



28th ECRB Meeting

17 September 2014, 10:00-17:00 (Athens – Hotel Divani Caravel, Vas. Alexandrou Avenue 2)

General note: please try to be strict and not too generous with break times – the agenda is quite tight this time, we might save some time here and there if the assumed discussions will be shorter

	Agenda Topics	Rapporteur / Purpose	Documents
10:00-10:05	Opening <i>Brano:</i> welcome the participants	President	
10:10-10:05	Agenda of the 28th meeting <i>Brano</i> <ul style="list-style-type: none"> - <u>introduce</u> the agenda and ask for comments - <u>inform</u> that the agenda item on the HLRG will have to moved ahead in the agenda since Director Kopac will have to leave around noon – he will present on this topic and would be interested in the discussions - <u>inform</u> that therefore also the agenda item on the recent EnC developments will have to be moved ahead, since there is a general information part on the HLRG report (next steps etc) included - <u>ask</u> for agreement on the suggested changes - <u>conclude</u> on approval 	President / approval	draft agenda
10:05-10:15	Minutes of the 27th meeting <i>Brano</i> <ul style="list-style-type: none"> - <u>inform</u> the draft minutes of the last ECRB have been circulated by the ECRB Section with a request for comments - <u>inform</u> that comments received by Serbia and Ukraine are already included in the version uploaded for the ECRB meeting (in tracked changes) - <u>ask</u> for additional comments - <u>conclude</u> on approval 	President / approval	draft minutes
10:15-10:40 (15 min presentation Nina; 10 min questions)	Recent Energy Community developments: <ul style="list-style-type: none"> – High Level Reflection Group report – Ministerial Council preparations – Implementation Report 2014 – ECS input to ACER consultation draft “A bridge to 2025” <i>Brano</i> <ul style="list-style-type: none"> - <u>Explain</u> that this agenda item is meant for overview – details (in particular on the HLRG report) will be discussed under the next agenda item - <u>Pass the floor</u> to Nina for presentation 	ECS / information	High Level Reflection Group report Agenda MC ACER consultation draft “A bridge to 2025” ECS input to ACER consultation draft “A bridge



			to 2025
<p>10:40-11:40</p> <p>(15 min presentation Janez; 15 min presentation Nina; 30 min for discussion)</p>	<p>High Level Reflection Group – discussion of ECRB related recommendations - ECRB view and possible input to follow up on recommendations</p> <p>Branco</p> <ul style="list-style-type: none"> - <u>Underline</u> the importance of the HLRG report – it may build the basis for important future developments of the EnC - <u>Make reference</u> to what Nina explained in her presentation on the previous agenda item, namely <ol style="list-style-type: none"> 1. The HLRG report includes a number of recommendations that relate to the ECRB 2. <i>(To the extent approved by the MC on 23.9.)</i> the ECS will publish an analytical paper after the MC on possibilities to realize the HLRG report recommendations for public consultation until end 2014>> <u>it will be important for the ECRB to comment on</u> (at least) the ECRB related aspects [<i>note: this links to the later discussion on the ECRB WP 2015 on maybe creating a Strategy WG / focus on more strategic issues</i>] - <u>Pass the floor</u> to Janez to introduce the HLRG report - <u>Pass the floor</u> to Nina to present some first thoughts for discussion – <u>note</u> that Nina’s presentation includes points for discussion – <u>encourage</u> members to actively participate the discussions / ask questions / make proposals – this meeting is an important opportunity to discuss & develop a first ECRB view - <u>At the end of the discussions ask Nina</u> to summarize the points made / views expressed (I will try to type on slides during the discussion) and include them in the minutes of the meeting - <u>Suggest</u> that the ECRB contributes to the ECS public consultation with a position paper on the elements relevant for the ECRB – for this propose the following procedure (<i>if OK for you?</i>) <ol style="list-style-type: none"> 1. President [<i>note: I will do on your behalf but the initiative should be yours, it does not look if the ECRB Section asks for comments on an ECS paper</i>] to inform ECRB members about the launch of the public consultation, attach the consultation document and the summary of today’s discussions as starting point for an ECRB position paper 2. ECRB members to comment the consultation document within 2 weeks 3. President’s team [= <i>me for you review</i>©] to prepare first draft of an ECRB position paper based on the summary of today’s discussions and the ECRB members input 4. ECRB members to comment draft within 2 weeks 5. President’s team to prepare final version 6. ECRB to send final comments and approve position paper within 2 weeks - <u>Suggest</u> that the ECRB Position paper should focus on the topics most relevant for the ECRB as discussed today 	<p>President, all / discussion</p>	<p>High Level Reflection Group report</p> <p>Presentation Director Kopac</p> <p>Draft MCE Procedural Act</p>
<p>11:40 -12:10</p>	<p>Coffee Break</p>		



