutral market facilitator, the accuracy, transparency and neutrality of the data gathering, handling and communication will be key, along with the regulatory oversight.	take note	
C4-3	COGEN Europe	This is an opportunity to streamline grid access issues for both large and small-scale projects.	disagree	CEER's work will focus on retail customer issues, i.e. small-scale projects.

#	Resp.	Comment	Our position	Explanation
C4-4	Elexon	As a neutral party involved in the process for customer switching (Balancing and Settlement Code administrator for electricity in Great Britain), ELEXON is particularly keen to work with others to improve the customer switching experience for both customers and their suppliers. We repeat our comment on travelling to the workshops: that in order to make it as easy as possible to participate from a travelling time and cost perspective we would ask that the workshop includes participation via the intranet (webinar) technology.	take note	CEER is looking forward to receiving ELEXON's input. We will certainly analyse the possibilities for electronic participation through a variety of channels and consider their feasibility for stakeholder involvement action.
C4-5	E.ON	E.ON welcomes follow-up activities that aim to support further harmonization of the markets. However, these activities always have to be in line with 3rd Package regulations, should not introduce any new rules and should treat all solutions in line with the 3rd Package regulation equally. Of course, a solid cost benefit analysis has to precede this activity.	take note	CEER intends to develop guidelines of good practice which are non-binding but should be of help to the Member States. However on some specific aspects, minimum European requirements could be put in place.
C4-6	Eurogas	Providing that there are clear actions from the Forum, there is a useful role for CEER in the follow-up work.	take note	CEER will follow up on the conclusions of the London Forum.
C4-7	GDF Suez	<ul style="list-style-type: none"> - It should be noted that the proposed GGP must be devised strictly within the framework of the provisions already contained in the 3rd package, which seem to be sufficient. - The financial impact of these measures on energy companies must also be taken into account (e.g. increased IT costs). - The GGP must be sufficiently flexible in order to be able to accommodate the differences that exist between markets, such as varying consumer habits. Furthermore, the elaboration and publication of GGP for retail market design (C4) is currently scheduled to take place in parallel to preparation and publication of CEER's Advice on retail market issues (C2). However, it seems reasonable that the reflection and results of the public consultation on C2 feeds into and shapes deliverable C4. The current timeframe should be clarified so as to make the coordination between C4 and C2 possible. All stakeholders must given sufficient time to analyse and react to CEER's proposals and Regulators must foresee a timeframe that enables them to evaluate stakeholders' input before issuing the GGP. 	take note	<p>At the request of the London Forum, CEER will work on complaint handling, supplier switching and price comparison tools for customers. This work will concern electricity and gas for obvious reasons.</p> <p>The C-4 deliverable will be coordinated with C-2. CEER will indeed reorganise the work as a consequence of the London Forum.</p> <p>As for the length of the consultation period, CEER's experience has shown that eight weeks are generally sufficient.</p>
C4-8	GEODE	GEODE will follow with particular interest the role of DSOs	take note	CEER is looking forward to receiving GEODE's input.

3.3.5. C5: CEER Status Review on TSO and DSO unbundling

Unbundling is a central concept in the 3rd Package, which is why it is likely that the European energy regulators will be approached for their position on this issue. The report addresses this need by gathering information on what unbundling models have been chosen by the Member States for their TSOs and what changes have been introduced in relation to DSO unbundling.

This deliverable was generally found to be important, and the following additional comments were received:

#	Resp.	Comment	Our position	Explanation
C5-1	BDEW	<p>The report is planned for the 3rd quarter 2011. At that time the implementation period for TSO-unbundling is not going to be expired. For DSOs there should be considered that the implementation period will have expired for half a year only. Especially regarding TSOs CEER can expect expedient results – if at all – for the legal implementation and alteration of existing rules only, not in respect of the transformation in to the every-day-business in the companies.</p> <p>Follow up activities should be clearly in line with 3rd package regulation and not introduce new rules especially with regard to DSOs. Also here cost benefit analysis should be an essential part of such activities.</p>	take note	<p>The intention is to compile a first overview on the legal transposition and on the question which TSO unbundling models have been chosen. However there might be some cases where this will not have been decided yet.</p> <p>The Status Review does not intend to introduce new rules.</p>
C5-2	Enagas	<p>As mentioned in the Consultation, unbundling is the most controversial topic of the Third Package, and possibly where Member States might have more difficulties with the transposition of Directive 2009/73/EC. Thus, Enagás considers this deliverable the most important one in CEER Work Programme. It should be noted that the Member States are free to opt for one of the three models, which are on equal footing in the Directive 2009/73/EC. However, a Member State cannot prevent a vertically integrated undertaking from complying with the requirements of ownership unbundling. Thus, Enagás considers vital companies contribution in the gathering information for this deliverable.</p>	take note	<p>In view of the early status of transposition the intention is to collect information mainly from regulators. Later, if a follow-up is undertaken, input from TSOs will be necessary and asked for.</p>
C5-3	E.ON	<p>E.ON welcomes follow-up activities that aim to support further competition in the markets. However, these activities always have to be in line with 3rd Package regulations, should not introduce any new rules and should treat all solutions in line with the 3rd Package regulation equally. Of course, a solid cost benefit analysis has to precede this activity.</p>	take note	<p>The Status Review does not intend to introduce new rules.</p>
C5-4	Eurogas	<p>Effective implementation of the Third Package is important.</p>	agree	

#	Resp.	Comment	Our position	Explanation
C5-5	GDF Suez	<p>- The provisions of the 3rd package will still not be fully applicable during the preparation of the Report; in some countries TSOs will only be certified by March 2012. A Status Review conducted in 2011 can therefore only be limited to a factual overview of the legal provisions existing in different Member States.</p> <p>- The Review would also have to clearly distinguish between the cases of TSOs and DSOs: the 3rd package applies different provisions to TSOs (OU, ISO and ITO models) and DSOs (legal unbundling), the requirements are of a different scope, provisions applied to TSOs do not have systematically a direct implication on DSOs and vice versa. It is important that the CEER reflects this differentiation existing in the EU law both in the presentation and the contents of its Status Review.</p>	agree	The intention is to compile a first overview on the legal transposition and will clearly distinguish between TSO and DSO unbundling.

3.3.6. C6: CEER Status Review of regulatory approaches to smart grids

Progress in smart grids deployment will be continuous learning process. A Status Review among Member States will support this learning phase. The report will cover the current state of play in "smart" technologies across European grids as well as select and quantify a few promising performance indicators and grid output measures.

This deliverable was generally found to be very important, and the following additional comments were received:

#	Resp.	Comment	Our position	Explanation
C6-1	BDEW	Cooperation of regulators through CEER has played and can continue to play a role in harmonisation of approaches to deployment of smart grids and the respective solutions e.g. by laying the basis for financing of such solutions and support for standardisation. We understand this role more as a role of moderator and facilitator between the stakeholders. Very close involvement of stakeholders is essential here.	agree	
C6-2	CECED	CEER should expand its deliverables to address other points, and in particular, as discussed under issue area #2. CEER's work programme should also produce a deliverable that examines the role of energy efficiency as a cost-effective network resource (e.g., one that can enhance distribution reliability as a "non wires" alternative), and develop ratemaking mechanisms to recover the cost of these investments through system distribution charges.	take note	See our reaction to response A-4.
C6-3	CEDEC	Concerning indicators and output measures, we attract the attention to the link with possible DSO services mentioned in C3.	agree	

