Minutes of the 45th ECRB Meeting

9 June 2020, 10:00-13:00

Web conference

1. Opening

The ECRB welcomed the regulatory authorities´ participants and confirmed the (virtual) presence quorum necessary for ECRB decision making.

2. Agenda of the 45th ECRB meeting (approval)

The President introduced the draft agenda and announced the following adjustments:

1. Changes to the ECRB Internal Rules of Procedure will be postponed (for written approval or approval at the next ECRB) due to comments received by AERS that require further discussion.
2. Approval of the ECRB Procedural Act on cooperation and coordination of Contracting Parties NRAs under the REMIT Regulation (including annexes) should be turned into a written approval procedure.
3. Approval of the ECRB Annual Report 2019 should be turned into a written approval procedure.

Mr Stefanovic supported in particular above items (1) and (2) noting that the related meeting material has not been made available before the ECRB meeting. Mrs Grall-Edler confirmed accordingly and explained that further discussions on these documents are needed based on comments received from individual regulators.

Conclusions / Action Points: The agenda has been approved for upload on the Energy Community website (short version public; long version restricted) with the following adjustments: changes to the ECRB Internal Rules of Procedure will be postponed (for written approval or approval at the next ECRB); approval of the ECRB Procedural Act on cooperation and coordination of Contracting Parties NRAs under the REMIT Regulation (including annexes) and approval of the ECRB Annual Report 2019 will be performed by written approval procedure.

3. Minutes of the 44th ECRB meeting (approval)

The President introduced the draft minutes. Mrs Grall-Edler informed that comments have been submitted before the meeting by Mr Stefanovic related to the conclusion on the proposed change of the ECRB Internal Rules of Procedure. Mr Stefanovic further elaborated that, according to the understanding of AERS, the 44th ECRB meeting neither agreed on a tacit agreement clause for written approval procedure nor on a simple majority threshold for agreement on ECRB working group and plenary level for ECRB deliverables (i.e. reports et al other than measures following empowerment by the Ministerial Council).

Rather, according to the understanding of AERS, Mrs Grall-Edler only presented a summary of proposals discussed on ECRB working group level.

The ECRB President and Mrs Grall-Edler noted that, according to their memory, the 44th ECRB indeed agreed on tacit agreement clause for written approval procedures and a simple majority threshold for agreement on ECRB working group and plenary level for ECRB deliverables (i.e. reports et al other than measures following empowerment by the Ministerial Council) without veto of the representative of AERS. This statement has not been challenged by other participants of the 45th ECRB meeting.

For compromise, the President suggested to adjust the minutes of the 44th ECRB meeting to refer to proposals discussed on ECRB working group level and invited the ECRB Section to come up with a compromise solution for the change of the ECRB Internal Rules of Procedure.

Conclusions / Action Points: The draft minutes have been approved including the suggested changes for upload to the Energy Community website. The ECRB Section shall develop a compromise solution for the change of the ECRB Internal Rules of Procedure and provide for either written ECRB approval or approval at the next ECRB meeting.

4. ACER developments (information)

[Ref. presentation Mr Hesseling]

Mr Hesseling updated the participants on recent ACER developments. Mr Hesseling informed that ACER is currently testing possibilities for electronic voting in virtual meetings.

Mrs Grall-Edler informed that joint monitoring activities on retail markets in the EU and Contracting Parties are under discussion for 2021, highlighted the COVID-19 related papers published by the Energy Community Secretariat on related NRA measures, liquidity, post-COVID-19 financial instruments and DSO measures (available at: https://www.energy-community.org/news/Energy-Community-News/2020/04/28.html).

Mrs Veljanovska asked about the status of ERC's application for observership in ACER. Mr Hesseling informed that the assessment is processed in ACER but delayed due to significant work load at ACER. He also noted that first considerations would suggest an ACER agreement for observership in all ACER working groups, not individual. Mrs Grall-Edler offered coordination between ACER and ERC, if needed, noting the positive assessment of the Secretariat for ERC observership in ACER working groups.

Conclusions / Action Points: no conclusion required; agenda item for information.

5. Recent regulatory developments in the Contracting Parties (information)

[Ref. presentations]

The President invited participants to reflect in their updates also on regulatory measures in context with the COVID-19 pandemic and suggested that updates at upcoming ECRB meetings should also focus on aspects related to ongoing ACER activities.

- Albania: the COVID-19 related lockdown started on 11 March 2020, a step-wise release is envisaged for end of May 2020; regulatory measures included a switch to increased online services of the ERE, an automatic prolongation of licenses and replacement of meter reading until July 2020 by use of reference load values of the same month in the last year; as of March 2020 also customers connected to 35kV are free to switch their supplier;
- Bosnia and Herzegovina: cf. presentation;
- Georgia: due to COVID-19 a significant drop of consumption has been observed; a new energy efficiency law has been approved;
- Kosovo*: cf. presentation;
- Moldova: a dispute on recognition of gas losses in the period 2011-2019 is currently mediated by the Energy Community Secretariat; new entry exit tariffs for gas are expected to be approved on 9 June 2020; Moldovagas is currently testing the RBP gas capacity allocation platform;
- Montenegro: cf. presentation;
- North Macedonia: cf. presentation;
- Serbia: cf. presentation;
- Ukraine: cf. presentation.

