



# EASE reply to the ACER Public Consultation on the statutory documents of the EU DSO entity to be established

in accordance with Article 53 of Regulation (EU) 2019/943 of 5 June 2019 on the internal  
market for electricity

July 2020

## Context

### 1. Objective

*The objective of this consultation is to gather views and information from stakeholders regarding the compliance of the statutory documents of the EU DSO entity to be established ('the new EU DSO entity') that have been developed in accordance with Articles 53 and 54 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. Target group

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

*For DSOs, please indicate also the size of the company according with the number of customers:*

- 1) below 100.000 customers;*
- 2) between 100.000 to 1.000.000 customers;*
- 3) more than 1.000.000 customers.*

### 3. 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 Rules of Procedure (AB Decision No 19/2019).*

*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.*

### 4. 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 the new EU DSO Entity:*
  - 1. [Draft statutes](#),*
  - 2. [Code of conduct](#),*
  - 3. [List of potential members](#),*

4. [Draft rules of procedure](#),
5. [Rules of procedure on consultations](#).

## 6. Legal background

*In accordance with Article 53 of the Electricity Regulation, the distribution system operators are required to submit by 5 July 2020 to the European Commission and to ACER the statutory documents of the EU DSO entity to be established. The documents encompass the draft statutes, including a code of conduct, a list of potential members, and the draft rules of procedure, including rules of procedure on the consultation with the ENTSO for Electricity and other stakeholders and the financing rules.*

*On 24 June 2020, ACER received, on behalf of the four European DSO associations (CEDEC, E. DSO, Eurelectric and GEODE), the statutory documents on the establishment of the new EU DSO Entity.*

*Article 53(3) of the Electricity Regulation requires ACER to provide the European Commission with its opinion within two months of receipt of the statutory documents, after having consulted the organisations representing all stakeholders, in particular distribution system users.*

## Contact details

*Name and surname:*

Anneli Teelahk

*Company:*

The European Association for Storage of Energy – EASE

*Address:*

Avenue Adolphe Lacomblé 59/8, Brussels 1030

*Country:*

Belgium

*Phone:*

+32.2.743.29.82

*Email:*

a.teelahk@ease-storage.eu

## Privacy and confidentiality

*ACER will publish all non-confidential responses, including the names of the respondents, unless they should be considered as confidential, and it will process personal data of the respondents in accordance with [Regulation \(EU\) 2018/1725](#) 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.

Article 7(4) of [ACER's Rules of Procedure \(RoP\)](#) requires that a party participating in an ACER public consultation explicitly indicates whether its submission contains confidential information.

**\* Is your submission to this consultation confidential?**

YES

NO

**\* If your submission contains confidential information, please make your confidentiality claim(s) in accordance with Article 9 of the RoP, namely:**

- clearly identify which part(s) of your submission are considered to be confidential;
- clearly identify the specific persons or undertakings with regard to which such information is considered to be confidential;
- justify each of your confidentiality claims;
- upload a separate non-confidential version (see below).

*In case of failure to meet the above requirements, ACER may assume that all the information provided (including any attachment) contains no confidential information and that there are no objections to the disclosure of such information (including any attachment) in its entirety, as per Article 7(4) of the RoP.*

*Please claim confidentiality as specified above.*

*For further details, see the [RoP](#).*

## Consultation topics and questions

*ACER is interested in the views of the organisations representing all stakeholders, in particular distribution system users, on the statutory documents of the new EU DSO entity.*

*Articles 53 and 54 of the electricity regulation prescribe the various essential elements which need to be taken into account in the new EU DSO entity's statutory documents, and which should ensure its proper functioning.*

*Taking into account the large number and diversity of electricity DSOs in the European Union, the principal rules and procedures of the new EU DSO entity should ensure a balanced representation of its members and reflect their diverse geographical and economic structures. Its members should be treated fairly and proportionately. The new EU DSO entity's proposed working methods should ensure efficiency, proportionality and transparency. Overall, the statutory documents should enable the new EU DSO entity to comply with its tasks as laid down in Article 55 of the electricity regulation.*

**1. Question 1: Do you consider that the proposed governance and working methods, as laid down in the statutory documents, allow the new EU DSO entity to efficiently, proportionally**

*and transparently comply with its tasks, whilst ensuring a balanced representation of all participating distribution system operators?*

EASE, as the voice of the energy storage sector, agrees that the governance of the new EU DSO entity should indeed facilitate industrial decision, avoiding any possible confusion on its leadership and functioning. A neutral leadership and good governance could only ensure a balanced representation of all participating DSOs despite their different size, country, industrial group or their service area (i.e. local, national, transnational, urban or rural) and their scope of service.

*Question 2: Do you have any other comments on the proposed statutory documents?*

EASE supports the main principle of the statutory documents for a fair way to represent the interest of all participants in the EU DSO entity. However, we would like to draw the attention to the fact that while most DSOs in Europe are small in size (less than 100.000 connected customers) and not unbundled, the most significant part of customers is, by far, served by medium-size or large DSOs (more than 1 million connected customers). For that reason, the entity's decision making should reflect the factual situation in Europe to safeguard also the interest of the majority of connected customers. Therefore, the balance of the voting rights within the General Assembly should be assessed to guarantee a fair and proportional decision-making process of the entity.

\*\*\*

#### *About EASE*

*The European Association for Storage of Energy (EASE) is the voice of the energy storage community, actively promoting the use of energy storage in Europe and worldwide. It supports the deployment of energy storage as an indispensable instrument within the framework of the European energy and climate policy to deliver services to, and improve the flexibility of, the European energy system. EASE seeks to build a European platform for sharing and disseminating energy storage-related information and supports the transition towards a sustainable, flexible and stable energy system in Europe.*

*For more information please visit [www.ease-storage.eu](http://www.ease-storage.eu)*

\*\*\*

#### *Disclaimer*

*This response was elaborated by EASE and reflects a consolidated view of its members from an energy storage point of view. Individual EASE members may adopt different positions on certain topics from their corporate standpoint.*

\*\*\*

*Contact: Anneli Teelahk | EASE Senior Policy Officer | [a.teelahk@ease-storage.eu](mailto:a.teelahk@ease-storage.eu)*

*+32 (0)2 743 29 82*