

Mr Christian Zinglensen
Director
ACER

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

Mr Laurent Schmitt
Secretary General
ENTSO-E

By email only

16th January 2020

Dear Christian,

I am writing on behalf of all Regulatory Authorities with regard to the proposal for the implementation framework for a European platform for the imbalance netting process (hereafter: IN IF), pursuant to Article 22 (1) of Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (hereafter: EBGL), submitted by all Transmission System Operators (hereafter: TSOs).

The last Regulatory Authority received the proposals on IN IF on 10 July 2018, while the legal deadline was 18 June 2018 (i.e. six months after entry into force of EBGL).

Article 5(6) of EBGL requires all Regulatory Authorities to consult and closely cooperate and coordinate with each other in order to reach an agreement and issue a decision within six months following receipt of submissions to the last Regulatory Authority.

On 9 November 2018 all Regulatory Authorities reached a unanimous agreement to request to all TSOs an amendment to the IN IF proposal.

Article 6(1) of EBGL requires all TSOs to submit a proposal for amended terms and conditions or methodologies for approval within two months following the request for amendment and all Regulatory Authority to decide within two months following the submission.

The amended proposal on IN IF has been received by the last Regulatory Authority on 19 March 2019. The ACER decision n. 6/2019 granted a two months extension to the period for reaching an agreement on the

amended proposal and on 19 July 2019 all Regulatory Authorities reached a unanimous agreement to request to all TSOs a second amendment to the IN IF proposal.

The second amended proposal on IN IF has been received by the last Regulatory Authority on 28 October 2019, therefore, according to article 6(1) of EBGL, the deadline for a decision by all Regulatory Authority was 28 December 2019. All Regulatory Authorities acknowledge that TSOs implemented all the requested changes issued with the second request for amendment.

Since the second amended proposal on IN IF has been submitted after the entry into force of the Commission Regulation (EU) 2019/942 of 5 June 2019, establishing a European Union Agency for the Cooperation of Energy Regulators, some Regulatory Authorities consider that they are not competent to issue a decision. Therefore, all Regulatory Authorities were not able to reach an agreement within the deadline of two months and, according to the article 5(7) of EBGL, from 28 December 2019 the IN IF proposal is to be considered as referred to ACER.

Yours sincerely,

A handwritten signature in blue ink that reads "Clara Poletti". The signature is written in a cursive style.

Clara Poletti

ERF Chair