Minutes of the 56th ECRB Meeting

19 December 2023, 10:00-17:00

Premises of the Greek Regulatory Authority for Energy, Waste and Water (132 Pireos Avenue, Athens) and online

1. Opening

The ECRB President, Mr. Marko Bislimoski, welcomed the ECRB regulatory authorities´ participants as well as the representatives of the European Commission and ACER. Mr. Dimitrios Fourlaris welcomed the ECRB meeting participants on behalf of RAEWW.

2. Agenda of the 56th ECRB meeting

Mr. Bislimoski introduced the agenda and asked for comments. Mr. Radeshi, Chair of REMIT WG, informed participants that the Report on effectiveness of penalties regime was not ready for approval and asked to remove it from the agenda. The Chairman of the CRM WG, Mr. Zametica, required that the approval of the Status review of implementation of customer protection rules is changed to agreement on written approval.

Conclusions / Action Points: the agenda of the 56th ECRB has been agreed with abovementioned amendments.

3. Minutes of the 55th ECRB meeting

Mr. Bislimoski invited participants to provide comments to the draft minutes of the previous meeting. No comments were provided.

Conclusions / Action Points: the minutes of the 55th ECRB have been agreed without amendments.

4. ACER developments

[Ref. presentation Ms. Geitona]

Ms. Geitona updated the participants on recent ACER developments. With respect to future ACER-ECRB cooperation relating to the implementation of the Electricity Integration Package, Ms. Geitona particularly highlighted the need to develop agile working arrangements building on current structures and tested before formalising. She also stressed that early awareness of key issues as well as constructive discussions would be key elements of the cooperation.

Taking into account that ACER Rules of Procedure envisage three days for approval by correspondence, Ms. Marsenic stated that the ECRB Procedural Act, currently under revision of the legal service of the European Commission, should be adjusted to accommodate the shorter deadline for ECRB approvals by correspondence for the purpose of responding to ACER.

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

5. Regulatory developments in the CPs since the last ECRB Meeting

[Ref. presentations by AERS, ANRE, ERC, ERE, ERO, NEURC, REGAGEN, SERC]

The regulatory authorities of all Contracting Parties provided the updates on energy sector and regulatory developments in their jurisdictions. The presentations are available on the Energy Community web page, restricted meeting folder. The update by GNERC was provided without the slides.

- Georgia: two new commissioners will take over functions as of 2024; penalties for companies not providing data for market monitoring introduced; net metering program developed; RED II submitted for public consultation.

In addition to providing updates on Albanian energy market, Mr. Radeshi pointed out that the ECRB should intensify its cooperation with CEER and MEDREG with a view to increasing knowledge and best practice sharing among regulators.

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

6. Financial independence of the NRAs in the Contracting Parties

[Ref. presentations by AERS, ANRE, ERC, ERE, ERO, REGAGEN, SERC]

With reference to the agreements of the last ECRB meeting, the President invited the regulatory authorities of Contracting Parties to provide presentations on legal background and practical challenges of financial independence. All CP NRAs, except Ukraine, presented the required information.

Mr. Bislimoski invited the ECRB Section and the NRAs to prepare a status review and recommendations for financial independence of regulators. Mr. Lorkowski, Director of the EnC Secretariat, suggested that, in addition to financial independence, the NRAs should also analyze their functional independence. Furthermore, he expressed the Secretariat's readiness to perform individual independence assessments on regulator's request (ref. https://www.energy-community.org/dam/jcr:4c176023-d2cf-4dda-956d-fe65308b7503/Note17_NEURC%2024102023.pdf).

Conclusions / Action Points: ECRB Section to circulate a questionnaire on financial and functional independence of the NRAs and, based on the input received, draft the relevant report before the next ECRB meeting.

7. Recent Energy Community developments

Mr. Lorkowski reminded the regulators about the lack of transposition of the Electricity Integration Package in the Contracting Parties and invited them to consider their role in implementing a number of tasks and obligations that were due to be fulfilled already in the course of 2023. In the context of the implementation of market coupling, he recalled the importance of regional cooperation between all stakeholders, including NRAs. In particular the operationalization of the capacity calculation and system operations regions is crucial. Mr. Lorkowski highlighted that, for this to happen, the new package requires terms, conditions and methodologies to be developed by TSOs within the regions and approved by NRAs. It would be of great benefit if the NRAs would launch this work even before the acts are transposed into national legislations, so to gain some time and enable smooth market integration. In this respect, Mr. Lorkowski highlighted that the Secretariat would support endeavors to establish fruitful and efficient cooperation and prepare the required draft documents as soon as possible. For this, and subject to approval of the Energy Community budget 2024-2025, the Secretariat could offer internships for the NRA representatives ready to jointly work on preparing documents of regional relevance.

Conclusions / Action Points: NRAs to consider their role in accelerating the process of Electricity Integration Package implementation. Secretariat to assist the NRAs in all relevant processes and to follow up with the information on the internship possibilities.

8. Customers and Retail Markets WG

[Ref. presentation by Mr. Zametica]

Mr. Zametica provided the information on the CRM WG activities in 2023 and presented the main findings of the Report on Retail Electricity and Gas Markets in the EnC CPs as well as the structure of the Status review of implementation of customer protection rules.

