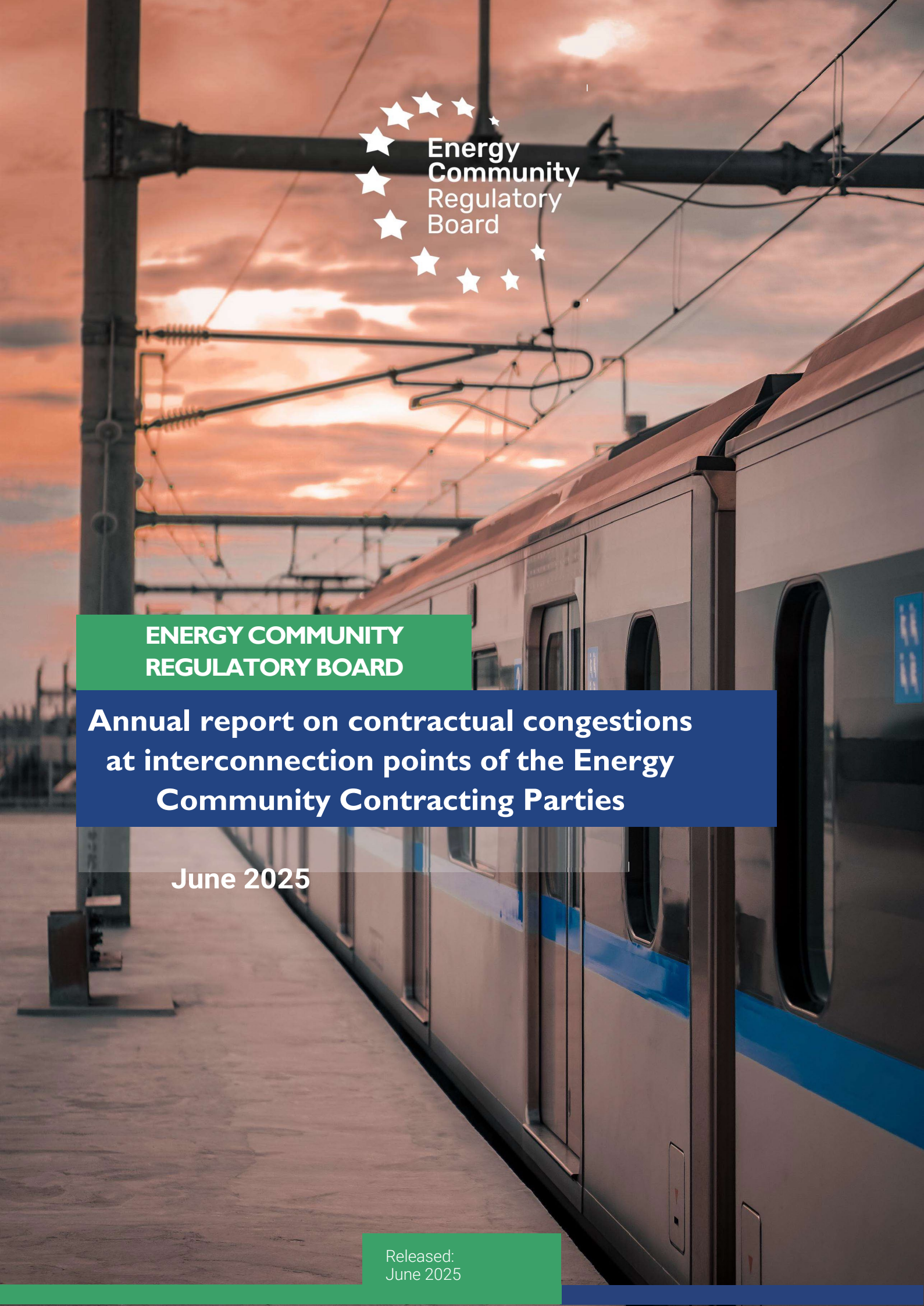

ENERGY COMMUNITY
REGULATORY BOARD

Annual report on contractual congestions at interconnection points of the Energy Community Contracting Parties

