



European Energy Regulators' 2010 Work Programme Evaluation of Responses

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1. Introduction

The European energy regulators launched a public consultation on their public work programme for 2010 on 11 September 2009. 28 responses were received (1 of which confidential).

All respondents to the public consultation greatly appreciated the opportunity to comment on the European energy regulators' work programme and to bring forward their own suggestions as to priorities and the work's focus. Respondents especially emphasised that the full public consultation of the work programme comes at an adequate time, as 2010 will be the year of setting up the Agency for the Cooperation of Energy Regulators.

Several respondents commented that the deliverables proposed were well-suited to reach the objectives stated and to address the key areas of work. They also felt that the key areas of work reflect well the most pressing current needs.

Many stakeholders underlined the importance of timely and extensive consultation of all parties involved in and affected by the work of the European energy regulators. We are confident that the number of public consultations, workshops and hearings planned for 2010 demonstrates that we are equally convinced of the crucial role of stakeholders.

Indicating their willingness to contribute to the European energy regulators' work and to provide their opinion on and input to the topics they consider most relevant, several stakeholders underlined that they would like to be informed in advance of the public consultations, hearings or workshops that are held.

The European energy regulators are happy to note that the majority of stakeholders consider as positive momentum our efforts to prepare for the setup of the Agency and to test the processes and procedures in the interim period until the Agency has been fully set up and is operational.

2. Evaluation of Responses

This section provides an overview and summary of all responses received to the European energy regulators' draft 2010 work programme. The European energy regulators gladly note that respondents have welcomed the opportunity of this public consultation and we appreciate the work stakeholders have invested in commenting on the document.

The following chapters summarise the comments received which suggest changes to the consultation document, indicating whether the European energy regulators agree or disagree with each comment and explaining our position.

Although the European energy regulators are pleased that many respondents agree with our proposals or positions, such affirmative responses are not reflected in the sections below as they do not require any changes to the proposed work programme but support the approach chosen so far by the European energy regulators.

2.1. Consultation question 1: How do you assess our general approach and objectives?

Topic	Respondents' views	Regulators' position	Explanation
too many deliverables	The range of topics addressed in the European energy regulators' work programme 2010 was very wide and ambitious and suggested refocusing.	disagree	The seven key areas have been chosen after much consideration. The deliverables proposed in relation to these key areas reflect the basic and directly necessary work to be tackled. Often, they are direct results of the Fora or requirements from the 3rd Package. The range of topics is wide indeed, but it addresses only aspects directly related to regulation and stems from external requirements.
too many deliverables	The limited resources of manpower among regulators and probably even more among TSOs is a direct barrier for quick progress for integrating the EU wholesale markets in both electricity and gas.	disagree	We agree that human resources have a bearing on the volume of work that can be managed. We would like to assure stakeholders that we have given consideration to the resources at our disposal and that the work programme builds thereupon.
focus	The objectives of the European energy regulators' work programme 2010 should be oriented towards	disagree	Both the reduction of distortions and the harmonisation of markets are

Topic	Respondents' views	Regulators' position	Explanation
	reducing the distortions due to actual differences in market organisation and development in the different Member States rather than seeking extensive harmonisation.		core tasks of regulators.
focus	The “targeting” principle should help focus future regulatory developments on areas that would enhance national markets and bring new benefits to customers. The harmonisation of rules should not be an objective per se, rather, functioning of markets should be thoroughly analysed and possible improvements weighed against any unintended consequences before changing the rules.	disagree	We try to maintain a balance between a top-down and a bottom-up approach. The requirements for further harmonisation have been strengthened in the 3rd Package. We address the tasks set therein.

2.1.1. Comments on the European energy regulators' methodology

Topic	Respondents' view	Regulators' position	Explanation
focus	The work programme should indicate more directly how each consultation contributes to achieving in the seven key areas. The deliverables rather reflect the CEER/EREG structure than the priority areas set. It is proposed to add to each CEER/EREG report one chapter on the interaction of the 7 key areas on the selected topic of the report.	agree	We hope to be able to address this concern by indicating the relation of each deliverable to one or more of the seven key areas of work in the introduction to each document that is published. We would also like to assure stakeholders that each deliverable, even though assigned to one working group, is coordinated with all other relevant working groups to ensure the greatest possible consistency and coverage of all concerns.
stakeholder involvement	It should be considered to give the stakeholders the possibility to provide input to all deliverables of European Energy Regulators' 2010 Work Programme. Within the	disagree	The nature of a deliverable determines whether stakeholder involvement makes sense or not. Where new rules are proposed,

Topic	Respondents' view	Regulators' position	Explanation
	consultation document, there are several deliverables where no public consultation or hearing is foreseen.		stakeholders are usually involved, but where compliance with existing rules is monitored, stakeholder involvement would not always enhance findings.
stakeholder involvement	European energy regulators should conduct regulatory impact assessments whenever changes to the market framework are proposed.	take note	The Next Steps paper (C09-GA-52-06) sets out how we see the involvement of stakeholders in detail. This includes impact assessments, public consultations, public hearings, calls for evidence, etc.
stakeholder involvement	Each public consultation should be preceded by a call for evidence.	disagree	The Next Steps paper (C09-GA-52-06) sets out when a call for evidence might be considered.
stakeholder involvement	European energy regulators should encourage greater participation of stakeholders in the consultations, including minorities.	take note	Public consultations, whenever undertaken, follow the regulators' public consultation guidelines (E07-EP-16-03). Every stakeholder is very welcome to participate in the public consultations, all of which are announced on our website.
stakeholder involvement	As regards the participation in public consultations, hearings and workshops, one respondent asked to be informed directly about the respective dates and terms of participation.	agree	The CEER Secretariat informs stakeholders about consultations through an electronic newsletter. Please subscribe to the newsletter through our homepage http://www.energy-regulators.eu/portal/page/portal/CEER_HOME/CEER_NEWSLETTER/REGISTRATION_ERGEG .
stakeholder involvement	Invitations to CEER/EREG events (such as the RI annual conference) should be more open.	take note	All our public events are announced through our newsletter and website. None of the registrations for participation in the Regional Initiatives conference were rejected; everybody who wanted to participate was

Topic	Respondents' view	Regulators' position	Explanation
			welcome.
details	For some deliverables, the short descriptions provided did not give deep insight into the exact scope and objective of the document.	take note	We would like to underline that the very concise format of the public work programme was chosen consciously and hope that stakeholders appreciate that the efforts saved for them by this format outweigh the uncertain points that have arisen. Of course, we will inform stakeholders about the upcoming public consultations, hearings and workshops in more detail once more information is available, so that market players can form a more precise picture of the scope and contents of each document. Their input to our work will be highly appreciated.
details	More details about the features of deliverables such as “input to framework guidelines” and “guidelines of good practice” should be provided. It was noted that the European energy regulators plan to undertake work aimed at delivering Guidelines of Good Practice in areas where framework guidelines are foreseen, at least in a later stage.	take note	The areas for the FGs have been taken from Art 8 para 6 of the Electricity and Gas Regulations. Other issues are treated in GGP.
details	It would be beneficial if the European energy regulators defined their deliverables as precisely as possible in order to clarify the impact of such deliverables on the different stakeholders in the energy markets. This would considerably facilitate contributing to the European energy regulators' work via consultations as it would become easier to acquire a more thorough understanding of the objectives of the deliverables at an early stage.	take note	Details on each deliverable will of course be provided to stakeholders once they are available.

Topic	Respondents' view	Regulators' position	Explanation
PCG	There should be clarification on where the European energy regulators' 2010 work programme overlaps with the work of the Project Coordination Group (PCG).	take note	We take into account the work of PCG in our deliverable 2 on the preparation of a draft framework guideline on capacity allocation and congestion management. PCG was established by the Florence Forum and was chaired by ERGEG but was not an ERGEG structure. ERGEG's new Ad Hoc Ad Hoc Advisory Group of Stakeholders will serve to help coordinate work on these issues.
PCG	The Project Coordination Group draft integration roadmap setting up 2015 as the goal is positive, however far away seen from a stakeholder point of view.	take note	We will take the draft roadmap prepared by PCG work as an input to our deliverable 2 on draft framework guideline on capacity allocation and congestion management.
PCG	It is important to integrate the work of the Project Coordination Group into the work of the ERGEG Regional Initiatives and that of the ENTSO-E Regional groups. There was concern that at present there are some indications of competition instead of synergy.	take note and partly agree	Please see the comments above. The PCG work will be taken as an input to our deliverable 2. In parallel, it will also be addressed by the ERI regions. We do not share the view of competition between PCG and RIs.
Agency	ERGEG and soon the Agency's consultation process should be efficient and result-driven avoiding duplications. This involves the coordination of the work programmes of ERGEG and the Agency and of ENTSO-E and ENTSO-G insofar as public consultations are not duplicated and do not overlap. Further, a sufficient degree of coherence of the work programmes of ERGEG and the Agency with those of ENTSO-E and ENTSO-G should be ensured.	take note	As the Commission must define the priorities for framework guidelines and network codes, the work programmes of the Agency (and in the interim ERGEG) and of the ENTSOs are largely in line, or at least coherent.

