

REGULATION (EU) 2019/941 of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC

Incorporated and adapted by the Decision of the Ministerial Council of the Energy Community 2021/13/MC-EnC of 30 November 2021 amending Annex I to the Treaty Establishing the Energy Community (Energy Community Treaty) and incorporating Directive (EU) 2019/944 and Regulation (EU) 2019/941 in the Energy Community acquis communautaire.

The adaptations made by the Ministerial Council Decision 2021/13/MC-EnC are highlighted in bold and blue.

CHAPTER I

General Provisions

Article 1

Subject matter

This Regulation lays down rules for cooperation between **Contracting Parties** with a view to preventing, preparing for and managing electricity crises in a spirit of solidarity and transparency and in full regard for the requirements of a competitive internal market for electricity.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'security of electricity supply' means the ability of an electricity system to guarantee the supply of electricity to customers with a clearly established level of performance, as determined by the **Contracting Parties** concerned;
- (2) 'transmission system operator' means transmission system operator as defined in point (35) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (3) 'distribution' means distribution as defined in point (28) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (4) 'cross-border flow' means cross-border flow as defined in point **2(b) of Article 2 of Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011**;
- (5) 'cross zonal capacity' means the capability of the interconnected system to accommodate energy transfer between bidding zones;

- (6) 'customer' means customer as defined in point (1) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (7) 'distribution system operator' means distribution system operator as defined in point (29) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (8) 'generation' means generation as defined in point (37) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (9) 'electricity crisis' means a present or imminent situation in which there is a significant electricity shortage, as determined by the **Contracting Parties** and described in their risk-preparedness plans, or in which it is impossible to supply electricity to customers;
- (10) 'simultaneous electricity crisis' means an electricity crisis affecting more than one **Contracting Party** at the same time;
- (11) 'competent authority' means a national governmental authority or a regulatory authority designated by a **Contracting Party** in accordance with Article 3;
- (12) 'regulatory authorities' means regulatory authorities referred to in Article 57(1) of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (13) 'crisis coordinator' means a person, a group of persons, a team composed of the relevant national electricity crisis managers or an institution tasked with acting as a contact point and coordinating the information flow during an electricity crisis;
- (14) 'non-market-based measure' means any supply- or demand-side measure that deviates from market rules or commercial agreements, the purpose of which is to mitigate an electricity crisis;
- (15) 'producer' means producer as defined in point (38) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (16) '**region**' means a group of **Contracting Parties whose transmission system operators share the same synchronous area**';
- (17) 'subgroup' means a group of **Contracting Parties**, within a region, which have the technical ability to provide each other assistance in accordance with Article 15;
- (18) 'early warning' means a provision of concrete, serious, reliable information indicating that an event may occur which is likely to result in a significant deterioration of the electricity supply situation and is likely to lead to electricity crisis;
- (19) 'transmission' means transmission as defined in point (34) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (20) 'electricity undertaking' means electricity undertaking as defined in point (57) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;
- (21) 'capacity allocation' means the attribution of cross zonal capacity;

¹ The definition displayed here corresponds to the first item in Article 5(2) of Ministerial Council Decision 2021/13/MC-EnC

(22) ‘energy from renewable sources’ means energy from renewable sources or renewable energy as defined in point (31) of Article 2 of Directive (EU) 2019/944 **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC of 30 November 2021**;

(23) ‘Security of Supply Coordination Group’ is the group established by **Procedural Act 2008/02/MC-EnC of 11 December 2008, as amended by Procedural Act 2021/03/MC-EnC of 30 November 2021**².

Article 3

Competent authority

1. As soon as possible and in any event by 5 January 2023³, each **Contracting Party** shall designate a national governmental or regulatory authority as its competent authority. The competent authorities shall be responsible for, and shall cooperate with each other for the purposes of, carrying out the tasks provided for in this Regulation. Where appropriate, until the competent authority has been designated, the national entities responsible for the security of electricity supply shall carry out the tasks of the competent authority in accordance with this Regulation.

2. **Contracting Parties** shall, without delay, notify the **Energy Community Secretariat** and the **Security of Supply Coordination Group** and make public the name and the contact details of their competent authorities designated pursuant to paragraph 1 and any changes to their name or contact details.