June 2025

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1. INTRODUCTION

About ECRB

The Energy Community Regulatory Board (ECRB)[1] operates based on the Energy Community Treaty. As an institution of the Energy Community, the ECRB advises the Energy Community Ministerial Council and Permanent High Level Group on details of statutory, technical and regulatory rules and makes recommendations in the case of cross-border disputes between regulators. ECRB is the independent regional voice of energy regulators in the Energy Community. ECRB's mission builds on three pillars: providing coordinated regulatory positions to energy policy debates, harmonizing regulatory rules across borders and sharing regulatory knowledge and experience.

Background

Congestion management procedures in the event of contractual congestion have been included in the *acquis communautaire* (acquis) of the Energy Community, in the form of a Decision of the Permanent High Level Group[2], on 12 January 2018. The deadline for implementation of this decision was set to October 2018. According to paragraph 2.2.1(2) of the Annex 1 to Regulation (EC) 715/2009 on conditions for access to the natural gas transmission networks, as amended at EU level by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015[3] (hereafter 'CMP Guidelines'), the ECRB has to publish by 1 June of every year, commencing with the year 2020, a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the previous year, taking into consideration, to the extent possible, capacity trading on secondary market and the use of interruptible capacity.

The present report serves as a basis for implementation of firm-day-ahead use-it-or-lose-it mechanism ('FDA UIOLI'), as prescribed by paragraph 2.2.3 (1) of the CMP Guidelines. Namely, the national regulatory authorities (NRAs; regulators) should require transmission system operators (TSOs) to apply FDA UIOLI if, on the basis of this report, it is shown that at interconnection points (IPs) demand exceeded offer at the reserve price when auctions are used in the course of capacity allocation procedures in the year covered by the monitoring report for products for use in either that year or in one of the subsequent two years:

[1] www.energy-community.org. The Energy Community comprises the EU and Albania, Bosnia and Herzegovina, North Macedonia, Georgia, Kosovo*, Moldova, Montenegro, Serbia and Ukraine. Armenia, Turkey and Norway are Observer Countries. Throughout this document the symbol * refers to the following statement: This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Advisory Opinion on the Kosovo declaration of independence.

[2] Decision No 2018/01/PHLG-EnC of the Permanent High Level Group of the Energy Community of 12 January 2018 on amending Annex I to Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks, as amended at EU level by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015 (https://www.energy-community.org/dam/jcr:c7dde5f9-a070-48c9-9a9e-a07677e7206f/Decision_2018_01_PHLG.pdf).

[3] ANNEX I to Regulation (EC) NO 715/2009 on conditions for access to the natural gas transmission networks, as amended at EU level by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015 https://www.energy-community.org/dam/jcr:d0f7d046-57cb-479a-a39a-9bce06065155/Regulation_715_2009_GAS.pdf

(a) for at least three firm capacity products with a duration of one month or

(b) for at least two firm capacity products with a duration of one quarter or

(c) for at least one firm capacity product with a duration of one year or more or

(d) where no firm capacity product with a duration of one month or more has been offered.

In the following years, if the ECRB report on contractual congestions shows that a situation described above is unlikely to reoccur in the following three years, the NRAs may decide to terminate the FDA UIOLI mechanism.

Scope and methodology

The concept of contractual congestion is defined in Article 2(21) of the Regulation (EC) 715/2009 as a situation where the level of firm capacity demand exceeds the technical capacity. The procedures set by the CMP Guidelines target reducing contractual congestions, if identified. In case the transmission capacity is allocated via auctions, it is clear that a contractual congestion exists, if the auction is cleared with an auction premium.

