

Draft Outline of the 2022 Work Programme

BACKGROUND

This document presents an outline of the tasks that the European Union Agency for the Cooperation of Energy Regulators (ACER) plans to perform in 2022. As such, it focuses primarily on the external deliverables the Agency expects to produce. The full scope of activities (including those pertaining to administrative and other tasks) will be presented in the Agency's Work Programme (WP) 2022 within the Draft Programming Document (PD) 2022-2024.

The content of this draft outline will serve as the basis for the preparation of the WP that the Director will submit to the European Commission. According to its recast founding act, Regulation (EU) 2009/942 of 5 June 2019, the Framework Financial Regulation and the Communication from the Commission on the Guidelines for programming document for decentralised agencies, the Administrative Board shall adopt the draft PD after receipt of a favourable opinion of the Board of Regulators, and shall submit the draft programming document to the European Parliament, to the Council and to the Commission no later than 31 January 2021.

The PD is subsequently adopted and submitted to the European Parliament, the Council and the Commission by 31 December 2021, taking into account the Opinion of the Commission, after receipt of a favourable opinion from the Board of Regulators, and after the Director has presented it to the European Parliament.

As in previous years, the implementation of the WP depends crucially on the continuous support of the National Regulatory Authorities (NRAs) through the ACER Working Groups (whose Chairs and co-Chairs will be consulted on this outline in October) and on the Agency being assigned the human and financial resources on which the WP is based, as well as the fees which the Agency will begin collecting in 2021. The actual subsidy to the Agency from the EU Budget, and therefore the resources actually available to the Agency in 2022, will not be defined until the EU Budget is adopted by the Budgetary Authority. This will happen towards the end of 2021, and only at that stage will the Agency be in a position to finalise its WP.

LEGAL BASIS

ACER fosters a fully integrated and well-functioning Internal Energy Market, where electricity and gas are traded and supplied according to the highest integrity and transparency standards, and EU consumers benefit from a wider choice, fair prices and greater protection. In this way, the Agency also contributes to the security of energy supply in the EU. For this purpose, we work with European Institutions, NRAs and stakeholders.

The Agency has been assigned tasks and responsibilities by a number of legislative acts, including:

- the Third Package – Directive 2009/72/EC (the “Electricity Directive”)¹, Directive 2009/73/EC (the “Gas Directive”), Regulation (EC) No 713/2009 (the “Agency Regulation”)², Regulation (EC) No 714/2009 (the “Electricity Regulation”)³ and Regulation (EC) No 715/2009 (the “Gas Regulation”);
- Regulation (EU) No 1227/2011 (REMIT) and Commission Implementing Regulation (EU) No 1348/2014 (the REMIT “Implementing Acts”);
- Regulation (EU) 994/2010, recently replaced by Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply (the “SoS Regulation”);
- Commission Regulation (EU) 838/2010 on the inter-TSO compensation mechanism (the “ITC Regulation”);
- Regulation (EU) No 347/2013 on Guidelines for trans-European energy infrastructure (“TEN-E Regulation”);
- Commission Regulation establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems (984/2013/EU), as replaced by Commission Regulation (EU) 2017/459 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013 (“CAM Network Code”);
- Commission Regulation establishing a Network Code on Gas Balancing of Transmission Networks (312/2014/EU);
- Commission Regulation establishing a Network Code on interoperability and data exchange rules (703/2015/EU);
- Commission Decision (EU) 2015/715/EU amending Annex I to Regulation (EC) 715/2009 on conditions for access to the natural gas transmission networks (“Congestion management procedures – CMP Guidelines”);
- Commission Regulation (EU) 2015/1222 establishing a guideline on capacity allocation and congestion management (“CACM Guideline”);
- Commission Regulation (EU) 2016/631 establishing a network code on requirements for grid connection of generators (RfG Network Code);
- Commission Regulation (EU) 2016/1388 establishing a Network Code on Demand Connection (DC Network Code);
- Commission Regulation (EU) 2016/1447 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power park modules (HVDC Network Code);
- Commission Regulation (EU) 2016/1719 establishing a guideline on forward capacity allocation (“FCA Guideline”);
- Commission Regulation (EU) 2017/460 establishing a network code on harmonised transmission tariff structures for gas;

¹ Repealed from 1.1.2021 by Directive (EU) 2019/944 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast).