#	Resp.	Comment	Our position	Explanation
C6-4	COGEN Europe	An assessment of smart technologies must also cover the combination of smart technologies with decentralised generation, in order to ensure that local level optimisation is also considered.	agree	
C6-5	E3G	Regulators have a critical role to play in removing the barriers to smart grid implementation. The most significant challenges will be related to cost and deployment, as the implementation of a holistic end-to-end smart grid will require the dramatic scaling up of investment and the allocation of new risks resulting from new network structures. These are complex issues, and CEER has a clear role to play in identifying and promoting best practice in regulatory approaches. It is essential that the value of smart grids is assessed not only in terms of price to individuals, but also taking into account the collective societal interest in power system stability.	Agree partly	Acknowledging the paramount importance of maintaining security and quality, the regulators draw the attention to the detailed definition of the EU task force for smart grids expert group 3.
C6-6	E.ON	Smart grids are a very important topic to E.ON. We believe that further cooperation of regulators through CEER on this topic will play an important role in the harmonization of approaches to deployment of smart grids and the respective solutions. It will be especially important to find basic rules for financing smart grid solutions and standardization. We understand CEER's role more as a role of moderator and facilitator between the stakeholders, whose close involvement will be essential.	agree	
C6-7	ERDF	This review should help to move from a "concept" to concrete implementations, and provide orientations in order to release the initiatives of the players.	agree	
C6-8	GDF Suez	<ul style="list-style-type: none"> - We welcome that the Energy Regulators promote a successful development of smart grids in Europe. - Any suggestions in this field should be based on a quantified cost-benefit analysis and subject to a public consultation. - Energy Regulators might consider clarifying the link between C3 and C6, both scheduled for publication at the same time, as demand response market impacts the development of smart grids. 	take note	
C6-9	GEODE	Smart Grids constitute a priority topic for GEODE	take note	
C6-10	VIK	demand response options should take into account industrial consumers' possibilities for load-shedding etc. (contractual arrangements, economic incentives)	agree	

#	Resp.	Comment	Our position	Explanation
C6-11	(confidential)	<p>Behavioural change may well be the ultimate barrier for energy efficiency. When technology is available, environmental concerns are at its high, the only barrier is just to change habits and to embed energy efficient behaviour in people's minds. But that can also be done by implementing technologies that embed energy efficiency themselves and save energy with minimal behavioral change – automation of energy efficiency.</p> <p>On the other hand, penetration rates for electricity using and generating equipment (heat pumps, electric vehicles, cogeneration units, photovoltaics) will require a much more sophisticated network to reap the full benefits thereon.</p> <p>In this sense, the development of a smart grid with capabilities to properly manage the interactions between consumers/appliances and the electricity grid/utilities would be most beneficial. This should account for protecting privacy of consumers and at the same time give both the utility and the consumer an incentive to "work" together - the utility manages better the power supply/generation, and the customer saves energy and can have a lower price of electricity.</p>	agree and take note	On energy efficiency in general, please see our reaction to response A-4.
C6-12	(confidential)	<p>We estimate that fully integrated and interlinked grids which are able to be fed by various energy sources (including renewables) are essential to satisfy Europe' energy demand.</p> <p>Eurima believes the smartest grid is the one supplying energy that will not be wasted. A significant reduction of the energy demand would make EU-wide grids easier to manage. Therefore, we believe that greater emphasis should be put in the drastic reduction of energy demand in our building stock, before a major and over-dimensioned grid is designed and constructed.</p> <p>Buildings and the energy they consume and do not consume shall be recognized as an integral part of the energy infrastructure, as much in fact as the grid itself. Diversification of the energy mix will not be achieved by smart grids acting alone. We need also to ensure that we take into account the expected fast-paced development of the very low-energy building stock.</p>	agree and take note	

3.3.7. C7: 5th CEER Benchmarking Report on the Quality of Electricity Supply

CEER periodically surveys and analyses quality of electricity supply levels and policies in Europe to make information available and to enhance the exchange of good practices. The Benchmarking Reports on quality of electricity supply present an overview and analysis of current practices in CEER countries and an assessment of areas where a move towards harmonisation could further improve quality of supply and electricity markets.

This deliverable was generally found to be important, and the following comments were received:

#	Resp.	Comment	Our position	Explanation
C7-1	BDEW	We are supportive for a new version of the Benchmarking report in the interest of open and competitive markets in all countries. Such benchmarking should be clearly in line with 3rd package regulation and not introduce new rules. All solutions in line with the 3rd package have to be treated equally and no special solutions should be favoured. Also here cost benefit analysis should be an essential part of such activities.	disagree	The deliverable is not, in its proposed form, directly related to 3 rd Package provisions. Neither will it introduce new rules.
C7-2	E.ON	We are supportive for a new version of the Benchmarking report in the interest of open and competitive markets in all countries. Such benchmarking should be clearly in line with 3rd package regulation and not introduce new rules. All solutions in line with the 3rd package have to be treated equally and no special solutions should be favoured. Also here cost benefit analysis should be an essential part of such activities.	disagree	See our reaction to response C7-1.
C7-3	Gian Carlo Scarsi	Great and consistent work by CEER here - historically a reference point for industry, academics, and consultants. Will CEER continue taking responsibility for this report, or will it be subsumed into ACER's remit(s)?	take note	It is foreseen that the quality of supply remains part of CEER's work.
C7-4	VIK	Quality of supply regulations are needed that take into account the needs of industrial consumers. EN 50160 is not good enough, special focus should be put on short interruptions, and voltage dips. Identify best practice across European countries.	take note	Quality of supply regulation is needed for all customers, not only for industrial ones. Amending the standard EN 50160 is not within CEER's range of action.
C7-5	(confidential)	Reliability and consistency of electricity supply is critical to many industrial and service activities. When the Power Quality is inadequate, business suffers. It is both surprising and alarming that companies often do not recognise that the causes of poor reliability are of their own making and that cost-efficient solutions are in their own hands. This was one of the main conclusions drawn from a European-wide survey in 2007 and detailed here. Poor Power Quality costs European business more than 150 billion a year. http://www.leonardo-energy.org/poor-power-quality-costs-european-business-more-150-billion-year	take note	

3.3.8. C8: CEER Advice on the implications of non-harmonised renewable support schemes

We expect substantial increases in renewable generation driven by support schemes; the CEER Advice will analyse the implications of support schemes for renewables that differ across Member States in type and value. Differences could impact on the location of generation, on markets and competition, and on networks.

This deliverable was generally found to be very important, with 17 stakeholders indicating that they would participate in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C8-1	BDEW	As renewable support schemes are quite different between countries and such differences might hinder cross border harmonisation such analysis and resulting proposals could be helpful. However setting of rules for renewable support are clearly tasks of politics and regulators have more a role for implementation. CEER should limit its activities to regulatory tasks. Also here early and intensive cooperation with stakeholders is necessary.	agree	The intention is to analyse the effects of different and non-harmonised support schemes and to bring these, where appropriate, to the attention of the policy makers.
C8-2	CEDEC	Considered as important given the big impact on locational signals for local generation (including cogeneration); and on investment costs for development of the grid, and on the cost of access to the grid.	agree and take note	These issues will certainly come out from the analysis to be undertaken and they have a lot of significance to the RES policies.
C8-3	E3G	The lack of harmonisation between renewable support schemes may lead to an uneven pace of development in renewable installations, and the design of renewables support scheme in one country will often have implications for electricity flows in neighbouring markets. While this is an issue that does need to be addressed as markets integrate, it also raises complex subsidiarity issues and will inevitably be controversial. It is important to avoid limiting support for renewables to the 'lowest common denominator' or restricting nationally appropriate approaches to renewables. We would suggest that this issue is considered in parallel with other aspects of energy market and policy integration in order to set it in context.	agree and take note	It is the intention of CEER to look at the RES support issues from the European market perspective and then these issues mentioned will come up.
C8-4	EDF	EDF considers that the issues related to the development of renewable energies including network issues are not sufficiently and coherently taken into consideration in the European regulation Work Programmes. EDF was expecting more consultations and benchmarks on this topic.	take note	European energy regulators have had to focus on 3 rd Package issues such as framework guideline development in 2010, which has taken time from these important issues. We are planning to address RES schemes and their impacts from the perspective of both the network effects and electricity market design and functioning effects.
C8-5	Elexon	As an experienced imbalance settlement administrator ELEXON is well placed to administer renewable generation support schemes and to highlight possible interactions between these schemes and the GB electricity market mechanisms.	take note	CEER is looking forward to receiving Elexon's input.
C8-6	E.ON	A specific work on how RES-E should be integrated efficiently into the EU market would be necessary also in case of harmonised measures. Differences in support schemes can exacerbate implications of substantial increase in renewable generation.	agree	CEER has recently prepared a report on wind integration and this new task will look into the effects of substantial integration of renewables into the IEM.