In the Energy Community Contracting Parties (hereafter 'Contracting Parties'), capacity allocation was performed based on Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) 984/2013 (hereafter 'CAM NC') in the reporting period, in Ukraine, where the CAM NC is applied since June 2020[4] and Moldova, where it is applied as of November 2022[5]. In Serbia, on the IPs of the transmission system operator *Gastrans*, only non-exempted short-term capacity is allocated based on CAM NC. The information on actual capacity demand and allocation was provided by the NRAs of the Contracting Parties, except for Ukraine, where the data was provided by the transmission system operator. In addition to capacity demand, other possible indicators of contractual congestion as well as the implementation of the CMP Guidelines were analyzed.

The present report covers IPs between adjacent entry-exit systems between the Contracting Parties with an operational gas market as well as between the Contracting Parties and neighboring EU Member States, whereby the information on the latter is available only for the Contracting Parties' side of the IP. IPs of Georgia are not covered in this report, as CAM NC is not applicable.

The report reflects the status quo with regard to capacity demand in 2024, 2025 and 2026. The information on the CMP Guidelines' implementation relates to 2025.

[4] Since 06.07.2020, all capacities at IPs are allocated in line with the CAM NC. However, it has to be noted that the allocated capacity is not bundled at IPs, as required by Article 19 of CAM NC. The Ukrainian transmission network code stipulates rules for bundling of capacity at these points, according to which bundling is subject to agreement of neighboring transmission system operators. Such agreements were not in place in 2024.

[5] As in Ukraine, the capacity is allocated as unbundled.

2. FINDINGS

Capacity bookings

In 2024, only capacity bookings for that year were recorded at IPs between Contracting Parties and between Contracting Parties and EU Member States, except in Serbia, where transmission system operator *Gastrans* operates under the exemption regime until 2040 and allocates yearly capacity until then. The summary of capacity bookings is as following:

- In Moldova, capacity was allocated on quarterly, monthly and daily basis on IP with Romania (Ungheni) and on daily level on IPs with Ukraine (Oleksiivka and Grebenyky). During the auctions no premium occurred, meaning that the criteria prescribed by paragraph 2.2.3 (1) of the CMP Guidelines were not met.

- In North Macedonia, all capacity was booked on monthly basis, however not in auctions. The capacities were allocated based on the information from the plan for forecasted quantities of natural gas in the natural gas transmission agreement, and then, before the beginning of each month, from the contract between shippers and their partners from the other side of the IP. There was neither contractual nor physical congestions, because there was sufficient technical capacity on the North Macedonian IP side in 2024.

  In Serbia, the capacity at IPs is allocated based on the Serbian TSO's *Transportgas Serbia* invitation published on its web page and corresponding applications of network users. In case demand is higher than the available capacity, the allocation is done proportionally to the requests – meaning pro-rata allocation applied in case of congestion. Capacity is offered for the next three gas years. *Transportgas Serbia* have offered yearly, monthly and daily capacity. However, the Serbian transmission system operator excluded the entry points Kiskundorzma/Horgos from Hungary, Kalotina/Dimitrovgrad from Bulgaria and Gastrans-IP Serbia from the "Invitation for contracting annual firm capacity" in 2024.

  For the second TSO in Serbia – *Gastrans*, unbundled short-term capacity at IPs with Bulgaria and Hungary is allocated on the Hungarian booking platform (RBP).

  Thus, there are five IPs analyzed in Serbia, where nearly 90% of technical capacity was booked by yearly products at the IP Zajecar (entry point from Bulgaria to Serbia), IP Kiskundorzma 2 (exit point from Serbia to Hungary), and around 70% of technical capacity was booked by yearly product at the IP Zvornik (exit point from Serbia to Bosnia and Hercegovina). Two shippers ordered yearly capacity at the IP Zvornik, three at the IP Zajecar and two shippers at the IP Kiskundorzma 2. Ten shippers booked capacity on IP Zajecar and on IP Kiskundorzma 2 in 2024. At the IP Horgos (entry

point in Serbia from Kiskundorzma in Hungary), daily capacity was booked in the winter months by one shipper. Maximum daily flow was 27% of the technical capacity, but average capacity utilization in four months with booked capacity was below 20%.

