

Mr Alberto Pototschnig  
Director  
**ACER**

Cc: Dr Klaus-Dieter Borchardt  
Director Internal Energy Market  
DG ENER  
**European Commission**

***By e-mail only***

17 May 2019

*Subject: All TSOs' proposal for the implementation framework for a European platform for the imbalance netting process in accordance with Article 22 of Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing – Request for Extension*

Dear Alberto,

I write on behalf of All Regulatory Authorities with regard to the amended all Transmission System Operators' (TSOs) proposal for the implementation framework for a European platform for the imbalance netting process in accordance with Article 22 of Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing ('EBGL').

This Article provides that, by 6 months after the entry into force of the EBGL, i.e. by 18 June 2018, TSOs shall develop a proposal for an implementation framework for a European platform for the imbalance netting process.

Following the submission, All Regulatory Authorities reached an agreement in the Energy Regulators' Forum (ERF) on 9 November 2018 to request an amendment to the all TSOs' proposal. The amended proposal was received by the last NRA on 15 March 2019. The legal deadline to agree on the amended proposal as All Regulatory Authorities is therefore 15 May 2019.

The all TSOs' proposal also contains a proposal for an entity to operate the functions of the imbalance netting platform (Article 9 of the proposal). The question, whether or not the formulation of this Article is acceptable for all NRAs is still under discussion. In this context the Legal Expert Network (LEN) was asked to provide legal input. This question also affects other all TSOs' proposals of the EBGL, namely according to Article 20 and Article 21. Given the time the LEN will need to agree on a recommendation and subsequent discussions amongst All Regulatory Authorities in the Electricity Balancing Task Force, All Regulatory Authorities are not able to conclude on this question and decide on the amended all TSOs' proposal before 15 May 2019.

Therefore, All Regulatory Authorities unanimously request the Agency to grant an extension of two months (postponing the deadline for national decisions to 15 July 2019) - according to Article 8(1) of Regulation (EC) n° 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators - to accommodate for the necessary procedural steps.

Yours sincerely,



Clara Poletti  
ERF Chair