

The logo for the EFTA Surveillance Authority (ESA), featuring the letters 'ESA' in a bold, white, sans-serif font.

EFTA  
Surveillance  
Authority

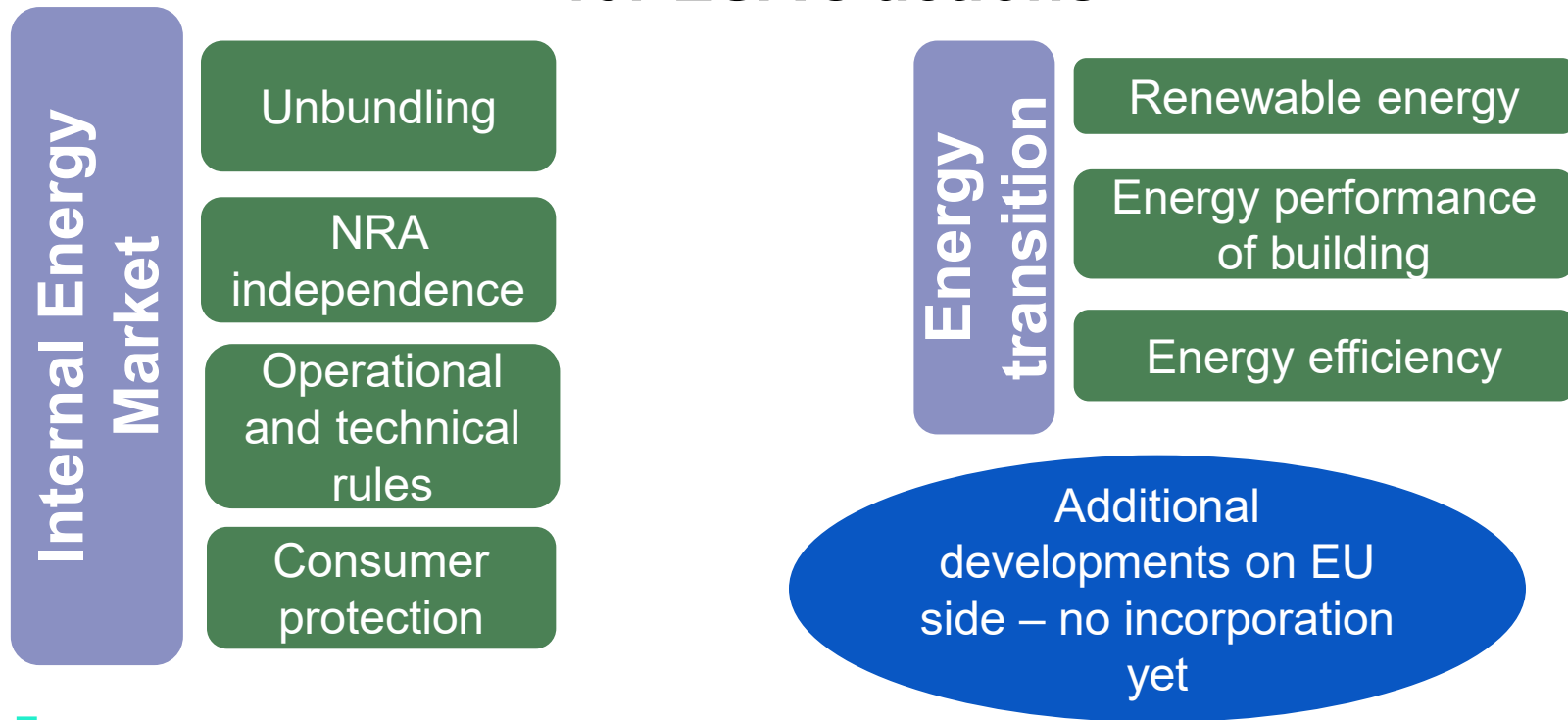
A solid red rectangle located on the left side of the slide, partially overlapping the ESA logo.