Mrs Grall informed about summary documents on COVID-19 related measure of regulators and DSOs as well as on financial impacts and support mechanisms that are available on the Energy Community website (https://www.energy-community.org/news/Energy-Community-News/2020/04/28.html).

Conclusions / Action Points: For the upcoming ECRB meetings NRAs should limit national updates to a 5 minutes presentation and also focus on aspects related to ongoing ACER activities.

6. Customers & Retail Markets Working Group (information)

[Ref. presentation Mr Zametica]

Mr Zametica provided an overview of the ongoing CRM WG activities (ref. presentation).

Conclusions / Action Points: no conclusion required; agenda item for information.

7. Electricity Working Group (information)

[Ref. presentation Mrs Knezevic]

Mrs Knezevic provided an overview of the ongoing EWG activities (ref. presentation).

As regards the presentation of a proposal for implementation of the CACM Regulation 1222/2015 and FCA Regulation 1719/2016 by the Secretariat at the last EWG meeting, Mr Stefanovic noted that such concept should be discussed with and presented to the Contracting Parties' Ministries as competent bodies for adopting new acquis and developing related national legislation. Mrs Grall explained that the same procedures as applied for adaptation of so-far adopted gas and electricity network code Regulations is envisaged to be applied, namely discussion of documents with the regulators, TSOs, PXs and MOs of all Contracting Parties and, having in mind the market coupling character of the CACM Regulation, also

neighboring EU Member States ('CACM and FCA working group'). Ministries will be informed in the course of the regular PHLG meetings on the status of discussion, the adapted versions of the CACM and FCA Regulations as agreed by the CACM and FCA working group will be finally tabled for adoption by the PHLG. If interested, Ministries can also participate in the technical discussions of the CACM and FCA working group. ECRB will be consulted in addition to the CACM and FCA working group involvement of the individual regulators via the EWG and, finally, ECRB. As for previous adoption of network code Regulations and based on existing Procedural Acts of the PHLG and ECRB, ECRB will also be officially invited to provide an Opinion to the PHLG before envisaged adoption of the Regulations.

Conclusions / Action Points: The EWG report on electricity forward markets and the bi-annual electricity market monitoring report will be submitted for written ECRB approval.

8. Gas Working Group (information)

[Ref. presentation Mrs Stratulat]

Mrs Stratulat updated on recent GWG developments (ref. presentation).

Conclusions / Action Points: no conclusion required; agenda item for information.

9. REMIT Working Group (information)

Mr Radheshi updated on ongoing REMIT working group developments and suggested that approval of the ECRB Procedural Act on cooperation and coordination of Contracting Parties NRAs under the REMIT Regulation (including annexes) should be done in a written approval procedure.

Mr Stefanovic remarked that approval of REMIT related ECRB procedures would be too early having in mind that not all Contracting Parties have transposed the REMIT Regulation so far and regulators therefore lack related powers for monitoring, registration etc. Mrs Grall explained that the intention of the draft ECRB Procedural Act was to provide support to the regulators of those Contracting Parties that already transposed the REMIT Regulation by establishing cooperation procedures but also presenting templates for e.g. registration, notification, non-disclosure agreements etc that base on EU practice and can be used in the REMIT implementation process by regulators. The draft ECRB Procedural Act remains however legally non-binding and therefore also does not impose obligations on regulators of those Contracting Parties for which the REMIT Regulation has not been transposed yet.

Conclusions / Action Points: approval of the ECRB Procedural Act on cooperation and coordination of Contracting Parties NRAs under the REMIT Regulation (including annexes) will be done in a written approval procedure.

10. AOB

Mrs Grall gave an overview of the upcoming Energy Community events, including the 2020 Athens Forum that is scheduled for 16-17 June 2020 in an online format.

Conclusions / Action Points: no conclusion required; agenda item for information.

11. Next meeting

The next meeting will take place on 15 September 2020 in Athens (to be replaced by a virtual meeting, if needed in case of continuation of COVID-19 lockdowns).

Annex – List of Participants

Name	Institution
ANICIC, Jelena	REGAGEN
ANOTOVA, Elena	NEURC
BISLIMOSKI, Marko	ECRB Presidenr
DERMENJI, Ariana	ANRE
FEJULLAH, Imer	ERO
GACHECHILADZE, Zviad	GNERC
GALANTE, Maria Teresa	
GRALL-EDLER, Nina	ECS
HESSELING, Dennis	ACER
KLLOKOQI, Arben	ECS
KNEZEVIC, Milica	EWG chair, REGAGEN
KOLEVSKA, Elena	ERC, EWG co-chair
KRINSKI, Adam	HEA
PREINSTORFER, Dietmar	E-Control
PROSMITRELLIS, Konstantinos	RAE
RADESHI, Elton	ERE
STEFANOVIC, Nenad	AERS
STRATULAT, Elena	GWG chair, ANRE
VELJANOVSKA, Natasha	ERC
VIGNE, Aleksander	EC, ECRB Vice-Presidency
VILIC, Daniela	E-Control
ZAMETICA, Edin	CRM WG chair, SERC