Minutes of the 57th ECRB Meeting

17 April 2024, 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. The President also welcomed the new Head of ECRB Unit of the Secretariat, Mr. Andrej Juris. Mr. George Loizos welcomed the ECRB meeting participants on behalf of RAEWW.

2. Agenda of the 57th ECRB meeting

Mr. Bislimoski introduced the agenda and informed about the request of the European Commission to remove the item *ECRB Internal Rules of Procedure* from the agenda. The topic will be addressed under the item *Any Other Business*. The participants agreed with the updated agenda.

Conclusions / Action Points: the agenda of the 57th ECRB has been agreed with abovementioned amendment.

3. Minutes of the 55th ECRB meeting

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

Conclusions / Action Points: the minutes of the 56th 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 presented an outline of the process currently under discussion with the ECRB Unit. Mr. Juris highlighted that the cooperation and coordination process was closely consulted with the EWG Chairwoman, Ms. Ninkovic.

With reference to the information on ACER's workshop on REMIT II, Mr. Stefanovic asked if the amended regulation was adopted for the EU as well as whether and when it would be adopted for the Energy Community. Mr. Geitona responded that European Parliament adopted the act and should be confirmed

by the European Council soon. Regarding implementation in the Energy Community, Mr. Juris informed about the launch of the preparatory steps within the European Commission and the EnC Secretariat.

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, GNERC, 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.

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

6. Recent Energy Community developments

[Ref. presentation by Ms. Marsenic]

Ms. Marsenic informed participants on the Energy Community developments since the last ECRB meeting, particularly focusing on PECI selection process, Secretariat's recommendations on draft NECPs and the work on Ukraine Market Observatory and Ukraine Support Fund.

Mr. Juris thanked Ms. Marsenic for leading the ECRB Unit as acting Head of Unit.

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

7. Independence of the NRAs

[Ref. presentations by Ms. Marsenic]

Ms. Marsenic presented an overview of the topics and main recommendations of the draft *Survey of independence of national regulatory authorities in the Energy Community* and invited participants to provide preliminary comments. Ms. Ninkovic suggested that the recommendations should be more country specific, reflecting the concrete issues. Mr. Zametica invited ECRB to agree on written procedure for approving the document. The participants agreed with the proposals.

Conclusions / Action Points: ECRB Section to circulate draft survey for written comments by end April and finalize the document afterwards.

8. Organization of ECRB WGs' meetings

[Ref. presentations by Ms. Ninkovic]

ECRB President introduced the topic by summarizing the information on the Energy Community event budget decrease and consequent limitations of the cost reimbursement for the ECRB WG meetings. Ms. Ninkovic provided a presentation of the substantially increased number of activities of the EWG and highlighted the need for an increased number of meetings, including onsite, to allow fruitful discussions and implementation of the ECRB Work Program 2024. The Chairpersons of other ECRB WGs- Ms. Stratulat, Mr. Zametica and Mr. Radeshi fully supported the views of the President and the EWG Chairwoman. Mr. Zametica particularly stressed that the ECRB had not been consulted on the budget needs regarding organization of the ECRB meetings and highlighted the importance of regular coordination of regulators with respect to energy market integration and consumer protection. Mr. Bislimoski proposed that the WG Chairs draft a letter to the Ministerial Council, Secretariat and the European Commission addressing the need for the Energy Community budget to properly reflect the increased number of tasks of the ECRB.

Conclusions / Action Points: ECRB WG Chairs to prepare a letter on the format and cost reimbursement of the ECRB WG meetings and send to the Ministerial Council, Secretariat and the European Commission.

9. Customers and Retail Markets WG

[Ref. presentation by Mr. Zametica]

Mr. Zametica provided the information on the CRM WG activities towards implementation of the WP 2024.

Conclusions / Action Points: for information only.

10. Electricity WG

[Ref. presentation by Ms. Ninkovic]

Ms. Ninkovic provided an overview of the ongoing EWG activities as well as of the activities of the Joint Expert Team EnC.

Conclusions / Action Points: for information only.

11. Gas WG

[Ref. presentation by Ms. Stratulat]

Ms. Stratulat informed participants about the current GWG work. She particularly pointed out that the ECRB received the transmission tariff consultation documents of AERS and ANRE and explained the next steps of the process.

Conclusions / Action Points: for information only.

12. REMIT WG

Mr. Radheshi updated on the ongoing activities of REMIT working group.

Conclusions / Action Points: for information only.

13. Role of the ECRB in PECI selection process

Mr. Juris provided a presentation of the ECRB activities relating to implementation of TEN-E Regulation adopted for the Energy Community in December 2023. He highlighted the need for a cross-sectorial TEN-E Task Force (TF) under ECRB, comprising the NRA experts that are ideally already members of established PECI Groups. The TF would provide important support to the ECRB, particularly by reviewing the results of PECI assessment against TEN-E requirements and preparing draft documents for ECRB's review and adoption. The participants agreed with the proposal.

