Minutes of the 38th ECRB Meeting

21 December 2017, 10:00-17:00

Premises of the Greek Regulatory Authority (132 Pireus Avenue, Athens)

1. Opening

Mr Tarantini, representing the Vice Presidency, welcomed the ECRB members as well as Mr Hesseling, representing ACER and Director Kopac. Mr Tarantini thanked the Greek Regulatory Authority for hosting the meeting and the Secretariat for the invitation to the ECRB dinner held on 20 December 2017. He confirmed the presence quorum necessary for ECRB decision making.

Mr Kopac informed about ongoing Energy Community activities, among which the publication of the 1st Monitoring Report prepared in cooperation of ACER and the Secretariat and thanked regulators for the input provided for this purpose. He further highlighted the permission of RAE Montenegro as first Contracting Party observer to ACER working groups; the signature of a cooperation agreement between ANRE and the Secretariat on development of secondary legislation; ongoing work on certification; and the expected adoption of a first set of gas and electricity network codes by the PHLG in January 2018.

2. Agenda of the 37th ECRB meeting (approval)

Mr Tarantini introduced the draft agenda and asked for comments. It was suggested to approve the Annual Report 2017 by written procedure.

Conclusions / Action Points: The draft agenda was approved for upload to the Energy Community website including the requested change.

3. Minutes of the 36th ECRB meeting (approval)

The Vice-President informed about the adjustments provided by AERS, the Commission and the EWG Chair on the draft minutes and asked participants for additional comments; no further comments were made.

Conclusions / Action Points: The draft minutes were approved for upload to the Energy Community website including the suggested amendments (long version members´ area only; short version for publication).

4. ECRB Internal Rules of Procedure (approval)

Mr Tarantini introduced a suggested change to the ECRB RoP according to which a second election round shall be introduced in the procedures for election of the ECRB President in case no candidate reaches a two third majority in the first round. In the second round the President shall be elected by the ECRB members by secret ballot and by a simple majority of the votes cast. He explained that such rule would be important to avoid deadlocks and also having in mind that two applications have been filed for the President's election at the 38th ECRB meeting.

Conclusions / Action Points: the amendments to the ECRB Internal Rules have been approved.

5. Enforcement powers of regulators (presentation)

Mrs Anicic presented the interim results of the survey on enforcement powers of regulators.

Conclusions / Action Points: the draft report will be circulated for written approval.

6. ACER developments (information)

[Ref. presentation Mr Hesseling]

Mr Hesseling updated the participants about recent ACER and EU gas and electricity market developments (ref. presentation).

Conclusions / Action Points: no conclusion required.

7. Customer & Retail Markets Working Group (information)

[Ref. presentation Mr Zametica]

Mr Zametica provided an overview of the ongoing CRM WG activities (ref. presentation). ECRB members agreed to prolong the review period for the draft retail market monitoring report until 28 December 2017.

Conclusions / Action Points: ECRB approved the report on regulatory communication policies.

8. Electricity Working Group (information)

[Ref. presentation Mr Stefanovic]

Mr Stefanovic updated on recent EWG developments (ref. presentation).

Mr Tsaplin noted that improvements have been made in Ukraine as regards the implementation of the electricity transparency Regulation 543/2013 and, thus, the draft report would require adjustments. Mr

Stefanovic suggested keeping the information displayed as relevant at the cut-off date to ensure comparability of results.

Mr Stefanovic asked whether ECRB supports continuation of the Electricity Working Group's wholesale market monitoring activity (SEEAMS) and whether the tool should be further developed. Mr Maksimovic underlined that (continued) participation of EU members would be important. Mrs Grall informed that the Secretariat will continue hosting the software on its website but noted that funding of upgrades cannot be financed by the Secretariat. Mr Hesseling clarified that ACER will not cover the Contracting Parties' electricity wholesale markets in it 2017 market monitoring report due to limited human resources. ECRB consequently decided to continue its bi-annual SEEAMS-based wholesale market monitoring activities.