3. **Contracting Parties** may allow the competent authority to delegate the operational tasks regarding risk-preparedness planning and risk management set out in this Regulation to other bodies. Delegated tasks shall be performed under the supervision of the competent authority and shall be specified in the risk-preparedness plan in accordance with point (b) of Article 11(1).

CHAPTER II

Risk assessment

Article 4

Assessment of risks to security of electricity supply

Each competent authority shall ensure that all relevant risks relating to security of electricity supply are assessed in accordance with the rules laid down in this Regulation and in **Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011**. To that end, it shall cooperate with transmission system operators, distribution system operators, regulatory authorities, the ENTSO for Electricity, regional coordination centres and other relevant

² The definition displayed here corresponds to the second item in Article 5(2) of Ministerial Council Decision 2021/13/MC-EnC

³ The date corresponds to Article 5(3) of Ministerial Council Decision 2021/13/MC-EnC

stakeholders, as required.

Article 5

Methodology for identifying regional electricity crisis scenarios⁴

< ... >

Article 6

Identification of regional electricity crisis scenarios

1. **Based on the regional crisis scenarios identified according to Article 6 of Regulation (EU) 2019/941, within six months of the adoption of Ministerial Council Decision 2021/13/MC-EnC, the ENTSO for Electricity shall, on the basis of the methodology developed pursuant to Article 5 of Regulation (EU) 2019/941 and in close cooperation with the Security of Supply Coordination Group, competent authorities and regulatory authorities, identify the most relevant electricity crisis scenarios for each region⁵.**
2. The ENTSO for Electricity shall submit the regional electricity crisis scenarios to the relevant transmission system operators, regional coordination centres, competent authorities and regulatory authorities **of the Contracting Parties⁶** as well as to the **Security of Supply Coordination Group**. The **Security of Supply Coordination Group** may recommend amendments.
3. The ENTSO for Electricity shall update the regional electricity crisis scenarios **when updating the regional crisis scenarios pursuant to Article 6(3) of Regulation (EU) 2019/941⁷.**

Article 7

Identification of national electricity crisis scenarios

1. Within four months of the identification of the regional electricity crisis scenarios in accordance with Article 6(1), the competent authority shall identify the most relevant national electricity crisis scenarios.
2. In identifying the national electricity crisis scenarios, the competent authority shall consult the transmission system operators, the distribution system operators that the competent authority considers to be relevant, the relevant producers or their trade bodies, and the regulatory authority where it is not the competent authority.
3. The national electricity crisis scenarios shall be identified on the basis of at least the risks referred to in Article 5(2) **of Regulation (EU) 2019/941⁸** and shall be consistent with the regional electricity crisis scenarios identified in accordance with Article 6(1). **Contracting Parties** shall update the national electricity crisis scenarios every four years, unless circumstances warrant more frequent updates.

4 Article 5 is not applicable according to Article 5(4) of Ministerial Council Decision 2021/13/MC-EnC

5 The text displayed here corresponds to the first item in Article 5(5) of Ministerial Council Decision 2021/13/MC-EnC

6 The text displayed here corresponds to the second item in Article 5(5) of Ministerial Council Decision 2021/13/MC-EnC

7 The text here corresponds to the third item in Article 5(5) of Ministerial Council Decision 2021/13/MC-EnC

8 The text here corresponds to Article 5(6) of Ministerial Council Decision 2021/13/MC-EnC

4. Within four months of identification of regional electricity crisis scenarios in accordance with Article 6(1), **Contracting Parties** shall inform the **Security of Supply Coordination Group** and the **Energy Community Secretariat** of their assessment of the risks in relation to the ownership of infrastructure relevant for security of electricity supply, and any measures taken to prevent or mitigate such risks, with an indication of why such measures are considered necessary and proportionate.

Article 8

Methodology for short-term and seasonal adequacy assessments⁹

< ... >

Article 9

Short-term and seasonal adequacy assessments

1. **All short-term adequacy assessments, whether carried out at national or regional level, shall be carried out in accordance with the methodology developed pursuant to Article 8 of Regulation (EU) 2019/941¹⁰.**

2. The ENTSO for Electricity shall carry out seasonal adequacy assessments in accordance with the methodology developed pursuant to Article 8. It shall publish the results for the winter adequacy assessment by 1 December each year and for the summer adequacy assessment by 1 June each year. It may delegate tasks relating to the adequacy assessments to regional coordination centres. It shall present the adequacy assessment at a meeting of the **Security of Supply Coordination Group**, which may make recommendations where appropriate.