Topic	Respondents' view	Regulators' position	Explanation
Agency	<p>Whilst supporting the European energy regulators' initiative to anticipate the work to be done by the Agency and to prepare the regulators' input for the future work of the Agency, the question of how these preparatory work packages may subsequently be integrated in the procedures for adopting network codes and framework guidelines should be further examined from a legal point of view.</p>	take note	<p>The work undertaken in the interim period is preparatory work and will be provided to the Agency as input to its future work. Although we hope that the Agency will take a majority of this work and put it forward for public consultation, it will be for the Agency to decide upon this question.</p>
FG	<p>Early participation of market parties and transparent procedures are of eminent importance. The establishment of ad hoc expert groups cannot be a substitute for full consultation with market participants. Therefore, in order to ensure early and extensive market stakeholder consultation, the existence of ad hoc expert groups should be complemented by the creation of a more structured and representative mode.</p>	take note	<p>As set out in the Next Steps paper (C09-GA-52-06) and previous ERGEG positions, the ad hoc expert groups are not intended to substitute a broad public consultation of stakeholders. The functioning and added value of the ad hoc expert groups will be tested and assessed with the pilot projects and maybe some more projects during the interim phase. This is also when we will consider whether additional stakeholder involvement is needed or whether public consultations combined with other proposals as set out in the Next Steps paper are sufficient.</p>
FG	<p>All market parties must receive full information and be given the opportunity to comment on every stage of the process. Otherwise it will be difficult to strike the right balance between the interests of the network operators, which are fully integrated in the process via ENTSO-E and ENTSO-G, and the interests of the market parties, which are dependent on transparent consultations.</p>	agree	<p>This is already set out in the legislation which obliges both the Agency and the ENTSOs to consult widely with stakeholders.</p>
FG	<p>The level of detail of the framework guideline remains unchanged:</p>	take note	<p>This will depend on the topic of each framework guideline.</p>

Topic	Respondents' view	Regulators' position	Explanation
	framework guidelines should deliver the overlying “consistency framework” for a given subject specifying target objectives and main principles without anticipating corresponding technical solutions.		In general, we agree that the framework guidelines should set the framework for the development of the network codes. However, in some cases, some (technical) detail might have to be added to provide a useful basis for the network codes and their evaluation against the framework guidelines by the Agency.
Agency	A more precise work plan is missing on the cooperation between ERGEG/CEER and the Agency or the transition from the former to the latter. This is a crucial point, in order to be able to anticipate future communication with the Agency and thus potentially eases to commence operations.	take note	As the Agency will be set up in the course of 2010, it is difficult to anticipate how the transition will work at this stage. This will depend on all the actors involved. CEER, as a private non-profit association under Belgian law, will remain in place after the Agency is fully established and working. ERGEG will maybe cease to exist once the Agency has got all its powers (i.e. by 3 March 2011). However, this requires a Commission decision to repeal the decision which established ERGEG in 2003.

2.1.2. Comments on the seven key areas

Many responses received indicated stakeholders' priorities regarding the seven key areas of work indicated by the European energy regulators. Such preferences are reflected in relation to the third consultation question (see below). This section summarises responses received regarding the approach the European energy regulators have proposed on the key areas.

Key area	Respondents' view	Regulators' position	Explanation
1	The implementation of the 3rd Package should be the first priority of the European energy regulators. The main focus should be on the	agree	From the work programme, it can be seen that the 3rd Package is indeed our highest priority for the coming

Key area	Respondents' view	Regulators' position	Explanation
	establishment of the Agency.		months.
1	DSOs should have a role in the FG process.	agree	DSOs, as all stakeholders, will be consulted extensively and at an early stage.
1	Market players should have a formal role early in the FG and code drafting process.	disagree	It is unclear what kind of formal role is meant here. In addition, based on the Regulations it is for the Agency (during the interim period ERGEG) and the ENTSOs to draft the framework guidelines and the network codes. As also provided for in the Regulations, stakeholders will be consulted extensively and at an early stage.
1	The European energy regulators can play a very positive role in the monitoring process, addressing shortcomings and proposing remedies.	agree	Yes, we agree that this is one task of regulators.
1	The aim of the European energy regulators should be to facilitate trade between national markets by supporting flexible regulation, enabling existing capacity optimisation and interconnection development.	take note	We would like to highlight that the main purpose of our work is not to facilitate trade between national markets but to create the IEM. The optimisation of existing infrastructure use, flexible regulation and interconnection development are certainly possible means for that.
1	As regards interconnection infrastructure, the issue of merchant lines, investment and operation could be more specifically addressed and in particular allowed or even encouraged to exist alongside TSO-developed lines.	take note	Merchant lines are exemptions and will always be considered along with the TSO-developed lines as an exemption.
1	It is not certain that the deliverables related to infrastructure development both for electricity and gas will be sufficient to deliver a significant contribution in terms of encouraging investment, especially in cross-border interconnections.	take note	The 3rd Package does give regulators the power, depending on the Member State's choice of unbundling, to monitor and evaluate TSOs' 10-year network

Key area	Respondents' view	Regulators' position	Explanation
			development plans. The new legal framework does not foresee more powers for regulators in this respect.
2	Work on congestion management, capacity allocation, generation adequacy, open seasons and the 10-year network development plan should respect the need for reasonable investment conditions. This includes the interdependencies of security of supply considerations with other key issues (e.g. investments).	take note and agree	The creation of the internal energy market is a process embedded in EU energy policy with the objectives security of supply, competitiveness and sustainability. We agree that reasonable investment conditions, for which the sound regulatory framework is essential, are vital for the items mentioned.
2	Although gas security of supply (SoS) affects electricity security of supply, it is important to note that electricity SoS is influenced by a much broader range of factors and therefore the respondent believes this should be addressed separately.	agree	The European energy regulators will take the broad range of issues into account in its approach towards electricity security of supply.
2	The draft gas SoS regulation prepared by the European Commission will be the main tool to mitigate risks. It is not yet in the European energy regulators' work programme despite the implications for emergency procedures and cross-border cooperation.	agree	We have established a dedicated task force dealing with gas security of supply. At the time of drafting the work programme, no concrete deliverable had been identified, but we can assure stakeholders that we follow the discussion on gas security of supply closely and are ready to assist the European Commission and to step in if the new regulation foresees duties for regulators.
3	The key area of affordability and consumer issues should be extended to apply to energy-intensive consumers.	take note	We acknowledge this comment and take note of it.
3	Deliverables related to affordability and consumer issues should take into consideration the benefit of a measure vs the costs it causes.	agree	We agree on this basic principle and assure stakeholders that this aspect is borne in mind when

Key area	Respondents' view	Regulators' position	Explanation
			drafting our papers.
3	Energy poverty is a topic best dealt with at national level.	agree	The 3rd Package requests MS to define what vulnerable customers are.
3	It is uncertain whether affordability and consumer issues should be addressed by the European energy regulators. These issues should primarily be dealt with by the European Commission or national authorities.	disagree	The 3rd Package gives new duties to NRAs in the field of customer protection.
3	The provisions of the 3rd Package in this field are already precise enough to be implemented rapidly and successfully. Moreover, the Commission has recently created a dedicated forum to enable market players to share of good practices. These initiatives are a good means to tackle affordability and consumer issues.	disagree	A meeting once a year (Citizens' Energy Forum in London) is not enough to make progress on consumer issues. In the meantime some work has to be done to be reported at the Forum.
4	Increased renewable generation could interfere with affordability considerations.	agree	Increased renewable generation will clearly have costs, but is necessary to meet the requirements of the Renewable Energy Directive. Also, the MS are requested by the 3rd Package to define vulnerable customers.
4	How do European energy regulators intend to ensure that regulatory and tariffation frameworks in each Member State are non-discriminatory and encourage renewable generation?	take note	An important way to address this is through the future comitology guidelines on transmission tariffation that the Commission has submitted to the comitology process. It will be the task for regulators to ensure the compliance with the guidelines when they become applicable.
4	It is uncertain whether climate change and energy issues should be addressed by the European energy regulators. These issues should primarily be dealt with by the European	disagree	The Climate and Energy Package will have a fundamental impact on energy markets and networks, and on energy