<p>12:10-12:35 (15 min presentation Michael; 10 min questions)</p>	<p>ACER Developments</p> <p>Brano</p> <ul style="list-style-type: none"> - <u>Pass the floor to Michael Thomadakis</u> for an update on the ACER developments - <u>After Michael's presentation</u> thank him for his update - Note that possibilities of closer cooperation between ECRB and ACER will be discussed later in the agenda - Encourage ECRB members to more actively communicate their specific interest on ACER developments to Michael before the next ECRB (<i>note</i>: there is always an invitation to do so in each invitation for the next ECRB) 	<p>Mr. Thomadakis¹ / information</p>	
<p>12:35-13:20 (5 min for each NRA; 10 min questions)</p>	<p>Regulatory developments in the CPs</p> <p>Brano</p> <ul style="list-style-type: none"> - <u>Pass the floor</u> to each regulator for an update on recent national regulatory developments – I suggest by alphabetical order <ol style="list-style-type: none"> 1. Albania 2. Bosnia & Herzegovina 3. FYR of Macedonia 4. Moldova 5. Montenegro 6. Serbia 7. Ukraine <p><u>Note</u>: please decide personally if you want to refer to “FYR of Macedonia” or Macedonia” (would not change order) – a formal argument for referring to “Macedonia” would be that we also don’t refer to “the Republic of [Serbia / Moldova etc]” – just we aware that this might (not very likely but still) raise comments from GR side</p>	<p>“ECRB members / information</p>	
<p>13:20-14:00 (10 min presentation Nina; 20 min discussion)</p>	<p>ECRB-ERRA survey on regulatory independence</p> <ul style="list-style-type: none"> – Presentation & analysis of first results (replies to questionnaire) – Discussion of way forward – Cooperation / coordination with ERRA <p>Brano</p> <ul style="list-style-type: none"> – <u>Introduce</u> the topic by explaining that this survey is of key relevance for the NRAs – having in mind the shortcomings in NRA independence and in particular related to financial independence (salary level), it should be important for the ECRB to raise its voice – <u>Explain</u> that the survey is executed as joint activity with ERRA – the idea behind is that both ECRB and ERRA planned to have related assessments and (in the light of overlapping membership) a joint activity should save resources on NRA level (reply to questionnaires, review of drafts etc) – <u>Recall</u> that when the survey was initiated it was agreed that the treatment of the answers will be discussed today (ERRA will discuss with its members on 24.10.) – today we have to mainly 	<p>ECRB Section, all / discussion</p>	<p>Draft survey results</p>

¹ Nominated representative of ACER in the ECRB.



	<ol style="list-style-type: none"> 1. Decide on the way forward 2. (to the extent we agree to develop a report) decide on the structure for the report Hear from NRAs whether the answers they noted as confidential should be included in the report or not (a pragmatic solution would be to include them but show them in graphs without the names but as “confidential” or similar) 3. How to cooperate with ERRA (<i>note: the original idea was to develop a joint report</i>) <ul style="list-style-type: none"> - <u>Pass the floor</u> to Nina for discussion of these points - <u>After Nina’s presentation & discussions conclude on the agreed way forward</u> 		
14:00-14:30	Lunch Break		
14:30-14:50 (10 min presentation Nina; 10 min discussion)	ECRB Work Program 2015 – discussion of strategic targets Brano <ul style="list-style-type: none"> - <u>Introduce</u> that the WP 2015 will be, as usual, discussed in the WGs (in October) and the ECRB will receive a proposal for approval at its December meeting - <u>However</u>, it should be good to discuss more strategic questions on the next year targets of the ECRB before, i.e. at today’s meeting - <u>Pass the floor</u> to Nina - <u>After Nina’s presentation conclude</u> (<i>for the moment I cannot anticipate the conclusions; please see my ideas in the attached slides; but let’s see what the discussions will be</i>) 	President, ECRB Section, all / discussion	
14:50-15:05 (Valentyna 10 min; 5 min discussion)	Customers & Retail Markets – update on ongoing WG activities Brano <ul style="list-style-type: none"> - <u>Pass the floor</u> to Customer WG deputy chair Valentyna for an update of the Customer & Retail Markets WG developments - <u>Thank Valentyna</u> for her update 	CRM Deputy Chair / information	
15:05-15:55 (10 min Nenad presentation; 5 min discussions; NRA CAO Auction Rules update 5minx7)	Electricity <ul style="list-style-type: none"> - update on ongoing WG activities Brano <ul style="list-style-type: none"> - <u>Pass the floor</u> to EWG chair Nenad - <u>Thank Nenad</u> for his update <ul style="list-style-type: none"> - SEE CAO – status of national approval of Auction Rules v1.1 and compliance with ECRB position Brano <ul style="list-style-type: none"> - <u>Recall</u> that the ECRB has passed a common position on the revised version of the SEE CAO Auction Rules - <u>Underline</u> the importance of a regional body such as the SEE CAO to operate on common rules and <u>recall</u> the earlier agreement of the ECRB to (as long as the SEE CAO follows an NTC approach (as currently)), approval of Auction Rules will be done on national level BUT based on a common ECRB position; the earlier ECRB decision also says that in case NRAs deviate from the ECRB position, they shall justify 	<ul style="list-style-type: none"> - EWG Chair / information - NRAs of SEE CAO participating TSOs / information 	



