Multilevel EU Governance in Electricity Infrastructure Development

A new role for ACER?

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Agenda

1. EU Energy Policy in a Nutshell
2. Infrastructure Governance in action: the case of CBCA
3. A new role for ACER?
EU Energy Policy in a Nutshell

THE CHALLENGE

+ RES
+ Reliability Concerns
+ Interconnection
+ Infrastructure
The Energy Infrastructure Plan

• 248 projects of common interest (PCIs).

• Project criteria
  • Must significantly affect two MS
  • Contribute to the integration of their networks.

• Incentives for PCI:
  • Accelerated bureaucracy
  • Increased visibility for investors
  • EU funding
EU Infrastructure Governance in action
- PCI Cross-border cost allocations -

**ACER**
Minimum Standards

- **TSOs**
  - CBA

- **NRA** – **CBCA**
  - (6 months)

- **ACER** - **CBCA**
  - (2/5 Months)

If no agreement or upon joint request

**Reg. 347/2013**
Cross-border Cost Allocations Decisions

Total CBCA Requests
14

Decisions by NRAs - 12

Cross Border Elements 2/12

Net-loser 0/12

Decisions by ACER – 2

Net-loser 2/2
A more central role for ACER

- More efficient process;
- Representation of EU interests;
- Less regulatory capture;
- Guaranteeing harmonization regardless of bargaining powers imbalances;
The challenges

• Practical challenges
  • Lack of funding and staff

• Legal challenges
  • *Meroni* Doctrine limitations

• Political challenges
  • Opposition from some MS
Conclusions

• While the political challenges are a serious obstacle, a more central role is advisable for ACER.

• This does not mean complete centralization in all aspects of energy regulation. Goal is addressing cross-border issues effectively and in a harmonized way, without winners and losers.

QUESTIONS?