Key area	Respondents' view	Regulators' position	Explanation
	Commission or national authorities.		consumers. It is essential for us to understand the implications and play our full role.
4	The regulators should recognise the dynamics of investment decisions, particularly in low-carbon generation, by providing greater transparency to the real costs of a technology and exposing hidden financial support and cross-subsidies.	partially disagree	We are not best placed to assess the real costs of technology. Quantification of financial support and cross-subsidies is, in the first instance, for national assessment.
4	Within the implementation of both the 3rd Package and the Climate and Energy Package, this topic should be given a high priority and be a major focus. The European energy regulators' approach was not very ambitious in this area.	take note	We would like to assure stakeholders that we do give a high priority to climate and energy issues. In some cases, given the global nature of the issues, this may be through contribution to ICER.
5	There is an interest in understanding European energy regulators' thoughts on the impact of an energy-specific market abuse framework on the existing financial services regulations of each Member State.	take note	We take note of this comment.
5	In order to guarantee the development of a well-functioning market, the different initiatives on transparency and market supervision should be integrated into a homogeneous sector-specific tailor made transparency and market integrity regime.	agree	It is important to integrate the different initiatives on transparency (fundamental data and trading data) into a homogeneous sector-specific tailor made transparency and market integrity regime.
5	The interaction between different physical and financial markets where a thorough common understanding of all aspects of financial hedging is needed should be noted.	agree	The interaction between different physical and financial markets should properly be taken into account when designing a sector-specific tailor made regime.
5	There is relative urgency to deal with trading issues due to upcoming general regulation on financial products.	agree	We also see an urgent need for action and a need to consider the impact of (future) financial regulation.
6	The BEMIP is a positive example for the other ERI regions to follow.	take note	We take note of the development of the Baltic Energy Market

Key area	Respondents' view	Regulators' position	Explanation
			Interconnection Plan (BEMIP) to learn from the positive practices put in place.
6	There is a need for developing a common understanding on a strategy towards the Internal Energy Market (IEM). A common view should be developed on how the interplay between the bottom-up (ERI) and top-down approaches (Agency FG & NC) will effectively contribute to the process of stepwise market integration. In this respect it is most important that this process including intermediate steps and deadlines for each region is clearly acknowledged in the European energy regulators' work programme and recognised as guidance for building ever converging regional markets in the forthcoming years.	agree	A regional integration strategy is essential for us. A paper on a strategy for market integration and the role of the RIs was published for consultation on 17 November 2009, and the conclusions paper is included in our 2010 WP (deliverable 34). The topic of steps and deadlines will be addressed in the context of FG on capacity allocation and congestion management and ERI regions.
6	There should be a more prominent role for regional market integration in the European energy regulators' 2010 work programme. It is important that individual ERIs are allowed to test selected market rules and to make the experiences gained available to the other regional energy markets. There is a need for further coordination of the different regional energy markets in order to also make progress on interregional integration. Generally, these bottom-up approaches should be guided and supported by overarching framework guidelines and the respective network codes. Based on the results (target models) of the Project Coordination Group roadmaps should be developed.	(partly) agree	12 out of 34 deliverables are related to regional market integration, so it is already a very high priority in the WP 2010. We place importance on sharing experiences among regions. The work of the PCG will be taken into account as one of the inputs to our work on the capacity allocation and congestion management framework guideline.
6	The work of the Regional Initiatives should be coordinated with the work of the Project Coordination Group, in order to achieve results which are consistent and quick and in order to avoid parallel work of different work streams.	note	The work of the PCG will be taken into account as one of the inputs to our work on the capacity allocation and congestion management framework guideline. It will also be taken into account at

Key area	Respondents' view	Regulators' position	Explanation
			ERI level.
6	The specificities of the FUI regional market, where market designs are quite different between the three countries and interconnection is and always will be through HVDC cables. Therefore system changes, which are costly and resource consuming should be initially limited to the development of efficient cross-border trading. In that sense European regulation should avoid being too specific about trading mechanisms and allow different methodologies, as long as they deliver efficient cross-border trading.	take note	Regional integration by each RI takes into account regional specificities.
6	The more the Regional Initiatives focus on very concrete measures the more rapidly will progress be achieved. The work of the Project Coordination Group should be taken into account for the definition of the target and its process.	agree	Concrete measures are developed by the ERI regions. The work of the PCG will be taken into account by the ERI regions for testing concrete measures. It will also be taken into account as an important input to our work on the capacity allocation and congestion management framework guideline.
6	The development of a reliable, robust and representative European Gas Index (whose physical or virtual location is easily accessible by all European gas suppliers/buyers) is critical to improving Europe's security of supply.	agree	We agree that a reliable, robust and representative European Gas price index would be beneficial for the development of the internal market and thus also for security of supply. However, we cannot provide such an index as this is not one of our core competences.
7	The interest of promoting exchanges on a global level if focusing on activities which have an impact on the internal energy market should be recognised.	agree	In our international activities we always consider and bear in mind their direct implications for the IEM.
7	It was uncertain whether external relation issues should be addressed by the European energy regulators. These issues should primarily be dealt with by the European Commission or	take note	We believe that the international relations pursued by us are highly relevant to regulation in the EU. Our

Key area	Respondents' view	Regulators' position	Explanation
	national authorities.		international relations activities closely relate to regulation and comprise sharing best practices and meeting other regulators or associations to improve European regulation.

2.2. Consultation question 2: Do you consider that the deliverables we have proposed are an adequate means to reach our key objectives?

2.2.1. Additional deliverables suggested

A number of respondents took the opportunity to indicate that in their view, the European energy regulators' work programme presented certain gaps and they suggested a number of deliverables that would serve to close these gaps:

Key area	Respondents' view	Regulators' position	Explanation
1	The European energy regulators should tackle the issue of how to incentivise timely development and implementation of codes with TSOs.	agree	This is an issue we are looking into and will be discussing with the ENTSOs in the coming months. However, we do not think that this requires a paper to be published in 2010.
1	The European energy regulators should address the relation and competencies of regulators vs national competition authorities.	take note	We acknowledge this comment and will consider it in our work.
1	The European energy regulators should also tackle transmission tariffs and ITC guidelines.	take note	The European Commission has prepared draft ITC guidelines and those, together with draft transmission tariffication guidelines prepared earlier by ERGEG, should go to comitology very soon.
1	The European energy regulators' input on the harmonisation of electricity tariffs and tariff methodologies across the EU is welcomed, as there are a number of barriers to cross-border	take note	The transmission tariffication guidelines will go to the comitology process in the near future.

