

## PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

### **2018/1/MC-EnC: on the Establishment of a Coordination Group of the Energy Community Distribution System Operators for Electricity**

The Ministerial Council of the Energy Community,

Having regard to the Treaty Establishing the Energy Community, and in particular Articles 86 and 87 thereof,

Whereas Directive 2009/72/EC of 13 July 2009 concerning common rules for the internal market in electricity, as incorporated in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011, and in particular Articles 3, 24-31, and 41 thereof, set out the rules applicable to distribution system operators and retail markets;

Whereas the Treaty Establishing the Energy Community pursues the aims of developing and attracting investments in energy networks, reforms of energy sectors and integration of energy markets as instruments for stable and continuous energy supply and provision of energy to citizens,

Whereas distribution system operation and the development of retail markets plays a key role for achieving these aims,

Whereas distribution system operators develop, maintain and operate the networks, provide network access and services under regulated conditions and tariffs and secure energy supplies and support to consumers,

Whereas the evolution of markets in the Energy Community and progressing retail market opening in compliance with the *acquis* requires coherent rules and methodologies as well sharing best practices among distribution system operators,

Whereas the increasing use of renewable energy, digitalisation and smart technologies, deployment of production units within the distribution networks, entry of prosumers but also the continuous challenges of legal and functional unbundling, energy poverty, high level of losses etc. call for intensified and structured efforts to enhance the exchange information and experience between the Energy Community distribution system operators and building of their capacity,

Whereas the Energy Community Distribution System Operators in Electricity (ECDSO-E) coordination group, established informally and supported by the Secretariat, enables such communication and coordination already for several years,

Whereas the work of ECDSO has reached a level of maturity which calls for formalisation within the existing structures of the Energy Community,

Whereas the proposed approach was welcomed by the high-level representatives of the companies represented in ECDSO-E and supported by the Permanent High Level Group,

Upon proposal of the Secretariat,

HAS ADOPTED THIS PROCEDURAL ACT:

### **Article 1**

1. A coordination group of the Energy Community Distribution System Operators for Electricity ("ECDSO-E") is hereby established.
2. The activities of ECDSO-E shall be governed by Terms of Reference stipulated in the Annex to this Procedural Act.

### **Article 2**

This Procedural Act shall enter into force on the day of its adoption and is addressed to the Parties to the Energy Community.

Done in Skopje, on 29 November 2018

For the Ministerial Council

A handwritten signature in blue ink, appearing to be "A. Zhelev", written over a dotted line.

Presidency

## **ANNEX: Terms of Reference of the Energy Community Distribution System Operators in Electricity (ECDSO-E) cooperation group**

This document describes the organizational structure, activities and the responsibilities of all parties concerned within the Coordination Group of distribution system operators in electricity from the Energy Community (ECDSO-E).

### 1. General

ECDSO-E is established as a group of experts from electricity distribution network operator (DSO) undertakings in the Energy Community Contracting Parties.

It is open for participation of distribution system operators from Observer and Participant countries. Participation of the DSOs from the Energy Community in the ECDSO-E is voluntary.

### 2. Structure

The operational structure of the ECDSO-E comprises:

- a) The ECDSO-E Coordination Group plenary
- b) ECDSO-E Task Forces
- c) Technical Networks.

This document gives guidance to conveners and members of the ECDSO-E bodies, with the aim of harmonizing their activities, avoiding duplication of work and ensuring that their activities are carried out in the most efficient way in line with the Energy Community Treaty.

### 3. Format

ECDSO-E shall function in an open format with free access to events and activities by its members. ECDSO-E shall take part in the meetings Energy Community Security of Supply Coordination Group and in its activities, where appropriate.

ECDSO-E shall organize meetings, and electronically or web based coordination and activities, facilitated by the Secretariat.

Access to specific data and files of ECDSO-E, in particular access to consultation papers and database may be limited where required. Limitations may be requested by reasoned request of a participating DSO.

### 4. Tasks

ECDSO-E provides the format for discussion of all questions pertinent to DSO operation and functioning related to implementation of provisions of the Energy Community Treaty.

In particular its tasks will be:

- a) to facilitate and harmonize the implementation of the Directive 2009/72/EC and Directive 2005/89/EC and to elaborate guidance documents where necessary;
- b) to follow up conformity of practices, processes and activities in the field relevant for DSO operation and issue assessments and official positions;
- c) to discuss and, where appropriate, to develop a common view on issues to be discussed and agreed upon in the ECDSO-E and to be presented to other stakeholders;
- d) to support individual DSOs in the implementation of their tasks and obligations agreed upon by ECDSO-E and to coordinate related activities where appropriate;

- e) to follow up development of new rules and regulations and issue recommendations for implementation;
- f) to support DSOs in the management of transition (guidelines, recommendations of best practices, peer to peer consultations);
- g) to establish and maintain liaisons with other European and/or regional cooperation bodies by appointing a dedicated liaison person;
- h) to cooperate with relevant stakeholders of the Energy Community, especially as far as the implementation of the provisions pertinent to DSOs is concerned;
- i) to cooperate with the institutions and bodies of the Energy Community;
- j) to nominate representatives to joint working groups with other stakeholders, and to maintain liaison as required;
- k) to set up, develop and maintain the DSO electronic platform, by:
  - maintaining the annual questionnaire dataset for benchmarking database;
  - developing and making available other datasets in the content and format agreed upon by ECDSO-E, such as quality of service indicators, network costs and tariffs, investment dynamic and structure, connection of small installations.