Conclusions / Action Points: ECRB approved the Report on Retail Electricity and Gas Markets in the EnC CPs and agreed on written approval of the Status review of implementation of customer protection rules.

9. Electricity WG

[Ref. presentation by Ms. Ninkovic]

Ms. Ninkovic provided the information on the EWG activities in 2023 and presented the main findings of the Assessment of the Day-Ahead, Intraday and Balancing Markets in the EnC CPs. She informed participants that this report would be circulated for approval by correspondence in January 2024. Ms. Ninkovic also provided the information on the Joint Expert Team EnC activities, particularly highlighting that the EC, ACER and the EnCS recommended a six-months postponement of submission of the MCO IP to NEMO Committee. She stressed that such a recommendation was explained by the necessity for all CPs to have transposed all rights and obligations of NEMOs into national legislation.

Conclusions / Action Points: for information only

10. Gas WG

[Ref. presentation by Ms. Stratulat]

Ms. Stratulat provided an overview of the GWG activities in 2023, including on already adopted deliverables stemming from TAR NC, and presented the main findings of the Gas Wholesale Market Monitoring Report. She informed participants that the report would be sent for approval via correspondence in January 2024.

Conclusions / Action Points: for information only

11. REMIT WG

Mr. Radeshi provided the information on the REMIT WG activities in 2023 and invited participants to approve the Report on Inside Information Platforms and the Report REMIT Implementation.

Conclusions / Action Points: the ECRB approved the reports on inside information platforms and REMIT implementation.

12. ECRB Work Program 2024

Taking into account that the draft ECRB WP 2024 was available to participants before the meeting and that the WG Chairs presented the activities envisaged by the program, Mr. Bislimoski invited the ECRB to approve it.

Conclusions / Action Points: the ECRB approved the Work Program 2024.

13. Election of the ECRB President 2024-2025

Mr. Bislimoski informed participants that within the open deadline the following applications have been received:

- Mr. Petrit Ahmeti, Chairman of the Board of Commissioners, Energy Regulator Authority, Albania and
- Mr. Ymer Fejzullahu, Chairman of the Board of Energy Regulatory Office, Kosovo*,

The President invited the candidates to present their visions for the ECRB performance in the upcoming period.

Mr. Syriopoulos invited the NRAs present in the room to fill in the ballots distributed by Ms. Marsenic and AERS representatives, that participated online in the meeting, to send their completed ballot to the EC and the ECRB Section.

Eight ballots were received, EC and NEURC did not submit votes. The voting results were as following:

- Mr. Petrit Ahmeti- five votes
- Mr. Ymer Fejzullahu- three votes

Having in mind that ECRB Rules of Procedure require two third majority of the votes cast for the successful election, Mr. Bislimoski stated that the ECRB did not elect the president for the period 2024-2025 and that the election process would be repeated in the beginning of 2024.

Conclusions / Action Points: ECRB did not elect President for the period 2024-2025, Mr. Bislimoski will continue fulfilling the role until the next ECRB meeting, for which the new election was scheduled.

14. AOB

Mr. Syriopoulos informed participants that the Draft ECRB Procedural Act, discussed in the last meeting, was sent to the EC legal services, that concluded that the final adoption of the act would require a positive vote of the European Union and that the EU needs to adopt a “Union Position" to approve the amendment of the ECRB Rules of Procedure. This practically means that the Commission will have to seek the approval of the Council of the European Union. He pointed out that the updated draft would be circulated to the ECRB for a final round of comments as soon as possible, before it’s submitted to the Council of the European Union.

Conclusions / Action Points: the Vice-Presidency will circulate the updated draft Procedural Act to the ECRB for final comments and follow up on the further process.

15. Next meeting

Ms. Marsenic said that the information on dates for 2024 ECRB meetings will be sent as soon as the Secretariat finalizes the Energy Community event calendar for the upcoming year.

Annex – List of Participants

Name	Institution
ANICIC, Jelena	REGAGEN
BILEN, Yuriy	RAEWW
BISLIMOSKI, Marko	President, ERC
BUCAJ, Gani	ERO
FEJZULLAHU, Ymer	ERO
GEITONA, Fay	ACER
KOVALENKO, Dmytro	NEURC
LUKIC, Saša	SERC
NINKOVIC, Tamara	EWG chair, REGAGEN
RADHESHI, Elton	ERE
STRATULAT, Elena	GWG chair, ANRE
SUMBADZE, Nikoloz	GNERC
SYRIOPOULOS, Christos	EC, Vice-Presidency
TARAN, Alexei	ANRE
TARASIUK, Valerii	NEURC
VILIC, Daniela	E-CONTROL
VUKCEVIC, Miroslav	REGAGEN
ZAMETICA, Edin	CRM WG chair, SERC
Online participants	
ANTONOVA, Olena	ECS
DIATLOVSKA, Valentyna	ECS
GALANTE, Maria Teresa	ARERA
GVAZAVA, Lia	GNERC
LANZA, Salvatore	ARERA
POPOVIC, Dejan	AERS
STEFANOVIC, Nenad	AERS
SURZHOK, Inna	ECS
Vig Noel Daniel	MEKH