Key area	Respondents' view	Regulators' position	Explanation
	trade at present.		
1	It is recommended that the work programme for 2010 includes the development of a harmonised framework for balancing services.	take note	This is partly included in deliverable 2, from the capacity allocation point of view.
1,6	The work programme for 2010 includes input to harmonised transmission tariffs in the gas sector. It is recommended that it also includes harmonisation of transmission tariffs in the electricity sector.	disagree	The Commission has launched a comitology process to adopt Guidelines for A Common Regulatory Approach to Transmission Charging. Due to this, there is no plan to include this as an additional item.
2	The European energy regulators should make an effort to design and implement schemes that favour investments in selected network upgrades that will lower operational costs of power generation.	disagree	Currently, investments do not affect the operational costs of power generation in the general definition because they are dependent on costs of generation plants.
2	The European energy regulators should also address the framework for gas investments.	agree	We agree that investment is a very important topic. Regulators address the framework for investment in gas infrastructures in their daily work.
2	The European energy regulators should also address long-term (cross-border) power purchases.	disagree	Our mandates do not cover the long-term power purchase agreements. They have been tackled by DG COMP.
2	The European energy regulators should carry out a status review of gas interconnections management and use (as a reaction to the gas crisis).	agree	We agree that an analysis of the use of interconnectors (e.g. reverse flows) in January 2009 might be interesting as an input for the 10-year network development plans. In this field, we are currently preparing FG on capacity allocation and recommendations for comitology guidelines on congestion management.
2	The European energy regulators should carry out a status review access regimes in storage facilities	agree	We will prepare GGP on CAM and CMP for storage in 2010. This issue is closely related to

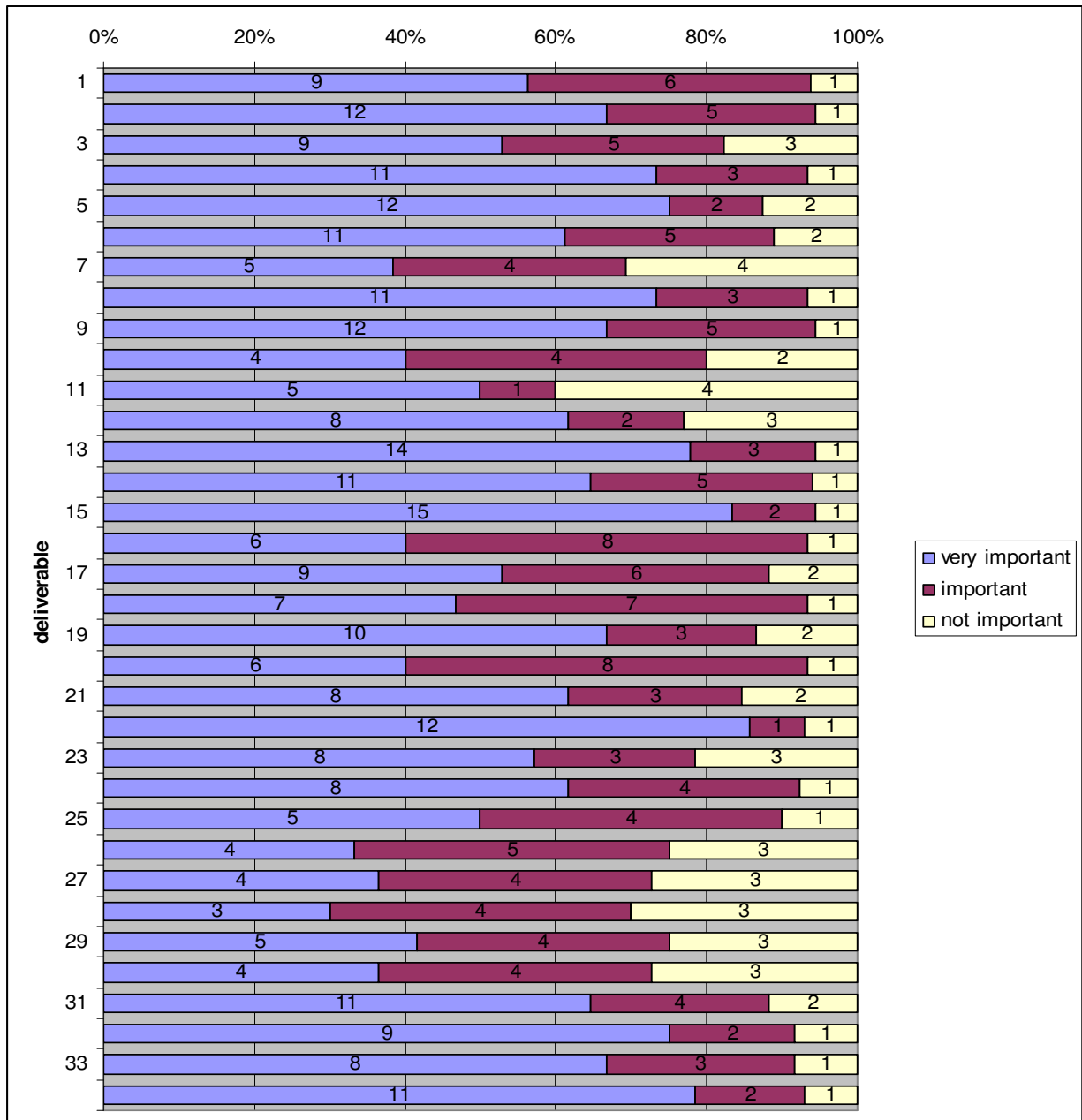
Key area	Respondents' view	Regulators' position	Explanation
	and their impact on investment.		third party access and thus investments. In a second step, regulators will address investment in more detail.
2	The Agency should strive for harmonisation of procedures at all entry and exit points through open and thorough cooperation with all relevant stakeholders.	take note	The work programme and objectives of the Agency are not the subject of this public consultation.
4	The European energy regulators should analyse renewable NAPs to gauge the effect of renewables on electricity markets and networks.	take note	We will review the implementation of the Climate and Energy Package in 2010 and part of this will be renewables and their treatment.
4	As regards climate change issues, one of the main current concerns is the lack of maturity of the EU ETS. Effective low-carbon investment needs a robust, appropriate and long term visible carbon price signal. Some countries such as the UK are embarking on significant generation capacity replacement programmes and it is unlikely that the EU ETS will on its own create a sufficient incentive to invest in low carbon technologies. Hence this issue should be put in the European energy regulators' work programme.	take note	We hope that the Copenhagen Climate Change conference will lead to a more robust carbon price. This issue might then be considered within deliverable 12.
4	The idea of carbon tax applied to all energy users not presently covered by EU ETS is a topic discussed in several countries; the European energy regulators may have a role in analysing general aspects and developing regulatory guidance.	take note	This topic could be incorporated into our work on deliverable 12, although this is not a core competence of energy regulators.
2, 4	The European energy regulators should also address EU-wide operational planning of the power system, e.g. coordinated measurements and tools to analyse system stability and forecasting of variable renewable energy sources.	take note	Our work programme foresees that we produce a draft framework guideline on operational security, where relevant issues of operational planning will be addressed.
6	A cross-regional roadmap for the RI	take note	The ERGEG Strategy paper

Key area	Respondents' view	Regulators' position	Explanation
	should be developed.		published for consultation on 17 November 2009 proposed that an overall vision be prepared for the direction of European market integration. The Florence Forum could also be an opportunity to press this.
6	The RI should introduce intra-day market trading with near-real time gate closure times and intra-day wind power forecasting.	take note	Our working groups and task forces dedicated to the Regional Initiatives and Electricity are taking this possibility into consideration.
6	The European energy regulators should also address the Regional Investment Plans.	take note	The process for developing the European 10-year network development plans is being developed at the moment. Any regional plans which contribute to that will be considered by regulators.
3, 4	The European energy regulators should hold a workshop on demand-side management (DSM).	take note	We are not currently planning to organise a workshop. However, this proposition will be taken into account.

2.3. Consultation question 3: Please indicate the deliverables you consider as “very important”, “important” or “not important”.

The figure below summarises the importance given to each deliverable by the respondents to the public consultation. Please take into consideration that:

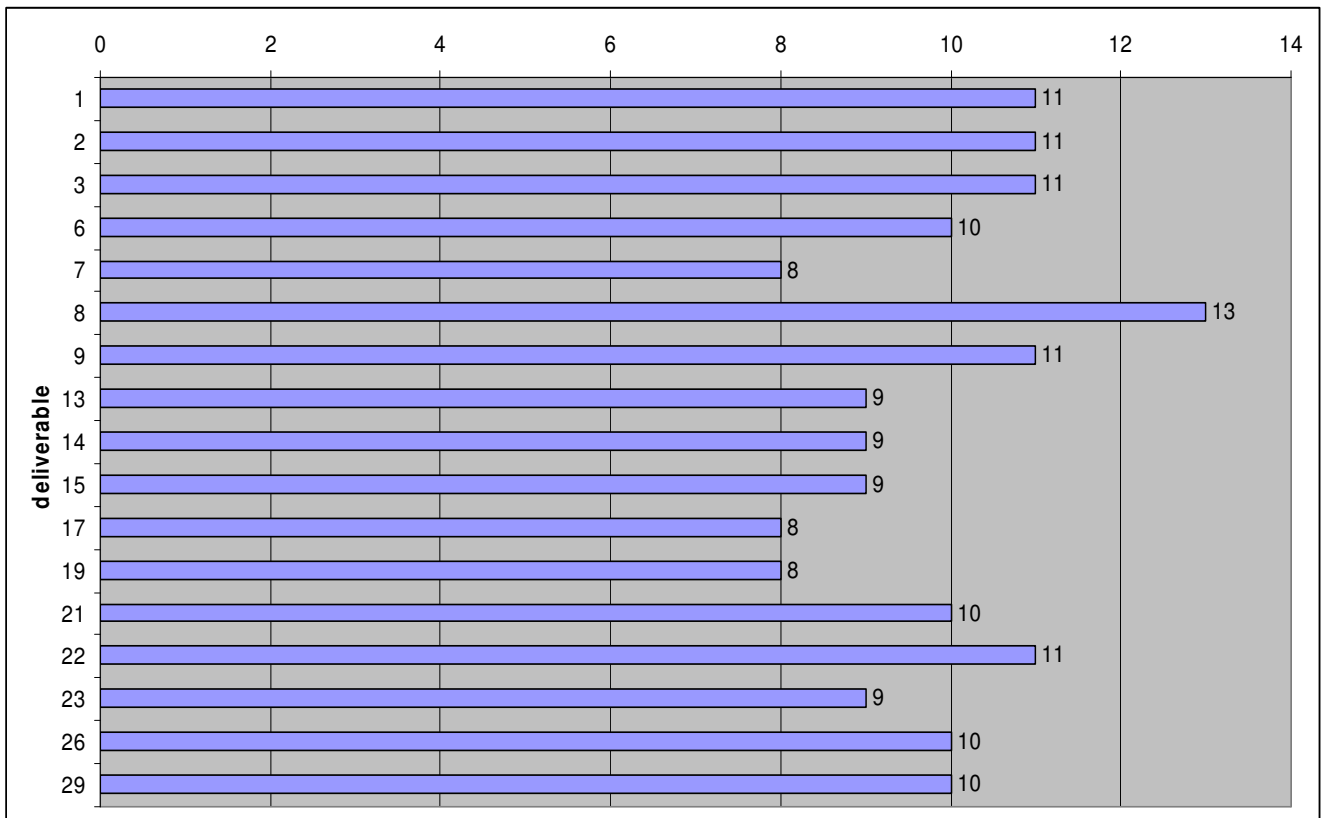
- the number of respondents who indicated their priorities varies between deliverables;
- only an average of 14 respondents answered this question.



2.4. Consultation question 4: For the deliverables with consultations or hearings do you intend to actively participate?

The table below displays the number of respondents who have indicated that they will participate in public consultations and/or hearing and workshops relating to each deliverable. Please note that the table only takes into consideration deliverables for which such stakeholder involvement is foreseen in the European energy regulators' 2010 work programme.

Relating to the comments reviewed above, many respondents also indicated that they would consider participation in the public consultation, hearing or workshop once the draft document or consultation document was available. Some respondents also underlined that their participation in stakeholder involvement actions would depend on their available resources at the time of consultation.



2.5. Consultation question 5: Do you have any specific comments on any of the individual deliverables?

relates to deliverable	Respondents' view	Regulators' position	Explanation
1	There is a need for separate FG in the area of wind generation integration into the grid and the requirements on generators with regard to grid connection.	disagree	The FG on grid connection must consider the whole area and all technologies, not discriminating or focusing on one particular generation source. Moreover, the EC has also indicated that all aspects of grid connection need to be taken into account. Therefore the FG addresses grid connection for all generation types.
1	It would have been worth to start with a more “involving” topic such as capacity allocation and congestion management or transparency.	disagree	The intention with the pilot is also to test the process. The topic needed to be such that it was feasible for both us and ENTSO-E to test the interaction in the framework guideline and code process. However, capacity allocation and congestion management will be tackled in our draft framework guideline on capacity allocation and congestion management, which is already underway.
1	It is essential that grid connection guidelines concur with the development of new generation means, without being prejudicial to existing plants, in order to meet the security of supply. A key challenge for this guideline is to take into account the new vast amount of renewables.	agree (partly)	The FG on grid connection will take into account also new / renewables generation, but also modifications in existing plants.
2	The target model deliverable should be reconsidered and developed slowly but thoroughly.	disagree	The schedule for a draft framework guideline on capacity allocation and congestion management, which addresses the target model, envisages a draft consultation document in Q2 2010 and finalised deliverable in Q3 2010. This is due to the 2009 work and the useful work from the PCG.
2	The FG on capacity allocation and	disagree	Firstly, this has been a subject of

relates to deliverable	Respondents' view	Regulators' position	Explanation
	congestion management should take into consideration the social welfare costs of day-ahead reservations for ancillary services and ramping reservations on day-ahead and intraday markets.		the ERGEG GGP on Electricity Balancing Markets Integration (E09-ENM-14-04), where reservation of capacity for ancillary services is in principle considered inefficient and not necessary. Secondly, this has also been a subject of the PCG and will accordingly be referred to in the future draft FG on capacity allocation and congestion management.
2	The FG on capacity allocation and congestion management should be taken up immediately after the next Florence Forum so that proper steps are made towards building more integrated liquid and transparent day-ahead, intra-day and balancing markets.	agree	Please see above. Work is already underway.
2	The input to the FG on capacity allocation and congestion management should take account of experience gained in the field of the relevant market design and should build on lessons learned in advanced regional markets. Such an approach would be a pragmatic way to ensure gradual coherence and convergence.	agree	The draft framework guideline on capacity allocation and congestion management takes as an input the work of PCG, and additionally, all the relevant information and experience. Also the involvement of stakeholders during the impact assessment process will be very important.
2	Physical interconnection capacities are one of the main barriers to market integration. Hence it is a necessity to facilitate and optimise their use.	agree	This will be a subject of the draft FG on capacity allocation and congestion management.
3	This deliverable is important in order to maintain system responsibility of TSOs with the help of DSOs. In particular, the balance between feed-in and load (regarding the aspect of increasing feed from renewables) can only be kept jointly by TSOs and DSOs.	agree	This will be a subject of the draft FG on operational security.
4	There should be involvement of stakeholders in drafting this document.	agree	A public consultation was launched in 2009 for that purpose.
4	Public consultations should be conducted in these areas of work.	agree	A public consultation was launched in 2009 for that purpose.

relates to deliverable	Respondents' view	Regulators' position	Explanation
4	An open discussion on the conclusions of the document should be held, as currently no public consultation or hearing are foreseen.	agree	A public consultation was launched in 2009 for that purpose.
5	There should be involvement of stakeholders in drafting this document.	take note	We acknowledge this comment and take note of it.
5	In order to address an optimal use of existing cross-border capacities (a) transparency among TSOs and between TSO and other players is vital and (b) a proper incentive scheme to TSOs should be defined.	agree	We have already addressed these topics (transparency and incentive schemes). The purpose of the deliverable is to assess the performance of interconnections use.
5	The status review should include considerations on merchant lines and interconnections with third countries issues.	take note	We acknowledge this comment and take note of it.
5	An open discussion on the conclusions of the document should be held, as no public consultation or hearing is foreseen. In particular, a public workshop on this topic should be held.	take note	We acknowledge this comment and take note of it.
6	The relevance of SoS, market integration and renewables must be borne in mind.	agree	This will be addressed in our advice on the 10-year network development plan.
6	It is expected that the work programme will provide some references to broader deliverables such as the “reasoned opinion” on the ENTSO-E 10-year network development plan.	agree	Our own position on the 10-year network development plan will contain criteria for assessing the ENTSO-E document.
6	It is fundamental that all network development plans are evaluated on their social economic welfare. Further, the development plan for renewable energy sources added an important component of the network development plans. Attention should be paid to regional plans for renewable development projects.	agree	This will be covered in our advice on the 10-year network development plan.
6	The public consultation on the 10-year electricity network development plan should be postponed until Q2 2010. This time schedule conflicts with the ENTSO-E work plan where a consultation is planned on the same first draft report in	disagree	Our advice is intended to guide and help ENTSO-E in providing a good first 10-year network development plan and thus early consultation is needed.

