



Transparency of electricity markets in the Energy Community

Compliance with Regulation 543/2013

April 2019

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Introduction

1. About ECRB

The Energy Community Regulatory Board (ECRB) operates based on the Energy Community Treaty. As an institution of the Energy Community¹ the ECRB advises the Energy Community Ministerial Council and Permanent High Level Group on details of statutory, technical and regulatory rules and makes recommendations in the case of cross-border disputes between regulators.

ECRB is the independent regional voice of energy regulators in the Energy Community. ECRB's mission builds on three pillars: providing coordinated regulatory positions to energy policy debates, harmonizing regulatory rules across borders as well as sharing regulatory knowledge and experience.

2. Background

ECRB aims at making electricity markets more transparent through its monitoring endeavours as part of South East Europe Automated Market Monitoring System,² the ECRB Market Monitoring Reports³ and through assessment of the compliance with Commission Regulation (EU) 543/2013 on submission and publication of data in electricity markets (hereinafter: 'Regulation (EU) 543/2013' or 'the Transparency Regulation').⁴ The ECRB Recommendation on the adoption of the Transparency Regulation in the Energy Community was an important achievement demonstrating commitment of the regulators that led to adoption of the said Regulation in 2015.⁵

The transposition deadline for Regulation (EU) 543/2013 was set for 24 December 2015, while the deadline for implementation was set for 24 December 2016. Following cooperation with ENTSO-E, in charge of operating the central Electricity Market Fundamental Information Platform (EMFIP),⁶ most of the Contracting Parties' transmission system operators (TSOs) submit required data to the EMFIP platform. Contracting Parties that for technical reasons are not able to submit the data to ENTSO-E are required to ensure data publication on their national platforms until relevant technical issues are resolved and transfer of data to ENTSO-E is possible.

2.1. The concept of Transparency Regulation (EU) 543/2013

With the experience gained during the establishment and development of cross-border wholesale markets in the European Union (EU), awareness for the need of a harmonised and comprehensive set of

¹ www.energy-community.org. The Energy Community comprises the EU and Albania, Bosnia and Herzegovina, North Macedonia, Georgia, Kosovo*, Moldova, Montenegro, Serbia and Ukraine. Armenia, Turkey and Norway are Observer Countries. [Throughout this document the symbol * refers to the following statement: *This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Advisory Opinion on the Kosovo declaration of independence*].

² Compare to the ECRB Market Monitoring Guidelines available here: https://www.energycommunity.org/dam/jcr:6ff463f1-4c0f-4c3f-943b-f769f2c065f9/ECRB_market_monitoring.pdf.

³ Cf: ECRB, Market Monitoring Report 2015. See: https://www.energy-community.org/dam/jcr:fe63cdf1-f49e-4ad7-9a87-7dd7cf094ed1/ECRB_market_report_2015.pdf.

⁴ Cf ECRB, Electricity Data Publication in SEE, December 2016.

⁵ PHLG Decision 2015/01/PHLG/EnC https://www.energy-community.org/dam/jcr:dad276cb-5eee-4884-b44a5d40a9682243/Decision_2015_01_PHLG_EL.pdf

⁶ The central data platform is available at www.entsoe.net and <https://transparency.entsoe.eu/>.

rules for transparency in electricity markets arose. Accordingly, the legal basis for the submission and publication of data where established in Commission Regulation (EU) 543/2013.

Compared to the 2nd or 3rd Internal Energy Market Packages' transparency provisions,⁷ Regulation (EU) 543/2013 provides a much more comprehensive set of definitions of the data to be published, prescribes roles and responsibilities and establishes a central platform for the publication of such data. In a nutshell, the main arguments supporting Transparency Regulation (EU) 543/2013 are:

- To overcome the lack of legal certainty in two areas:
 - on data type, details, and timing requirements and
 - to clearly define the responsibilities of data owners and the relation with TSOs.
- To provide a centralised publication of data, allowing for an overall assessment of fundamentals of market functioning.
- To avoid potential inconsistency with REMIT.⁸
- Benefits from implementation of the central publication platform.
- To facilitate the endeavours of Energy Community Contracting Parties' TSOs to get involved in the EMFIP platform.

3. Scope

The current report is taking stock of the level of implementation of the Contracting Parties in fulfilling their obligations under Regulation (EU) 543/2013. This shall help National Regulatory Authorities (NRAs) to understand the state of play and enforce implementation of the Transparency Regulation.

The report further shows improvement trends by comparing the current publication level with results of previous years.