3. The regional coordination centres shall carry out week-ahead to at least day ahead adequacy assessments in accordance with Regulation (EU) 2017/1485 on the basis of the methodology adopted pursuant to Article 8 of this Regulation.

CHAPTER III

Risk-preparedness plans

Article 10

Establishment of risk-preparedness plans

1. On the basis of the regional and national electricity crisis scenarios identified pursuant to Articles 6 and 7, the competent authority of each **Contracting Party** shall establish a risk-preparedness plan, after consulting distribution system operators considered relevant by the competent authority, the transmission system operators, the relevant producers or their trade bodies, the electricity and natural

⁹ Article 8 is not applicable according to Article 5(7) of Ministerial Council Decision 2021/13/MC-EnC

¹⁰ The text displayed here corresponds to Article 5(8) of Ministerial Council Decision 2021/13/MC-EnC

gas undertakings, the relevant organisations that represent the interests of industrial and non-industrial electricity customers, and the regulatory authority where it is not the competent authority.

2. The risk-preparedness plan shall consist of national measures, regional and, where applicable, bilateral measures as provided for in Articles 11 and 12. In accordance with Article 16, all measures that are planned or taken to prevent, prepare for and mitigate electricity crises shall fully comply with the rules governing the internal electricity market and system operation. Those measures shall be clearly defined, transparent, proportionate and non-discriminatory.

3. The risk-preparedness plan shall be developed in accordance with Articles 11 and 12 and with the template set out in the Annex. If necessary, **Contracting Parties** may include additional information in the risk-preparedness plan.

4. In order to ensure consistency of risk-preparedness plans, competent authorities shall, before adopting their risk-preparedness plans, submit the draft plans, for consultation, to the competent authorities of the relevant **Contracting Parties** in the region and, where they are not in the same region, to the competent authorities of directly connected **Contracting Parties**, as well as to the **Security of Supply Coordination Group**.

5. Within six months of receipt of the draft risk-preparedness plans, the competent authorities referred to in paragraph 4 and the **Security of Supply Coordination Group** may issue recommendations relating to the draft plans submitted pursuant to paragraph 4.

6. Within nine months of submitting their draft plans, the competent authorities concerned shall adopt their risk-preparedness plans, taking into account the results of the consultation pursuant to paragraph 4 and any recommendations issued pursuant to paragraph 5. They shall notify their risk-preparedness plans to the **Energy Community Secretariat** without delay.

7. The competent authorities and the **Energy Community Secretariat** shall publish the risk-preparedness plans on their websites, while ensuring confidentiality of sensitive information, in particular information on measures relating to the prevention or mitigation of consequences of malicious attacks. The protection of the confidentiality of sensitive information shall be based on the principles determined pursuant to Article 19.

8. The competent authorities shall adopt and publish their first risk-preparedness plans by 5 January 2025¹¹. They shall update them every four years thereafter, unless circumstances warrant more frequent updates.

Article 11

Content of risk-preparedness plans as regards national measures

1. The risk-preparedness plan of each **Contracting Party** shall set out all national measures that are planned or taken to prevent, prepare for and mitigate electricity crises as identified pursuant to Articles 6 and 7. It shall at least:

(a) contain a summary of the electricity crisis scenarios defined for the relevant **Contracting Party** and region, in accordance with the procedures laid down in Articles 6 and 7;

¹¹ The date corresponds to Article 5(9) of Ministerial Council Decision 2021/13/MC-EnC

