

DECISION No 1/2024
OF THE SPECIALISED COMMITTEE ON ENERGY
ESTABLISHED BY ARTICLE 8(1)(I) OF THE TRADE AND COOPERATION
AGREEMENT BETWEEN THE EUROPEAN UNION
AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART,
AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
OF THE OTHER PART

of 5 April 2024

on the guidance on frameworks for cooperation between, respectively,
ENTSO-E and the United Kingdom transmission system operators for electricity,
ENTSOG and the United Kingdom transmission system operators for gas,
and ACER and the regulatory authority in the United Kingdom designated
in accordance with Article 310 of the Trade and Cooperation Agreement
(GEMA and Utility Regulator)

THE SPECIALISED COMMITTEE ON ENERGY,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the ‘Trade and Cooperation Agreement’), and in particular Article 317(1) and Article 318(1) thereof,

Whereas:

- (1) Pursuant to Article 8(4), point (a), of the Trade and Cooperation Agreement, the Specialised Committee on Energy (the ‘Specialised Committee’) has the power to monitor and review the implementation and ensure the proper functioning of the Agreement in its area of competence. Pursuant to Article 8(4), point (c), of the Trade and Cooperation Agreement, it has the power to adopt decisions and recommendations in respect of all matters where the Trade and Cooperation Agreement so provides or for which the Partnership Council has delegated its powers to that Specialised Committee pursuant to Article 7(4), point (f), of the Trade and Cooperation Agreement.

- (2) Article 317(1) of the Trade and Cooperation Agreement provides that each Party is to ensure that transmission system operators for gas and electricity of the Union and of the United Kingdom develop working arrangements, including frameworks for cooperation, that are efficient and inclusive in order to support the planning and operational tasks associated with meeting the objectives of Title VIII (Energy) of the Trade and Cooperation Agreement. It lays down the scope and conditions of the working arrangements, in particular that they are not to involve, or confer a status comparable to, membership in ENTSO-E or ENTSOG for United Kingdom transmission system operators.
- (3) Pursuant to Article 317(1), third subparagraph, of the Trade and Cooperation Agreement, the Specialised Committee is to agree on guidance on the working arrangements and frameworks for cooperation for dissemination to transmission system operators as soon as practicable.
- (4) Article 318(1) of the Trade and Cooperation Agreement provides that each Party is to ensure that the Agency for the Cooperation of Energy Regulators (ACER) and the regulatory authority in the United Kingdom designated in accordance with Article 310 develop contacts and enter into administrative arrangements as soon as possible in order to facilitate meeting the objectives of the Trade and Cooperation Agreement and it lays down the scope and conditions of the administrative arrangements. Article 318(2) of the Trade and Cooperation Agreement provides in particular that such administrative arrangements are not to involve, or confer a status comparable to, participation in ACER by the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement.
- (5) Pursuant to Article 318(1), second subparagraph, of the Trade and Cooperation Agreement, the Specialised Committee is to agree on guidance on the administrative arrangements for such cooperation for dissemination to regulatory authorities as soon as practicable.

- (6) The Specialised Committee should agree on guidance on the working arrangements referred in Article 317(1) of the Trade and Cooperation Agreement and on the administrative arrangements referred to in Article 318(1) of the Trade and Cooperation Agreement as soon as practicable, building as much as possible on the work already accomplished by the TSOs, regulatory authorities, ENTSO-E, ENTSG and ACER since 2021,

HAS ADOPTED THIS DECISION,

Article 1

The guidance of the Specialised Committee as set out in Annex I is hereby adopted as the guidance on working arrangements between ENTSO-E and the United Kingdom transmission system operators for electricity. The Specialised Committee requests the Parties to disseminate it to them without delay.

Article 2

The guidance of the Specialised Committee as set out in Annex II is hereby adopted as the guidance on working arrangements between ENTSG and the United Kingdom transmission system operators for gas. The Specialised Committee requests the Parties to disseminate it to them without delay.