# **EFTA Surveillance Authority (ESA)'s work in energy and cooperation with ACER**

**Vestlandsrådet, Bergen**

12 June 2025

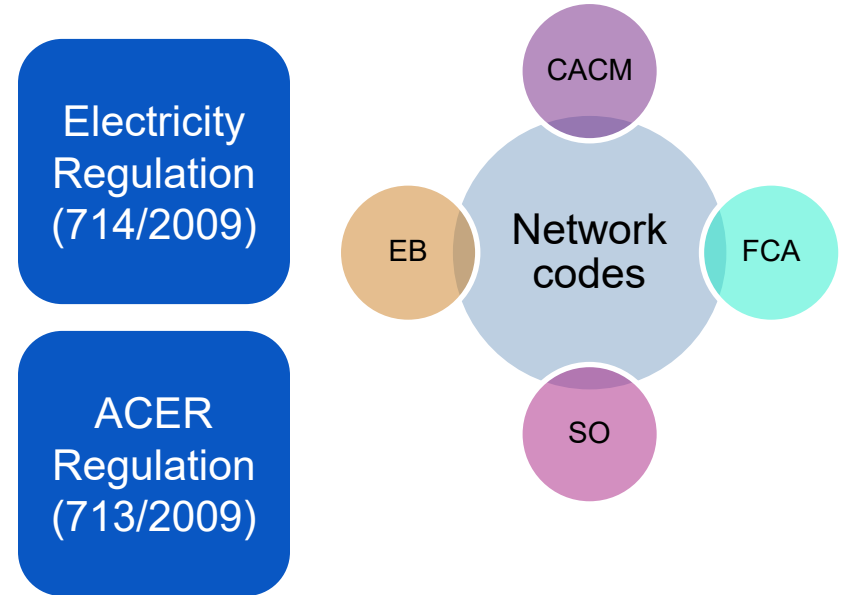
# Energy law in the EEA Agreement - Legal framework for ESA's actions



NRA: national regulatory authority

# Energy law in the EEA Agreement – Internal energy market

- 3<sup>rd</sup> Energy Package
  - Framework for the internal energy market
  - In force since October 2019
- Network codes
  - Operational and technical rules
  - In force since 31 July 2021



# ESA role in energy: Two Hats

## Surveillance

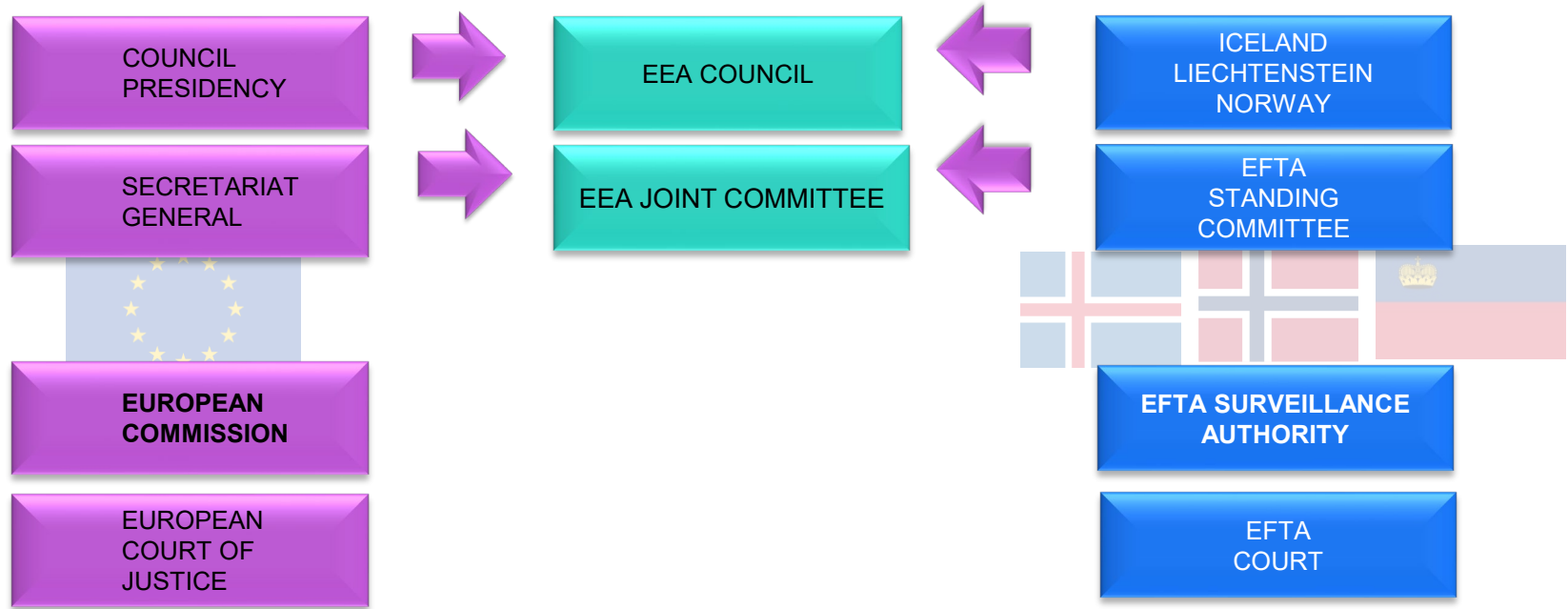
- ❑ Core task ESA: conformity assessments, complaints
- ❑ Are the EEA EFTA States transposing **in time and correctly**?
- ❑ Mirroring the role of the Commission in the EU