At *Gastrans* IPs, demand exceeded offer and there was an auction premium for monthly capacity on the IP Zajecar (November 2024), and on the IP Kiskundorzma 2 for monthly capacity (October 2024 and November 2024). Nevertheless, none of the criteria prescribed by paragraph 2.2.3 (1) of the CMP Guidelines were met.

- In Ukraine, all IP capacities have been allocated via auctions. At the border with Poland, the GSA capacity allocation platform is used, at the other borders the RBP capacity allocation platform. All types of products (quarterly, monthly, daily and intra-day) were offered and booked at almost all IPs.
  During auctions held in 2024 in Ukraine, none of the criteria prescribed by paragraph 2.2.3 (1) of the CMP Guidelines were met. The auction premium was in place only for one monthly and one daily product. Firm daily capacity products and capacity products with a duration of one month and more were offered at all IPs (where there was a possibility within the requirements of interconnection agreements). The highest number of participants in the capacity auctions was five.

The information on capacity bookings at IPs in Serbia, Ukraine, North Macedonia and Moldova is available in Annex I of this report.

Based on the information on capacity bookings in the Contracting Parties in 2024, it can be concluded that there were no contractual congestions on the analyzed interconnection points.

Other possible indicators of contractual congestion

In cases where auctioning of capacity was not implemented, another set of indicators was used, as agreed by the ECRB Gas Working Group. These indicators should point out to a demand for capacity exceeding the offer. In this respect, the following aspects were analyzed for the IPs of the Contracting Parties:

- ✓ Whether there was any unsuccessful capacity request;
- ✓ Whether there was any non - offer of capacity;
- ✓ Whether there was any interruptible capacity offer and, if so, whether there was any booking of interruptible capacity; and
- ✓ Whether there was any trade of capacity on secondary market.

The responses reveal that there was no unsuccessful capacity request for the IPs of the Contracting Parties. The transmission system operators of the Contracting Parties did not publish any information on the occurrence of unsuccessful capacity request for firm capacity products.

Non - offer of firm capacity could indicate that the firm capacity is fully booked or that a part of capacity is withdrawn from the market, whereby the first indication may point out to an existence of contractual congestion and the second reveals the lack of third party access to the transmission capacity. In Serbia, *Gastrans* saw fully reserved capacity in certain period of the year, on some IPs, followed with high average capacity utilization. For example, on IP Kiskundorzma 2, average capacity utilization was 92,4% in 2024. Non-offer of capacity by *Transportgas* Serbia, as described in the previous chapter, signals the lack of third-party access on three IPs.

Booking of interruptible capacity at an IP, other than for backhaul, may also suggest that capacity demand exceeds capacity offer. It is also a requirement of Article 2.2.1 of the CMP Guidelines to take into consideration the use of interruptible capacity when monitoring congestions at IPs.

In Ukraine, capacity at the IP Uzgorod (entry from Slovakia), IP Orlovka-Isaccea I (entry from Romania) is offered on interruptible basis, as prescribed by the relevant interconnection agreements. However, according to the regulatory authority of Ukraine, these offers of interruptible capacity do not point towards contractual congestions. Rather, capacity is offered on an interruptible basis due to the conditions of Interconnection agreements signed between TSOs.

In Moldova, capacity on exit points with Ukraine: Oleksiivka, Grebenyky and Caushany, is also offered on interruptible basis. Similarly to Ukraine, the usage of interruptible capacity does not point out to contractual congestion.

ECRB investigated whether there was any trading of IP capacities on the secondary market in 2024. Based on the information provided by the NRAs, there was no such a commercial activity in the Contracting Parties except for Serbia where the bilateral transfer of quarterly and monthly capacities took place on two IPs (on the IP Kiskundorzma 2 – two quarterly capacity products and on the IP Zajecar – one quarterly and four monthly capacity products).

Implementation of congestion management procedures

Application of congestion management procedures in the event of contractual congestion is an obligation introduced by the CMP Guidelines. Capacity made available after congestion management procedures has to be offered by transmission system operators in the regular allocation process. For the purpose of this report, the regulators were asked to provide an overview of the congestion management procedures implemented by their respective transmission system operators.