#	Resp.	Comment	Our position	Explanation
C8-7	ERDF	The analysis should also consider the location of the final burden of these support schemes, and its consequence on the other tasks and priorities of the players.	take note	CEER will assess the various points related to RES analysis.
C8-8	Eurogas	Of limited relevance for gas, but on the other hand renewables support schemes should not unduly distract the market, or make gas less competitive.	take note	This is a relevant point and should be addressed in the analysis.
C8-9	EWEA	<p>EWEA recommends to expand the scope of deliverable C-8 to include an analysis of the implications of:</p> <ul style="list-style-type: none"> • regulated power prices, including those set for conventional generation; • the distortions in the conventional power market including, for example institutional and legal barriers, large subsidies and State aid to conventional players; exclusion of external costs from prices, existence of regional and national dominant players, potential for abuse of dominant positions, barriers to third party access, limited interconnection between regional and national markets, discriminatory tariffs, incomplete unbundling of production and transmission; • distortions to renewable generation relating to different grid connection regimes and costs, different administrative procedures and costs between the Member States; • undermining the rationale of the European Commission expressed as long ago as 2004 in its Strategy Paper "Medium term vision for the Internal Electricity Market" "the issues relating to compatibility of support mechanisms and the desirability of not distorting cross border trade are concerns which are secondary to the main objective of ensuring a certain level RES production in each Member State on the basis of individual national targets". <p>Specifically on support schemes for renewables, recommendations on ways to improve coordination between Member States, and options for encouraging a voluntary harmonization between Member States of their support schemes, could be examined. Indeed, an option of how enhanced coordination or voluntary harmonization of support mechanisms for offshore wind could be explored amongst the relevant Member States.</p>	take note	CEER will consider these issues and their inclusion into the report to be prepared. This is a valuable list of relevant topics to be addressed.

#	Resp.	Comment	Our position	Explanation
C8-10	GDF Suez	<ul style="list-style-type: none"> - Support schemes such as feed-in tariffs, market-based system, etc. are important tools to enable the production of renewable (RES). - It should be assessed whether the support schemes allow reaching the RES national targets at least cost. Moreover, RES support schemes should ensure RES-E integration into the grid & the market. - RES Support schemes' levels should 1/ not create any market distortions; 2/ not hamper the well functioning of the market; 3/ be predictable, stable and stimulating framework (which is not always the case today and really endangers renewables production); 4/ send clear signals to operators to enable them to adequately invest in back up energy production. 	agree and take note	CEER will assess these topics when preparing the report.
C8-11	SSE	For SSE it is important CEER will analyse the implications of the non-harmonisation of renewable support schemes, as this report may give a steer to possible moves to increased harmonisation, which could obviously have significant impact on the renewables business.	take note	CEER recognises the need for this kind of analysis and will do its best to contribute to the discussion on RES support schemes and their impacts.
C8-12	VIK	Find a way to promote renewables efficiently, i.e. at the lowest possible cost for society as a whole. Take into account possible damage to international competitiveness of energy intensive consumers	take note	CEER supports the goal of efficiency and cost-efficiency when it comes to promoting renewables and through them the climate targets. A well functioning IEM will on its part enable that target.

3.3.9. C9: CEER Guidelines of Good Practice on generation adequacy treatment in electricity

The GGP will provide the European energy regulators' views on generation adequacy and how generation adequacy needs to be addressed in the European Internal Electricity Market. Moreover, the GGP should serve as the basis for any future discussions and considerations of respective legislative measures in the EU and/or Member States in relation to generation adequacy treatment.

This deliverable was generally found to be important, and the following comments were received:

#	Resp.	Comment	Our position	Explanation
C9-1	BDEW	We do believe that generation adequacy – with the exception of monitoring - should not be an issue dealt with by CEER because it affects the competitive and not the regulated part of the market. An early involvement of grid users in any kind of work on this issue is key.	partly disagree	The involvement of grid users will be ensured but the issue requires involvement of regulators because it is all about market framework.
C9-2	CECED	More generally, CEER should also develop Guidelines of Good Practice that fully consider non-transmission alternatives, such as energy efficiency, to enhance national and regional system transmission network reliability, including guidelines for cost recovery mechanisms that will put both "wires" and "non-wires" alternatives on equal footing.	disagree	This is not a subject of generation adequacy.

#	Resp.	Comment	Our position	Explanation
C9-3	Elexon	Although no formal consultations or workshops are planned with stakeholders, ELEXON personnel have experience of working with capacity payment schemes. And we are willing and able to contribute to discussions on such schemes, what we believe should be included in them and what not to include (for example, complex and arbitrary rules to measure generation availability on an hourly or half hourly basis). As we said in answer to question C8, we are also well placed to highlight possible interactions between these schemes and the GB electricity market mechanisms if asked to contribute.	take note	CEER values very highly stakeholders' contributions to our work; we are looking forward to receiving Elexon's input and will invite the respondent to participate in the discussion in due time.
C9-4	E.ON	Generation adequacy should be incentivised by allowing "energy markets only" to work properly removing barriers and regulatory obstacles.	agree	
C9-5	Eurelectric	We welcome the work on the Guidelines of Good Practice on generation adequacy in electricity (C-9) and believe that this document should be the object of a public consultation and possibly a workshop, considering the relevance of the issues and their direct interrelation with RES development and integration.	agree	CEER will include a public consultation and a workshop in the work programme.
C9-6	Green Circle	The GGP will provide the European energy regulators' views on resource adequacy for the electricity market and how resource adequacy needs to be addressed in the European Internal Electricity Market. The GGP will draw on international experience to examine how demand-side resources, including energy efficiency, can contribute to resource adequacy in the European market. GGP should serve as the basis for any future discussions and considerations of respective legislative measures in the EU and/or Member States in relation to resource adequacy treatment.	agree	
C9-7	NABU (Nature and Biodiversity Protection Union)	The GGP will provide the European energy regulators' views on resource adequacy for the electricity market and how resource adequacy needs to be addressed in the European Internal Electricity Market. The GGP will draw on international experience to examine how demand-side resources, including energy efficiency, can contribute to resource adequacy in the European market. GGP should serve as the basis for any future discussions and considerations of respective legislative measures in the EU and/or Member States in relation to resource adequacy treatment.	agree	

3.3.10. C10: CEER Advice on the legal framework for sector-specific oversight regime - competences and cooperation of regulators

Protecting energy market integrity is key as energy trading is one important element in promoting the IEM. In its Advice, CEER will focus on the competences, roles and responsibilities of NRAs as well as cooperation of the authorities responsible for supervising energy trading.

This deliverable was generally found to be very important, with 16 stakeholders indicating that they would participate in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C10-1	BDEW	This is a crucial area, but in addition it should also address the overlaps with financial regulators, competition authorities and the planned transaction repositories.	agree	The issues mentioned by the respondent are indeed important. They will be addressed in the deliverable.
C10-2	ENI	This Advice shouldn't duplicate the undergoing works and existing provisions on this matter.	take note	The purpose of this deliverable is to provide input to the discussions on legislative proposals from regulatory view point. Thus, it will not lead to a duplication of work.
C10-3	E.ON	Transparency and market integrity in the energy sector is crucial to foster trust in market mechanisms. We support it, but we stress the need to ensure consistency with the work initiated by DG Energy on the Regulation on Energy Market Integrity and Transparency (REMIT) and we urge to avoid overlaps between competition and energy authorities	take note	Overlaps and unnecessary burden on market participants should be avoided. This is also key for energy regulators. Thus, we will develop proposals on how cooperation of the authorities responsible for supervising energy trading could be designed within the given legal framework.
C10-4	Eurogas	Although the work should not duplicate activities elsewhere, this fact finding could be a useful adjunct.	agree	This deliverable is an important part of the design of a sector-specific regime.
C10-5	Friends of the Earth Europe	NRAs should receive a specific mandate to develop and implement effective policies to reduce energy consumption.	take note	Some NRAs already have competences in this area, but most do not. Nevertheless, CEER has addressed this topic in the past and we are convinced that this will remain a central topic at European level. For general energy efficiency comments, please refer to our reaction to response A-4.
C10-6	SSE	With regards to a sector specific oversight regime, SSE believes ACER should be given the role of an EU level monitoring body, to coordinate monitoring and to ensure the new regime is transposed in national legislation, but the enforcement should remain a responsibility of the NRA's.	take note	DG Energy will come up with legislative proposals by the end of the year. CEER agrees that both NRAs and ACER should play an important role within such a regime.

