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**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS No 09/2017**

**of 3 April 2017**

**ON ENTSO-E'S RECOMMENDATIONS RELATING TO THE COORDINATION  
OF TECHNICAL COOPERATION BETWEEN EUROPEAN UNION AND  
THIRD-COUNTRY TRANSMISSION SYSTEM OPERATORS**

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators<sup>1</sup>, and, in particular, Articles 6(3)(b) and 17(3) thereof,

HAVING REGARD to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003<sup>2</sup>, and, in particular, Articles 8(3)(c) and 9(2) thereof,

HAVING REGARD to the favourable opinion of the Board of Regulators of 15 March 2017, delivered pursuant to Article 15(1) of Regulation (EC) No 713/2009,

WHEREAS:

- (1) On 24 January 2017, the European Network of Transmission System Operators for Electricity ('ENTSO-E') submitted to the Agency its recommendations relating to the coordination of technical cooperation between European Union ('EU') and third country transmission system operators ('TSOs'), pursuant to Article 8(3)(c) of Regulation No (EC) 714/2009 ('recommendations document').
- (2) Pursuant to Article 6(3)(b) of Regulation (EC) No 713/2009 and to the first subparagraph of Article 9(2) of Regulation (EC) No 714/2009, the Agency shall issue an opinion on relevant documents referred to in Article 8(3) of Regulation (EC) No 714/2009, thus also on the recommendations relating to the coordination of technical cooperation between EU and third-country TSOs, taking into account the objectives of non-discrimination, effective competition and the efficient and secure functioning of the internal market in electricity,

**HAS ADOPTED THIS OPINION:**

The Agency acknowledges ENTSO-E's efforts to take into account the Agency's Opinion No 03/2016<sup>3</sup> on ENTSO-E's recommendations for the cooperation between EU and third country TSOs. In particular, the Agency welcomes:

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<sup>1</sup> OJ L 211, 14.8.2009, p. 1.

<sup>2</sup> OJ L 211, 14.8.2009, p. 15.

<sup>3</sup> [http://www.acer.europa.eu/Official\\_documents/Acts\\_of\\_the\\_Agency/Opinions/Opinions/ACER%20Opinion%2003-2016.pdf](http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Opinions/Opinions/ACER%20Opinion%2003-2016.pdf)

- an elaboration in the areas of technical cooperation, which now includes Data Sharing and Information, Expert Knowledge on Network Equipment, Technical Standards, Network Development Planning, Coordinated System Operation, Security Management and Interconnection;
- a more coherent document structure, including the differentiation between third country TSOs, therefore providing high-level recommendations which are third country-specific;
- a table in Annex I on stakeholder comments, which ENTSO-E received during its consultation, together with ENTSO-E's reasoning for including or not including the received stakeholder comments. The Agency encourages ENTSO-E to continue to provide this information in any future recommendation document.

The Agency notes that the recommendations document applies a 'different definition' of third country TSOs in its Chapter 2. In that regard, the Agency requests ENTSO-E to provide justification in any future recommendations document for applying a different approach to that expressly provided in Article 8(3)(c) of Regulation (EC) 714/2009.

Furthermore, the Agency notes that the recommendations document is silent on how the third country cooperation impacts, and is affected by, network developments, including planned developments. Therefore, the Agency suggests that ENTSO-E considers and makes reference to the TYNDP in any future recommendations document in order to provide a more comprehensive picture of grid developments.

The Agency also notes the drafting inaccuracy in Chapter 6 of the recommendations document<sup>4</sup>. The first line should read: '*...recommendations related to the coordination of technical cooperation between the EU and third country TSOs...*'.

Finally, the Agency expects that third country TSOs will significantly rely on the ENTSO-E's recommendations document for guidance. The Agency therefore welcomes ENTSO-E's commitment to the continuous improvement and development of the recommendations document. In particular, the Agency welcomes the initiative to consult with third country TSOs with the intention of making changes that would be beneficial to this framework for technical cooperation.

Done at Ljubljana on 3 April 2017.

For the Agency:



Alberto Pototschnig  
Director

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<sup>4</sup> '*...recommendations for the cooperation of ENTSO-E with third-country TSOs...*'



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