relates to deliverable	Respondents' view	Regulators' position	Explanation
	Q1.		
7	The document on generation adequacy treatment should take into account the future trend towards a generation mix, which, due to an increasing diffusion of both plants exploiting intermittent renewables and large CO2 free base power plants, is expected to become less and less flexible. In this framework, attention must be paid to the maintenance into operation of existing traditional thermal power plants that could guarantee to the system the needed flexibility.	partly agree	This could be an issue of more detailed consideration, depending on the outcome of the Call for Evidence on Generation Adequacy Treatment.
8	A consideration of the need for a roadmap for electric vehicle charging infrastructures should be included.	disagree	Our objective is to avoid unnecessary regulatory barriers so that the necessary development of the future network is not hindered. The deliverable will not include details about how to design local infrastructure or incentives to cater to particular users such as electric vehicles.
8	The European energy regulators should be careful not to counter any ongoing initiatives.	partially agree and disagree	All our projects must be subject to priority evaluation case by case. Regarding RD&DD projects, on a subsidiarity principle, it is up to each NRA to evaluate the benefits and the costs of the demonstration projects, according to national relevant tariff systems.
8	Evaluation of costs and benefits involved in smart grids development should be considered in order to design an adequate regulatory scheme to distributors.	partially agree	Cost-benefit analyses of smart grids have proven to be difficult. We hope to encourage stakeholders to provide relevant information in the public consultation of the ERGEG Position Paper on Smart Grids (E09-EQS-30-04).
8	The document should consider appropriate investment conditions for smart grids.	partially agree	We agree as far as regulatory aspects apply.
8	There is a need for a common understanding of the concept of "smart	agree	A common understanding of smart grids is important. We will

relates to deliverable	Respondents' view	Regulators' position	Explanation
	grids". In addition, addressing the issue cannot be separated from the issue of smart metering and the ENTSO-E 10-year network development plan, for instance.		take into account relevant work that has already been carried out by the European energy regulators or other parties.
8	The deliverable should include considerations on the super grid.	disagree	Super grids will not be the main focus in our current work. But we recognise the importance and overlaps with smart grids.
8	This project is understood as an approach to further clarify the different aspects of smart grids. The attempt to develop guidelines for regulatory aspects of smart grids should be limited to the relevant provisions in the Directive. There is no mandate for any work beyond this.	agree	The deliverable will not address any aspects not included in the 3rd Package.
9	Transparent and regularly updated information should be available to all market players.	agree	We agree that transparency is a key prerequisite to well-functioning markets.
9	All necessary monitoring information should be available to competent authorities, so that any necessary monitoring and measures to mitigate market power can be executed.	agree	We agree that the competent authorities should have the monitoring information as that is vital for their ability to intervene where necessary. Furthermore, transparency implies that all market parties should have available certain specified information
9	The European energy regulators should wait for the outcome of the Commission's work in this area before launching into their own strand of work.	agree and disagree	Naturally, we closely follow the Commission's actions. With regard to transparency of fundamental data for electricity we will prepare input to the relevant legal tool.
9	There should not be an overlap between developments carried out by the DG TREN and by the DG MARKET. In the new regulatory regime, both energy products should be taken into account: physical and financial.	agree	The requirements of transparency should be included in only one legal tool, which can be separate for trading transparency and transparency of fundamental data. Both physical and financial products should be covered.
9	Transparency rules need to apply equally for both producers as well as TSOs. Further it is preferable if the same	agree	It is important to have the same legally binding transparency regime throughout the whole

relates to deliverable	Respondents' view	Regulators' position	Explanation
	rules apply for neighbouring market areas.		internal market. In addition to network issues it should cover also generation, load and other relevant fundamental data issues.
9	The aim of increased transparency can be agreed with, but must be achieved by avoiding the publication of sensitive data regarding single operators.	agree and disagree	The transparency requirements will not require publication of commercially sensitive data. However, in certain cases it is necessary to publish unit-specific data, e.g. ex ante and ex post planned and unplanned outages of generation units and consumption units.
9	The work on this framework guideline should start earlier in 2010. Further, this work cannot be done alone by the energy regulators, but should be closely coordinated with financial regulators (CESR) and the European Commission as in the past.	disagree	Due to the other planned deliverables (pilot framework guideline and a draft framework guideline on capacity allocation and congestion management), it is not possible resource-wise to start this earlier. This deliverable will not deal with trading transparency. For that part, close coordination with CESR will be very important.
10	The European energy regulators should conduct public consultations in these areas of work.	disagree	The objective of this deliverable is to create a framework for customer surveys related to quality of supply (including direct costs and willingness to pay/accept) that will be helpful for countries planning to conduct such surveys. This framework will include a harmonised methodology and questionnaires for customer surveys related to quality of supply, or if not possible, a scientific checklist and guidelines. We are not aiming to develop mandatory rules for customer surveys. All surveys need to be aligned to country-specific conditions before carried out.
10	The individual characteristics of different types of network structure should be taken into account.	agree	We are aiming to create a framework for such surveys which will have to be adjusted for each

relates to deliverable	Respondents' view	Regulators' position	Explanation
			country before carried out.
10	The economic impact when better quality is requested should be taken into account.	agree and disagree	This will depend on the country-specific aim of the survey. The European energy regulators are only aiming to provide a stable frame that is to be adapted in any case.
10	The Guidelines should take into account the individual network structure like density of population, renewable feed-in, etc.	agree	We are aiming to create a framework for such surveys which will have to be adjusted for each country before carried out.
11	Energy efficiency and climate change policy may have an indirect impact on the work of regulators but this does not per se give a mandate to ERGEG on these topics, hence no role for ERGEG here but accompanying work of CEER may be considered.	agree	We have decided not to go ahead with this deliverable.
12	The relevance of SoS, market integration and renewables must be borne in mind.	agree	These factors will be considered.
12	This deliverable should have a low priority for the European energy regulators.	disagree	Other respondents argue the opposite. We think that the Climate and Energy Package has enormous implications for the energy sector and for regulation.
13	The deliverable should include an initial impact assessment.	agree	We agree that an initial impact assessment is needed. In fact, we are preparing an IIA as provided for in our Next Steps paper (C09-GA-52-06), which describes the FG process.
13	Both CAM and CMP should be addressed through a FG.	partially agree and disagree	We have agreed with the European Commission and GTE+ to use CAM for the pilot FG and CMP for comitology guidelines.
13	There should be careful consideration of the effects of this document before changing current frameworks.	agree	We assure stakeholders that we carefully consider the possible effects of proposed measures and evaluate these effects in the IIA.
13 and 15	There is an interdependence between these two deliverables.	agree	We agree that there are interdependencies between these two as well as other areas, such as tariffication. Regulators take

relates to deliverable	Respondents' view	Regulators' position	Explanation
			care to ensure that all interdependencies are considered.
14	There should be careful consideration of the effects of this document before changing current frameworks.	agree	We carefully consider the possible effects and evaluate them.
14	The GGP on CAM & CMP for storage facilities should be developed in the same period as the framework guideline on CAM/CMP.	agree	We agree that CAM & CMP systems for storage need to correlate with measures for transmission.
14, 16 and 20	With a well functioning gas pipeline regulation, there is no need for regulation or guidelines for flexibility tools (storage, LNG).	disagree	In our view third party access, transparency and if necessary congestion management is essential not only for transmission but for flexibility services as well.
15	The deliverable description implied IIA in Q2 2010 but a timeline for the FG was missing. The FG should be ready in late 2010 or early 2011.	take note	We will use the European Commission's KEMA study on Art 3 and Art 7 of Regulation (EC) 1775/2005 as a basis for our work. It is planned to finalise the work in Q2.
15	A target for balancing regimes should be set, which is to be reached through a number of intermediate steps defined by a set of conditions.	take note	We take note and assure stakeholders that the IIA and the corresponding framework guideline will identify necessary measures and, if applicable, interim steps to reach the goal of market-based balancing.
15	There should be careful consideration of the effects of this document before changing current frameworks.	agree	We assure stakeholders that we carefully consider the possible effects of proposed measures and evaluate these effects in the IIA.
15	<p>Work on the framework guideline on CAM and CMP should have the function of pilot activity in order to establish procedures and work methodologies that will then be used to develop other framework guidelines.</p> <p>For this reason, given the synergies between capacity allocation and congestion management procedures with gas balancing rules, it is recommended to postpone work on the framework guideline on gas balancing</p>	agree	We agree that the pilot framework guideline process will give valuable insight to the practicability of the proposed process. We will evaluate the experience gained with the process and adopt our approach if necessary. Stakeholders are invited to give feedback on the process.