In none of the Contracting Parties, congestion management procedures were applied until June 2024.

3. CONCLUSIONS AND RECOMMENDATIONS

Identification of possible contractual congestions in the Contracting Parties was carried out by analyzing the capacity bookings performed by using auctions (Ukraine, Moldova and one transmission system operator in Serbia), but also other methods of allocation. The information was provided by the NRAs or, for Ukraine, by the transmission system operator. Additionally, other possible indicators of contractual congestion as well as the implementation of CMP Guidelines were analyzed.

Based on the information on capacity bookings in the Contracting Parties in 2024, it can be concluded that there were no contractual congestions on the analyzed interconnection points. Other possible indicators did also not point out to existence of contractual congestions. Therefore, with reference to Articles 2.2.1 and 2.2.3 of CMP Guidelines, **the ECRB concludes that the national regulatory authorities of the Contracting Parties do not have to request transmission system operators to apply firm day-ahead use-it-or-lose-it mechanism.**

Although the ECRB identified a number of obstacles stemming from data availability, consistency and reliability during this analysis, the compliance **with transparency related provisions of Regulation (EC) 715/2009 and, in particular, Annex I of that Regulation, improved over the years. The transmission system operators are encouraged to further increase transparency.**

Finally, ECRB invites Governments, national regulatory authorities and transmission system operators of the Contracting Parties to **enable full implementation of the CMP Guidelines** where it has not been reached so far. **Furthermore, the implementation of CAM NC on interconnection points between the Contracting Parties and between the Contracting Parties and EU Members States, including the allocation of bundled capacity, is strongly recommended for the benefit of better market integration.**

ANNEX I - Technical and booked capacity

Interconnection point	Information on capacity
Data by Transportgas Srbija	
IP Kiskundoroszma - Horgos Hungary to Serbia	Technical capacity: 141,977,184 kWh/day. One shipper booked 69 daily capacities in January, February, November and December. Daily peak flow was 38,313,600 kWh/day in January.
IP Dimitrovgrad Bulgaria to Serbia	Technical capacity: 13,081,624 kWh/day. Monthly capacity was booked in all months except January by one shipper. Daily capacity was booked in January by one shipper. Daily peak flow was 12,210,000 kWh/day in December.
IP Zvornik Serbia to Bosnia and Herzegovina	Technical capacity: 21,000,000 kWh/day. Two shippers booked 14,312,816 kWh/day yearly capacity. Daily peak flow was 14,147,984 kWh/day in December.
Data by Gastrans	
IP Zajecar Bulgaria to Serbia	Technical capacity: 366,731,712 kWh/day. Three shippers booked yearly capacity: 330,053,520 kWh/day. One shipper booked 36,678,192 kWh/day quarterly capacity for January – March and two shippers booked 12,240,000 kWh/day quarterly capacity for October – December. Monthly capacity was booked in period April – December every month by one or two shippers. Daily capacity was booked in period March – November by one, two or three shippers in the month.

	The daily peak flow was 351,984,904 kWh/day in November.
IP Kiskundorzma 2 Serbia to Hungary	Technical capacity: 245,765,592 kWh/day. Three shippers booked yearly capacity: 221,189,016 kWh/day. One shipper booked 24,576,576 kWh/day quarterly capacity for Apil – June, one shipper booked 24,576,576 kWh/day quarterly capacity July – September and four shippers booked 17,451,888 kWh/day quarterly capacity for October – December. Monthly capacity was booked by one shipper in March, October and December and by two shippers in November. Daily capacity was booked by one shipper in March and by two shippers in April. The daily peak flow was 255,669,550 kWh/day in October.
Data by ERC	
IP Zdilovo – Kuystendil Bulgaria to North Macedonia	Technical capacity: 32,470,000 kWh/day. Monthly capacity was booked in all months by two to six shippers. The daily peak flow was 19,245,166 kWh/day in January.
Data by TSOUA	
GCP Gaz-System/UA TSO (VIP) Ukraine to Poland	Technical capacity: 42,560,000 kWh/day firm and 94,696,000 kWh/day interruptible: 1 January - 29 February 2024. 67,800,000 kWh/day firm and 69,456,000 kWh/day interruptible: 1 March - 31 December 2024.