#	Resp.	Comment	Our position	Explanation
C10-7	Vik	Set up a well-functioning regulatory oversight, but ensure that competitively sensitive data (e.g. consumption data of industrial users) are not made publicly available. Reduce administrative burdens for small firms / consumers	agree	The market design and transparency requirements have to ensure that there is a level playing field for the market participants. This includes avoiding unnecessary administrative burden and protecting competitively sensitive data.

3.3.11. C11: CEER Advice on wholesale trading licenses

CEER will develop its Advice from a 2010 study on existing national wholesale trading licensing requirements and possibilities for a single European trading passport.

This deliverable was generally found to be important, with 11 stakeholders indicating that they would participate in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C11-1	BDEW	This is long desired activity and should be seen as a major step towards integrating energy markets and harmonising the requirements to trade energy across Europe. This is a sensitive area and should be approached with care to avoid discrimination and to avoid the creation of further burdens. Also in this context, CEER should nonetheless limit its role on the specific mission of regulators.	take note	This issue is important for the creation of a truly integrated energy market. Thus, having the same requirements for all European market participants should be the aim. This will also help to avoid unnecessary market entry barriers.
C11-2	Elexon	ELEXON notes as GB electricity Balancing and Settlement Code (BSC) administrator that trading parties trading in GB are likely to desire that their energy contracts can be accounted for in BSC settlement. For this to happen they will either need to be a BSC Party or be represented by a BSC Party. Current GB licensing requirements also require that licensed generators and suppliers must accede to the BSC and become BSC Parties. The development of a single European trading passport will need to consider these requirements.	take note	
C11-3	Enagas	In order for TSOs to ensure that the system is kept within safe operational limits, they need to be able to buy and sell gas and may also need to be able to buy balancing services, the provision of balancing services shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes. TSOs have traditionally held long term gas flexibility services and could progressively reduce such service usage where TSOs increase reliance on wholesale market. Trading licensing will help to create the necessary confidence.	agree	One of the essential purposes of a harmonised European trading regime is the reduction of market entry barriers and - as a result of that - the improvement of the gas liquidity in Europe. In the case of balancing services, TSOs could buy cheaper gas on the spot markets with high flexibility rather than storing gas.
C11-4	E.ON	E.ON believes that trading licences should not be needed for European based companies acting within Europe	take note	This would be one of the benefits of a passport-like scheme for energy trading. If this passport is granted, no additional requirements should be in place.

#	Resp.	Comment	Our position	Explanation
C11-5	Eurogas	Eurogas is considering its position.	take note	

3.3.12. C12: CEER Guidelines of Good Practice on transaction reporting and detecting market misconduct

In the interest of effective transaction reporting and the detection of market misconduct, CEER will assess the status quo in European countries, especially with regard to practical details. The GGP will contain definitions of market misconduct and approaches to its detection.

This deliverable was generally found to be important, with 9 stakeholders indicating that they would participate in a workshop. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C12-1	BDEW	This issue must address overlaps with the financial market regulations on OTC derivatives and MAD. Any additional overlap must be avoided. In addition it must address national endeavours, such as the German “Markttransparenzstelle” which will be implemented with the German competition authority (BKartA).	agree	This deliverable will address the relation of the sector-specific proposals (REMIT) to the financial market regulations on OTC derivatives and MAD. CEER agrees that additional burden on market participants due to different national legislative burden regarding data delivery should be avoided to the extent possible.
C12-2	E.ON	Transaction reporting should be aligned across Europe. Increasing National initiatives are burdensome and should be harmonised as soon as possible. Reporting of trades in standard products should be primarily performed by Brokers, Exchanges and Multilateral Trading Facilities. Definitions of market misconduct and approaches to its detection shall be consistent with REMIT findings; see also comments to C10	agree	See our reaction to response C12-1.
C12-3	Eurogas	Eurogas is considering its position on this, but it should be pointed out that the responsibilities for monitoring market misconduct may lie with different authorities in different Member States.	take note	In order for the monitoring to be effective there should be a harmonisation of competences within Europe. Otherwise, cooperation between responsible authorities may be overly complex.

#	Resp.	Comment	Our position	Explanation
C12-4	GDF Suez	<ul style="list-style-type: none"> - The proposed GGP should be developed strictly within the framework of the relevant provisions of the 3rd package and the EU laws. - It is unclear whether the scope of this CEER GGP would be limited to a factual review of the current situation or if it would also propose a common approach to be followed by national NRAs. - Regarding the detection of market misconduct, overlaps between competition authorities and regulators have to be avoided. It should also be noted that this issue concerns the competences of the European Commission and of the national competition authorities. - One should avoid introducing uncertainty to the overall regulatory framework so as not to hamper the functioning of the markets. 	take note	The purpose of this deliverable is practical guidance with regard to the existing and forthcoming legislation. Furthermore, proposals for detailed requirements should be developed where they may be missing.
C12-5	Gian Carlo Scarsi	This is part of general ex post market surveillance, and I would once again consider ACER's future role in it.	take note	DG Energy will come up with legislative proposals by the end of the year. CEER considers that both NRAs and ACER should play an important role within such a regime.
C12-6	SSE	For SSE the key element of transaction reporting and market misconduct regimes is they should create maximum regulatory certainty for market participants. As this is very much related to the extent to which national regimes differ across the EU, these CEER Guidelines of Good Practice could be very useful to progress improvements.	agree	CEER understands that regulatory certainty for market participants is important and agrees that these GGP could provide useful progress in this regard.
C12-7	VIK	Set up a well-functioning regulatory oversight, but ensure that competitively sensitive data (e.g. consumption data of industrial users) are not made publicly available. Reduce administrative burdens for small firms / consumers	agree	The market design and transparency requirements have to ensure that there is a level-playing-field for the market participants. This includes avoiding unnecessary administrative burdens and protecting competitively sensitive data.

3.3.13. C13: CEER Guidelines of Good Practice for Open Season Procedures (GGPOS) – revision

The revised GGPOS will be based on the 2010 monitoring and will address the lack of coordination, the need to increase transparency in several steps of the procedures, the economic test, the tariff structure and the capacity allocation process.

This deliverable was generally found to be important, with 9 stakeholders indicating that they would participate in a workshop and 10 in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C13-1	Enagas	<p>Enagás believes that the roles of ACER, ERGEG and CEER should be clearly defined.</p> <p>So far ERGEG has been responsible for developing GGPs. If this task is taken over by CEER there should be an explicit decision from the European Commission stating this as it happened when ERGEG was established as advisory body to the EC through "Commission Decision 2003/796/EC (Commission Decision of 11 November 2003 on establishing the European Regulators Group for Electricity and Gas)"</p> <p>In Spain, required infrastructures are included in the Mandatory Planning approved by the Ministry of Industry, Tourism and Trade (MITyC) with the involvement of all stakeholders. Thus, OSs are not a necessary procedure in order to carry out investments, although some investments are conditioned to the development of the corresponding infrastructures in France. Thus, OSs have been adopted in Spain to allocate capacity at Spanish-French interconnection point for coordination purposes. To this end, Spanish regulatory framework had to be aligned.</p> <p>Enagás has been actively involved in OS during the last two years. OS are a common approach in Europe to allocate capacity, but for the first time in 2009, an OS has been carried out to allocate capacity between four balancing zones and with the coordination of 4 TSOs. Thus, Enagás considers that its experience might be used as an input to revise the GGPOS.</p>	Take note	<p>On the competences of CEER, ACER and ERGEG, please refer to our reaction to response A-13.</p> <p>We acknowledge the advice to use the experience of the France-Spain open seasons as an input for the revision of the GGPOS. CEER is looking forward to receiving Enagas's comments in the public consultation and workshop.</p>
C13-2	Eurogas	<p>This work should complement the work on the framework guideline on capacity allocation.</p>	agree	<p>GGPOS will complement the work on CAM for newly created capacity (which is out of the scope of the framework guideline)</p>