Article 3

The guidance of the Specialised Committee as set out in Annex III is hereby adopted as the guidance on administrative arrangements between ACER and the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator). The Specialised Committee requests the Parties to disseminate it to them without delay.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels and London, 5 April 2024

For the Specialised Committee

The co-Chairs

Y. GARCÍA MEZQUITA

P. KOVACS

M. SKRINAR

ANNEX I

Guidance on working arrangements between ENTSO-E and the United Kingdom transmission system operators for electricity

Considering Article 317 of the Trade and Cooperation Agreement which requires the Parties to ensure that transmission system operators develop working arrangements, including a framework for cooperation between ENTSO-E on the one hand and the UK transmission system operators (TSOs) for electricity on the other hand,

1. ENTSO-E and the UK TSOs for electricity are asked to develop and implement, as soon as possible, efficient and inclusive working arrangements to ensure their effective cooperation.
2. The working arrangements should cover the following areas of cooperation and closely related aspects thereof:
 - Electricity markets
 - Access to networks
 - Security of electricity supply
 - Infrastructure planning
 - Offshore energy
 - Efficient use of electricity interconnectors
 - Gas decarbonisation.

The working arrangements should be limited to technical and administrative matters, including exchange of information, while maintaining full decision-making autonomy of each side with respect to their policy-making functions respectively in the Union and in the United Kingdom.

3. UK TSOs for electricity should act jointly and need to establish their own forms of coordination to engage with ENTSO-E having due regard to the relevant competition rules.

4. The working arrangements shall not involve or confer to UK TSOs for electricity a status comparable to membership of ENTSO-E, or provide for the participation of the UK TSOs for electricity in the meetings of ENTSO-E.
5. The working arrangements should be developed as soon as possible and, prior to their conclusion, be submitted to the Specialised Committee for its consideration. Following its conclusion, the working arrangements should be communicated appropriately to the relevant market participants.

ANNEX II

Guidance on working arrangements between ENTSOG and the United Kingdom transmission system operators for gas

Considering Article 317 of the Trade and Cooperation Agreement which requires the Parties to ensure that its transmission system operators develop working arrangements, including a framework for cooperation between ENTSOG on the one hand and the UK transmission system operators (TSOs) for gas on the other hand,

1. ENTSOG and the UK TSOs for gas are asked to develop and implement, as soon as possible, efficient and inclusive working arrangements to ensure their effective cooperation.
2. The working arrangements should cover the following areas of cooperation and closely related aspects thereof:
 - Gas markets
 - Access to networks
 - Security of gas supply
 - Infrastructure planning
 - Offshore energy
 - Efficient use of gas interconnectors
 - Gas decarbonisation and gas quality, including aspects of methane emissions reduction in natural gas.

The working arrangements should be limited to technical and administrative matters, including exchange of information, while maintaining full decision-making autonomy of each side with respect to their policy-making functions respectively in the Union and in the United Kingdom.

3. UK TSOs for gas should act jointly and need to establish their own forms of coordination to engage with ENTSOG, having due regard to the relevant competition rules.

4. The working arrangements shall not involve or confer to UK TSOs for gas a status comparable to membership of ENTSOG, or provide for the participation of the UK TSOs for gas in the meetings of ENTSOG.
5. The working arrangements should be developed as soon as possible and, prior to their conclusion, be submitted to the Specialised Committee for its consideration. Following its conclusion, the working arrangements should be communicated appropriately to the relevant market participants.

ANNEX III

Guidance on administrative arrangements between ACER
and the regulatory authority in the United Kingdom designated
in accordance with Article 310 of the Trade and Cooperation Agreement
(GEMA and Utility Regulator)

Considering Article 318 of the Trade and Cooperation Agreement which requires the Parties to ensure that the Agency for the Cooperation of Energy Regulators (ACER) and the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement develop contacts and enter into administrative arrangements in order to facilitate meeting the objectives of the Agreement,

1. ACER and the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) are asked to develop and implement, as soon as possible, administrative arrangements to ensure their effective cooperation.
2. The administrative arrangements should cover the following areas of cooperation and closely related aspects thereof:
 - Electricity and gas markets
 - Access to networks
 - Detection and prevention of market abuse, including appropriate exchange of information
 - Security of electricity and gas supply
 - Infrastructure planning

- Offshore energy
- Efficient use of interconnections
- Cooperation between transmission system operators
- Gas decarbonisation and gas quality.

The administrative arrangements should be limited to technical and administrative matters, including exchange of information, while maintaining full decision-making autonomy of each side with respect to their policy-making functions respectively in the Union and in the United Kingdom.

3. The UK GEMA and the Utility Regulator should act jointly and will need to establish their own forms of coordination to engage with ACER as part of a unique delegation.
4. The administrative arrangements shall not involve or confer to the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement a status comparable to participation in ACER, or provide for the participation in the meetings of ACER of the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement.
5. The administrative arrangements should be developed as soon as possible and, prior to their conclusion, be submitted to the Specialised Committee for its consideration. Following its conclusion, the administrative arrangements should be communicated appropriately to the relevant market participants.