- (b) establish the role and responsibilities of the competent authority and describe which tasks, if any, have been delegated to other bodies;
 - (c) describe the national measures designed to prevent or prepare for the risks identified pursuant to Articles 6 and 7;
 - (d) designate a national crisis coordinator and establish its tasks;
 - (e) establish detailed procedures to be followed in electricity crises, including the corresponding schemes on information flows;
 - (f) identify the contribution of market-based measures in coping with electricity crises, in particular demand-side and supply-side measures;
 - (g) identify possible non-market-based measures to be implemented in electricity crises, specifying the triggers, conditions and procedures for their implementation, and indicating how they comply with the requirements laid down in Article 16 and with regional and bilateral measures;
 - (h) provide a framework for manual load shedding, stipulating the circumstances in which loads are to be shed and, with regard to public safety and personal security, specifying which categories of electricity users are, in accordance with national law, entitled to receive special protection against disconnection, justifying the need for such protection, and specifying how the transmission system operators and distribution system operators of the **Contracting Parties** concerned are to decrease consumption;
 - (i) describe the mechanisms used to inform the public about electricity crises;
 - (j) describe the national measures necessary to implement and enforce the regional and, where applicable, bilateral measures agreed pursuant to Article 12;
 - (k) include information on related and necessary plans for developing the future grid that will help to cope with the consequences of identified electricity crisis scenarios.
2. National measures shall take full account of the regional and, where applicable, bilateral measures agreed pursuant to Article 12 and shall endanger neither the operational security or safety of the transmission system, nor the security of electricity supply of other **Contracting Parties**.

Article 12

Content of risk-preparedness plans as regards regional and bilateral measures

1. In addition to the national measures referred to in Article 11, the risk-preparedness plan of each **Contracting Party** shall include regional and, where applicable, bilateral measures to ensure that electricity crises with a cross-border impact are properly prevented or managed. Regional measures shall be agreed within the region concerned between **Contracting Parties** that have the technical ability to provide each other assistance in accordance with Article 15. For that purpose, **Contracting Parties** may also form subgroups within a region. Bilateral measures shall be agreed between **Contracting Parties** which are directly connected but are not within the same region. **Contracting Parties** shall ensure consistency between regional and bilateral measures. Regional and bilateral measures shall include at least:

- (a) the designation of a crisis coordinator;

- (b) mechanisms to share information and cooperate;
- (c) coordinated measures to mitigate the impact of an electricity crisis, including a simultaneous electricity crisis, for the purpose of assistance in accordance with Article 15;
- (d) procedures for carrying out annual or biennial tests of the risk-preparedness plans;
- (e) the trigger mechanisms of non-market-based measures that are to be activated in accordance with Article 16(2).

2. The **Contracting Parties** concerned shall agree the regional and bilateral measures to be included in the risk-preparedness plan after consulting the relevant regional coordination centres. The **Energy Community Secretariat** may have a facilitating role in the preparation of the agreement on regional and bilateral measures. The **Energy Community Secretariat** may request the **Energy Community Regulatory Board** and the ENTSO for Electricity to provide technical assistance to **Contracting Parties** with a view to facilitating such an agreement. At least eight months before the deadline for the adoption or the updating of the risk-preparedness plan, the competent authorities shall report on the agreements reached to the **Security of Supply Coordination Group**. If the **Contracting Parties** are not able to reach an agreement, the competent authorities concerned shall inform the **Energy Community Secretariat** of the reasons for such disagreement. In such a case the **Energy Community Secretariat** shall propose measures including a cooperation mechanism **among Contracting Parties**¹² for the conclusion of an agreement on regional and bilateral measures.

3. With the involvement of relevant stakeholders, the competent authorities of the **Contracting Parties** of each region shall periodically test the effectiveness of the procedures developed in risk-preparedness plans for preventing electricity crises, including the mechanisms referred to in point (b) of paragraph 1, and carry out biennial simulations of electricity crises, in particular testing those mechanisms.

Article 13

Energy Community Secretariat assessment of the risk-preparedness plans

1. Within four months of the notification of the adopted risk-preparedness plan by the competent authority, the **Energy Community Secretariat** shall assess the plan taking duly into account the views expressed by the **Security of Supply Coordination Group**.

2. The **Energy Community Secretariat** shall, after consulting the **Security of Supply Coordination Group**, issue a non-binding opinion, setting out detailed reasons, and submit it to the competent authority, with a recommendation to review its risk-preparedness plan where that plan:

- (a) is not effective to mitigate the risks identified in the electricity crisis scenarios;
- (b) is inconsistent with the electricity crisis scenarios identified or with the risk-preparedness plan of another **Contracting Party**;
- (c) does not comply with the requirements laid down in Article 10(2);
- (d) sets out measures that are likely to jeopardise the security of electricity supply of other **Contracting Parties**;

¹² The text displayed here corresponds to Article 5(10) of Ministerial Council Decision 2021/13/MC-EnC

(e) unduly distorts competition or the effective functioning of the internal market; or
 (f) does not comply with the provisions of this Regulation or other provisions of **Energy Community** law.