#	Resp.	Comment	Our position	Explanation
C13-3	GDF Suez	<p>- The monitoring of the implementation of GGPOS will give to stakeholders more light on what improvements are recommended and how fast the issues should be addressed.</p> <p>- A revision of GGPOS is likely to relate to transmission infrastructures only but should not introduce additional burdens for TSOs.</p> <p>- Current GGPOS could be maintained for LNG terminals and storage projects, but one should remember that these projects have greater technical constraints than transmission projects. Moreover, a working group formed on French energy regulator's (CRE) initiative to study the "regulation of LNG terminals in France" noticed in its final report (April 2008) that "although presented as "open season", most calls for subscriptions in Europe are finalised on the basis of a bilateral negotiation".</p>	take note	The objective of the revision of the GGPOS is to improve the provisions in the light of the experience gathered since 2007, not to impose additional burden on TSOs.
C13-4	GLE	<p>GLE recalls that "LNG terminals projects may be subject to greater technical constraints than transmission projects, and these constraints should be taken into account when designing the open season", as it is already recognized by ERGEG in the existing GGPOS (see article 2 (11), footnote #2 of GGPOS ref:C06-GWG-29-05c dated 21 May 2007).</p> <p>Therefore GLE would like to underline that a revision of the GGPOS should continue to take into account the specificities of the LNG terminal projects, and even be clearer on that matter, in particular on the basis of the practical cases experiences.</p>	agree	LNG is recognised as specific by regulators.
C13-5	Gian Carlo Scarsi	<p>On market testing, it is important to consider experience from other sectors as well, for instance the allocation of train paths to open access operators in railways (revenue abstraction/generation test; international high-speed capacity allocation schemes; some UK and French experience). Market testing more generally implies heavy stakeholder engagement. Cross-border tariff issues should probably also have to be looked at by ACER, in coordination with interested NRAs, either via CEER or bilaterally.</p>	take note	CEER thanks Mr Scarsi for his comments and will look into them.

3.3.14. C14: CEER Advice on the regulatory oversight of virtual gas trading points

The development of VTPs is an important step towards the IEM. CEER will develop Advice containing best practice recommendations for implementing regulatory oversight of gas VTPs. It will focus on how to grant fair and continuous functioning of the hub and information delivery.

This deliverable was generally found to be important, with 5 stakeholders indicating that they would participate in public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C14-1	BDEW	This European perspective must acknowledge national developments such as in Germany and must be coordinated with local statuses.	agree	European energy regulators analysed the current situation in the 2009 monitoring report on this issue.
C14-2	ENI	In the trading at VTPs the information already published (price and quantities traded per day) are sufficient. There is no need for further particular regulatory oversight.	take note	Considering that three out of four comments on this deliverable stated that stakeholders do not currently see an immediate need for tailored advice on the regulatory oversight of virtual gas trading points, CEER agrees to delete this deliverable from the 2011 work programme. It might be considered again in the future.
C14-3	E.ON	A Regime to ensure market integrity in the Energy Market Integrity should include also trades concluded at Virtual Trading Points (VTPs). At this stage we don't see the need to start a parallel process to implement regulatory oversight on VTPs	take note	See our reaction to response C14-2.
C14-4	Eurogas	There is no need for particular oversights of VTPs.	take note	See our reaction to response C14-2.

3.3.15. C15: CEER Vision Paper for a conceptual model for the European gas market

The European Commission called for market coupling by all Member States during the 4th RI Conference. To reach this goal a conceptual model is needed. Such a model should give an overall vision around the upcoming FGs and NCs, which are in turn the ideal instrument to define detailed rules on specific matters and enable the integrated market.

This deliverable was generally found to be very important, with 10 stakeholders indicating that they would participate in a workshop and 10 again in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C15-1	BDEW	This paper could be the roadmap for the future of the gas markets. BDEW would like to see an adequate schedule to be able to find the maximum consensus.	agree	CEER agrees that this work is very important for the future development. This work aims, inter alia, at analysing the interaction and interdependence of all relevant areas for network codes, providing an overarching architecture. Work was launched towards the end of 2010. European energy regulators have published a call for evidence, open for comments until the beginning of January 2011. Furthermore, there will be a first public workshop on 3 December to discuss the views of stakeholders. There will be more workshops in 2011. BDEW might consider subscribing to CEER's free monthly newsletter, which carries announcements of all stakeholder involvement action.
C15-2	ENI	This deliverable represents a further step towards the integration of the European gas market, thus we welcome the participation of the stakeholders in the formulation of this conceptual model.	agree	CEER values very highly the contributions of stakeholders to our work. European energy regulators have published a call for evidence towards the end of 2010 to involve stakeholders from the earliest stage possible. Furthermore, there will be a first public workshop on 3 December to discuss the views of stakeholders. There will be more workshops in 2011. ENI might consider subscribing to CEER's free monthly newsletter, which carries announcements of all stakeholder involvement action.
C15-3	E.ON	A thorough involvement of stakeholders is necessary to find consensus a possible target model for the gas market	agree	See our reaction to response C15-2.

#	Resp.	Comment	Our position	Explanation
C15-4	Eurogas	The Madrid Forum asked that stakeholders are involved from the outset.	agree	See our reaction to response C15-2.
C15-5	GDF Suez	- We agree with ERGEG on the need for a common conceptual model on the European gas market and welcome the opportunity to discuss this. - It will be an opportunity to assess whether the principles of market coupling adopted in the CWE might be a proper instrument for the integration of the gas market.	agree	CEER is ready to discuss all ideas stakeholders bring to the table to ensure the development of a viable model for the European gas market.

3.3.16. C16: CEER Advice on NRA roles in relation to implementing the Security of Supply Regulation, including cost allocation principles concerning cross-border reverse flow investments

The new SoS Regulation includes a provision on cost allocation of mandatory SoS investments without underlying market demand. The CEER Advice will address the need for provisions on how regulators should allocate related costs. This will ensure consistency between decisions across NRAs.

This deliverable was generally found to be important, with 8 stakeholders indicating that they would participate in a workshop and 8 again in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C16-1	Enagas	Enagás is happy to see the inclusion of this provision in the SoS regulation. Enagás considers that NRAs should take into account the efficiently incurred costs, and whenever these costs are incurred in more than one Member State for the benefit of another Member State, NRAs should decide together the allocation of costs before the investment decision is taken as stated under the provision. Moreover, these investments should be subject to the approval by the NRA and their retribution should be acknowledged.	take note	CEER thanks Enagas for their comments; they will be taken into consideration.
C16-2	ENI	We welcome a specific Advice on the role of NRAs in the SOS Regulation concerning exclusively the matter of cost allocation in cross-border investments, in particular the ones undertaken for security reasons non market-based.	take note	CEER thanks ENI for their comments; they will be taken into consideration.
C16-3	Eurogas	It is not clear how this work can proceed separately from work on tariffs and investment generally. It is an important issue how the costs are allocated and there is need for a coordinated approach.	agree	CEER will ensure that there is a coordinated approach regarding work on tariffs.

#	Resp.	Comment	Our position	Explanation
C16-4	GDF Suez	<p>- We would like to remind that it is a Competent Authority and not necessary the National Regulator which will be in charge of implementing the Security of Supply regulation in each Member State. The cost allocation is of course a subject which is evaluated by the NRA. Cost allocation principles are a major issue for the financing of infrastructures under the rTPA regime. These principles concern not only the Security of Supply Regulation imposing cross-border reverse flow investments, but also the forthcoming "Infrastructure Energy package" which is to forecast investments in new transeuropean infrastructure networks.</p> <p>- In the case of cross-border reverse flow (or infrastructure) investments, the issue of cost sharing between Member States as well as the cooperation between the involved NRAs should be addressed, taking into account the existing regulatory differences.</p>	agree	<p>Bringing together provisions on cost sharing for cross-border reverse flows or other cross-border infrastructure investments (see the European Commission's Energy Infrastructure Package, EIP) with existing regulatory difference between Member States is a key challenge for implementing the SoS Regulation successfully.</p> <p>Work on cost sharing mechanisms according to the SoS Regulation could help to gain experience for implementing forthcoming EIP cross-border investment provisions with regard to cost allocation.</p>

3.3.17. C17: CEER Guidelines of Good Practice for storage system operators regarding CAM and CMP – revision

Currently, a wide range of different approaches to allocate storage capacity is used, even in cases of congestion. To facilitate CAM and CMP in the future, CEER will amend the GGPSSO.

