

## CEER Legal Training on regulatory decision-making process and enforcement of 3<sup>rd</sup> Package Acts

**23 - 24 October 2014, Brussels**

*DRAFT PROGRAMME*

**THURSDAY 23 OCTOBER 2014 – 10:00-17:00**

- 10:00-10:10** Opening remarks and roundtable introduction of the participants
- Maria-Isabella Detand | CREG, CEER LTF

### **SESSION 1 DECISION-MAKING PROCESS BY NRAs AND ACER**

This session explores the competences of NRAs and ACER within the EU legal framework as regards Network Codes (NCs), EC Guidelines, Cross-Border Cost Allocations (CBCAs) and others: how does decision-making process work in those areas?

- 10:10-11:20** Competences of NRAs and ACER: cooperation between NRAs and involvement of ACER in developing EU-law (implementation of NCs, EC Guidelines, CBCAs, REMIT, etc...)
- Tiziana Lo Nardo | AEEGSI
  - Paul Martinet | ACER

#### **Discussion/ Q&A**

**11:20-11:30** *Coffee break*

- 11:30-12:30** Case study: An example of NRA cooperation on the basis of Cross-Border Cost Allocation (CBCA) and its impact on NRAs. Lessons learned, need for improvement?
- Ulrike Hansen | BNetzA
  - Paul Martinet | ACER

#### **Roundtable discussion on the case study**

Moderator: Maria-Isabella Detand | CREG, CEER LTF

**12:30-13:30** *Lunch break – CEER office*

## SESSION 2 ENFORCEMENT AND JUDICIAL REVIEW OF NRAs' AND ACER's DECISIONS

The European Union is primarily dependent on the Member States for the implementation and subsequent enforcement of EU law. Member States and their authorities such as NRAs are entrusted with ensuring compliance with the European Union law and sanctioning infringements. The work of NRAs is based on the national procedural autonomy of Member States. However, the national procedural autonomy of Member States can lead to inconsistent application of EU law by NRAs. Following the development and approval of the 3<sup>rd</sup> Package Acts (Network Codes, EC Guidelines, ACER Decisions, etc.), issues arise around their enforcement. Who is responsible for what? What are the different options to enforce EU Acts?

**13:30-15:45** Enforcement of NRAs' and ACER's legally binding decisions and their judicial review: a view from the Institutions

- Adrien de Hauteclocque | European Court of Justice
- Leigh Hancher | Tilburg University
- Claude Probst | (former staff) European Aviation Safety Agency

### Discussion / Q&A

**15:45-16:00** *Coffee break*

**16:00-16:45** Future role of ACER Board of Appeal in the review of ACER's decisions

- Herbert Ungerer | ACER Board of Appeal

### Discussion / Q&A

**16:45-17:00** Wrap-up of 1<sup>st</sup> day

- Maria-Isabella Detand | CREG, CEER LTF

**17:00-18:00** **Reception**

For those who wish to join, we will host a small drinks reception at the CEER office – all participants and lecturers welcome!

**- END FIRST DAY-**

**FRIDAY 24 OCTOBER 2014 – 09:00-17:00**

## **SESSION 3      COMITOLGY PROCESS: BEFORE AND AFTER LISBON TREATY**

The European Commission currently adopts, on average, 2000 legally-binding acts as implementing or delegated acts every year. These measures impact every sector of the society and economy and are often rich with important details. The importance of Comitology has recently grown again thanks to the powers introduced by the Treaty of Lisbon (Articles 290-291 TFEU). This session explains what Comitology is before and after the Lisbon Treaty. Why is it used? How do implementing and delegated acts work in practice and what is the role of the European Parliament and European Council in scrutinising these measures? Does PRAC still survey?

**09:00-10:15**      Comitology: before and after the Lisbon Treaty, Omnibus and some practical examples

- Michael Kaeding | University of Duisburg-Essen, College of Europe

**10:15-11:15**      Comitology post-Lisbon: from a critical note to strategy for lobbying actions

- Daniel Guéguen | PACT European Affairs, College of Europe

**11:15-11:30**      *Coffee break*

**11:30-12:45**      **Roundtable discussion / Q&A**

Moderator: Maria-Isabella Detand | CREG, CEER LTF

**12:45–13:45**      *Lunch break – CEER office*

## **SESSION 4      NETWORK CODES VERSUS EC GUIDELINES**

The 3<sup>rd</sup> Energy Package established a specific process for developing cross-border network codes as well as European level decisions and recommendations by ACER. This session focuses on the formal steps in the process, including the role of ACER, regulators, European Institutions and ENTSOs. In some cases, energy provisions take the form of other standardised European acts, e.g. European Commission Guidelines. What is the legal standing of and relationship between these acts?

**13:45-15:00**      Adoption of NCs: what is the process? How to find information? What is the role of European Commission in the adoption process. Involvement of ACER, ENTSOs and other stakeholders. Practical case: NC CACM, lessons learned

- Ernst Tremmel | ACER
- Florence Melchior | ENTSO-E

**Discussion based on questions submitted by the participants**

Moderator: Maria-Isabella Detand | CREG, CEER LTF

**15:00-15:15**      *Coffee break*

- 15:15-16:15** Adoption of Network Codes and EC Guidelines: Purpose and content/scope, procedure, role of European Commission, involvement of stakeholders via Comitology, etc.
- Oliver Koch | European Commission – DG Energy
- 16:15-16:45** **Discussion / Q&A**
- 16:45-17:00** Wrap-up of 2nd day and course closing
- Maria-Isabella Detand | CREG, CEER LTF

**- END SECOND DAY -**