3. Within three months of receipt of the **Energy Community Secretariat's** opinion referred to in paragraph 2, the competent authority concerned shall take full account of the **Energy Community Secretariat's** recommendation and shall either notify the amended risk-preparedness plan to the **Energy Community Secretariat** or notify the **Energy Community Secretariat** of the reasons why it objects to the recommendation.

4. In the event that the competent authority objects to the **Energy Community Secretariat's** recommendation, the **Energy Community Secretariat** may, within four months of receipt of the notification of the competent authority's reasons for objection, withdraw its recommendation or convene a meeting with the competent authority and, where the **Energy Community Secretariat** considers it to be necessary, the **Security of Supply Coordination Group**, in order to assess the issue. The **Energy Community Secretariat** shall set out detailed reasons for requesting any modifications to the risk-preparedness plan. Where the final position of the competent authority concerned diverges from the **Energy Community Secretariat's** detailed reasons, that competent authority shall provide the **Energy Community Secretariat** with the reasons for its position within two months of receipt of the **Energy Community Secretariat's** detailed reasons.

CHAPTER IV

Managing electricity crises

Article 14

Early warning and declaration of an electricity crisis

1. Where a seasonal adequacy assessment or other qualified source provides concrete, serious and reliable information that an electricity crisis may occur in a **Contracting Party**, the competent authority of that **Contracting Party** shall, without undue delay, issue an early warning to the **Energy Community Secretariat**, the competent authorities of the **Contracting Parties** within the same region and, where they are not in the same region, the competent authorities of the directly connected **Contracting Parties**. The competent authority concerned shall also provide information on the causes of the possible electricity crisis, on measures planned or taken to prevent an electricity crisis and on the possible need for assistance from other **Contracting Parties**. The information shall include the possible impacts of the measures on the **neighbouring**¹³ electricity market. The **Energy Community Secretariat** shall provide that information to the **Security of Supply Coordination Group**.

2. When confronted with an electricity crisis, the competent authority shall, after consulting the transmission system operator concerned, declare an electricity crisis and inform the competent authorities of the **Contracting Parties** within the same region and, where they are not in the same region, the

¹³ The text displayed here corresponds to Article 5(11) of Ministerial Council Decision 2021/13/MC-EnC

competent authorities of directly connected **Contracting Parties**, as well as the **Energy Community Secretariat**, without undue delay. That information shall include the causes of the deterioration of the electricity supply situation, the reasons for declaring an electricity crisis, the measures planned or taken to mitigate it and the need for any assistance from other **Contracting Parties**.

3. Where they consider the information provided pursuant to paragraph 1 or 2 to be insufficient, the **Energy Community Secretariat**, the **Security of Supply Coordination Group** or the competent authorities of the **Contracting Parties** within the same region and, where they are not in the same region, the competent authorities of directly connected **Contracting Parties** may request the **Contracting Party** concerned to provide additional information.

4. Where a competent authority issues an early warning or declares an electricity crisis, the measures set out in the risk-preparedness plan shall be followed to the fullest extent possible.

Article 15

Cooperation and assistance among Contracting Parties¹⁴

1. **Contracting Parties** shall act and cooperate in a spirit of solidarity in order to prevent or manage electricity crises.

2. Where they have the necessary technical ability, **Contracting Parties** shall offer each other assistance by means of regional or bilateral measures that have been agreed pursuant to this Article and to Article 12 before that assistance is provided. To that end, and with the purpose of protecting public safety and personal security, **Contracting Parties** shall agree on regional or bilateral measures of their choice in order to deliver electricity in a coordinated manner.

3. **Contracting Parties** shall agree on the necessary technical, legal and financial arrangements for the implementation of the regional or bilateral measures before assistance is offered. Such arrangements shall specify, inter alia, the maximum quantity of electricity to be delivered at regional or bilateral level, the trigger for any assistance and for suspension of assistance, how the electricity will be delivered, and provisions on fair compensation between **Contracting Parties** in accordance with paragraphs 4, 5 and 6.

