

# Implementation of Electricity Transparency Regulation 543/2013 in the Contracting Parties

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## Joint Energy Community – ENTSO-E Workshop

Energy Community Secretariat | Vienna, Am Hof 4

22 March 2017

### Meeting Summary

Meeting agenda and presentations available at: [https://www.energy-community.org/portal/page/portal/ENC\\_HOME/CALENDAR/Other\\_Meetings/2017/Mar\\_22](https://www.energy-community.org/portal/page/portal/ENC_HOME/CALENDAR/Other_Meetings/2017/Mar_22)

#### **WELCOME ADDRESS**

1. The Energy Community Secretariat ('Secretariat') welcomed the participants and updated on the status of electricity market developments in the Energy Community (EnC). It was stressed that with the move to close to real time trading and market integration, transparency will become even more pressing. Also, it was emphasized that in the Contracting Parties' (EnC CPs) electricity markets which are characterized by the dominance of incumbent companies, transparency is even more important.
2. ENTSO-E informed that the specific focus of the meeting should be on taking stock of the progress made in the Contracting Parties as of the 1<sup>st</sup> ECS-ENTSO-E transparency workshop that was organized in November 2015, as well as on presenting changes in the updated Manual of Procedures (MoP). ENTSO-E expressed readiness to support EnC CPs' TSOs in implementing Regulation (EC) 543/2013 and publishing data on ENTSO-E transparency platform.

#### **LEGAL BACKGROUND AND ELEMENTS OF REGULATION (EC) 543/2013 IN THE ENERGY COMMUNITY ACQUIS**

*Reference: presentation Secretariat*

3. The Secretariat emphasized importance of transparency in providing a level-playing field and explained that transparency is already prominently required by the 3<sup>rd</sup> package, namely Regulation (EC) 714/2009 which was enriched by Regulation (EC) 543/2013 requiring TSOs (or, alternatively data owners directly) to deliver data to a European-wide transparency platform operated by ENTSO-E (EMFIP).
4. The Secretariat explained the procedures that led to adoption of Regulation (EC) 543/2013 in the Contracting Parties (cf [https://www.energy-community.org/portal/page/portal/ENC\\_HOME/DOCS/4530434/47F139B38033401BE053C92FA8C08D73.pdf](https://www.energy-community.org/portal/page/portal/ENC_HOME/DOCS/4530434/47F139B38033401BE053C92FA8C08D73.pdf)), reminded on the expiry of deadline for notification, transposition and implementation of the Regulation

by end of December 2015. The Secretariat informed that until December 2016 related notifications have not been received, except by Serbia. Following discussions at a meeting of the Permanent High Level Group (PHLG) in December 2016 (cf [https://www.energy-community.org/portal/page/portal/ENC\\_HOME/DOCS/4456436/43B4BE3B73221C6FE053C92FA8C0957F.pdf](https://www.energy-community.org/portal/page/portal/ENC_HOME/DOCS/4456436/43B4BE3B73221C6FE053C92FA8C0957F.pdf); item 5), the Secretariat addressed the Contracting Parties with a request for notification of transposing and implementing measures. The Secretariat informed about the feedback received (cf presentation Secretariat). Namely notifications have been received by all Contracting Parties except for Albania and Moldova. Still, the level of de facto implementation is subject to further investigations by the Secretariat.

## **TOUR DE TABLE: STATUS OF THE IMPLEMENTATION OF REGULATION (EC) 543/2013**

### Serbia

*Reference: presentation EMS*

5. Serbian TSO EMS informed that EMS is implementing Regulation (EC) 543/2013 which is transposed into Serbia legislation. EMS adopted rules on the publication of data in line with the Regulation, which were approved by AERS in December 2016. Data is sent to EMFIP, currently 80% of the required data is available, as of January 2018 98% should be available. To reach 100% of compliance, changes in the Energy Law and other laws are needed as regards the possibility to publish data on generation units, which is currently forbidden as related data is defined as commercially sensitive information. Related change of legislation has been already initiated.
6. EMS encountered some challenges in the implementation of Regulation (EC) 543/2013, namely related to necessary changes of the Market Management System (MMS) which should though be in place by end of the year. EMS stressed the importance of knowing the envisaged changes in ENTSO-E's manual of procedure as those will most probably have to be reflected in the Serbian rules transposing Regulation (EC) 543/2013 (on further details: cf presentation EMS). Both changes in the rules and MMS system will be needed for re-dispatching.
7. EMS has agreements with neighboring TSOs and data owners on data delivery to EMFIP. EMS explained that data from the power exchange (SEEPEX) are submitted to the ENTSO-E Transparency platform by EMS. SEEPEX submits data to EMS based on the bilateral agreement between EMS and SEEPEX.