² Repealed by Regulation (EU) No 2019/942 establishing a European Union Agency for the Cooperation of Energy Regulators (recast).

³ Repealed from 1.1.2020 by Regulation (EU) No 2019/943 on the internal market for electricity.

- Commission Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operation (SO Guideline);
- Commission Regulation (EU) 2017/2195 establishing a guideline on electricity balancing (EB Guideline);
- Commission Regulation (EU) 2017/2196 establishing a network code on emergency and restoration (ER Network Code).

The Clean Energy for all Europeans package includes:

- Regulation (EU) No 2019/941 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC;
- Regulation (EU) No 2019/942 establishing a European Union Agency for the Cooperation of Energy Regulators (recast);
- Regulation (EU) No 2019/943 on the internal market for electricity (recast);
- Directive (EU) 2019/944 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast)⁴.

PRIORITISATION

In order to ensure an appropriate prioritisation of its activities, and to allocate resources accordingly, the Agency has changed its classification system in line with the one proposed by the Commission in its Opinion on the Agency's Programming Document 2021. Tasks and deliverables are divided according to the following three priority levels.

1. Tasks which are **critical** for a competitive internal energy market or security of supply and which should be delivered in a comprehensive way and approached proactively.
2. "**Reactive**" tasks where ACER has to prepare and adopt individual decisions due to a referral from national regulatory authorities (NRAs), if NRAs fail to reach an agreement or as otherwise stipulated by EU legislation. Those decisions need to have satisfactory quality, both technical and legal, to be accepted widely by stakeholders and to withstand legal challenges.
3. Tasks which are of **lower importance**, but need to be undertaken to comply with EU legislation.

TASKS AND DELIVERABLES IN 2022

This preliminary draft outline includes the tasks and deliverables that the Agency plans to implement in 2022. In line with the recast founding regulation, it includes a reference to ACER's working groups tasked with contributing to the drafting of the respective documents and indicates the tasks that have been added, changed or deleted compared to the previous financial year.

Activity 1: Market Integrity and Transparency

The Agency's market integrity and transparency work is an ongoing activity under REMIT which involves the promotion of regulatory cooperation and REMIT analytics and information management

⁴ Repeals Directive 2009/72/EC from 1.1.2021.

tasks. The latter tasks will be financed through REMIT fees on the basis of Article 32(1)(b) of Regulation (EU) 2019/942 as of 2021.

I. Promoting Regulatory Cooperation

1. *Assisting NRAs in exercising, at Union level, their regulatory tasks under REMIT performed in the Member States (Priority level 1)*
2. *Policy cooperation with NRAs and, where necessary, their coordination to aim at ensuring the coordinated and consistent application of REMIT (Priority level 1)*
3. *Policy cooperation with ESMA, competent national financial market authorities and other authorities at Union level as well as with supervisory authorities, international organisations and the administrations of third countries to promote the harmonisation of the regulatory framework at international level (Priority level 2)*

II. REMIT Analytics and Information Management (fee financed)

4. *Cooperation with NRAs on collecting, handling, processing and analysing of information collected pursuant to Article 8 of REMIT. (Priority level 1)*
5. *European register of market participants (Priority level 1)*
6. *Registration and enrolment of reporting parties in compliance with technical and organizational requirements (Priority level 1)*
7. *REMIT reporting guidance (Priority level 1)*
8. *Data analysis (Priority level 1)*
9. *Data collection and data sharing (Priority level 1)*
10. *Operation and enhancements of the Agency's REMIT Information Systems ensuring operational reliability and data protection (Priority level 1)*
11. *Making available REMIT data for scientific and transparency purposes (For scientific purposes: Priority level 2; for transparency purposes: Priority level 1)*
12. *Annual Report on the Agency activities under REMIT (Priority level 1)*
13. *Facilitation of stakeholder involvement (Priority level 1)*

Activity 2: Market Surveillance and Conduct

The Agency's Market Surveillance and Conduct Department promotes the integrity of wholesale energy market. A new task includes providing operational assistance to a requesting National Regulatory Authority on its REMIT investigation. Except for this latter task, all tasks will be financed through REMIT fees on the basis of Article 32(1)(b) of Regulation (EU) 2019/942 as of 2021.