Conclusions / Action Points: ECRB Unit to follow up on the coordination of the TEN-E TF. NRAs to nominate members of the TF. European Commission to be kept informed.

14. Election of the ECRB President

Mr. Liegmann informed, on behalf of the European Commission, participants that within the open deadline the following applications have been received:

- Mr. Ymer Fejzullahu, Chairman of the Board, ERO, Kosovo*
- Mr. Dejan Popovic, President of the Council, AERS, Serbia
- Mr. Alexei Taran, Member of the Administration Council (Director), ANRE, Moldova, and
- Mr. Valerii Tarasiuk, Chairman, NEURC, Ukraine.

He invited the candidates to briefly present their motivation and visions for the ECRB performance in the upcoming period.

After the candidates' presentations, Mr. Liegmann proposed that three rounds of voting under the same rules, as envisaged by the currently applicable Rules of Procedure are organized. Mr. Popovic and Mr. Radeshi raised concerns over changing the rules after the process had been launched. Mr. Liegmann clarified that the proposal of multiple rounds under the same rules was compatible with the Rules of procedure, as confirmed by the legal experts of both the European Commission and the EnC Secretariat. Mr. Radeshi and Mr. Popovic pointed out that the information on multiple rounds should have been communicated when launching the process, i.e. when inviting NRAs to nominate candidates.

After confirming the necessary quorum for voting, Mr. Liegmann invited ECRB members to cast their votes by filling in the ballots distributed by Mr. Marsenic. He stated that the votes would be counted by the ECRB Unit and representatives of Austrian and Greek NRA. He also stated that the results of voting should be communicated only by establishing whether the required two third majority was reached and that the ECRB should break for 10 minutes before deciding on the possible next rounds. Mr. Liegmann states that the European Commission would not cast its vote.

Voting results: Nine ballots were received and no candidate received the 2/3rds majority of votes cast.

Having in mind that ECRB Rules of Procedure require two third majority of the votes cast for the successful election and that no further rounds would be organized on 17th April, Mr. Liegmann concluded that the ECRB did not elect the ECRB President for the period April 2024- April 2025 and that the election process would need to be repeated before 19th June, when six months of prolongation of current President's mandate expires.

After discussion, ECRB agreed on next steps regarding the next election process:

- New dedicated ECRB meeting on the election of the ECRB President shall be organized in the margins of the Athens Forum on June 5 or 6;
- Vice-Presidency will re-launch the procedure with the nomination deadline of 15th May;
- Voting rounds will be repeated under the existing ECRB Rules of Procedure until a successful election of the ECRB President at the dedicated ECRB meeting in Athens.

Conclusions / Action Points: ECRB did not elect President for the period April 2024-April 2025. Vice-Presidency to re-launch the procedure while pointing to the possibly of numerous voting rounds at the next election meeting. Mr. Bislimoski will continue fulfilling the role until the dedicated ECRB meeting on June 5 or 6 in Athens, scheduled for the purpose of ECRB President election.

15. AOB

Mr. Liegmann reminded participants that the envisaged adoption of the Procedural Act on a revision of the ECRB Rules of Procedure required a positive EU position of the Council of the EU. He informed participants that the draft ECRB Procedural Act was still under discussion between the European Commission and the Secretariat and that it would be circulated soon in view of a possible adoption at the ECRB meeting in December 2024.

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

16. Next meeting

Mr. Juris informed participants that the meeting dates would be circulated in the coming days.

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
JOVANOVIC, Natalija	AERS
JURIS, Andrej	ECS
LIKA, Petraq	ERE
MARSENIC, Branislava	ECS
NINKOVIC, Tamara	EWG chair, REGAGEN
POPOVIC, Dejan	AERS
RADHESHI, Elton	REMIT WG Chair, ERE
STEFANOVIC, Nenad	AERS
STRATULAT, Elena	GWG chair, ANRE
SUMBADZE, Nikoloz	GNERC
TARAN, Alexei	ANRE
TARASIUK, Valerii	NEURC
TOMIC, Milenko	SERC
VILIC, Daniela	E-CONTROL
VUKCEVIC, Miroslav	REGAGEN
ZAMETICA, Edin	CRM WG chair, SERC
Online participants	
LIEGMANN, Jacek	European Commission
ANTONOVA, Olena	ECS
DIATLOVSKA, Valentyna	ECS
GALANTE, Maria Teresa	ARERA
KLLOKOQI, Arben	ECS
KOSTRYKIN, Oleh	NEURC
LANZA, Salvatore	ARERA
NGUYEN-VIET Viktória	MEKH
VIG Noel Daniel	MEKH