	Three daily capacity products were booked, one in January, one in August and one in November 2024. The biggest allocated amount of capacity was 7,221,804 kWh/day in August.
GCP Gaz-System/UA TSO (VIP) Poland to Ukraine	Technical capacity: 137,256,000 kWh/day. Monthly (January, July and September) and daily products were booked in eight months. Monthly capacity was booked by one shipper, and daily capacity was booked by one shipper in May, three in December and by two shippers in all other months. The daily peak flow was 124.488.000 kWh/day in September.
IP Budince Slovakia to Ukraine	Technical capacity: 446,880,000 firm: 1 January- 31 March 2024, 18 December - 31 December 2024. 287,280,000 firm and 159,600,000 interruptible: 1 April - 17 December 2024. 30 daily capacities were booked by one shipper in October. Daily peak flow was 18,088,000 kWh/day.
IP Budince Ukraine to Slovakia	Technical capacity: 202,160,000 kWh/day. Monthly capacity was booked in January by two shippers and in February, March and April by one shipper. Daily capacity was booked one day in February and May and two days in June. The daily peak flow was 44.688.000 kWh/day in February.
IP Uzgorod - Velke Kapushany, Ukraine to Slovakia	Technical capacity: 2,989,840,000 kWh/day. 1,105,496,000 kWh/day product: 1 January - 30 September 2024. One shipper booked 1,105,496,000 kWh/day quarterly capacity for October – December. Monthly capacity was booked in January by two shippers and in February and March by one shipper. Daily capacities were booked in all months except July and August by one or two shippers per month. The daily peak flow was 470,288,000 kWh/day in June.

IP Uzgorod - Velke Kapushany Slovakia to Ukraine	Technical capacity: 0 kWh/day. Interruptible: 2,989,840,000 kWh/day. Daily capacities were allocated in January and May. The biggest allocated amount was 7,663,939 kWh/day in May.
VIP Bereg Hungary to Ukraine	Technical capacity: 85,120,000 firm and 896,952,000 interruptible: 1 January - 16 June 2024. 103,880,916 firm and 878,191,084 interruptible: 17 June - 31 December 2024. Daily capacities were booked every month in the period January to May and in December by one to five shippers. The biggest allocated amount was 103.208.00 kWh/day in October.
VIP Bereg Ukraine to Hungary	Technical capacity: 519,232,000 kWh/day. Interruptible: 462 840 000 kWh/day. Daily interruptible capacities were allocated in January and May. Daily capacities were booked October and November by one shipper. The biggest allocated amount was 10.640.000 kWh/day in February.
IP Orlovka - Isaccea I Romania to Ukraine	Technical capacity: 122,360,000 kWh/day firm: 1 September - 31 December. 122,360,000 kWh/day interruptible: 1 January - 31 August. One shipper booked 2,787,680 kWh/day quarterly capacity for July – September. Monthly capacity was booked in the period April – October by one to three shippers. The daily peak flow was 9,576,000 kWh/day in August..
IP Orlovka - Isaccea I Ukraine to Romania	Technical capacity: 203,224,000 kWh/day. Not used in 2024.

