

European Union Agency for the Cooperation of Energy Regulators. Recast

2016/0378(COD) - 26/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 558 votes to 75, with 31 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast).

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

Enhanced missions and powers

The rules establishing the Agency for the Cooperation of Energy Regulators (ACER) have been amended and the Agency is to have more tasks and powers.

The Agency should assist the regulatory authorities referred to in the recast Directive on electricity and Directive 2009/73/EC of the European Parliament and of the Council on common rules for the internal market in natural gas to exercise, at Union level, the regulatory tasks performed in the Member States, and, if necessary, to coordinate their action and to mediate and settle disagreements between them as to whether or not there has been a breach of obligations.

ACER should also contribute to the adoption of high quality common regulatory and supervisory practices, and thus to a coherent, effective and efficient application of Union law in order to achieve the Union's climate and energy objectives.

In carrying out its tasks, ACER would act independently and objectively and in the interest of the Union. It would make its decisions autonomously, independent of private or corporate interests.

ACER's headquarters would be located in Ljubljana, Slovenia.

Agency opinions, recommendations and decisions

The Agency would issue opinions and recommendations to (i) transmission system operators, the ENTSO for Electricity, the ENTSO for Gas, the Union DSO entity, regional coordination centres and designated operators in the electricity market; (ii) regulatory authorities; (iii) the European Parliament, the Council or the Commission.

At the request of ACER, the regulatory authorities, the ENTSO for Electricity, the ENTSO for Gas, the regional coordination centres, the Union's DSO entity, transmission system operators and designated electricity market operators should provide it with the information it needs to fulfil its tasks.

For the purposes of information requests, ACER would be empowered to adopt decisions and should ensure an adequate level of data protection for all information.

Governance of the company

The new regulation would also define the division of tasks between the Board of Regulators and the Director of ACER.

In preparing the Agency's opinions, recommendations and decisions, the Director should take into account any observations or amendments made by the Board of Regulators, or provide justification where they are not taken into account. Where the Board of Regulators does not approve the revised text, the Director may revise it again or withdraw it and submit a new text.

ACER should be accountable to the European Parliament, the Council and the Commission, where appropriate.