14. *Market surveillance of trading activity in wholesale energy markets (fee financed) (Priority level 1)*

15. *Case cooperation with NRAs on market abuse prohibition and breaches of reporting obligations - REMIT cases (fee financed) (Priority level 1)*
16. *Case cooperation with ESMA, competent national financial market authorities and with supervisory authorities, international organisations and the administrations of third countries (fee financed) (Priority level 2)*
17. *Development of applied surveillance and conduct tools (fee financed) (Priority level 1)*
18. *Support on REMIT breach investigation upon request from NRAs (Priority level 2)*

Activity 3: Internal Electricity Market

Network Codes, implementation, monitoring and amendments

I. Implementation of Network Codes: Adoption of terms and conditions or methodologies

Background: most, if not all, terms, conditions or methodologies resulting from the guidelines shall be adopted by 2022. However, some already approved terms, conditions or methodologies (regional or EU-wide) could require amendments and then trigger a new decision-making process.

19. *Assisting NRAs for the approval of amended regional-wide terms and conditions or methodologies developed by TSOs, NEMOs or other entities, pursuant to the adopted Network Codes and Guidelines. Issuing decisions on these regional terms and conditions or methodologies in case NRAs fail to agree or upon their joint request. (Priority level 2)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be regularly informed and formally consulted in case of decisions.
20. *Issuing decisions on the amended European-wide terms and conditions or methodologies. (Priority level 1)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted in case of decisions.

II. Implementation of Network Codes: Monitoring and reporting on implementation

21. *Monitoring the implementation of the obligations resulting from the adoption of the Network Codes, Guidelines, the different terms and conditions and methodologies and the Electricity Regulation. Investigating the reasons for delays and/or non-compliance and issuing recommendations and/or decisions to address these issues. (Priority level 1)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted in case of recommendations and/or decisions.
22. *Monitoring the effect of the implementation (effect on the harmonisation of applicable rules aimed at facilitating market integration, as well as on non-discrimination, effective competition and the efficient functioning of the market). Issuing recommendations to address possible shortcomings and to assist NRAs and market players in sharing good practices. (Priority level 1)*

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted in case of recommendations.

23. *Collecting the required data and information to perform these monitoring activities. If necessary, issuing recommendations and/or decisions to get these data and information. (Priority level 1)*

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted in case of recommendations and/or decisions.

III. Implementation of Network Codes: Facilitating involvement of stakeholders

24. *Continuing to promote the involvement of stakeholders in monitoring the implementation of network codes and guidelines, in particular through the European Stakeholder Committees. (Priority level 1)*

The Electricity Working Group will be regularly informed and consulted.

IV. Development of new Network Codes and Amendments of the existing Network Codes and Guidelines

25. *Adoption of new framework guidelines and issuing opinions and recommendations to the European Commission on new network codes and guidelines as well as on amendments of existing network codes and guidelines. (Priority level 1)*

This includes a thorough consultation process with all stakeholders and supporting the European Commission during the adoption of these new or amended network codes. According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted in case of recommendations.

Regional Coordination Centres

26. *Monitoring and analysing the performance of RCCs with NRAs and ENTSO-E, through submitted data resulting from their continuous monitoring. Where relevant, issuing a decision to RCCs to provide the relevant information necessary for carrying out monitoring and issuing opinions and recommendations to the RCCs to improve their performance. (Priority level 1)*

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted in case of decisions, opinions and recommendations and regularly informed and consulted on the monitoring activity.

Tariff Methodologies

27. *Updating (completing and improving) the Best Practice Report on transmission and distribution tariff methodologies. (Priority level 1)*

According to Article 24(2) of Regulation (EU) 2019/942, the Electricity Working Group will be formally consulted on the Report.