IP Oleksiivka Ukraine to Moldova	Technical capacity: 84,056,000 kWh/day. One shipper booked 12,768,000 kWh/day yearly capacity (product for the period 1 January - 30 September). One shipper booked monthly capacities for the period January - April. One to three shippers booked daily capacity in the period January - April. The daily peak flow was 22,344,000 kWh/day in January.
IP Ananiv Ukraine to Moldova	Technical capacity: 0 kWh/day Not used in 2024.
IP Lymanske Ukraine- Moldova	Technical capacity: 0 kWh/day. Not used in 2024.
IP Lymanske Moldova to Ukraine	Technical capacity: 0 kWh/day. Not used in 2024.
IP Grebenyky Ukraine to Moldova	Technical capacity: 383,040,000 kWh/day. One shipper booked 12,768,000 kWh/day yearly capacity (product for the period 1 January - 30 September). One shipper booked 12,768,000 kWh/day quarterly capacity for October – December. Monthly capacity products were booked in the period January – May and in December by one to three shippers. Daily capacity products were booked during the whole year except in the period July – September by one to five shippers. The daily peak flow was 123,424,000 kWh/day in January.
IP Grebenyky Moldova to Ukraine	Technical capacity: 10,640,000 kWh/day firm and 47,880,000 interruptible: 1 September - 31 December. 42,134,400 interruptible: 1 January- 31 August. One to four shippers booked daily capacity in the period April - October. The daily peak flow was 11,704,000 kWh/day in September.

IP Kaushany Moldova to Ukraine	Technical capacity: 383,040,000 kWh/day One shipper booked 904,000 kWh/day yearly capacity. One shipper booked 2,660,000 kWh/day quarterly capacity for January – March. Monthly capacity was booked in all months except the period June – Avgust by one shipper. Daily capacity products were booked in all months by one or two shippers. The daily peak flow was 7.448.000 kWh/day in October.
IP Kaushany Ukraine to Moldova	Technical capacity: 122,360,000 kWh/day firm: 1 September - 31 December. 127,680,000 kWh/day interruptible: 1 January - 31 August. One shipper booked 2,787,680 kWh/day quarterly capacity for June – Avgust. Monthly capacity was booked in June by two shippers and in Avgust by three shippers. One to three shippers booked daily capacity in the period April - October. The daily peak flow was 9.576.000 kWh/day in Avgust.
Data by ANRE	
IP MD-RO Ungheni	Technical capacity: 21,599,831 kWh/day. Not used in 2024.
IP RO-MD Ungheni	Technical capacity: 64,767,649 kWh/day. One shipper booked 5,000,000 kWh/day quarterly capacity for October – December. Monthly capacity was booked in all months except in June by one to three shippers. Daily capacity was booked in all months except in February by one to ten shippers. The daily peak flow was 50,909,406 kWh/day in December.

IP UA-MD Oleksiivka	Technical capacity: 83,740,000 kWh/day. Daily capacity was booked in the period January – May by two to three shippers. The daily peak flow was 38,547,583 kWh/day in December.
IP MD-UA Oleksiivka	Technical capacity: 127,200,000 kWh/day. Daily capacity was booked in April and August by one shipper, with very small flow 196.467 kW in April and 774 kW in August.
IP UA-MD Grebenyky	Technical capacity: 381,600,000 kWh/day. Monthly capacity was booked in January, March, April and December by one shipper per month. Daily capacity was booked by one to four shippers in all months except in July, August and September. The daily peak flow was 126,033,737 kWh/day in January.
IP MD-UA Grebenyky	Technical capacity: 10,600,00 kWh/day. Quarterly capacity was booked: 2,760,000 kWh/day by one shipper for period July – September. Monthly capacity was booked: 2.808.000 kWh/day by one shipper in July and 7,704,000 kWh/day in September by two shippers. Daily capacity was booked by one to four shippers in all months in period April – October.
IP UA-MD Kaushany - Caushany	Technical capacity: 121,900,000 kWh/day. Quarterly capacity was booked: 2,760,000 kWh/day by one shipper for period July – September. Daily capacity was booked by one to two shippers in all months in the period July – December, but it was used only in July and August. The daily peak flow was 7.314.550 kWh/day in July.
IP MD-UA Caushany - Kaushany	Technical capacity: 381,600,000 kWh/day. Firm capacity is not booked during 2024. There is an allocated flow in all months except in July and August. The daily allocated flow was 20,959,200 kWh/day in December.