Conclusions / Action Points: ECRB approved the reports on electricity balancing, compliance with Regulation 543/2013 and on bi-annual wholesale market monitoring.

9. Gas Working Group (information)

[Ref. presentation Mrs Stratulat]

Mrs Stratulat updated on recent GWG developments (ref. presentation). The review deadline for the draft transmission tariff report was set for 31 January 2018.

Conclusions / Action Points: ECRB approved a status review on compliance with the gas transparency requirements of the Energy Community acquis communautaire.

10. Annual Report 2017

Conclusions / Action Points: the Annual Report 2016 will be circulated for written approval.

11. Work Program 2018 (approval)

Mrs Stratulat, Mr Zametica and Mr Stefanovic introduced the draft work program of the three ECRB working groups.

Mr Stefanovic suggested that a longer review period should be granted to the working groups for developing a position on the next set of network codes / guidelines and invited the Secretariat to aim for organizing meetings on network codes / guidelines at best back to back with ECRB working group meetings, if possible.

Mr Zametica suggested that ECEB should become more visible and actively communicate its positions. He also proposed stronger presence of ECRB at the Energy Community Fora.

Conclusions / Action Points: the Work Program 2018 has been approved.

12. Election of the ECRB President for the period 2018-2019 (election)

[Ref. presentation Mr Pangani; presentation Mr Lungu]

Mr Tarantini introduced the voting rules and informed that within open deadline two applications have been received, namely by Mr Pangani (GNERC) and Mr Lungu (ANRE); both candidates are eligible for candidature. Mr Tarantini invited the candidates to briefly present themselves as well as their outlook for ECRB activities.

ECRB performed a secret voting procedure in line with the ECRB rules. The Vice-President informed about the voting results.

Conclusions / Action Points: ECRB elected Mr Pangani ECRB President for the period 2018-2019.

13. Recent regulatory developments in the Contracting Parties (election)

[Ref. presentations]

- Albania: certification processes are to be finalized; secondary legislation is further developed;
- Bosnia and Herzegovina: cf presentation;
- fYR of Macedonia: cf presentation;
- Georgia: cf presentation;
- Kosovo*: the Board lacks a decision making quorum since May 2017; certification of KOSTT is expected soon; the government signed an agreement on a 500 MW thermal power plant with a US based company;
- Moldova: cf presentation;
- Montenegro: cf presentation;
- Serbia: cf presentation;
- Ukraine: cf presentation.

Conclusions / Action Points: no conclusion required.

14. Next meeting

[Ref. presentation Mrs Grall-Edler]

Mrs Grall-Edler updated on the recent Energy Community developments (cf presentation).

Conclusions / Action Points: no conclusion required.

15. Next meeting

The next meeting will take place on 19 April 2018 in Athens.

Annex – List of Participants

Name	Institution
ANICIC, Jelena	REGAGEN
BIANCARDI, Alberto	ARERA
BISLIMOSKI, Marko	ERC
BUCAJ, Gani	ERO
COPACI, Tudor	ANRE
FRAGOUDAKI, Evi	RAE
GACHECHILADZE, Zviadi	GNERC
GALANTE, Maria Teresa	ARERA
GRALL-EDLER, Nina	ECS
HESSELING, Dennis	ACER
JANELIDZE, Salome	GNERC
KOPAC, Janez	ECS
LANZA, Salvatore	ARERA
LUNGU, Octavian	ANRE
MAKSIMOVIC, Petar	AERS
MANOLKIDIS, Sotirios	RAE
NASHI, Agim	ERE
PAIDAKAKIS, George	RAE
PANGANI, Georgi	GNERC
PEJIC, Nikola	SERC
SEJFIJAJ, Besim	ERO
STEFANOVIC, Nenad	EWG chair
STRATULAT, Elena	GWG chair
TARANTINI, Federico	DG ENER
TEANI, Ann-Lise	CRE
TSAPLIN, Valerii	NEURC
ZAMETICA, Edin	CRM WG chair