relates to deliverable	Respondents' view	Regulators' position	Explanation
	rules. A public consultation could precede any further work during the second quarter of 2010. Alternatively, the foreseen public hearings and workshops could be postponed so to take stock of the experience gained while working on the CAM and CMP guidelines.		
16	There should be careful consideration of the effects of this document before changing current frameworks.	agree	We assure stakeholders that we carefully consider the possible effects of proposed measures and evaluate these effects in the IIA.
16	An open discussion on the conclusions of the document should be held, as currently no public consultation or hearing is foreseen. In particular a public workshop on this topic should be held.	take note	We take note that stakeholders want to have an open discussion and will organise a possibility for a discussion.
17	A public consultation should be foreseen in Q1 2010.	take note	We consulted on recommendations for the 10-year network development plan in 2009. Our work in 2010 on this topic is mainly a reaction to GTE+'s work. However, we will organise, together with GTE+, a workshop to discuss our view with stakeholders.
18	The open season on the France-Spain interconnection should be considered also.	agree	Indeed, the report will gather all experiences across Europe
18	This deliverable should include public workshops and consultations.	take note	Formal ERGEG public hearings are not envisaged but stakeholders' inputs could be sought through regional SG meetings.
18	That this document should include the establishment of a best practice model which exceeds the current Guidelines of Good Practice on Open Season (GGPOS) in this area.	take note	The ERGEG Status review will be a good input to the potential future EERs' work on GGPOS.
18	An open discussion on the conclusions of the document should be held, as currently no public consultation or hearing is foreseen.	take note	Feedback by different regions may be taken into account through RIs' SG meetings

relates to deliverable	Respondents' view	Regulators' position	Explanation
18 and 34	It would be useful to finalise the conclusions paper on Regional Initiatives after their status review.	disagree	The ERGEG Conclusions Paper (on a strategy for delivering a more integrated European energy market through the Regional Initiatives) is the final step of one of the RIG's deliverables for 2009 and it will be delivered in the first trimester of 2010.
19	The deliverable should focus on analysing the impediments existing tariffs present to the IEM.	take note	The European Commission's KEMA study on Art 3 and Art 7 of Regulation (EC) 1775/2005, which will represent a valuable analysis of the existing tariff systems and problem identification, will be an important input to this work.
19	The deliverable should not be tackled before the Commission's work in this area has been published.	agree	We agree that the work of the European Commission is very valuable and will be an important input to our work.
19	There should be a clearer indication of the scope of this deliverable.	take note	We will use the European Commission's KEMA study on Art 3 and Art 7 of Regulation (EC) 1775/2005 as input for the preparation of a draft framework guideline on this subject. The scope of our work will be defined upon availability of the EC work.
19	The current tariff regulation in at least some Member States is not entirely suited to ensure the necessary investments. Therefore, any solution to increase capacity needs to address the issue of appropriate incentives for investments.	agree	We agree that there are numerous interdependencies between e.g. tariffication, investments, capacity allocation and congestion management. We will take due care to ensure that all interdependencies are considered.
20	An open discussion on the conclusions of the document should be held, as currently no public consultation or hearing is foreseen.	agree	We agree that an open discussion would be beneficial. A workshop will be planned for the publication of the study.
21	This initiative is important but it is uncertain if the European energy regulators are the right body for this.	disagree	The 3rd Package requests NRAs to monitor retail markets on a national basis along with the Agency at European level.

relates to deliverable	Respondents' view	Regulators' position	Explanation
22	The European energy regulators should be careful not to counter any ongoing initiatives.	take note	No specific initiative is mentioned, but we will take this into consideration.
22	There should be a public hearing or workshop between the public consultation and the finalisation of the document.	take note	When the public consultation is finished, we will consider whether a public hearing or workshop should be held or not.
22	The European energy regulators are reminded that, within the UK, much work has already been carried out in this area and care should be taken to avoid duplication of effort.	partially agree and disagree	We agree that duplication of efforts needs to be avoided; however, some conclusions from the UK may be country-specific, as metering design in the UK differs from most other MS, where the DSO is in charge of metering
22	In addition to reliability and functionality of intelligent meters, manageability of the information that is measured should be also considered. Comprehensive information should be facilitated to consumers so they can make the most efficient use of it.	take note	We appreciate this comment and take note of it.
22	The guidelines should take into consideration regulatory aspects already implemented in countries where smart metering regulation is more advanced.	take note	We appreciate this comment and take note of it.
22	Decisions on implementations of smart meters have to be made on national levels. Hence, guidelines must adhere to this concept.	take note	We appreciate this comment and take note of it.
22	The development of the regulatory framework shall facilitate the timely and efficient delivery of the roll-out of smart meters across the EU.	agree	We agree; this position also results from 3rd Package requirements and we will certainly pursue it.
22	Is the time schedule is compatible with a roll-out completed in 2020?	take note	We would like to underline that there is a tight deadline for the roll-out.
22	Provisions on customer issues will differ from one country to another since the structure of the market and customer behaviour are different. For these reasons, the European energy regulators' work should be limited on this field to good practices' sharing.	disagree	We would like to underline that only one respondent voiced this opinion. The other respondents seemed to appreciate regulatory work in this area.

relates to deliverable	Respondents' view	Regulators' position	Explanation
23	In order to handle customer complaints, there should be an independent office dedicated to customer defence – European Energy Ombudsmen Group – that guarantees proper information to consumers and put at customer's disposal all information about their rights in dispute handling. In addition and according to the new Directive there should be available for customers (a) an office for supplier switching in charge of promoting competence and providing customers with smooth access to the different supplier offers and changing procedures and (b) public and comprehensive information of customer rights.	take note	We appreciate this comment and take note of it.
23	This initiative is important, but it is uncertain if the European energy regulators are the right body for this.	disagree	The Citizens' Energy Forum in London has requested we address this issue.
23	Possible recommendations should stay at high level principles.	take note	We appreciate this comment and take note of it.
24	A level playing field has to be guaranteed through all Member States and that regulated tariffs must disappear.	take note	We have detailed and explained our position on regulated end-user prices in a dedicated paper in 2007 (E07-CPR-10-03) and a status review in 2009 (Ref. E08-CPR-21-05).
24	An open discussion on the conclusions of the document should be held, as currently no public consultation or hearing is foreseen. In particular, a public workshop on this topic should be held.	disagree	In general, we do not see the need for public consultations on status reviews. We will consider a public presentation of the document, but would like to underline that it is for the European Commission to conduct infringement procedures.
25	Stakeholders (including DSOs) should be part of the information collection process.	take note	We have decided not to go ahead with this deliverable.
25	This report should be based on the existing legal requirements a set in the 3rd Package. It is proposed that in the	take note	
establishment of this report not only the views of NRAs, but also those of DSOs and market participants are taken into			

relates to deliverable	Respondents' view	Regulators' position	Explanation
	consideration.		
25	Possible recommendations should remain high level principles.	agree	
26	Before going into consultation, the document should be discussed with EuroPEX.	disagree	All stakeholders will be properly involved in the consultation process.
26 to 30	There should be more room for a stronger involvement of market parties in the area of regulatory aspects of wholesale energy markets. Open workshops are specially required for the advice on wholesale trading licenses (#30).	agree	Workshops or other stakeholder involvement measures may be held but are not yet scheduled.
27	This deliverable may also benefit from wider stakeholder involvement.	agree	Workshops or other stakeholder involvement measures may be held but are not yet scheduled.
27	It is worrying that the finalisation of this ongoing work is only expected in 2011.	take note	Generally, ERGEG cannot influence the schedule of the Commission. In fact, the date for finalisation is open.
27 and 28	These deliverables should be merged.	take note	We address these two deliverables separately but they will be coordinated.
27 and 28	They should be closely related to #9 and being subjected to the same comments.	take note	We appreciate this comment and take note of it.
28	A workshop would be beneficial.	take note	Workshops or other stakeholder involvement measures may be held but are not yet scheduled.
30	This deliverable may also benefit from wider stakeholder involvement.	take note	Workshops or other stakeholder involvement measures may be held but are not yet scheduled.
30	The advice should consider also the impact of wholesale license trading in South-East Europe.	agree	This is an important issue and it will be taken into account.
30	The advice should respect specific national situations like in Germany.	take note	This is an important issue and it will be taken into account.
31	A detailed list of the goals achieved or not achieved in each region should be included.	take note	We appreciate this comment and take note of it.
31	The European energy regulators should conduct public consultations in these	take note	We appreciate this comment and take note of it.