### Albania

8. The Secretariat noted that Albania did not notify any measures transposing and/or implementing Regulation (EC) 543/2013 to the Secretariat.
9. OST informed that the existing legislation (Power Sector Law) does not stand against implementing Regulation (EC) 543/2013 but a 2ndary act of the regulator on data publication is needed but still pending. To allow for publication of balancing related data, a regulatory act changing the market rules is additionally needed. Both acts are expected for 2017, but a clear schedule is not available.
10. OST further informed that procurement of an IT platform via which submission of data to EMFIP shall be possible has been initiated.

### Bosnia and Herzegovina

11. Representatives of Bosnia and Herzegovina were not present, but the TSO NOSBiH provided a written statement according to which data submission to EMFIP has been already started (currently 17 data items), some of which still in a testing phase (35-40 data items expected to be published).
12. ENTSO-E confirmed related developments and progress made by Bosnia and Herzegovina.

### Moldova

13. Moldelectrica informed that a process of implementing Regulation (EC) 543/2013 has been initiated. However market rules that should contain provisions on transparency are still to be adopted. Moldelectrica recognised a need for a focal point that would lead them through the implementation process. Moldelectrica informed that load data and some general information about generation are published on the website.

### Ukraine

14. The Secretariat noted that Ukraine did not notify any measures transposing and/or implementing Regulation (EC) 543/2013 to the Secretariat.
15. NEURC informed on the plan to develop necessary regulatory acts requiring data publication before summer 2017. Primary legislation is available but only allows the regulator to oblige for publication of certain data required under Regulation (EC) 543/2013. Namely, regulatory acts can only oblige licensed entities. Ukrenergo currently only published data related to Articles 6, 7 and 10 of Regulation (EC) 543/2013.
16. The Secretariat encouraged the regulator to issue the required 2ndary act without further delay. NEURC confirmed consulting the draft with the Secretariat. The Secretariat further pinpointed to the possibility to oblige the TSO to enter into data delivery contracts with non-licensed data owners. In this context, the Serbian regulatory authority informed that, according to Serbian legislation, data submission is a TSO's responsibility, including collection of data from data owners. ENTSO-E also expressed that data should be submitted by the TSO.

### Montenegro

17. The regulator informed that certain data publication requirements are transposed into national legislation but to reach complete compliance with Regulation (EC) 543/2013 a rulebook needs to be issued by the Ministry until June 2017. A related working group is currently formed.
18. The majority of information is already made public on the websites of CGES and EMFIP.
19. ENTSO-E confirmed progress made by Montenegro.

### Georgia

20. GSE informed that data publication has been started and the set up of a team dedicated to reaching compliance with Regulation (EC) 543/2013 is envisaged.
21. The Secretariat welcomed related developments, having in mind that Regulation (EC) 543/2013 is not yet obligatory for Georgia.
22. GSE asked for support of the Secretariat and ENTSO-E in the implementation process.

## ENTSO-E EXPERIENCE FROM 2 YEARS OF OPERATION

*Reference: presentation ENTSO-E*

23. ENTSO-E presented the Transparency platform that is now operating for more than two years. There are 6 data domains, namely load, generation, transmission, balancing, outages and congestion management. 50 data providers are submitting around 10 million files per year. There are 5134 registered generation units, and 24816 registered transmission assets. In total there are 7000 registered users, out of which 2500 are active on daily basis and the numbers are increasing day by day. 212 configured areas are covered by the platform. All of the data is reported to ACER ARIS according to the REMIT Regulation as fundamental data. ENTSO-E also presented the architecture of the platform (for details cf presentation ENTSO-E).
24. ENTSO-E stated that first steps for new data providers are to appoint a Single Person of Contact (SPoC) and, as a fundamental issue, to clarify the Area Concept, where area can be defined as Country, Bidding zone, Control Area and Market balance Area. It is important to have a Local Issue Office (LIO) that will issue EIC codes to areas/objects/assets. Also, preparation of Reference data (currencies, borders, MTUs, BTUs, maps, time zones...) is needed for the ENTSO-E. Then follows the determination of the data that is to be reported. Info about the scope of master data is given, and also training for data providers and data users (very powerful users) is advisable in order for data providers to be prepared for effective functioning of the platform. ENTSO-E can advise and guide the new data providers through this process.
25. ENTSO-E presented various operational challenges. To avoid unnecessarily high load of information, submissions of huge number of files should be coordinated in advance. Cancellation of balancing data could be also very challenging. Different values from different data providers can be submitted because of lack of coordination between providers, despite the fact that those values must be the same. Quality of delivered data can be disputable as well (cf presentation ENTSO-E). Serbian TSO EMS presented the operational challenges of EMS local project of transparency and stressed that not all of the data sent to ENTSO-E is displayed on EMS transparency web site, but in the future it will be available.
26. ENTSO-E further informed that it organized helpdesk which proved to be a great tool for user's feedback. It works on ticketing system for both for users and data providers. Quires vary from data completeness & quality to really technical topics. Data providers are actively involved in solving issues as in many cases data completeness & quality issues are to be dealt with them.
27. ENTSO-E informed of the User Group (ETUG) that was established after the go-live of the transparency platform. There are two types of membership: core (physical participation) and remote (online survey, remote testing). It covers different types of users: generators, traders, EC, ACER, researchers, IT providers, TSOs. There are 3-4 meetings per year. The main goal of the group is to make the system work properly in order to have it as a functioning tool, and not only as a fulfillment of legal provision. One of the tasks in the group is to be active in testing which is crucial for the system to function properly. Other tasks are to identify and analyze issues that impact data users, to organize and participate in the analysis and prioritization of data-related issues to produce coherent, reasonable and useful user interface change. It is also used for gathering improvement proposals and recommendations for further assessment and eventual implementation by ENTSO-E. Users participate in testing of the current transparency platform, and will participate in any future user interface versions in the predevelopment and user acceptance phases. On