This deliverable was generally found to be important, with 9 stakeholders indicating that they would participate in a workshop and 10 in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C17-1	Enagas	<p>Enagás believes that the roles of ACER, ERGEG and CEER should be clearly defined.</p> <p>So far ERGEG has been responsible for developing GGPs. If this task is taken over by CEER there should be an explicit decision from the European Commission stating this as it happened when ERGEG was established as advisory body to the EC through "Commission Decision 2003/796/EC (Commission Decision of 11 November 2003 on establishing the European Regulators Group for Electricity and Gas)".</p> <p>Enagás agrees with the current GGPSSOs. However, Enagás thinks that more requirements on exempted facilities could be useful. Non-exempted facilities are subject to the NRAs obligations, besides the 3rd Package requires some further considerations.</p>	take note	<p>Concerning the division of competences between CEER, ERGEG and ACER, please see our reaction to response A-13.</p> <p>Regarding exemptions please refer to past work of European energy regulators on Article 22 exemptions (E07-GFG-31-07b); we do not currently see the necessity to revise this.</p>

#	Resp.	Comment	Our position	Explanation
C17-2	ENI	We welcome another consultation on the CAM and CMP concerning storage, in particular we deem necessary going into further discussions and comparisons concerning the application of short term and interruptible UIOLI principles in the European market.	take note and disagree	The public consultation and workshop announced for next year in the consultation document on the CEER work programme 2011 should have read 2010, as both these stakeholder involvement actions have already taken place. The draft revised GGSSO are already approaching finalisation and will be presented at the Madrid Forum in early 2011. CEER is sorry for any inconvenience this mistake might have caused. The application of short-term and interruptible UIOLI principle is already laid down in Article 15 Regulation (EC) No 715/2009 and thus coming into force by March 2011.
C17-3	E.ON	A first ERGEG consultation has been made in 2010. E.ON believes that where TPA is defined necessary, market-based and harmonised access to storage facilities is essential to ensure further market integration, appropriate investment signals and liquidity on the flexibility markets. Negotiated Access to storage facilities should be preferred	take note and disagree	On the workshop and public consultation scheduled, please refer to our reaction to response C17-2. According to Article 33 Directive 2009/73/EC, in a first step it has to be evaluated if TPA is necessary, and in a second step the TPA regime has to be laid down on the basis of criteria.
C17-4	Eurogas	Eurogas has already taken part in a consultation on storage CAM/CMP.	take note	See our reaction to response C17-2.
C17-5	GDF Suez	- ERGEG has recently launched a public consultation on proposals for some amendment of the GGSSO in the area of CAM and CMP. Many stakeholders have made comments that are yet to be taken into account by ERGEG . - In any case this work should not result in proposals imposing a European-wide standardisation of storage products as this would be detrimental to the proper functioning of storage facilities and the storage market at large.	take note	On the workshop and public consultation scheduled, please refer to our reaction to response C17-2. The argument not to standardise products was already brought in the public consultation process of 2010 and will be referred to in the Evaluation of Responses Paper of Public Consultation on CAM and CMP for storage.

3.3.18. C18: CEER Status Review of CMP and anti-hoarding mechanisms applied in the European LNG terminals

Different CMP mechanisms are being applied in European LNG terminals and the Commission called for an analysis of the need for harmonisation of anti-hoarding rules at the 15th Madrid Forum. The Status Review will put forward a comprehensive overview of the CMP mechanisms in place, taking into account the constraints which influence LNG business, in order to derive conclusions and recommendations.

This deliverable was generally found to be important, with 8 stakeholders indicating that they would participate in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C18-1	ENAGAS	Currently, all LNG terminals in Europe are being granted with an exemption under Article 36 of Directive 2009/73/EC. Thus, it is important that the conclusions and recommendations resulting from the study also cover exempted LNG terminals.	agree	Most of the current LNG projects have asked for an exemption. Then, they will represent an important part of the European LNG market. We need to include them in the study if we want to promote harmonisation regarding LNG across Europe.
C18-2	E.ON	E.ON believes that a study on different CMP rules applied across Europe is necessary. E.ON believes also that a study on interface rules between LNG terminals and the wholesale market would be beneficial to increase knowledge of different mechanisms applied and to identify best practices. The main objective should be to foster use of flexibilities and market liquidity	take note	CEER thanks E.ON for their comment and will consider this for future work programmes.
C18-3	Eurogas	Eurogas will participate in the consultation but does not consider the issue a high priority.	take note	CEER is looking forward to receiving Eurogas' input and takes note that Eurogas considers there are more important priorities.
C18-4	GDF Suez	<ul style="list-style-type: none"> - Whilst the evidence supporting harmonisation in cross border pipelines has been clearly demonstrated, the evidence supporting harmonisation of LNG terminal access is not clear. - The Status Review is likely to show a high degree of complexity in LNG operation, differences in terminal characteristics, in downstream infrastructures, in downstream gas markets, not forgetting the security of supply aspect as well as possible competition between facilities. - Moreover it should be recalled that at the last Madrid Forum, in September 2010, the European Commission said that there is not an urgent need to push CAM and CMP guidelines for LNG since network issues are by now more relevant. 	<ul style="list-style-type: none"> disagree (1) agree (2) take note (3) 	All the analysis and studies carried out by CEER on LNG have shown that more harmonisation in the LNG market is needed to promote competition and to benefit the creation of the European single market. In some cases, they have also shown a great complexity in the LNG facilities management and their regulation. However, we understand that implementation of the 3 rd Package is now a priority. In any case, more transparency in LNG is easy and quick to reach, and will promote efficient trade among terminals.

#	Resp.	Comment	Our position	Explanation
C18-5	GLE	<p>GLE accepts that harmonisation of cross border rules is generally desirable; but priorities must initially reflect the need for LSO's to first implement and demonstrate compliance with the new European legislation that comes into force in March 2011.</p> <p>Indeed, GLE considers that harmonisation of rules across European LNG terminals will be the least straightforward (of pipelines, storage and LNG) and should not be rushed given the much higher degree of complexity in LNG operations, the differences in LNG terminal characteristics, in downstream infrastructures and in downstream gas markets, not forgetting the international aspects that must also be considered. Whilst the evidence supporting early harmonising change in cross border pipelines has been clearly demonstrated, the evidence supporting harmonisation of LNG terminal access (beyond high level principles) is not clear to GLE – this is because there is limited or no experience of LNG terminal operations in all but a few Member States and because downstream pipeline rules, terminal characteristics and gas markets are different. More operating experience is needed in more Member States.</p>	take note and disagree	We understand that implementation of the 3 rd Package is now a priority, but we consider that more harmonisation in the European LNG market is needed to promote the creation of the single market. In any case, more transparency in LNG is easy and quick to reach, and will promote efficient trade among terminals.

3.3.19. C19: CEER Advice on LNG terminals' transparency template

The transparency requirements concerning LNG terminals in Regulation 715/2009 (Article 19) are very general. CEER will provide LSOs with guidance on the harmonised publication of information as required by law and possibly beyond.

This deliverable was generally found to be important, with 9 stakeholders indicating that they would participate in a workshop and 9 again in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C19-1	ENAGAS	Currently, all LNG terminals in Europe are being granted with an exemption under Article 36 of Directive 2009/73/EC. Thus, it is important that the "Advice on LNG terminals' transparency" also covers exempted LNG terminals.	agree	Most of the current LNG projects have asked for an exemption. Then, they will represent an important part of the European LNG market. We need to include them in the study if we want to promote harmonisation regarding LNG across Europe.
C19-2	E.ON	Transparency is crucial to ensure a level playing field between market participants. Please see also comments on C18	agree	Transparency is the basis to assure non-discrimination and homogeneity. CEER will therefore focus on transparency, trying to develop a template to be filled out and published by LSOs.

