

ECOS position on the consultation document

'Role of stakeholders in the implementation of network codes and related guidelines, and in particular the establishment of European Stakeholder Committees for network code implementation'

██████████
██████████
23 January 2015



SUMMARY

ECOS welcomes the ACER and ENTSO-E draft Consultation Document on the 'Role of stakeholders in the implementation of network code and related guidelines, and in particular the establishment of European Stakeholder Committees for network code implementation'. The document provides a starting foundation through which effective stakeholder participation could be facilitated, if appropriate changes are incorporated throughout the document. As elaborated in the introduction of the document, ensuring security of supply, competitive internal electricity market and decarbonisation of the electricity sector are recognised as a key goal of Europe, to which environmental organisations have played, and can play, a central role. The facilitation of environmental associations' participation in ENTSO-E processes should be ensured if these objectives are to be met, and a high percentage of renewable and decentralised energy generation integrated into the European electricity grids.

In this regard, ECOS would make the following comments organised by section:

1.1. Introduction

While recognising the contributions of TSOs, DSOs, consumer organisations and other stakeholders to the ENTSO-E Network Codes (NCs) development and implementation, the document does not reflect the efforts of environmental organisations have made to the respective drafting processes of many ENTSO-E NCs.

1.2. Purpose of the document

While the structure of European Stakeholder Committees for network code implementation should necessarily allow stakeholders 'to express their opinions, share good practices, and share and receive information', they should also provide an effective and responsive mechanism for the future revision and amendment of ENTSO-E NCs.

1.3. Proposed structure for additional stakeholder engagement in the implementation process

1.3.1. Be based on simple predefined rules and procedures, to avoid bureaucracy and maximise the benefit from stakeholder engagement. These rules must be based on return of experience and suggestions from all users across Europe.

ECOS calls for additional transparency in the way the European Stakeholder Committees are to be organised and managed. It is not clear who, or how, these 'predefined rules and procedures' will be drafted. As with this document, there should a process to which all stakeholders can contribute to the establishment rule and procedures. This will avoid the potential for a system of rules that would unnecessarily work against the interests of any particular stakeholder, while granting the rules additional legitimacy.

Furthermore, ECOS would propose to replace the phrase 'industry and customer views' with 'all views', as this is a needless reduction in scope of views of stakeholders that should be taken into

account. ECOS and other environmental NGO's would not be entitled to participate, as only industrial and customer interests are to be represented.

1.3.2. Define responsibilities to ensure clear leadership

ECOS recognises the need for clearly established rights and responsibilities of leadership among the relevant parties, such as ACER and ENTSO-E, and would further welcome the additional presence of the European Commission (EC) in view of their responsibilities in monitoring the application of European Union law. The representation of the EC would lend the coordination of implementing ENTSO-E Network Codes an added oversight in the application, or misapplication, of the codes by EU Member States.

1.3.3. Have the appropriate composition based on expertise and efficiency

The current proposal for the composition of stakeholder committees and expert groups to be limited in scope to experts from 'industry and customer associations' unnecessarily limits the participation of available expertise; ECOS would propose to remove such a limitation and ensure a broad participation of stakeholders, including environmental NGO's.

Moreover, ECOS would propose to delete the use of the term 'selective number of representative', as this implies the non-selection of certain stakeholders. Stakeholder committees and expert groups should follow similar guidelines to those used by the European Commission, in guaranteeing a minimum number of seats for each stakeholder group needed to provide legitimacy to a decision making process, such as environmental associations and other societal stakeholders.

1.3.4. Periodically, bring their views, expertise and experience to the amendment process

The language suggested in this general principle is weak in nature. ECOS would suggest the substitution of 'Dedicated stakeholder committee meetings ... *could be periodically organised*' with 'Dedicated stakeholder meetings ... *will be regularly held*'.