suggestion of European Commission a download functions were introduced after go-live of the platform, which improved usability of the data on the platform.

28. ENTSO-E presented a quick introduction of the Transparency Platform (live demo).

## **MANUAL OF PROCEDURE REVISION**

*Reference: presentation ENTSO-E*

29. ENTSO-E presented changes in the manual of procedures and main drivers for its update. ENTSO-E stated that the MoP update started in 2016, despite the fact it was published in 2015. It was updated because users gave lots of feedback, after the go-live of the platform, how the quality of the data can be raised. Implementation plan is almost finalized after the ACER Opinion on revised MoP was received on 8 February 2017. ENTSO-E is legally mandated by European Commission to define the Manual of Procedures which is a set of documents consisting of Detailed Data Descriptions, Business Requirements and Implementation Guides. The process of improving the quality of the data is a living process, and other changes are to be made already after the Electricity Balancing Guideline is published.

Review of MoP was agreed and discussed with the ETUG. Scope of the review initially was limited but later it became wider. ACER was closely cooperated with, and it was one of the parties that was asking for more changes. They are in the end of the process and ACER wants to see the changes as soon as possible. The answer will be prepared in which ACER arguments will be partially accepted and partially turned down. Main changes deriving from the updated MoP were explained (cf presentation ENTSO-E).

## **CLOSING REMARKS AND NEXT STEPS**

30. The workshop showed that in majority of the Energy Community Contracting Parties (except progress reported in Serbia and Bosnia and Herzegovina) neither the straightforward transposition (transparency rules) nor the implementation by the TSOs (local IT platforms) are at the level that would ensure smooth integration with the ENTSO-E platform.
31. ENTSO-E welcomed the progress that has been made in terms of implementing Regulation (EC) 543/2013 in the Contracting Parties and suggested that cooperation should be continued. ENTSO-E proposed to establish an implementation group with regular meetings for the integration with the ENTSO-E transparency platform, but only after legal certainty and transparency platforms at national level are in the development phase in EnC CPs. Until then, ad-hoc workshops or meetings are to be organized in case of questions from EnC CPs or major updates on ENTSO-E side. Lastly, ENTSO-E invites the EnC CP TSOs into its yearly data provider training to provide an early introduction to the platform.
32. ENTSO-E stressed that submission of balancing data is a difficult topic even for EU members, as balancing markets are still not harmonized. ENTSO-E also expressed its readiness to support and recommended a step-wise approach to implementation, starting from the data which are easier to provide.
33. ENTSO-E underlined importance of the TSO role and expertise in implementing Regulation (EC) 543/2013 and defining data requirements for the ENTSO-E Transparency platform.
34. ENTSO-E proposed the Secretariat to take an observing role in the ENTSO-E Transparency User Group.
35. The Secretariat supported ENTSO-E's proposals and announced to continue supporting the Contracting Parties and TSOs in their implementation efforts in close cooperation with ENTSO-E.

36. The Secretariat noted that where data cannot be submitted to the Transparency Platform due to technical difficulties the relevant TSO should still publish data on its own website.
37. The Secretariat further announced that in parallel to the implementation support the Secretariat will also continue analyzing the level of transposition and implementation and consider opening infringement cases in case of relevant and continuous compliance shortcomings. The Secretariat thanked the participants for the clarifications and updates received during the workshop in real term implementation and existing compliance barriers.
38. The ECRB Electricity Working Group Chair announced that also ECRB will perform an analysis of the implementation of Regulation (EC) 543/2013 as follow up of its related 2016 report.