#	Resp.	Comment	Our position	Explanation
C19-3	Eurogas	There is already a large amount of work ongoing on transparency, also linked with the planned energy-tailored regime.	disagree	Up to date, work on transparency in LNG terminals is short. It is important to remember that detailed transparency obligations in LNG have been introduced by the 3 rd Package for the first time (which is not in force until 2011).
C19-4	GDF Suez	<p>- The aim may not be to achieve a higher level of transparency (Energy Regulators seem to agree that LSOs are publishing an adequate amount of information), but an easy way to make the information available to shippers.</p> <p>- However, it should also be assessed how this subject interferes with the public consultation that ERGEG has launched recently (E10-PC-58: Transparency requirements for natural gas).</p>	agree	The aim of CEER's future work on LNG transparency is to facilitate an easy access to the European LNG terminals for shippers in order to promote competition and security of supply, in the interest of the European single market. We will pay careful attention to any other study on transparency that may affect LNG.
C19-5	GLE	<p>GLE thinks that the implementation of the requirements that will enter into force under the 3rd Package should be firstly monitored in order to determine whether there is a real need for further improvement, before proposing additional provisions. It is up to the Commission and the Parliament to determine whether this is the case and if so, to adopt any necessary measures. CEER is an advisory body of the Commission. Policy-making role is reserved for Member States and bodies of the EU.</p> <p>Moreover, GLE notes that a public consultation on "Existing transparency requirements for natural gas" has been launched by ERGEG on the 1st October 2010 (ref: E10-GWG-68-03, 8 September 2010) and would welcome confirmation as to how this consultation interacts with the proposed task.</p>	disagree and take note	We agree that the 3 rd Package implementation requires monitoring to assure compliance with the new rules, but this should not prevent continuing working and improving the European LNG market. CEER will pay careful attention to any other study on transparency that may affect LNG.

3.3.20. C20: CEER Benchmarking Report on merchant lines

To highlight the experience of the different RIs in implementing Article 7 of Regulation 1228/2003 and compare the handling and criteria applied by different NRAs, CEER will produce a Benchmarking Report.

This deliverable was generally found to be important, with 10 stakeholders indicating that they would participate in a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C20-1	NorGer	<p>C20 is very important for NorGer. The timeline for this benchmarking report is Q3 2011. It will cover key areas 2 and 6. Cross-border interconnectors can also have an important contribution to Area 3; an interconnector between different types of system such as NorGer which will link a thermal system (Germany) with a hydropower system (Norway) can have considerable customer benefits at both ends of the cable. Further, this type of interconnector can serve to realize the objectives listed under Area 4. The consultations should therefore also take in these two policy areas in order to obtain a full picture of the role of interconnectors in the EU electricity market. The Benchmarking Report is planned for Q3 of 2011 and will focus on Article 7 of Regulation 1228/2003 and the criteria applied by the different NRAs. However by Q1 of 2011 the Third Package will have entered into force. The Benchmarking Report must also be forward looking. The new Article 17 of Regulation 714/2009 should therefore also be the focus of the Report - and in particular the Report should address the following points:</p> <p>It should include a comparison of how NRA's intend to grant an exemption to Article 9 of the Third Electricity Directive. guidance is required as to how an assessment for exemption from Article 9 should be made and what evidence should be produced for this purpose.</p> <p>It should address how these NRAs will treat divergent national approaches to unbundling as well as how these NRAs should deal with the issue of the application of Article 9 on the expiry of the permitted exemption.</p> <p>Furthermore, the proposed Benchmarking Report should indicate how existing exemptions granted under Article 7 of Regulation 1228/2003 can be upgraded to include an exemption from Article 9 of the Third Electricity Directive. Good practice guidelines are important here to minimize the regulatory burden on all concerned.</p> <p>NorGer intends to participate actively in consultations. At present Public Consultations are foreseen. NorGer would welcome the inclusion of a Workshop to explore the issues in the proposed Benchmarking Report more thoroughly.</p>	agree	The benchmarking report will be expanded to also provide guidance on how to implement current "exemption" practices with the new requirements introduced by the 3 rd Package.

3.3.21. C21: CEER Benchmarking Report on intraday capacity allocation

The Benchmarking Report will compare different approaches adopted in different RIs where an interconnection specific approach has generally prevailed so far. It will provide useful input to the intraday project led by ENTSO-E under the AHAG umbrella.

This deliverable was generally found to be very important, with 11 stakeholders indicating that they would participate a public consultation. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C21-1	BDEW	This report will be very helpful in the further development of electricity markets and will be especially useful in light of the growth of renewable energy sources.	agree	The aim is exactly that of assessing the current practices all over Europe in order to provide inputs to the implementation of the new framework guidelines provisions.
C21-2	E.ON	CEER action should not be limited to a benchmarking report, but it should include coordination focussed to ensure that Regional Initiatives approaches are converging towards the European Target Model agreed within the Florence Forum: intraday markets based on continuous trading and through a common platform	partly agree	The aim of the document is to assess existing regional solutions to the problem. ACER and the regulators will adopt other tools in order to assess the consistency and convergence of the different approaches with a European target model.

3.3.22. C22: CEER Advice on the role of Regional Initiatives in the intra and inter-regional coordination of Open Seasons

CEER will assess, in its Advice, the role that the Regional Initiatives could play in open season procedures. The paper's main emphasis will lie on the coordination of all involved parties and the contribution of the regions to transparency and visibility for market participants.

This deliverable was generally found to be important, with 9 stakeholders indicating that they would participate in a workshop. Apart from this, the following comments were received:

#	Resp.	Comment	Our position	Explanation
C22-1	Borg	eceee – the European Council for an Energy Efficient Economy – is Europe's largest membership-based NGO solely focused on energy efficiency. We are happy to help and answer further questions.	take note	
C22-2	Enagas	From Enagás point of view the South Gas Regional Initiative (S-GRI), where Enagás has been deeply involved, has been right forum where TSOs, NRAs and other stakeholders could put their ideas together in order to increase cooperation. Enagás believes that the S-GRI has clearly contributed to the development of OSPs and OSs; what it is more, neither of them would have been achieved without the S-GRI. Thus, Enagás believes that CEER must assess the role that the Regional Initiatives must play in OS procedures.	agree	The objective presented by Enagas is shared by NRAs and the experience of the South GRI will be a key input,

#	Resp.	Comment	Our position	Explanation
C22-3	ENI	In order to describe in a complete way the Open Season procedure any contribution of the Regional Initiatives to it should be addressed in the consultation on the revision of GGPSOs too.	agree	There is clearly a synergy with the revision of the GGPOS.
C22-4	Eurogas	It is not clear why this aspect can not be included in C13.	disagree	GGPOS can mention GRI but their role is to develop procedures, not to investigate how to develop coordination of OS in the regions, which is a governance issue.
C22-5	GDF Suez	- GDF SUEZ welcomes the CEER initiative to address the role of regional initiatives in the intra and inter-regional coordination of Open Seasons.	take note	