4. Methodology

The present report evaluates the level of compliance with the data publication requirements of the Transparency Regulation in the Contracting Parties. Each publication item, as listed in the Annex of this report, is treated with equal weight in the results presented. Some elements can be fulfilled through the annual publication of information on largely static underlying elements, e.g. installed generation capacity, whereas others need complex and steady information streams between different unbundled entities that result in a timely and constant publication, like data on actual generation. The number of obligatory publication items differs from jurisdiction to jurisdiction: requirements do not apply in case certain thresholds triggering publication obligations are not reached certain types of infrastructure or markets are not in place.

The results presented in the following chapters are sorted along the following lines:

⁷ The provisions governing the publication of data of both packages have the same wording. They are to be found in points 5.5 and 5.9 of Annex I to Regulation (EC) 714/2009 and to Regulation (EC) 1228/2003, respectively.

⁸ Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT).

- Overall scoring in terms of publication of data pursuant to Regulation (EU) 543/2013;
- Overall scoring in terms of publication of data on ENTSO-E transparency platform;
- Comparative performance of publication items by groups:
 - o Load;
 - o Transmission;
 - o Generation;
 - o Balancing.

In addition, the Annex provides a detailed analysis of the level of compliance with the individual publication requirements of Regulation (EU) 543/2013 per Contracting Party.

Findings

1. Overview

Certain progress has been achieved on transposition of the Transparency Regulation. However the implementation, i.e. the publication of the complete set of required information is lagging behind.

In overall terms, the level of implementation is very heterogeneous: countries whose TSOs are members of ENTSO-E are front-runners, while for all others improvement is still needed. This is partly because of the Transparency Regulation's concept to centrally publish data through the platform operated by ENTSO-E. Another reason is that transparency has always been part of previous legislative packages. Hence, those countries leading in implementation of older parts of the Energy Community acquis since the start of market liberalisation also turned out to be leading in transparency by publication.

2. Transposition and *de iure* compliance

Even if the present report focuses on analysing the *de facto* level of compliance with the Transparency Regulation, it is still worth providing a snapshot of the status of legal compliance, i.e. to which extent the individual Contracting Parties transposed Regulation (EU) 543/2013 into their national legislative framework. This information is relevant as lack of a legal basis requiring data publication must be accepted as reason triggering lack of *de facto* compliance as well as an argument for inability of regulators to enforce implementation.

- In Albania national legislation defines the obligation for data publication, however, approval of secondary legislation transposing Regulation (EU) 543/2013 is still pending.
- In Bosnia and Herzegovina legislation on state level imposes an obligation on the Independent System Operator to publish data on transmission capacity and ancillary services, including the right to request relevant data from market participants. On entity level the various market rules include obligations to report on demand forecast, the use of distribution networks and contracted supply. Obligations to publish specific data exist in the applied rules for allocation of cross-border capacity, market rules and balancing rules. However, Regulation (EU) 543/2013 as such is formally not transposed into national legislation.
- In Georgia Regulation (EU) 543/2013 is transposed already in national legislation, namely into the national grid code.
- In Ukraine transposition of Regulation (EU) 543/2013 was completed. NEURC on 19 June 2018 adopted the "Procedure on collecting and submission data on functioning of the electricity market for publication on the ENTSO-E Transparency Platform". This resolution entered into force on 10 October 2018. Three months after the entry into force of the resolution, *Ukrenergo* developed and published on its website draft guidelines on the submission and publication of electricity market data according to which *Ukrenergo* will have to provide data to the EMFIP Transparency Platform on regular basis six months after the entry into force of the guidelines. Also, a draft agreement on the publication of data on the ENTSO-E Transparency Platform for TSOs that are not members of ENTSO-E has been

developed.

- In Moldova on July 26, 2017, ANRE adopted the decision no. 299/2017, which establishes the obligation of TSO and market participants to submit information about electricity market of Moldova to be published on the common platform of ENTSO-E.
- In Montenegro EU Regulation 543/2013 has been transposed through the secondary legislation, Rules on data provided by transmission system operator and submission and publication of electricity market important data, which has been in force since March 2018.
- In Kosovo* EU Regulation 543/2013 has been transposed and is in force since 13 June 2018.
- In North Macedonia Regulation EU 543/2013 is transposed in new Energy Law which was published in Official Gazette 96/2018.
- In Serbia Regulation (EU) 543/2013 was transposed via the TSO's Rules for Publication of Key Market Data. In order to reach full compliance, changes in national legislation are required, inter alia Energy Law where it is necessary to allow publishing of data on generation units, which existing legislation considers as commercially sensitive data.