## Regulatory

- ❑ Taking **binding supervisory decisions** instead of the EC or the EU agency (ACER)
- ❑ Issuing **opinion** on correct implementation (e.g. certification of Statnett, carbon capture and storage draft permits)

Close cooperation with national regulatory authorities (NRAs), EC, ACER and Governments

# EEA two pillar structure (simplified)



COUNCIL  
PRESIDENCY

SECRETARIAT  
GENERAL

EEA COUNCIL

EEA JOINT COMMITTEE

ICELAND  
LIECHTENSTEIN  
NORWAY

EFTA  
STANDING  
COMMITTEE



EUROPEAN  
COMMISSION

ACER

# EEA Energy

=

EFTA SURVEILLANCE  
AUTHORITY



EUROPEAN COURT  
OF JUSTICE

EFTA  
COURT

# The two-pillar solution in the energy sector – ACER's main roles

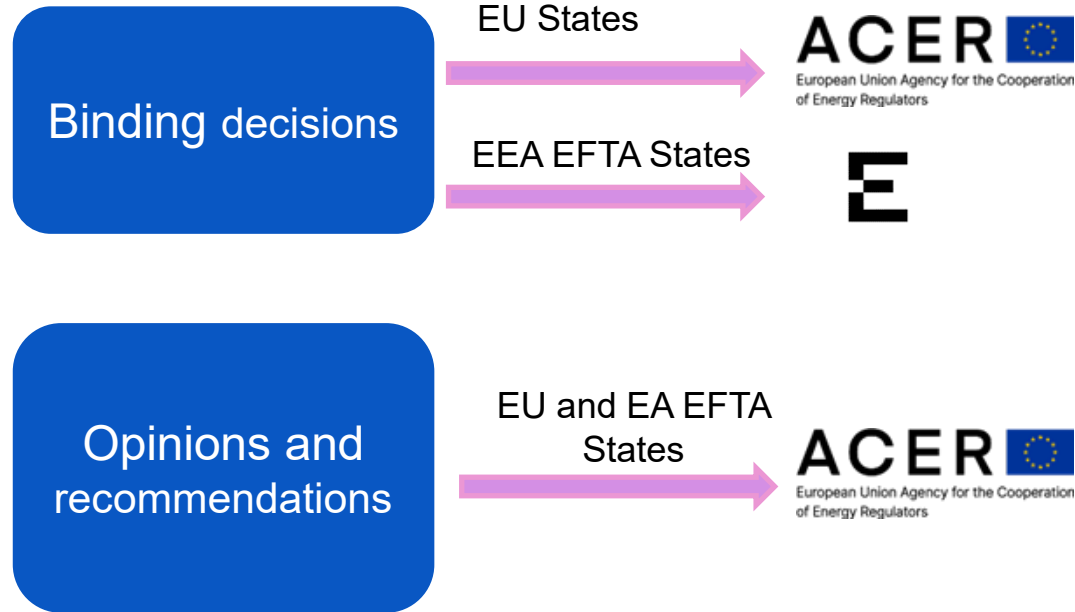
## Opinions and recommendations

- Non-binding
- Monitoring, best practices, opinion on market participants deliverables, etc.

## Decisions

- Binding
- Technical decisions
- Technical rules for the design and operation of the energy market
- Limited scope
- Cross-border effect

