

**Director Decision 2011 – 003**  
**on the**  
**Establishment of Working Groups**  
**of the**  
**Agency for the Cooperation of Energy Regulators and on the**  
**Appointment of Chairpersons**

HAVING REGARD to the Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing the Agency for the Cooperation of Energy Regulators (hereafter "ACER Regulation" and "ACER", respectively), and in particular to Article 17(5) 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 and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005,

HAVING REGARD to ACER Director Decision n. 2011 – [...] of 1 March 2011, establishing Rules for the Functioning of Working Groups of the Agency for the Cooperation of Energy Regulators (hereafter "AWG Rules" and "AWG" respective), and in particular to Article 2 thereof,

Whereas:

- pursuant to Article 4(a) to (c) of ACER Regulation, ACER is responsible for issuing opinions and recommendations addressed to transmission system operators, National Regulatory Authorities (hereafter "NRAs"), the European Parliament, the Council and the Commission;
- pursuant to Article 4(d) of ACER Regulation, ACER is responsible for adopting decisions in the specific cases referred to in Articles 7, 8 and 9 of the same Regulation;
- pursuant to Article 4(e) of ACER Regulation, and Article 6(2) of Regulation (EC) No 714/2009 and Regulation (EC) No 715/2009, ACER is responsible, *inter alia*, for developing, upon request from the Commission, Framework Guidelines for network codes;
- pursuant to Article 17(5) of ACER Regulation, the Director of ACER is entitled to adopt internal administrative instructions and publishing notices to ensure the functioning of ACER in accordance with the ACER Regulation;
- it is appropriate that ACER establishes Working Groups (hereafter, "ACER Working Groups" or "AWGs"), which will involve senior representatives from NRAs and ACER's staff;

- the tasks identified above relate to the electricity and gas sectors and therefore is its appropriate to establish two separate AWGs, one focusing on activities related to the electricity sector and the other related to activities in the gas sector;
- in its 5<sup>th</sup> meeting of 2 February 2011, the Board of Regulators of ACER have expressed the recommendations referred to in Article 2, paragraph 2.2, of the AWG Rules,

The Director has DECIDED:

1. to establish, within ACER, an Electricity Working Group and a Gas Working Group, which shall operate according to provisions contained in the AWG Rules.
2. To appoint:
  - 2.1. Peter J. Plug as Chairperson of the Electricity Working Group;
  - 2.2. Walter Boltz as Chairperson of the Gas Working Group.
3. The appointments referred to under point 2 are for a term of two years, subject to the provisions of Article 2, paragraph 2.2, of the AWG Rules.
4. This decision is notified to the appointed Chairperson.

This decision shall take immediate effect.

Done at Ljubljana on 1<sup>st</sup> of March 2011.

  
Alberto Pototschnig  
Director