3. Implementation and *de facto* compliance

The publication items used for this report and listed in Annex are based on the so-called Detailed Data Descriptions (Version 1, Release 4, as of 24 February 2014)⁹ and the Manual of Procedures (Version 2.1 of 12 December 2016) for the ENTSO-E Central Information Transparency Platform,¹⁰ pursuant to Article 5 of Regulation (EU) 543/2013.

Figure 1 displays the overall level of data publication pursuant to Regulation (EU) 543/2013, combining local and EMFIP-based publication. It shows that there has been different progress in implementing the publication obligations in the various countries.

Based on level of implementation one can identify three groups of Contracting Parties:

1. Contracting Parties that achieved almost full implementation such as Serbia.
2. Contracting Parties that have a moderate level of implementation such as Bosnia and Herzegovina, Montenegro, Albania and North Macedonia.
3. Contracting Parties that have a low level of implementation such as Kosovo*, Ukraine, Moldova and Georgia.

⁹ See detailed data descriptions available at: https://www.entsoe.eu/fileadmin/user_upload/library/resources/Transparency/MoP%20Ref02%20-%20EMFIP-Detailed%20Data%20Descriptions%20V1R4-2014-02-24.pdf.

¹⁰ See: https://www.entsoe.eu/Documents/MC%20documents/Transparency%20Platform/MOP/00_ENTSO-E%20Manual%20of%20Procedures_V2R1.pdf.

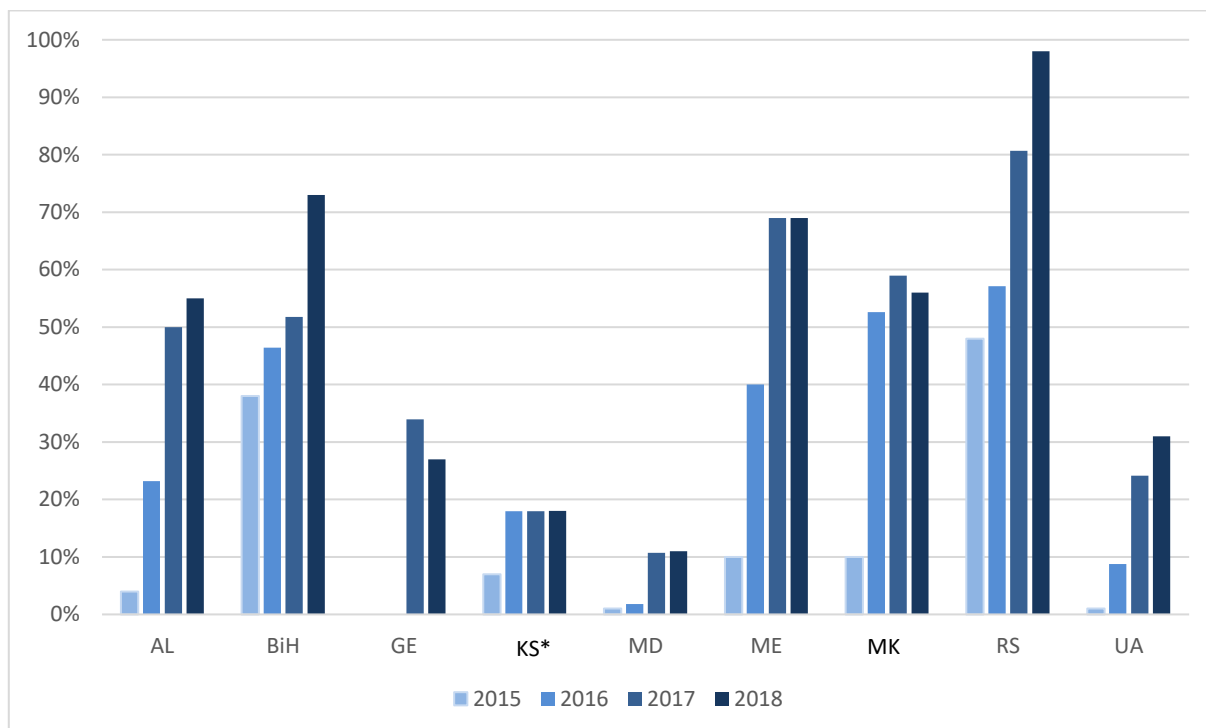


Figure 1: Overall scoring in terms of publication of data pursuant to Regulation 543/2013¹¹