4. Assistance shall be subject to a prior agreement between the **Contracting Parties** concerned with regard to fair compensation, which shall cover at least:

(a) the cost of the electricity delivered into the territory of the **Contracting Party** requesting assistance as well as the associated transmission costs; and

(b) any other reasonable costs incurred by the **Contracting Party** providing assistance, including as regards reimbursement for assistance prepared without effective activation, as well as any costs resulting from judicial proceedings, arbitration proceedings or similar proceedings and settlements.

5. Fair compensation pursuant to paragraph 4 shall include, inter alia, all reasonable costs that the **Contracting Party** providing assistance incurs from an obligation to pay compensation by virtue of fundamental rights guaranteed by **Energy Community** law and by virtue of the applicable international obligations when implementing the provisions of this Regulation on assistance and further

¹⁴ The title displayed here corresponds to the first item in Article 5(12) of Ministerial Council Decision 2021/13/MC-EnC

reasonable costs incurred from the payment of compensation pursuant to national compensation rules.

6. The Contracting Party requesting assistance shall promptly pay, or ensure the prompt payment of fair compensation to the Contracting Party providing assistance. The Commission Recommendation 2020/775 shall be applied as non-binding guidance.¹⁵

7. < ... >¹⁶

8. In the event of an electricity crisis in which **Contracting Parties** have not yet agreed on regional or bilateral measures and technical, legal and financial arrangements pursuant to this Article, **Contracting Parties** shall agree on ad hoc measures and arrangements in order to apply this Article, including as regards fair compensation pursuant to paragraphs 4, 5 and 6. Where a **Contracting Party** requests assistance before such ad hoc measures and arrangements have been agreed, it shall undertake, prior to receiving assistance, to pay fair compensation in accordance with paragraphs 4, 5 and 6.

9. **Contracting Parties** shall ensure that the provisions of this Regulation on assistance are implemented in accordance with the **Energy Community Treaty < ... >**¹⁷ and other applicable international obligations. They shall take the necessary measures to that end.

Article 16

Compliance with market rules

1. Measures taken to prevent or mitigate electricity crises shall comply with the rules governing the internal electricity market and system operation.

2. Non-market-based measures shall be activated in an electricity crisis only as a last resort if all options provided by the market have been exhausted or where it is evident that market-based measures alone are not sufficient to prevent a further deterioration of the electricity supply situation. Non-market-based measures shall not unduly distort competition and the effective functioning of the internal electricity market. They shall be necessary, proportionate, non-discriminatory and temporary. The competent authority shall inform relevant stakeholders in its **Contracting Party** of the application of any non-market-based measures.

3. Transaction curtailment including curtailment of already allocated cross zonal capacity, limitation of provision of cross zonal capacity for capacity allocation or limitation of provision of schedules shall be initiated only in accordance with **Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011**.

¹⁵ The text displayed here corresponds to the second item in Article 5(12) of Ministerial Council Decision 2021/13/MC-EnC

¹⁶ Article 15(7) is not applicable according to the third item in Article 5(12) of Ministerial Council Decision 2021/13/MC-EnC

¹⁷ The text displayed here corresponds to the fourth item in Article 5(12) of Ministerial Council Decision 2021/13/MC-EnC

CHAPTER V

Evaluation and monitoring

Article 17

Ex post evaluation

1. As soon as possible and in any event three months after the end of an electricity crisis, the competent authority of the **Contracting Party** that declared the electricity crisis shall provide the **Security of Supply Coordination Group** and the **Energy Community Secretariat** with an *ex post* evaluation report, after having consulted the regulatory authority, where the regulatory authority is not the competent authority.
2. The *ex post* evaluation report shall include at least:
 - (a) a description of the event that triggered the electricity crisis;
 - (b) a description of any preventive, preparatory and mitigating measures taken and an assessment of their proportionality and effectiveness;
 - (c) an assessment of the cross-border impact of the measures taken;
 - (d) an account of the assistance prepared, with or without effective activation, provided to or received from neighbouring **Contracting Parties** and third countries;
 - (e) the economic impact of the electricity crisis and the impact of the measures taken on the electricity sector to an extent allowed by data available at the time of the assessment, in particular the volumes of energy non-served and the level of manual demand disconnection (including a comparison between the level of voluntary and forced demand disconnection);
 - (f) reasons justifying the application of any non-market-based measures;
 - (g) any possible improvements or proposed improvements to the risk-preparedness plan;
 - (h) an overview of possible improvements to grid development in cases where insufficient network development caused or contributed to the electricity crisis.
3. Where they consider the information provided in the *ex post* evaluation report to be insufficient, the **Security of Supply Coordination Group** and the **Energy Community Secretariat** may request the competent authority concerned to provide additional information.
4. The competent authority concerned shall present the results of the *ex post* evaluation at a meeting of the **Security of Supply Coordination Group**. Those results shall be reflected in the updated risk-preparedness plan.