28. *Monitoring and promoting the implementation of best practices in Member States through recommendations. (Priority level 1)*

According to Article 24(2) of Regulation (EU) 2019/942, the Electricity Working Group will be formally consulted in case of recommendation and will be regularly informed and consulted on the monitoring activity.

29. *Monitoring transmission charges paid by generators. (Priority level 3)*

The Electricity Working Group will be regularly informed and consulted on the monitoring activity.

30. *Monitoring the effective and consistent implementation of the Agency's decision on the methodology regarding the use of the congestion income. (Priority level 1)*

The Electricity Working Group will be regularly informed and consulted on the monitoring activity.

DSOs-related tasks

31. *Monitoring the execution of tasks of EU DSO entity. ACER may provide an opinion on the EU DSO entity on the annual work programme and other relevant documents and can issue decisions for DSOs to provide relevant information necessary for carrying out monitoring. (Priority level 3)*

According to Article 24(2) of Regulation (EU) 2019/942, the Electricity Working Group will be formally consulted on opinions and decisions and will be regularly informed and consulted on the monitoring activity.

Opinions and Recommendations on the Agency's own Initiative

32. *Opinions and recommendations in the areas of its competence, to the European Parliament, the Council and the Commission (Priority level 1)*

The Agency may issue opinions and recommendations on its own initiative with regard to its areas of competence.

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted on the opinions/recommendation.

Activity 4: Internal Gas Market

Network Codes, implementation, monitoring and amendments

The focus of the deliverables will be on the implementation of issues that have not been implemented. This may require more targeted interaction with the EU Member States. The legislative changes in relation to the decarbonisation create some uncertainty and may increase the Agency's workload in 2022.

I. Implementation of Network Codes: Decisions, assistance to NRAs, advocacy

33. *Joint requests from the Functionality Platform (<https://www.gasncfunc.eu/gas-func/>). The joint process run by ACER and ENTSOG based on stakeholder complaints. The number of cases per year usually varies between 5 and 6. (Priority level 1 or 3, depending on the case)*

To the Gas Working Group will be regularly informed and consulted.

34. *Decision regarding network codes when NRAs cannot agree. The number of cases is usually about 1 or 2 cases per year. (Priority level 2)*

Based on Article 6(10) of Regulation (EU) 2019/942, for the Gas Working Group's will be formally consulted.

35. *Advocacy on network codes per market request or per the request of the NRAs. (Priority level 1 or 3, depending on the case)*

Based on Article 6 of Regulation (EU) 2019/942 or informal requests. The Gas Working Group will be informed, unless more structural guidance is provided, in which case it may go to the Gas Working Group for discussion.

II. Reporting and monitoring

36. *Tariff Reports evaluating the national tariff consultations. (Number of cases is estimated for 2022 between 8 and 12.) (Priority level 1)*
Based on Article 27 of Regulation (EU) 2017/460. The Gas Working Group will be informed.
37. *Annual Report on Congestion at Interconnection points in the European Union. (Priority level 3)*
The Report will be automated in 2022, entailing more data testing than in the previous years. Based on Point 2.2.1.2 of the Commission Decision of 24 August 2012. No formal Gas Working Group involvement (the group will be informed and consulted).
38. *Implementation Monitoring Report on the Tariff Network Code with a view to the implementation issues that have not been delivered or closed and follow up on the transparency matters in relation to the allowed revenues of the transmission system operators (Priority level 1)*
Based on Article 9(1) of Regulation (EC) 715/2009. To the Gas Working Group for discussion.
39. *Implementation Monitoring Report for Balancing with the application of the balancing analytical framework (Priority level 1)*
Based on Article 9(1) of Regulation (EC) 715/2009. To the Gas Working Group for discussion.

Tasks subject to specific conditions

Tasks initiated by European Commission (timing uncertain)

40. *Interoperability and Data Exchange Network Code amendment with a view to Gas Quality management for low carbon gases. (Priority level 1)*
Based on Article 7 of Regulation (EC) 715/2009, for the Gas Working Group's review.
41. *Other Network Code amendments with uncertain workload, based on the screening ACER provided to EC in 2018 and 2020. (Priority level 1)*
Based on Article 7 of Regulation (EC) 715/2009, for Gas Working Group's review.