	<p>in front of the ECRB</p> <ul style="list-style-type: none"> - <u>Ask</u> the NRAs whose TSOs are involved in the SEE CAO to explain the status of Auction Rule approval and compliance with the ECRB recommendation <ol style="list-style-type: none"> 1. Albania 2. Croatia 3. Bosnia & Herzegovina (we know- 100% in line) 4. Greece 5. Kosovo 6. Macedonia 7. Montenegro (we know- 100% in line) 8. Turkey 		
<p>15:55-16:15</p>	<p>Coffee Break</p>		
<p>16:15-16:45</p> <p>(15 min discussion draft position paper;</p> <p>10 min co-chairs update on GWG, 5 min questions)</p>	<p>Gas</p> <ul style="list-style-type: none"> - ECRB position on implementation of the gas CAM / CMP Regulation in the EnC and more in general on the treatment interconnection points / interconnectors between EU MS and EnC CPs <p>Brano</p> <ul style="list-style-type: none"> - <u>Re-call</u> the context of the draft position paper: we have already (under the HLRG agenda item) discussed the problem that interconnectors / interconnection points between a EU MS and a EnC CP formally do not qualify as interconnector (<i>note</i>: the discussion is part of my slides) in the sense of the 3rd package <ul style="list-style-type: none"> o <i>For your background</i>: this means that interconnectors could not apply for an exemption and interconnection points from an EU MS to an EnC CP would be treated as “third country” interconnection points – this means that the relevant EU NRA would not be obliged to apply the same rules (e.g. Network Codes) there; in this case, however, application of EU rules (Network Codes) on EnC CPs interconnection points to EU MS would not make sense, if this is a one way route only o <i>For your background</i>: the problem is purely legal – the ECS raised this problem with the Commission when the 3rd package implementation was discussed – the Commission simply replaced “MS” by “CP” which leads to the interconnector definition (a) in the EU: as a pipeline spanning 2 MSs and (b) in the EnC: as a pipelines spanning to 2 CPs; the version of a pipeline between a MS and a CP formally does not even exist o <i>For your background</i>: the Commission is aware of the problem - This problem again became evident when the GWG discussed the draft prepared by the ECS for implementing the gas CAM / CMP Regulation (i.e. on EU level approved Network Code) in the EnC - The GWG therefore decided that a position paper should clarify that from the ECRB point of view it is important to consider also interconnectors / interconnection points between a EU MS and a EnC CP as interconnectors / interconnection points in the sense of the 3rd package - <u>Inform</u> that the draft which is for adoption today has been discussed in the GWG, comments received by DG ENER and AERS are included - <u>Underline that</u> – as heard earlier from Nina in her presentation on the HLRG report – the ECS is aiming to 	<ul style="list-style-type: none"> - GWG co-Chairs / approval - GWG co-Chairs / information 	<p>Draft position</p>



	<p>clarify the topic via an interpretative note that is scheduled for approval at the MC next week >> it would be very <u>important to raise the ECRB's voice in this context</u> and support the interpretative note</p> <ul style="list-style-type: none"> - <u>Invite for discussion</u> - After discussion conclude on <u>approval</u> of the position paper (<i>hopefully...</i>) and ask Nina to send it to the EnC Presidency and Vice-Presidency by letter of the President as input to the MC next week. <p>- update on ongoing WG activities</p> <p>Brano</p> <ul style="list-style-type: none"> - <u>Pass the floor</u> to Customer WG deputy chair Valentyna for an update of the Customer & Retail Markets WG developments <p><u>Thank Valentyna</u> for her update</p>		
16:45-17:00	<p>ECRB ad-hoc TF investment incentives – update on ongoing WG activities</p> <p>Brano</p> <ul style="list-style-type: none"> - <u>Recall</u> that an ad-hoc TF on regulatory investment incentives has been set up earlier this year with a view to develop recommendations for regulatory support of new investments <ul style="list-style-type: none"> - this discussion is based on the 2013 ECRB recommendation on regulatory investment incentives in context of the EnC Projects of Common Interest and regulatory support that can be granted to those - This also links to the (earlier in Nina's update on the MC preparations mentioned) recommendation for implementation of the infrastructure Regulation that highlights a number of regulatory incentives for project promotion too - The ECRB deliverables are envisaged to base on ACER recommendations in this relation - <u>Pass the floor</u> to ad hoc TF leader Petar for an update of TF activities - <u>After Petar's presentation conclude</u> that the ad hoc TF should present a first draft to the next ECRB (note: to be checked on the spot – I have not seen Petar's presentation so I don't know where he stands now) 	Ad hoc TF Leader / information	
17:00-17:05	<p>Preparation of ECRB input to upcoming events</p> <ul style="list-style-type: none"> - Gas Forum, 7.-8.10. - Joint ECRB – Competition Network, 18.9. <p>Brano: <u>pass the floor</u> to Nina</p>	ECRB President, all / discussion	<ul style="list-style-type: none"> - Draft Gas Forum agenda - Draft ECRB-COMP agenda
17:05-17:10	<p>AOB</p> <p>Brano: <u>ask participants</u> for AOB</p>	all / information, discussion	
17:10-17:15	Next meeting	ECRB Section /	



Branco: pass the floor to Nina

information