4. Additional general comments received

#	Resp.	Comment	Our position	Explanation
D-1	EDF Energy	<p>EDF Energy agrees with the general approach and objectives that CEER have proposed, especially the intention to focus on a small number of work areas. We wish to make some general comments about the document itself which cannot be developed in the on-line questionnaire.</p> <p>We consider three issues raised by the programme:</p> <p>1. Regulatory Risk</p> <p>During the development of the regulatory regime, there are commercial risks for contracting parties who want to, or are planning to, engage in cross-border trade. For example, participants may want to invest in interconnection, new generating assets or develop new contractual structures that may be materially influenced by the new regulatory codes. This is on top of the familiar regulatory risk of system change during the development of the Member States' energy markets. Therefore, we expect the plan to provide us with enough information to inform our own planning and scoping of regulatory activities. This has been achieved by Section 5 CEER Documents (p. 11), which we welcome.</p> <p>2. Relative Resources placed on each of the Programme's activities</p> <p>As a work programme, we would have preferred more details concerning the relative resources that each work area defined by the programme would require. We have been invited to comment on the relative prioritisation of each policy area, which is encouraging, but we have little idea of the resource allocation to each issue. CEER may have a certain amount of discretion, based on the rational allocation of its resources. It is also the case that the priorities set by CEER may differ from the rest of the industry. For example, "external relations" (objective 7) are clearly significant but may not have as much commercial significance for the industry as the "implementation of the Third Package" (objective 1) will have. It would have been useful for industry participants to get a better "feel" of the work programmes priorities, as much as it is useful for CEER to get industry views on the subjects included in the consultation questions.</p> <p>As a general comment, as a planning document it seems to be as much a set of objectives as a detailed programme of work. We would like to see clear project milestones defined, so that the industry can judge the progress of each work area, rather than just indicative activity dates.</p> <p>3. Engagement, Scheduling and Contingency Planning</p> <p>An inspection of the indicative publication timetable seems to have a significant number (18) of publications or activities in Q3 when compared with Q1 (1). This could potentially impact the quality and understanding of the industry ability to correctly assess the business impact of the proposals. Furthermore, we would prefer greater industry engagement. Given the magnitude of the changes, we would prefer a more sophisticated engagement process. We note that slippages may occur, as a result of the complexity of the issue that needs to be resolved or new and unanticipated evidence that comes to light during the process of policy development. There needs to be some element of contingency built into the programme in case some elements of it are delayed.</p>		<p>On 1. CEER gladly notes that the work programme has proven its effectiveness as a planning tool for stakeholders. This is precisely the intention behind our publication of schedules. These are indicative, as some flexibility needs to be reserved, but any upcoming stakeholder involvement action is announced in the free CEER monthly newsletter.</p> <p>On 2. Indeed, CEER has tried to set priorities in its internal work programme, with the main result being that most deliverables were considered to be of great importance. Even though this has not been published, to ensure that the public consultation responses were not biased, it coincides with the results of the public consultation: all deliverables were found to be important or very important on average, none was categorised as "not important". However, CEER will consider EDF Energy's suggestion.</p> <p>On 3. CEER feels that the wide variety of stakeholder interaction measures taken gives all stakeholders sufficient possibility to voice their views and contribute to CEER's work.</p>

#	Resp.	Comment	Our position	Explanation
D-2	Eurelectric	<p>The year 2011 will be marked by the transfer of the regulatory functions from ERGEG to ACER. EURELECTRIC wants to underline a strong need for transparency in terms of time schedule, division of responsibilities and tasks between ERGEG and ACER and their interaction with stakeholders during this transition period. It is particularly important to get a clear understanding about how the work on the Framework Guidelines listed in the Work Program will be organised taking into account that ACER will not be formally operational until earliest March 2011. In this respect, we strongly call for that the started drafting work on the Framework Guidelines should not be delayed due to reorganizational reasons.</p>		<p>See our reaction to response A-13.</p>

Annex 1 – Response statistics

Deliverable		Response		Importance			Workshop participation			PC participation		
#	Title	#	Rate	Indicator	#	%	#	%	#	%	#	%
C1	CEER Benchmarkin Report on the roles & responsibilities of NRAs in customer empowerment and protection as of 1 January 2011	22	59%	2.14	7	33%						
					10	48%						
					4	19%						
C2	CEER Advice following the EC/DG SANCO retail market survey to be released at the 3rd Citizen Energy Forum	21	57%	2.14	5	24%	10	53%	16	84%		
					14	67%	9	47%	3	16%		
					2	10%						
C3	CEER Advice on the take-off of a demand response electricity market with smart meters	23	62%	2.59	14	64%	14	78%	19	95%		
					7	32%	4	22%	1	5%		
					1	5%						
C4	CEER Guidelines of Good Practice on retail market design, with a focus on supplier switching and billing	22	59%	2.55	12	55%	13	65%	15	75%		
					10	45%	7	35%	5	25%		
					0	0%						
C5	CEER Status Review on TSO and DSO unbundling	23	62%	2.27	7	32%						
					14	64%						
					1	5%						
C6	CEER Status Review of regulatory approaches to smart grids	24	65%	2.57	12	57%						
					9	43%						
					0	0%						
C7	5th CEER Benchmarking Report on the Quality of Electricity Supply	19	51%	2.28	7	39%						
					9	50%						
					2	11%						
C8	CEER Advice on the implications of non-harmonised renewable support schemes	23	62%	2.75	15	75%			17	85%		
					5	25%			3	15%		
					0	0%						
C9	CEER Guidelines of Good Practice on generation adequacy treatment in electricity	23	62%	2.45	11	55%						
					7	35%						
					2	10%						
C10	CEER Advice on the legal framework for sector-specific oversight regime - competences and cooperation of regulators	21	57%	2.52	11	52%			16	89%		
					10	48%			2	11%		
					0	0%						
C11	CEER Advice on wholesale trading licenses	21	57%	2.11	5	26%			11	61%		
					11	58%			7	39%		
					3	16%						
C12	CEER Guidelines of Good Practice on transaction reporting and detecting market misconduct	20	54%	2.35	8	40%	9	56%				
					11	55%	7	44%				
					1	5%						
C13	CEER Guidelines of Good Practice for Open Season Procedures (GGPOS) – revision	19	51%	2.18	5	29%	9	60%	10	71%		
					10	59%	6	40%	4	29%		
					2	12%						
C14	CEER Advice on the regulatory oversight of virtual gas trading points	15	41%	1.71	1	7%			5	38%		
					8	57%			8	62%		
					5	36%						

Deliverable		Response		Importance			Workshop participation			PC participation		
#	Title	#	Rate	Indicator	#	%	#	%	#	%		
C15	CEER Vision Paper for a conceptual model for the European gas market	19	51%	2.53	11	65%	10	59%	10	63%		
					4	24%	7	41%	6	38%		
					2	12%						
C16	CEER Advice on NRA roles in relation to implementing the Security of Supply Regulation, including cost allocation principles concerning cross-	17	46%	2.20	6	40%	8	57%	8	57%		
					6	40%	6	43%	6	43%		
					3	20%						
C17	CEER Guidelines of Good Practice for storage system operators regarding CAM and CMP – revision	18	49%	2.35	7	41%	9	56%	10	63%		
					9	53%	7	44%	6	38%		
					1	6%						
C18	CEER Status Review of CMP and anti-hoarding mechanisms applied in the European LNG terminals	17	46%	1.87	3	20%			8	53%		
					7	47%			7	47%		
					5	33%						
C19	CEER Advice on LNG terminals' transparency template	18	49%	1.88	2	13%	9	56%	9	56%		
					10	63%	7	44%	7	44%		
					4	25%						
C20	CEER Benchmarking Report on merchant lines	17	46%	2.31	6	38%			10	67%		
					9	56%			5	33%		
					1	6%						
C21	CEER Benchmarking Report on intraday capacity allocation	16	43%	2.63	10	63%			11	73%		
					6	38%			4	27%		
					0	0%						
C22	CEER Advice on the role of regional initiatives in the intra and inter-regional coordination of Open Seasons	19	51%	2.13	5	31%	9	60%				
					8	50%	6	40%				
					3	19%						
AVERAGE		19.86	53.69%	2.30								

Annex 2 – List of abbreviations

Term	Definition
ACER	Agency for the Cooperation of Energy Regulators
CAM	Capacity Allocation Mechanism
CEER	Council of European Energy Regulators
CESR	Council of European Securities Regulators
CMP	Congestion Management Procedure
DG	Directorate General
DSM	Demand-side Management
DSO	Distribution System Operator
ENTSO-E	European Network of Transmission System Operators for Electricity
ENSTO-G	European Network of Transmission System Operators for Gas
ERGEG	European Regulators' Group for Electricity and Gas
ERI	Electricity Regional Initiative
ETS	Emissions Trading Scheme
FG	Framework Guideline
FUI	France-UK-Ireland (electricity) region
GGP	Guidelines of Good Practice
GRI	Gas Regional Initiative
IEM	Internal Energy Market
IIA	Initial Impact Assessment
ITC	Inter-TSO Compensation
LNG	Liquefied Natural Gas
NAP	National Action Plan
NC	Network Code
PCG	Project Coordination Group
RI	Regional Initiatives
SoS	Security of Supply
TSO	Transmission System Operator