

[REDACTED] (ACER)

From: [REDACTED]@acm.nl>
Sent: 21 February 2018 18:20
To: EXEMPTION-AQUIND
Cc: [REDACTED]
Subject: Views of ACM on the ACER decision for the exemption request of AQUIND Limited for a new 2000 MW electricity interconnector between France and Great-Britain

Dear [REDACTED]

We appreciate the opportunity to share our observations on the exemption request for the "AQUIND" electricity interconnector between France and Great-Britain. We share the decision by CRE that they are not in a position to decide whether any new interconnector project between France and the United Kingdom should be granted an exemption before the withdrawal conditions of the United Kingdom from the European Union are clarified. Moreover we are of the opinion that ACER also is not in a position to take a decision pursuant article 17.5 of REGULATION (EC) No 714/2009, because it is not clear what the legal status of the new interconnector will be in the near future after the United Kingdom has left the European Union taken into account the definition of an interconnector. Pursuant to art. 2 of REGULATION (EC) No 714/2009, an interconnector means a transmission line which crosses or spans a border between Member States and which connects the national transmission systems of the Member States. Once the United Kingdom has left the EU, it is no longer a Member State. This could mean that the Regulation would not apply to (the British part of) the Aquind project. Given this uncertainty, an exemption should not be granted at this point in time. In our opinion this decision should better be postponed until the legal situation has been clarified.

Furthermore ACM doubts whether all the requirements of Article 17 of Regulation 714/2009 for an exemption are fulfilled. In particular, based on electricity market prices the level of risk attached to the investment is not such that the investment would not take place without an exemption. Pursuant to Article 17(1)(b) an exemption should thus not be granted.

I hope that you will take ACM's concerns into consideration, and remain at your disposal to discuss the matter further at your best convenience.

kind regards,

[REDACTED]
[REDACTED]
Directie Energie

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