Regulation (EU) 543/2013 encourages participation of TSOs on the ENTSO-E transparency platform. The survey reveals that not all the data that is published locally is also published on the ENTSO-E transparency platform. Figure 2 shows overall scoring in terms of publication of data on ENTSO-E Transparency Platform. TSOs that are not member of ENTSO-E such as the TSO from Georgia, Moldova¹² and Kosovo* are not cooperating with ENTSO-E Transparency Platform in terms of data publication.¹³ Results for these markets are thus only provided in Figure 1 and related to local publication. For the other Contracting Parties lack of data publication on EMFIP is explained by lack of automation of data collection and submission processes resulting from lack of SCADA and communication software development.

¹¹ The abbreviations used follow ISO standard 3166: AL: Albania, BH: Bosnia and Herzegovina, GE: Georgia, KS*: Kosovo*, MD: Moldova, ME: Montenegro, MK: North Macedonia, RS: Serbia, UA: Ukraine.

¹² *Moldelectrica* started testing the publication of specific data items with ENTSO-E.

¹³ *Ukrenergo*, though not member of ENTSO-E, started to publish data on EMFIP in 2018.

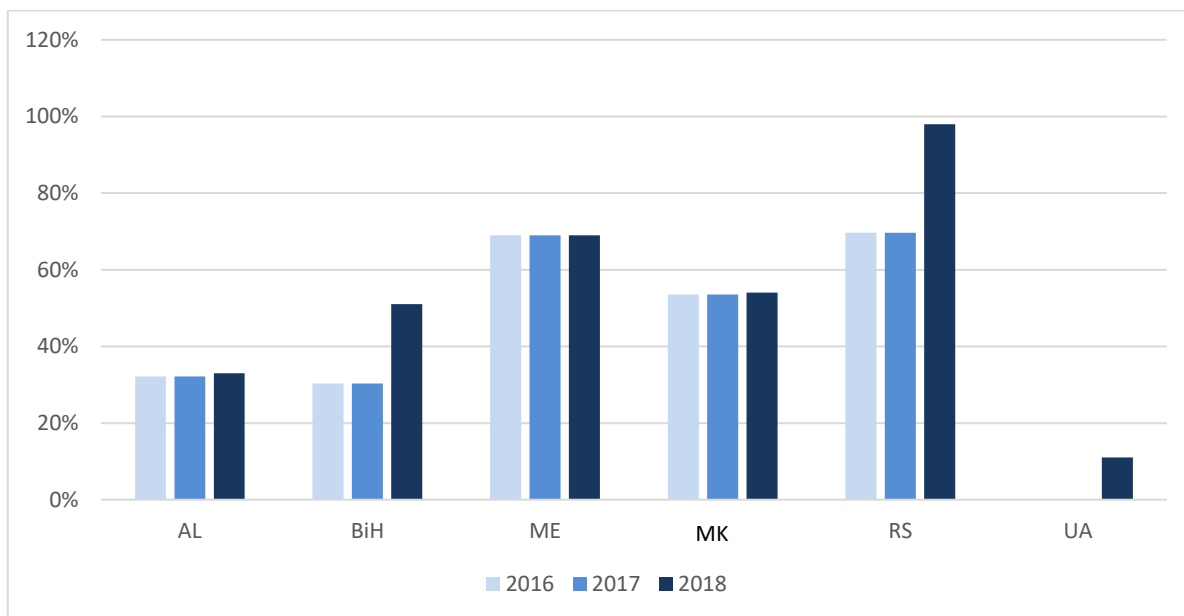


Figure 2. Overall scoring in terms of publication of data on ENTSO-E Transparency Platform

A look into the details of the publication items reveals that data not primarily owned by the TSOs, which relate to close to real-time operation and balancing, receives lower scoring in general. Figures 3-6 also indicate for most parties better performance in the areas of transmission and load, where TSOs do not have to engage (much) with other entities from the sectors but largely with other TSOs only. Results are even worse where agreement(s) on data submission clarifying data confidentiality issues would be needed, as for example in the sphere of generation and balancing.

As regards publication of **load data** the good progress made in Ukraine in this area should be emphasised as well as the accomplishment of related publication requirements in North Macedonia and Serbia. The following figure shows related monitoring results for all Contracting Parties.