# The two-pillar solution in the energy sector – ESA's role





# General cooperation – ESA and ACER

## ☐ Observer at ACER bodies

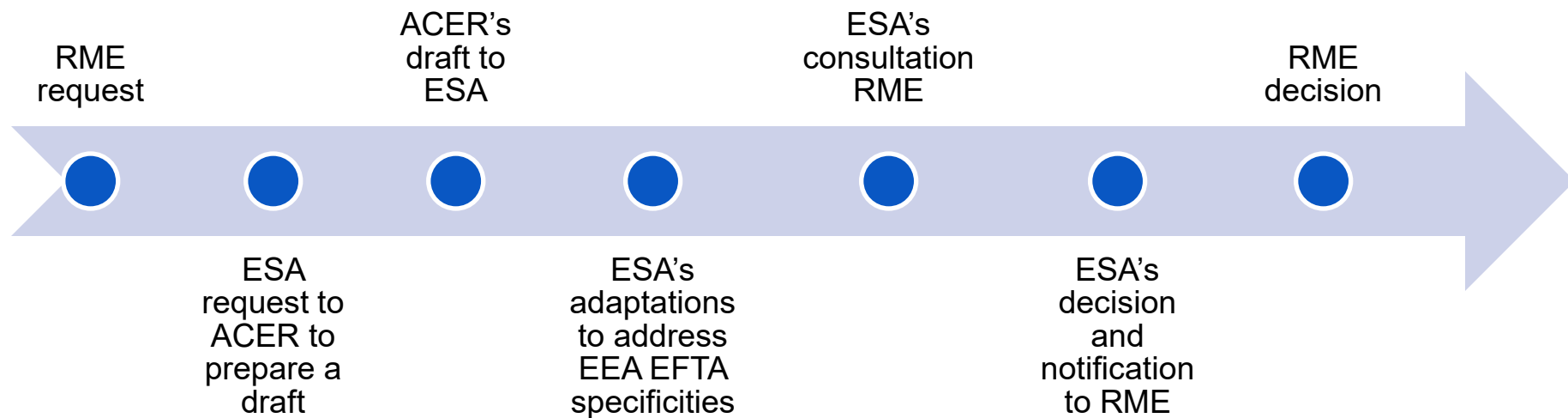
- ☐ Board of Regulators
- ☐ Working groups

## ☐ Decision making

- ☐ ESA decisions based on ACER draft
- ☐ ACER's technical expertise incorporated into ESA decision making process
- ☐ EEA specificities + homogeneity across the European Economic Area (EEA)
- ☐ Regular interactions ACER – ESA throughout the process
- ☐ ESA decisions addressed to EEA EFTA NRAs and national implementation by EEA EFTA NRAs

## ☐ Information exchange & general cooperation

# ESA's process for decisions in place of ACER



# ESA NC decisions: state of play

- 23 decisions so far
  - Capacity calculation regions
  - Technical rules for the design and operation of the day-ahead, intraday and balancing markets
  - Procedure matters
- Established process and sound cooperation with ACER and RME
- Published on ESA dedicated page:  
<https://www.eftasurv.int/internal-market/environment-and-energy/energy>

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