



Milan, January 22nd, 2015

ACER-ENTSO-E consultation – “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”

Edison welcomes the opportunity to provide its comments answering to the consultation jointly proposed by ENTSO-E and ACER on the role of stakeholders in the implementation of network codes and related guidelines.

As a general remark, Edison would like to stress that stakeholder’s involvement should be reinforced along the whole process of development, adoption, implementation and review of network codes and guidelines. Network users have considerable experience of markets dynamics/needs and management of their facilities and could thus provide good expertise in the elaboration of applicable regulatory frameworks. Edison believes that improvements could be obtained concerning the network codes/guidelines’ development process. Edison recommends including in the ENTSO-E’s drafting teams experienced market stakeholders in order to keep a minimum dialogue open with market participants also in early stages of the network codes development. Concerning the adoption phase of the network codes/guidelines, Edison considers important that also the Comitology process remains transparent for stakeholders to properly follow the process and understand how the implementation phase could evolve in a later stage. Publication of updated versions of the codes together with explanations of the amendments introduced could be a solution



towards that objective. Involvement in the stages prior to the implementation would considerably help having a smoother implementation process.

Focusing on the implementation, monitoring and review stages, targets of the present consultation, Edison welcomes the proposal of creating permanent European Stakeholder Committees. However, would like to point out some not fully satisfying aspects of the model proposed.

European Stakeholder Committees' and European expert groups' chairmanship

All European Stakeholder Committees should be chaired by an independent body guaranteeing a neutral approach towards European goals. ACER should chair all European Stakeholder Committees, not only the ones on market network codes/guidelines.

Edison deems fundamental for the European Stakeholder Committees to be chaired by an independent body with no direct interest promoting non-discriminatory and cost-efficient solutions. This independent body should have a supervisory role on both market and technical rules. Edison proposes to appoint ACER as chairman body of all European Stakeholders Committees.

In addition, Edison suggests that ACER should be either the chairman body of also all European expert groups or delegate the chair when considered opportune, although keeping the control on the operations and discussions of the groups.

Indeed, ACER has a monitoring role on the implementation of network codes/guidelines according to the Electricity Regulation of the 3rd Package and , specifically, according to article 9(1).

A Unique chairman body would also ensure that sufficient coordination, meaning coherency and consistency of different set of rules, will be guaranteed among the different Committees and expert groups.

Finally, Edison would like to point out that the current structure of ENTSOE does not guarantee that general interests and not particular interests are pursued: in our opinion the electricity TSOs trade association, which is stakeholder for all the rules contained in



the network codes/guidelines, should be split from the ENTSO-E institutional body. This governance measure could help ensuring that a body with a growing role in the definition of the electricity system's design will work in the interest of the whole electricity industry.

Number of European Stakeholder Committees

The number of Committees should be 3: one per each family of codes/guidelines. Nevertheless, flexibility should be ensured in order to address complexity of the issue discussed: market network codes/guidelines could be the objective of single Committees

The number of Committees could be enlarged If required by the complexity of the issue discussed: it could be the case that the Committee dealing with market codes/guidelines, should be split in three different Committees, one per each Code.

Stakeholders' membership and involvement in Committees and expert groups

Participation in Committees should be primarily assigned to associations' representatives and should guarantee geographical representativeness. Participation in expert groups should go beyond associations and should guarantee both expertise and geographical representativeness. All material shared, elaborated and discussed should be publicly available

Edison deems fundamental for the Committees to be both representative of all stakeholders' interests and flexible structures, meaning not being too large assemblies. The requirement of comprising a limited number of participants, implies that membership should be granted primarily to European stakeholders' associations. Moreover, depending on the issue discussed the number of representatives per association and the type of associations included could change.

It should be guaranteed adequate regional representativeness as local specificities must be addressed in order to work towards a genuine harmonization.



In relation to expert groups, participation should go beyond association's representatives, in order to assure the participation of the right expertise while ensuring geographical representativeness.

In relation to frequency of Committees' meetings, Edison supports regular meetings (at least 4 times a year) in order to ensure proper exchanges with stakeholders, as well as proper analysis of European expert groups' works. Periodical meetings could avoid that Committees become simple information places with little added value. Expert groups should meet as much as necessary in order to fulfill their mandate.

Given the limited direct participation in the permanent Committees and in expert groups, Edison deems of utmost importance to establish clear and flexible terms of reference for both Committees and expert groups and to make sure that all information and documents discussed and elaborated are made public. All material should be made available on the IT-platform proposed in the consultation in the form of a publicly accessible website.

Coordination among European Stakeholder Committees, national structures and regional Stakeholder Committees

Coordination between Committees and expert groups on one hand and the national and regional level on the other hand should be ensured. National structures must be developed or restructured in order to efficiently ensure that coordination

Edison considers fundamental to ensure that effective liaison between the proposed stockholder involvement structures and the national and regional level is in place.

National structures and regional stakeholder Committees must be identified and listed. Those structures must be representative of all national and regional interests.

ACER and ENTSOE should also urge National Regulatory Authorities and local TSOs to build up, where necessary, the opportune local structures, dedicated to network codes/guidelines implementation.