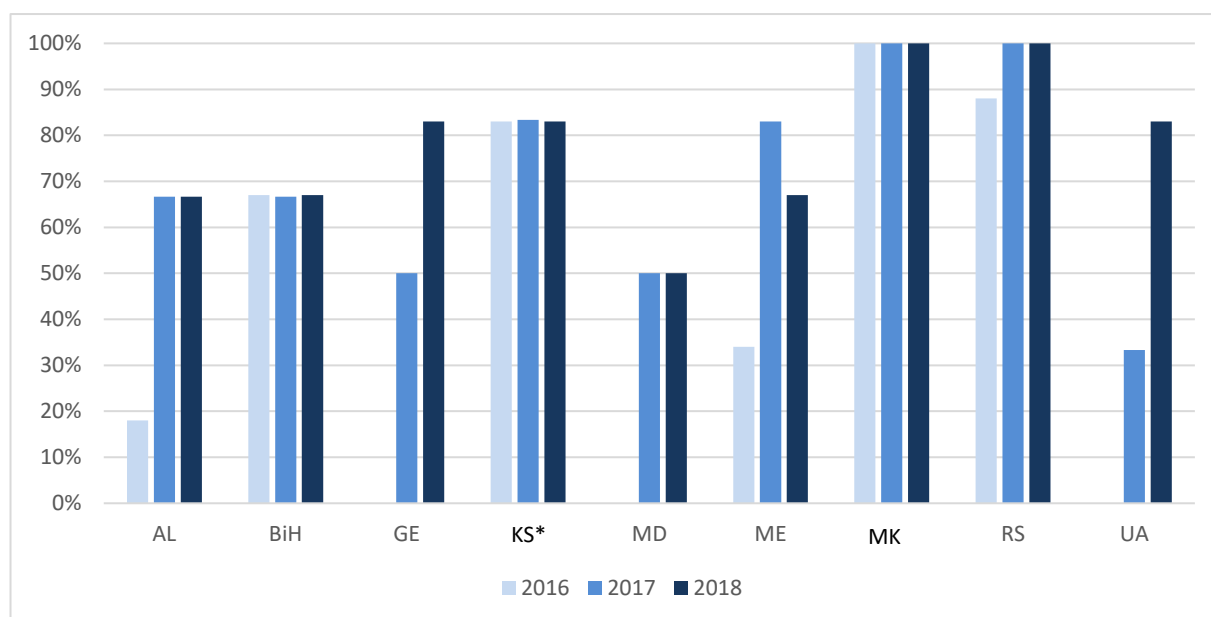


Figure 3: Publication of items related to Load

In relation to **transmission data** publication, Serbia and Bosnia and Herzegovina increased their transparency requirements compliance. The following figure shows related monitoring results for all Contracting Parties.