Opinions and Recommendations on the Agency's own Initiative

42. *Opinions and recommendations in the areas of its competence, to the European Parliament, the Council and the Commission (Priority level 1)*
The Agency may issue opinions and recommendations on its own initiative with regard to its areas of competence. None are planned for the time-being.
According to Article 24(2) of Regulation 2019/942, the Gas Working Group shall be consulted on the draft opinions requiring a favourable opinion of the Board of Regulators.

Activity 5: Electricity and Gas Internal Energy Market Monitoring

43. *The 11th Market Monitoring Report will contribute to the identification of barriers to electricity and gas markets integration - including barriers to cross-border trade and regulatory access barriers for new market entrants -, suggesting recommendations to overcome them.*
The MMR Wholesale Volumes will assess the functionality status of the electricity and gas wholesale markets, including, for gas, the assessment of the so called Gas Target Model

Metrics and for electricity, regulatory access and smaller actors including energy communities, state interventions preventing prices from reflecting actual scarcity, and the analysis of Member States' performance in the area of security of supply, based on the results of the European resource adequacy assessment. A dedicated volume of the MMR will assess, as a standalone report, the amount of cross-zonal capacity available for the trade of electricity, compared to the minimum 70% target set in the Clean Energy Package. The MMR Wholesale Volumes will specifically assess the market effects brought by the implementation of network codes; for this purpose, the specific data collection provisions in the relevant Network Codes will be taken into account. The MMR Wholesale Volumes will assess the welfare benefits attained by consumers (or pending losses) resulting from enhanced market integration (or lack thereof). The new merged Retail Volume will monitor the evolution of retail prices for electricity and gas as well as the impact of market developments on household customers and the compliance with consumer rights.

Priority level 1 Wholesale Electricity and Gas Market Volumes; the Electricity Working Group and the Gas Working Group will be regularly informed and consulted.

Priority level 1: Monitoring report on the amount of cross-zonal capacity available for trade; the Electricity Working Group will be regularly informed and consulted.

Priority level 1: Retail Market and Customer Protection Volume; Working Group governance under discussion

Activity 6: Infrastructure and Security of Supply

Note: The current tasks are based on the legislation currently in place. A revision may be necessary should changes that would be applicable in 2022 be introduced during the process of the TEN-E review.

Guidelines for Trans-European Energy Infrastructure – Electricity and Gas

44. Annual consolidated report on progress of projects of common interest and (if appropriate) recommendations to facilitate the implementation and overcome delays/difficulties in PCI implementation. (Priority level 1)

The consolidated reports are based on annual reports submitted to ACER by gas and electricity project promoters for each project of common interest. According to Article 30(4) of Regulation 2019/942, the Electricity Working Group and the Gas Working Group shall be consulted and provide input.

45. Requests of updates and Opinion(s) on ENTSO-E's and/or ENTSOG's methodologies for cost-benefit analysis, if updated (Priority level 1)

The Agency, on its own initiative or upon a duly reasoned request by national regulatory authorities or stakeholders, and after formally consulting the organisations representing all relevant stakeholders and the Commission, may request updates and improvements of the CBA methodology(ies) with due justification and timescales. If an update is launched, ACER shall provide an Opinion to Member States and the Commission on the draft CBA methodologies and publish it.

According to Article 30(4) of Regulation 2019/942, the Electricity Working Group and the Gas Working Group shall be consulted and provide input.

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group and the Gas Working Group will be formally consulted on the draft opinions. The Opinions require the favorable opinion of the Board of Regulators.

46. Opinions on the draft regional lists of proposed projects of common interest, in particular on the consistent application of the criteria and the cost-benefit analysis across regions (Priority level 1)

The Agency shall provide an opinion on the draft regional lists, in particular on the consistent application of the criteria and the cost-benefit analysis across regions. The opinion of the Agency is a biennial activity, in line with the schedule of the adoption of the PCI lists. According to Article 24(2) of Regulation 2019/942, the Electricity Working Group and the Gas Working Group will be formally consulted on the draft opinions. The Opinions require the favorable opinion of the Board of Regulators.