relates to deliverable	Respondents' view	Regulators' position	Explanation
	areas of work.		
31	A critical review of the RI shortcomings and proposals for solving them should be included.	agree	This will indeed be addressed in this deliverable.
31 and 34	The Regional Initiatives and the Conclusions Paper on a strategy for delivering more integrated European energy market through the RIG should provide a most needed assistance to the process but this work should be based upon the progress and achievement made in the Project Coordination Group on inter-regional congestion management.	note	The work of the PCG will be an input to our draft framework guideline on capacity allocation and congestion management. ERI regions will implement the proposals which emerge in that framework guideline and subsequently in approved network codes. The work of the PCG will also be taken into account by the ERI regions for testing concrete measures.
32	The European energy regulators should conduct public consultations in these areas of work.	disagree	We will discuss with stakeholders, in particular with the ENTSOs, to receive input for these processes. However, as we only prepare work for the Agency on this topic, it will be for the Agency to decide whether a public consultation is needed. In addition, the process for modifying the codes will only develop further what is already in Article 7 of the Electricity and Gas Regulations.
32	For electricity, it is essential to characterise the contributions from different types of power plants to services such as ancillary services, owing to the real time need of security of supply, and taking into account renewables actual development (wind, solar energy...).	take note	We appreciate this comment and take note of it.
33	This document should be public.	agree	The ERGEG Status Review is published each year on the European Energy Regulators' webpage.
34	The European energy regulators should conduct public consultations in these areas of work. A public workshop could also be useful.	agree	A public consultation was launched in 2009 for that purpose.

2.6. General comments

Many respondents took the public consultation on the European energy regulators' 2010 work programme as an opportunity to bring forward their own positions on certain topics, separately from the questions put in the consultation document.

Many of the comments submitted reflect the respondents' position on a certain document or stream of work that the European energy regulators have proposed to address in 2010. We take these comments to indicate that the respondents agree that the European energy regulators should in fact work on the issue and would encourage respondents to actively participate in the public consultations and/or workshops organised in connection with each paper, thus giving stakeholders a possibility to put their position forward in more detail.

3. Conclusions and Recommendation

The comments received in response to the European energy regulators' draft 2010 work programme have been largely positive. Only a few of them imply changes to the work programme, which indicates that the European energy regulators have addressed the current concerns in electricity and gas regulation largely adequately. From this and the large number of respondents (28), the European energy regulators conclude that both the work programme itself and the public consultation conducted thereupon are received positively by stakeholders.

The European energy regulators' work programme will be revised in light of the responses received to the public consultation, but also in light of other external factors that have a bearing on our work. Amongst these are the mandates the European energy regulators receive from the Electricity (Florence), Gas (Madrid) and Citizens' (London) Fora. The most recent editions of these Fora and the responses to the public consultation have prompted us to delete the following two deliverables from our work programme:

- ERGEG Response on energy efficiency (#11)
- ERGEG Compliance Monitoring Report on the implementation status of DSO unbundling (#25)

Whereas the European energy regulators feel that we are addressing consumer affairs through our other deliverables to a sufficient extent, we have decided to introduce a new deliverable to respond to the key area of Energy and Climate Change. Due to strong requests from respondents into this direction, the European energy regulators have therefore decided to produce an "ERGEG Conclusions paper on the regulatory aspects of the integration of wind generation in European electricity markets".

Again relating to external forces that influence the European energy regulators' work programme, the European Commission has requested that the European energy regulators conduct a monitoring exercise of the Gas Congestion Management Guidelines. We of course respond to this request and have introduced a new deliverable in our work programme that will yield an "ERGEG Compliance Monitoring Report on the Gas Congestion Management Guidelines", scheduled for publication in Q3 2010. In addition, the XVII Florence Forum requested that some of the deliverables relating to electricity be renamed and their timeline be slightly amended.

The above changes are reflected in the revised 2010 work programme, where deliverable 11 has been replaced, a new deliverable 14 has been added and the former deliverable 25 has been deleted, thereby leading to the renumbering of the deliverables.

We would like to underline that any other requests from the European Commission, the Fora or other issues urgently to be addressed in connection with our seven key areas of work, may be introduced at any time as work progresses during the course of 2010.

Many of the respondents to the public consultation indicated their appreciation of stakeholder involvement in the form of public consultations, public hearings, workshops or conferences and pointed to a number of deliverables where they would like to see such activities. The European energy regulators appreciate such indications and will try to accommodate them as far as possible. In response to these suggestions, we have introduced a number of additional workshops to our revised 2010 work programme and are looking forward to receiving stakeholders' views at these occasions.

As another form of stakeholder involvement, the European energy regulators invite all stakeholders to sign up for our monthly newsletter, which carries a calendar of all opportunities for involvement and through which all our events are announced.

Annex 1 – CEER and ERGEG

The Council of European Energy Regulators (CEER) and the European Regulators' Group for Electricity and Gas (ERGEG) are two organisations established for the cooperation of the independent energy regulators of Europe. Both organisations pursue the same overall aim of facilitating the creation of a single, competitive, efficient and sustainable internal market for gas and electricity in Europe.

CEER and the ERGEG share similar objectives and the work and achievements of the CEER and ERGEG are intrinsically linked. Yet there is one main difference in the role of the organisations in relation to the EU and the other stakeholders of the energy sector in Europe. Cooperation in the framework of the CEER is based on a voluntary agreement among the regulators themselves, while ERGEG was founded by the European Commission in 2003 as its official advisory group on energy issues.

This report was prepared by CEER's Work Programme Drafting Committee.

Annex 2 – List of abbreviations

Term	Definition
ACER	Agency for the Cooperation of Energy Regulators
CAM	Capacity Allocation Mechanisms
CEER	Council of European Energy Regulators
CESR	Council of European Securities Regulators
CMP	Congestion Management Procedures
CWG	Customer Working Group
DG	Directorate General (of the European Commission)
DSO	Distribution System Operator
EC	European Commission
ECRB	Energy Community Regulatory Board
ENC WG	Energy Community Working Group
ENP WG	Energy Package Working Group
ENTSO-E	European Network of Transmission System Operators for Electricity
ENTSO-G	European Network of Transmission System Operators for Gas
EREGEG	European Regulators' Group for Electricity and Gas
EWG	Electricity Working Group
FIS WG	Financial Services Working Group
GA	(CEER) General Assembly
GGP	Guidelines of Good Practice
GGP-GB	EREGEG Guidelines of Good Practice on Gas Balancing
GTE	Gas Transmission Europe
GWG	Gas Working Group
ICER	International Confederation of Energy Regulators
IERN	International Energy Regulation Network
ISG	International Strategy Group
LNG	Liquefied Natural Gas
NRA	National Regulatory Authority
RI	Regional Initiatives
RIG	Regional Initiatives Group
SEE	South East Europe
TSO	Transmission System Operator
WFER	World Forum on Energy Regulation

Annex 3 – Respondents

Responses were received from the following organisations (non-confidential):

Organisation	Abbreviated name
Association of Electricity Producers	AEP
CEDEC – European Federation of Local Energy Companies	CEDEC
DONG energy Power A/S	DONG
E.ON	
EDF	
EDF energy	
Electricity Supply Board – Regulatory Affairs	ESB
Endesa	
Enel	
Energie Baden-Württemberg AG	EnBW
ENTSO-E	
ERDF – électricité réseau distribution France	ERDF
Eurelectric	
Eurogas - The European Union of the Natural Gas Industry	Eurogas
Eurometaux	
European Smart Metering Industry Group	ESMIG
EuroPEX - Association of European Power Exchanges	EuroPEX
European Wind Energy Association	EWEA
Gas Natural	
Gas Transmission Europe	GTE+

Organisation	Abbreviated name
GEODE	
German Association of Energy and Water Industries (BDEW)	BDEW
IFIEC Europe – international federation of industrial energy consumers	IFIEC
Nordenergi	
Platts	
Scottish and Southern Energy	SSE
Statoil	

One confidential response was also received. In total, 28 stakeholders participated in the consultation.