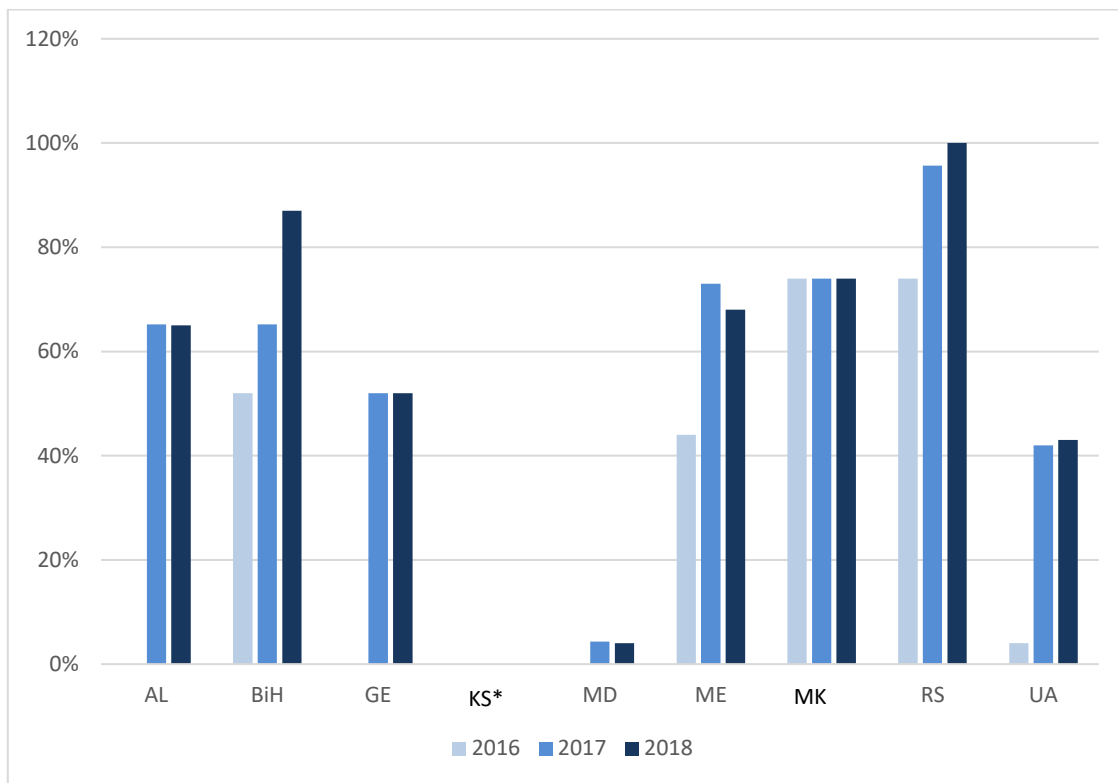


Figure 4: Publication of items related to Transmission

Good progress in terms of **generation data** publication is shown in figure 5 for North Macedonia, Montenegro, Bosnia and Herzegovina and Serbia. Certain deterioration is observed for Ukraine that most probably is due to reporting errors in previous year. Regulatory authorities of those Contracting Parties where no progress is monitored compared to last year's results are recommended to closely investigate the reasons for stagnant development.

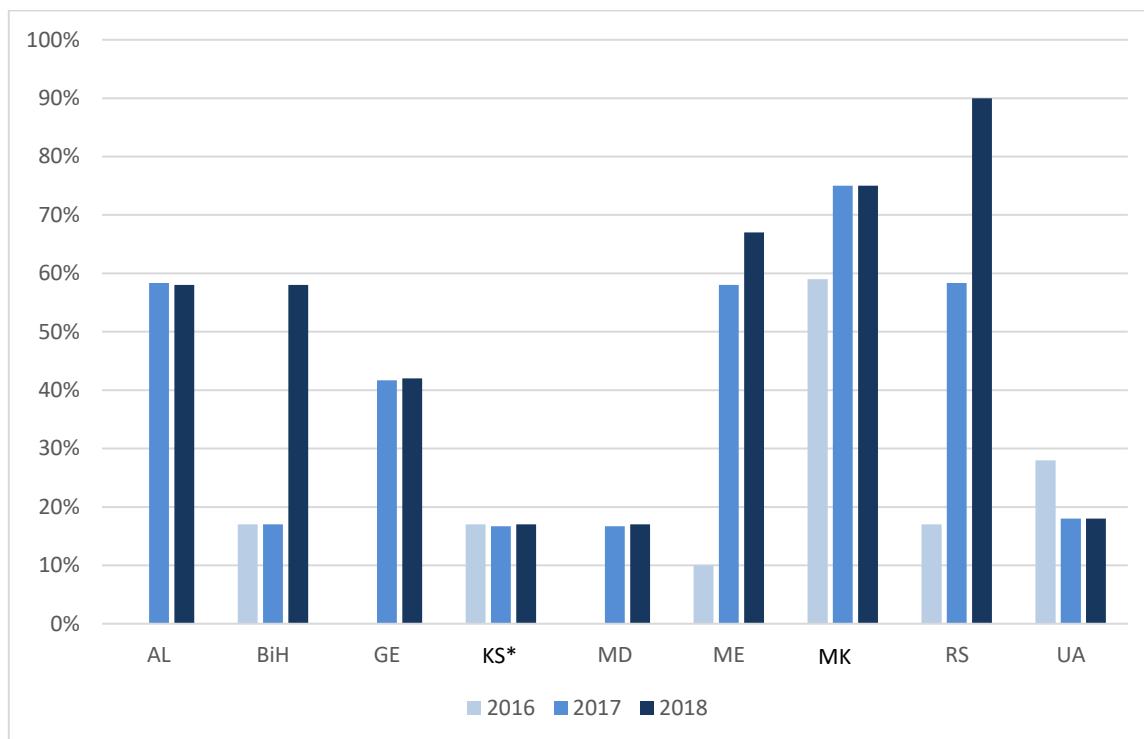


Figure 5: Publication of items related to Generation

In countries where **balancing** market structures exist, namely Serbia, Montenegro or Bosnia and Herzegovina, the level of compliance with Regulation (EU) 543/2013 most evidently is significantly higher than in other Contracting Parties.

