

ACER welcomes the 1st EU HAR draft shared by ENTSO-E. Nevertheless, ACER is concerned by the lack of details and by the individual involvement of TSOs.

- ACER welcomes the progress done by ENTSO-E for this early implementation project but **there is still work to be completed before the draft can be publicly consulted on.**

- **Missing elements in the main body of the EU HAR:** list of concerned borders, FTR options, principles for specific compensation rules (if any), ...

- **Borders specific annexes may be needed:** in particular, high firmness regimes currently in place on some borders shall be maintained through these annexes. Other specificities (e.g. compliance with national laws) shall also be considered.

- ENTSO-E is not only responsible for drafting the EU HAR, but also **for coordinating and monitoring the TSOs' work at local and regional level, i.e. drafting the "short term auction rules" and "access rules" where needed.**

- Such documents have a strong influence on the final version and are essential to stakeholders to have a clear picture.

- ACER therefore asks ENTSO-E to improve the level of details and to coordinate the individual work of TSOs on the annexes and "other rules".

- ENTSO-E shall invite TSOs to consult on the whole approval packages **also at national level in Q1 2015.**

ACER and NRAs require a few significant changes in the EU HAR from ENTSO-E before the public consultation.

- To enable NRAs to approve the rules next year, some provisions in the EU HAR shall be modified as follow :
 - **In reference to PTR remuneration, ACER's Recommendation on FCA has to be followed** (transmission losses instead of allocation constraints, remuneration for allocation other than Implicit Allocation or Explicit Allocation in the daily allocation timeframe);
 - **No reference to emergency situation for the compensation scheme before day-ahead firmness deadline** : only force majeure allows for reimbursement of initial paid price.
 - **Discrimination between nominated and non-nominated capacity** curtailed after long-term firmness deadline shall be avoided.
 - A clear process shall be defined to ensure that **border specific annexes will be periodically reviewed and reduced as much as possible.**
- **Consistency with CACM and legal robustness** shall be further double checked (see detailed comments).
- A set of detailed comments will be provided to ENTSO-E by 9 January.