

## **Consultation on Amendments to the Statutes of ENTSO-E**

### **1. Objective**

The objective of this consultation is to gather views and information from stakeholders regarding the compliance statutes, as amended, more specifically the Articles of Association and the Internal Regulations, that ENTSO-E has developed in accordance with Article 29 of Regulation (EU) 2019/943 ('Electricity Regulation') and submitted to ACER for opinion.

The input from the consultation will be used for ACER's evaluation in preparing its opinion on the statutory documents according to Article 4(1) of Regulation (EU) 2019/942.

### **2. Background**

ENTSO-E has informed ACER that the amendments are needed to ensure compliance with the new Belgian Code of Companies and Associations which requires that provisions dealing admission/rejection of members, powers, etc. are exclusively provided for in corporate documents that are published in the official Belgian Journal (*Moniteur Belge*), thereby increasing transparency towards shareholders by ensuring publicity of provisions affecting members' rights. Consequently, ENTSO-E has transferred a number of provisions from its Internal Rules to its Articles of Association.

Moreover, ENTSO-E has informed ACER that the amended Articles of Association and Internal Rules encompass two other updates: (i) changing ENTSO-E's registered seat and (ii) updating the references to any law no longer in force by their superseding EU legislation pursuant to the Clean Energy Package.

In 2011, ACER provided its opinion 01/2011 on an earlier version of ENTSO-E's Statutes, Rules of Procedure and List of Members. ENTSO-E sent revised versions of these documents to ACER in 2012.

In 2014, ENTSO-E reviewed its Articles of Association and Internal Regulations.

### **3. Target group**

This consultation is addressed to the organisations representing all stakeholders, in particular system users, including consumers.

### **4. Identification data and confidential information**

In order to identify the respondent, the following information should be included on the top of the answer sheet: name, company, address, contact email, phone and country.

Any confidential information should be marked clearly as such, including the word 'CONFIDENTIAL' in the subject of the e-mail, as ACER will not treat e-mails which contain only a general disclaimer (usually automatically added) as containing confidential information. If respondents want to claim confidentiality, they should provide an explanation of their confidentiality interests and a non-confidential version of their response for publication.

## **5. Publication of responses and privacy**

The present consultation is not a public consultation but a consultation of particular stakeholders, organised in accordance with Article 32 of the [ACER's Rules of Procedure \(RoP\)](#).

ACER will process personal data of the respondents in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, taking into account that this processing is necessary for performing ACER's consultation task. For more details on how the contributions and the personal data of the respondents will be dealt with, please see ACER's Guidance Note on Consultations and the specific privacy statement attached to this consultation.

## **6. Related documents**

- Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast)
- Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast)
- Statutory documents of ENTSO-E as submitted by ENTSO-E:
  - Articles of Association
  - Internal Rules
  - Correlation table showing for each Article of the new draft Articles of Association which provisions of the Internal Rules have been integrated into the said Article

## **7. Legal background**

In accordance with Article 29 of the Electricity Regulation, the transmission system operators for electricity shall submit to the Commission and to ACER any draft amendments to the statutes, list of members or rules of procedure of the ENTSO-E.

On 26 February 2021, ACER received, from ENTSO-E amended Articles of Association and amended Internal Rules.

Article 29(2) of the Electricity Regulation requires ACER to provide the European Commission with its opinion within two months of receipt of such draft amendments after having consulted all stakeholders, in particular the system users, including customers.

## **Consultation topics and questions**

ACER is interested in the views of the organisations representing all stakeholders, in particular system users, including consumers, on the amended statutory documents of ENTSO-E.

Articles 28, 30, 31, 33, and 34 of the Electricity Regulation govern the establishment, the tasks, the consultations carried out and the costs of the ENTSO-E which need to be taken into account in ENTSO-E's statutory documents, and which should ensure its proper functioning.

### *Question 1:*

Do you consider that the proposed governance and working methods, as laid down in the Articles of Association and the Internal Rules, allow ENTSO-E to efficiently and transparently comply with its tasks as set out in the Electricity Regulation?

### *Question 2:*

Do you have any other comments on the Articles of Association and the Internal Rules?