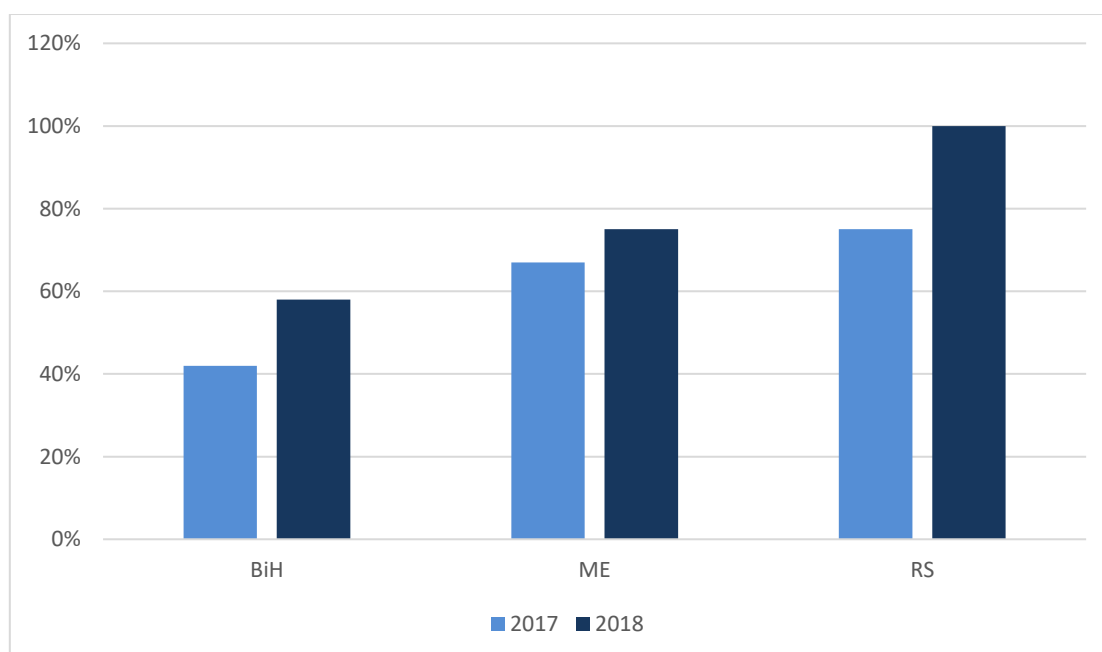


Figure 6: Publication of items related to Balancing

Conclusions and Recommendations

The present report shows different progress made by Contracting Parties in implementing Regulation (EU) 543/2013. As regards the overall implementation level, as well as by item groups:

- Serbia is the front-runner among the Contracting Parties.
- Montenegro, Albania, Bosnia and Herzegovina and North Macedonia are progressing and are nearly at the same compliance level.
- Ukraine made noticeable progress: Regulation 543/2013 was transposed and the TSO started to publish some data on the EMFIP platform.
- Moldova, Kosovo* and Georgia are significantly lagging behind.

The analysis reveals that network and market data availability and transparency by tendency increases along with effective implementation of the Third Energy Market Package and electricity market development.

ECRB emphasises the importance of transparency for electricity market development and, thus, encourages regulators to ensure, where needed, enhanced and, in all cases, continues compliance of their national market participants with the data publication requirements of Regulation (EU) 543/2013.

Annex: List of Publication Items Monitored

The following table provides a detailed assessment of the compliance status with the individual publication requirements of Regulation (EU) 543/2013. Fulfilled requirements are marked green, also referring to the place of publication (EMFIP – pure green, or locally – green with red dots) whereas lack of compliance is marked red. For the later cases the table further provides information on the expected time schedule for implementation. The grey color means that certain requirement is not applicable to the Contracting Party.