Article 18

Monitoring

1. In addition to carrying out other tasks set out in this Regulation, the **Security of Supply Coordination Group** shall discuss:

- (a) the results of the 10-year network development plan in electricity prepared by the ENTSO for Electricity;
- (b) the coherence of the risk-preparedness plans, adopted by the competent authorities following the procedure referred to in Article 10;
- (c) the results of the European resource adequacy assessments carried out by the ENTSO for Electricity as referred to in Article 23(4) of Regulation (EU) 2019/943;
- (d) the performance of **Contracting Parties** in the area of security of electricity supply taking into account at least the indicators calculated in the European resource adequacy assessment, namely the expected energy non-served and loss of load expectation;
- (e) the results of the seasonal adequacy assessments referred to in Article 9(2);
- (f) the information received from the **Contracting Parties** pursuant to Article 7(4);
- (g) the results of the *ex post* evaluation referred to in Article 17(4);
- (h) the methodology for short-term adequacy assessment referred to in Article 8 of Regulation (EU) 2019/941¹⁸;
- (i) the methodology for identifying regional electricity crisis scenarios referred to in Article 5 of Regulation (EU) 2019/941¹⁸.

2. The **Security of Supply Coordination Group** may issue recommendations to the **Contracting Parties** as well as to the ENTSO for Electricity related to the matters referred to in paragraph 1.

3. The **Energy Community Regulatory Board** shall, on an ongoing basis, monitor the security of electricity supply measures and shall report regularly to the **Security of Supply Coordination Group**.

4. By 1 September 2028¹⁹, the **Energy Community Secretariat** shall, on the basis of the experience gained in the application of this Regulation, evaluate the possible means by which to enhance security of electricity supply at **Energy Community** level and submit a report to the **Ministerial Council** on the application of this Regulation, including, where necessary, legislative proposals to amend this Regulation.

Article 19

Treatment of confidential information

1. **Contracting Parties** and competent authorities shall implement the procedures referred to in this Regulation in accordance with the applicable rules, including national rules relating to the handling of confidential information and processes. If the implementation of those rules results in information

¹⁸ The text displayed here corresponds to the first item in Article 5(13) of Ministerial Council Decision 2021/13/MC-EnC

¹⁹ The date corresponds to the second item in Article 5(13) of Ministerial Council Decision 2021/13/MC-EnC

not being disclosed, inter alia as part of risk-preparedness plans, the **Contracting Party** or authority may provide a non-confidential summary thereof, and shall do so upon request.

2. The **Energy Community Secretariat, the Energy Community Regulatory Board, the Security of Supply Coordination Group**, the ENTSO for Electricity, **Contracting Parties**, competent authorities, regulatory authorities and other relevant bodies, entities or persons, which receive confidential information pursuant to this Regulation, shall ensure the confidentiality of sensitive information.

CHAPTER VI

Final provisions

Article 20

Cooperation between Contracting Parties and Member States²⁰

Where the Contracting Parties and the Member States cooperate in the area of security of electricity supply, such cooperation may include defining an electricity crisis, the process of the identification of electricity crisis scenarios and the establishment of risk-preparedness plans so that no measures are taken that endanger the security of electricity supply of the Contracting Parties, the Member States, the Energy Community or the Union. In that respect, the European Commission and the Member States may participate in the Security of Supply Coordination Group with regard to all matters with which they are concerned.