## 5. Composition

5.1. Membership in the ECDSO-E Coordination Group is defined as follows:

- representatives of all interested DSO from the Energy Community, including Observers and Participants to the EnC Treaty, nominated to the Group;
- experts and officials of the Secretariat and the European Commission;
- representatives of other stakeholders nominated to liaise with the ECDSO-E or invited by the Chairperson or by the Secretariat;

5.2. The Secretariat shall provide overall logistic support for ECDSO-E.

5.3. The ECDSO-E Coordination Group may decide to establish special task forces, with an appointed convenor, and to study a precisely defined problem and report back on it. The task forces are automatically disbanded after presenting their final results.

5.4. All conveners of the task forces are nominated by the ECDSO-E for a defined period. Candidates are proposed by the members of ECDSO-E to the Chairperson.

5.5 ECDSO-E shall nominate members for the Joint Working Groups and upon request, to the Technical Networks task forces.

## 6. Governance

6.1 ECDSO-E shall nominate and appoint a Chairperson and two Vice Chairpersons for a period of two years.

6.2. One expert appointed by the Secretariat shall be the Moderator of ECDSO-E activities.

6.3. The work of ECDSO-E is led by a team consisting of the Chairperson, Co-Chairs and the Moderator. They shall normally communicate by means of telecommunication.

## 7. Meetings of ECDSO-E

7.1. ECDSO-E will meet when considered necessary upon a motion of the Chairperson of ECDSO-E, the Secretariat, or at least one third of ECDSO-E's members. ECDSO-E will normally meet twice a year.

- 7.2 The Secretariat will provide logistic support and expert assistance for ECDSO-E meetings.
- 7.3. A draft agenda will be distributed at least two weeks before each meeting. Draft conclusions will be distributed within two weeks after the meeting for approval by the members.
- 7.4. The Secretariat will prepare and organize workshops, when considered useful, following the conclusions of ECDSO-E.

## 8. Task Forces

- 8.1. Task Forces can be established for well-defined tasks. Terms of Reference will be defined by ECDSO-E. Task Forces will report to ECDSO-E at each meeting. A clear time frame for each task shall be defined.
- 8.2. Convenors are nominated by ECDSO-E.
- 8.3. Members of the Working Groups may be representatives of DSOs, representatives from interested parties and other stakeholders, including transmission system operators, generators and regulatory authorities. They are invited by the Convenors.
- 8.4. The Task Forces will be disbanded as soon as their tasks are carried out.
- 8.5. The Task Forces will co-ordinate their activities with the activities of other working groups within the Energy Community framework, as well as other regional and European co-operation institutions and initiatives. They will exchange results with these groups whenever possible.
- 8.6. Task Forces will meet when considered necessary by their convenors or by the Secretariat or by ECDSO-E. Meetings can be web meetings, as considered appropriate by Convenors. Invitations to the meetings will be distributed among the members of the groups and sent to all members of ECDSO-E at least two weeks before each meeting.
- 8.7. Task Forces will send copies of their minutes to the ECDSO-E Chair for distribution to ECDSO-E members within two weeks after the meeting and report to ECDSO-E at each meeting.
- 8.8. The ECDSO-E Moderator will keep a list of the active task forces, their tasks and composition.
- 8.9. Joint Working Groups are expert teams working jointly with other organizations or bodies of the Energy Community under the work plan of the SoS CG. They will follow the same rules as Task Forces, unless otherwise agreed upon by the organizations concerned.

## 9. Technical networks (TNs)

- 9.1 The TNs are established to stimulate discussion and harmonisation in selected technical fields. The TNs operate by suitable electronic means and are moderated by the Secretariat.
- 9.2. The TNs offer to the ECDSO-E members an informal platform for discussion and exchange of experience and of technical expertise and assessors. TNs can hold a physical meeting when necessary, with the logistics support of the Secretariat
- 9.3. The members of the TNs are the nominated persons actively engaged in the particular field of the TN.

9.4. The ECDSO-E evaluates the work of and the need for TNs biannually. New TNs are established based on the need and interest of the ECDSO-E members following the conclusion of the meetings.

9.5. The Secretariat will keep a list of the active networking groups, their tasks and composition.