47. Decisions on investment requests including on cross-border cost allocation under Article 12(6) of Regulation (EU) 347/2013 (Priority level 2)

Promoters of projects of common interest may submit an investment request including a request for cross-border cost allocation (CBCA). Where the national regulatory authorities concerned have not reached an agreement on the investment request within six months, or upon their joint request, the Agency shall take the decision on the investment request including cross-border cost as well as the way the cost of the investments are reflected in the tariffs within three months (with a possible two months extension in case additional information is needed). The Electricity or Gas Working Group, as relevant, will be informed about these activities.

Electricity TSO Cooperation

48. Opinion on the draft Union-wide electricity infrastructure 10-Year Network Development Plan 2022. (Priority level 1)

According to Article 24(2) of Regulation (EU) 2019/942, the Electricity Working Group will be formally consulted.

49. Opinion on the implementation of the Union-wide electricity infrastructure 10-Year Network Development Plan and investments to create new interconnector capacity. (Priority level 1)

According to Article 24(2) of Regulation (EU) 2019/942, the Electricity Working Group will be formally consulted.

50. Opinion on the national 10-Year Network Development Plans to assess their consistency with the Union-wide 10-Year Network Development Plans (if appropriate) recommendations to amend the national 10-year network development plans or the Union-wide network development plan. (Priority level 1)

The Electricity Working Group will be informed and consulted on the monitoring activity.

51. Opinions on ENTSO-E's annual work programme and ENTSOE's annual report. (Priority level 3)

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted.

52. Opinions on potential updates to ENTSO-E's common network operation tools and common incidents classification scale. (Priority level 3)

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted.

53. Opinion on ENTSO-E's recommendations relating to the coordination of technical cooperation between the Union and third-country transmission system operators. (Priority level 3)

According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted.

54. *Opinions on ENTSO-E's annual Summer and Winter supply outlooks. (Priority level 3)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted.
55. *Opinion on ENTSO-E's research and development plan. (Priority level 3)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted.
56. *Annual monitoring report on the implementation and management of the inter-TSO compensation fund. (Priority level 3)*
The Electricity Working Group will be informed and consulted.

Electricity Resource adequacy-related tasks

57. *Monitoring the implementation of the methodologies approved in the course of 2020 (ERAA, Voll, Cone, RS and cross-border participation in CMs) with NRAs and upgrading them when necessary through a decision. (Priority level 1)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted on decisions and regularly informed and consulted on the monitoring activity.
58. *Issuing a recommendation based on the outcome of the resource adequacy monitoring, to improve market functioning and/or the efficiency of security of supply measures. (Priority level 1)*
According to Article 24(2) of Regulation 2019/942, the Electricity Working Group will be formally consulted on the recommendation. New task: first performed in 2022.

Gas TSO Cooperation

59. *Opinion on ENTSOG's draft gas infrastructure TYNDP. (Priority level 1)*
According to Article 24(2) of Regulation (EU) 2019/942, the Gas Working Group will be formally consulted.
60. *Opinion on the implementation of the Union-wide gas infrastructure 10-Year Network Development Plan and investments to create new interconnector capacity. (Priority level 1).*
According to Article 24(2) of Regulation (EU) 2019/942, the Gas Working Group will be formally consulted.
61. *Opinion on the national 10-Year Network Development Plans to assess their consistency with the Union-wide 10-Year Network Development Plans (if appropriate) recommendations to amend the national 10-year network development plans or the Union-wide network development plan. (Priority level 1)*
The Gas Working Group will be informed and consulted on the monitoring activity.
62. *Opinions on ENTSOG's annual work programme and annual report. (Priority level 3)*
According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be formally consulted.
63. *Opinions on potential updates to ENTSOG's common network operation tools and common incidents classification scale. (Priority level 3)*
According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be formally consulted.

64. *Opinion on ENTSOG's recommendations relating to the coordination of technical cooperation between the Union and third-country transmission system operators. (Priority level 3)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be formally consulted.

