

**DIRECTOR DECISION 2012-05**

**on the  
Establishment of Additional Working Groups  
of the  
Agency for the Cooperation of Energy Regulators and on the Appointment of  
Chairpersons**

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009, establishing the Agency for the Cooperation of Energy Regulators (hereafter "ACER Regulation" and "ACER", respectively), and, in particular, to Article 17(5) thereof;

HAVING REGARD to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009, on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009, on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005;

HAVING REGARD to Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011, on wholesale energy market integrity and transparency (hereafter "REMIT");

HAVING REGARD to ACER Director Decision n. 2011 – 002 of 1 March 2011, establishing Rules for the Functioning of Working Groups of the Agency for the Cooperation of Energy Regulators (hereafter "AWG Rules" and "AWG" respectively), and, in particular, to Article 2 thereof;

HAVING REGARD to ACER Director Decision n. 2011 – 003 of 1 March 2011, on the Establishment of Working Groups of the Agency for the Cooperation of Energy Regulators and on the Appointment of the Chairpersons.

WHEREAS:

- pursuant to Article 11 of the ACER Regulation, ACER is responsible for monitoring the internal markets in electricity and natural gas, in particular the retail prices of electricity and natural gas, access to the network including access of electricity produced from renewable energy sources, and compliance with the consumer rights;

- REMIT introduces, for the first time, a coherent framework at the European level for the monitoring of wholesale markets in energy products, to detect and deter market abusive behaviour in order to ensure the integrity and transparency of these markets;
- ACER will have a central role in the new wholesale energy market monitoring framework introduced by REMIT. In this role, ACER will have to closely cooperate with National Regulatory Authorities (NRAs), which are responsible for investigations and enforcement, as well as with other competent authorities and with the European Securities and Markets Authority (ESMA);
- In the implementation of the tasks assigned to ACER by the ACER Regulation, by REMIT and by other relevant provisions, procedural issues often arise and these frequently involve NRAs as well;
- pursuant to Article 17(5) of ACER Regulation, the Director of ACER is entitled to adopt internal administrative instructions and publishing notices to ensure the functioning of ACER in accordance with the ACER Regulation;
- it is appropriate that ACER establishes Working Groups (hereafter, “ACER Working Groups” or “AWGs”), which will involve senior representatives from NRAs and ACER’s staff;
- the tasks identified above relate to general implementation, monitoring and procedural issues, and to the implementation of REMIT and therefore it is appropriate to establish two additional AWGs, one focusing on general implementation, monitoring and procedural issues and the other focusing on the implementation of REMIT;
- in its 15<sup>th</sup> meeting of 24 January 2012, the Board of Regulators of ACER have expressed the recommendations referred to in Article 2, paragraph 2.2, of the AWG Rules;

**THE DIRECTOR HAS DECIDED:**

1. To establish, within ACER, an Implementation, Monitoring and Procedures Working Group (AIMPWG) and a Market Integrity and Transparency Working Group (AMITWG), which shall operate according to provisions contained in the AWG Rules.
2. To appoint:
  - 2.1. Marek Woszczyk as Chairperson of the Implementation, Monitoring and Procedures Working Group,
  - 2.2. José Braz as Chairperson of the Market Integrity and Transparency Working Group.

3. The appointments referred to under point 2 are for a term of two years, subject to the provisions of Article 2, paragraph 2.2, of the AWG Rules.
4. This decision is notified to the appointed Chairpersons.

This decision shall take effect from 1<sup>st</sup> February 2012.

Done at Ljubljana on 31<sup>st</sup> January 2012.



Alberto Pototschnig  
Director