< ... >

Article 21

Derogation²¹

Until Georgia is directly connected with another Contracting Parties, Article 6, Article 12 and paragraphs 2 to 9 of Article 15 shall not apply between Georgia and other Contracting Parties. Georgia and relevant other Contracting Parties may develop, with the support of the Energy Community Secretariat, measures and procedures alternative to those provided for in Article 12, provided that such alternative measures and procedures do not affect the effective application of this Regulation between the other Contracting Parties. < ... >

Article 22

Transitional provision pending the establishment of regional coordination centres²²

< ... >

20 The text displayed here correspond to Article 5(14) of Ministerial Council Decision 2021/13/MC-EnC

21 The text displayed here corresponds to Article 5(15) of Ministerial Council Decision 2021/13/MC-EnC

22 Articles 22, 23 and 24 are not applicable according to Article 5(16) of Ministerial Council Decision 2021/13/MC-EnC

Article 23

Repeal²²

< ... >

Article 24

Entry into force²²

< ... >

ANNEX

TEMPLATE FOR RISK-PREPAREDNESS PLAN

The following template shall be completed in English.

General information

- Name of the competent authority responsible for the preparation of this plan
- **Contracting Parties** in the region

1. SUMMARY OF THE ELECTRICITY CRISIS SCENARIOS

Describe briefly the electricity crisis scenarios identified at regional and national level in accordance with the procedure laid down in Articles 6 and 7, including the description of the assumptions applied.

2. ROLES AND RESPONSIBILITIES OF THE COMPETENT AUTHORITY

Define the role and responsibilities of the competent authority and the bodies to which tasks have been delegated.

Describe which tasks, if any, have been delegated to other bodies.

3. PROCEDURES AND MEASURES IN THE ELECTRICITY CRISIS

3.1. National procedures and measures

- (a) Describe procedures to be followed in the cases of an electricity crisis, including the corresponding schemes on information flows;
- (b) Describe preventive and preparatory measures;
- (c) Describe measures to mitigate electricity crises, in particular demand-side and supply-side measures, whilst indicating in which circumstances such measures can be used especially the trigger of each measure. Where non-market-based measures are considered, they must be duly justified in light of the requirements laid down in Article 16 and must comply with regional and, where applicable, bilateral measures;
- (d) Provide a framework for manual load shedding, stipulating under which circumstances loads are to be shed. Specify with regard to public safety and personal security which categories of electricity users are entitled to receive special protection against disconnection, and justify the need for such protection. Specify how the transmission system operators and the distribution system operators should act in order to decrease the consumption;
- (e) Describe the mechanisms used to inform the public about the electricity crisis.

3.2. Regional and bilateral procedures and measures

- (a) Describe the agreed mechanisms for cooperation within the region and for ensuring appropriate coordination before and during the electricity crisis, including the decision-making procedures for appropriate reaction at regional level;
- (b) Describe any regional and bilateral measures that have been agreed, including any necessary

technical, legal and financial arrangements for the implementation of those measures. When describing such arrangements, provide information on, inter alia, the maximum quantities of electricity to be delivered at regional or bilateral level, the trigger for the assistance and possibility to request its suspension, how the electricity will be delivered, and the provisions on fair compensation between **Contracting Parties**. Describe the national measures necessary to implement and enforce the regional and bilateral measures agreed;

(c) Describe the mechanisms in place for cooperation and for coordinating actions, before and during the electricity crisis, with other **Contracting Parties** outside of the region as well as with third countries within the relevant synchronous area.

4. CRISIS COORDINATOR

Indicate and define the role of the crisis coordinator. Specify the contact details.

5. STAKEHOLDER CONSULTATIONS

In accordance with Article 10(1), describe the mechanism used for and the results of the consultations carried out, for the development of this plan, with:

- (a) relevant electricity and natural gas undertakings, including relevant producers or their trade bodies;
- (b) relevant organisations representing the interests of non-industrial electricity customers;
- (c) relevant organisations representing the interests of industrial electricity customers;
- (d) regulatory authorities;
- (e) the transmission system operators;
- (f) relevant distribution system operators.

6. EMERGENCY TESTS

(a) Indicate the calendar for the biennial regional (and, if applicable also national) real time response simulations of electricity crises;

(b) In accordance with point (d) of Article 12(1), indicate procedures agreed and the actors involved.

For the updates of the plan: briefly describe the tests carried out since the last plan was adopted and the main results. Indicate which measures have been adopted as a result of those tests.