65. *Opinions on ENTSOG's annual Summer and Winter supply outlooks. (Priority level 3)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be formally consulted.

66. *Opinion on ENTSOG's research and development plan. (Priority level 3)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be formally consulted.

Tasks to safeguard the security of gas supply

67. *Opinions and on the elements of coordinated decisions on proposals to enable permanent physical capacity to transport gas in both directions for permanent bi-directional capacity concerning the reverse direction ("physical reverse flow capacity"). (Priority level 1)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be consulted on the draft opinions, recommendations and decisions requiring a favourable opinion of the Board of Regulators. The Gas Working Group will be informed as relevant.

68. *Decisions on cross-border cost allocation on proposals to enable physical reverse flow capacity if the regulatory authorities concerned could not reach an agreement on the cost allocation within six months from the receipt of the joint proposal of the transmission system operators. (Priority level 2)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be consulted on the draft opinions, recommendations and decisions requiring a favourable opinion of the Board of Regulators. The Gas Working Group will be informed as relevant.

69. *Opinions on requests for an exemption from the obligation to enable permanent bi-directional capacity (if the Agency decides to issue an opinion). (Priority level 1)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be consulted on the draft opinions, recommendations and decisions requiring a favourable opinion of the Board of Regulators. The Gas Working Group will be informed as relevant.

70. *Decisions on exemptions as provided for in Article 36(4) of Directive 2009/73/EC where the infrastructure concerned is located in the territory of more than one Member State. (Priority level 1)*

According to Article 24(2) of Regulation 2019/942, the Gas Working Group will be formally consulted.

Other tasks upon request

71. *"Peer review" opinions as requested pursuant to Article 6(5) of Regulation (EU) No 2019/942. (Priority level 1)*

At the request of a regulatory authority or of the Commission, the Agency must provide a fact-based opinion on whether a decision taken by a regulatory authority complies with the Guidelines referred to in Directive 2009/72/EC, Directive 2009/73/EC, Regulation (EC) No 714/2009 or Regulation (EC) No 715/2009, or with other relevant provisions of those Directives or Regulations. Where a national regulatory authority does not comply with the opinion of the Agency within four months from the day of receipt, the Agency shall inform the Commission and the Member State concerned accordingly. By the end of 2014, the Agency

received two peer review requests. According to Article 24(2) of Regulation 2019/942, the Electricity or Gas Working Group, as relevant, shall be formally consulted on the draft opinions requiring a favourable opinion of the Board of Regulators.

72. Opinions on the application of Union energy legislation upon request by an NRA pursuant to Article 6(5) of Regulation (EU) 2019/942. (Priority level 1)

When a national regulatory authority encounters, in a specific case, difficulties with the application of Guidelines referred to Regulation (EU) 2019/943, Regulation (EC) No 715/2009, Directive (EU) 2019/944 or Directive 2009/73/EC, it may request the Agency for an opinion. According to Article 24(2) of Regulation 2019/942, the Electricity or Gas Working Group, as relevant, shall be formally consulted on the draft opinions requiring a favourable opinion of the Board of Regulators.

73. Decisions on terms and conditions and operational security of cross-border interconnectors and on exemptions. (Priority level 2)

For cross-border infrastructure, the Agency shall decide upon those regulatory issues which fall within the competence of NRAs, including terms and conditions for access and operational security, only: (a) in cases in which the competent national regulatory authorities have not been able to reach an agreement within a period of six months from when the case was referred to the last of those regulatory authorities; or (b) upon a joint request from the competent national regulatory authorities.

According to Article 24(2) of Regulation 2019/942, the Gas Working Group or Electricity Working Group, as relevant, shall be formally consulted on the draft opinions requiring a favourable opinion of the Board of Regulators.

74. Opinions and recommendations in the areas of its competence, upon request by the European Parliament, the Council or the European Commission. (Priority level 1)

Upon request, provide support and advice to the European Parliament, the Council and the European Commission, by delivering the requested opinions and recommendations.

According to Article 24(2) of Regulation 2019/942, the Gas Working Group or Electricity Working Group, as relevant, shall be formally consulted on the draft opinions requiring a favourable opinion of the Board of Regulators.