| Group | Relevant Article(s) of Regulation (EU) 543/2013 | Short description of Data | AL | BiH | GE | KS* | ME | MK | MD | RS | UA |
|---------------------------|---|--|-------|-------|-----|-----|-------|-------|-----|-------|-------|
| Load | 6.1a, 6.2a | Actual total load per Bidding Zone (BZ) | | EMFIP | TSO | TSO | EMFIP | EMFIP | TSO | EMFIP | EMFIP |
| | 6.1b, 6.2b | D-1 total load forecast per BZ | TSO | EMFIP | TSO | TSO | EMFIP | EMFIP | | EMFIP | EMFIP |
| | 6.1c, 6.2c | W-1 total load forecast per BZ | TSO | | TSO | | EMFIP | TSO | | EMFIP | EMFIP |
| | 6.1d, 6.2d | M-1 total load forecast per BZ | TSO | | TSO | TSO | EMFIP | TSO | TSO | EMFIP | EMFIP |
| | 6.1e, 6.2e | Y-1 total load forecast per BZ | TSO | EMFIP | TSO | TSO | | TSO | TSO | EMFIP | EMFIP |
| | 8.1, 8.2 | Y-1 forecast margin | TSO | EMFIP | | TSO | | EMFIP | | EMFIP | |
| | 7.1a, 7.2, 7.3 | Planned unavailability of consumption units | | | | | | EMFIP | | | |
| | 7.1b, 7.2, 7.3 | Actual unavailability of consumption units (Changes in actual availability of consumption units) | | | | | | | | | |
| Trans- mission | 9,1 | Report on developments (expansion and dismantling projects) | TSO | TSO | TSO | | | EMFIP | | EMFIP | |
| | 10.1a, 10.2, 10.4 | Planned unavailability in the transmission grid | TSO | TSO | | | | EMFIP | | EMFIP | |
| | 10.1b, 10.3, 10.4 | Changes in actual availability of interconnections and the transmission grid | TSO | | | | | | | EMFIP | |
| | 10.1c, 10.3 | Unavailability of offshore infrastructure | | | | | | | | | |
| | 11.1, 11.2 | Yearly forecasted cross-zonal capacity | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | TSO |
| | 11.1, 11.2 | Monthly forecasted cross-zonal capacity | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | TSO |
| | 11.1, 11.2 | Weekly forecasted cross-zonal capacity | | | TSO | | | | | | TSO |
| | 11.1, 11.2 | Yearly offered cross-zonal capacity | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | TSO |
| | 11.1, 11.2 | Monthly offered cross-zonal capacity | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | TSO |

| | | | | | | | | | | |
|------------------------|---|--|-------|-------|-----|-------|-------|-------|-------|-------|
| 11.1, 11.2 | Weekly offered cross-zonal capacity | | | | | | | | | TSO |
| 11,1 | D-1 forecasted cross-zonal capacity (NTC) | EMFIP | EMFIP | | | EMFIP | EMFIP | | EMFIP | TSO |
| 11.1, 11.2 | D-1 offered cross-zonal capacity (NTC allocation method) | TSO | EMFIP | | | EMFIP | EMFIP | | EMFIP | TSO |
| 11.1, 11.2 | D-1 offered cross zonal capacity (FB allocation method) | | | | | | | | | |
| 11,1 | Other offered transfer capacities (semester, quarter, weekend, etc.) | | | | | | | | | |
| 11.1, 11.2 | Intraday offered cross-zonal capacity (NTC allocation) | TSO | EMFIP | | | EMFIP | EMFIP | | EMFIP | EMFIP |
| 11.1, 11.2 | Intraday offered cross-zonal capacity (FB allocation) | | | | | | | | | |
| 11,3 | Restrictions on DC links - Ramping restrictions | | | | | | | | | |
| 11,3 | Restrictions on DC links - Intraday Transfer limits | | | | | | | | | |
| 11,4 | Yearly report about critical network elements limiting offered capacity | | | | | | EMFIP | | EMFIP | |
| 12.1a, 12.2a | Explicit allocation - The capacity, requested by the market | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | |
| 12.1a, 12.2a | Explicit allocation - the capacity allocated to the market | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | |
| 12.1a, 12.2a | Explicit allocation - the price of the capacity | EMFIP | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| 12.1a, 12.2a | Explicit allocation - the auction revenue per border between BZs | EMFIP | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| 12.1b, 12.2b | Total Capacity nominated from explicit allocation | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | |
| 12.1c, 12.2c | Total Capacity Already Allocated | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | |
| 12.1d, 12.2d | Day-Ahead Prices | | | | | | | | EMFIP | |
| 12.1e, 12.2a | Implicit allocations - net positions | | | | | | | | | |
| 12.1e, 12.2a | Implicit allocations - congestion income | | | | | | | | | |
| 12.1f, 12.2e | Total scheduled commercial exchanges | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | |
| 12.1g, 12.2f | Physical Flows | | EMFIP | TSO | | EMFIP | | TSO | EMFIP | EMFIP |
| 12.1h, 12.2g | Transfer capacities allocated between BZ in Member States/Contracting Parties and third countries | | | | | | | | | |
| 13.1a, 13.2 | Congestion management - redispatching | | | | | | | | EMFIP | |
| 13.1b, 13.2 | Congestion management - Countertrading | | | | | | | | | |
| 13.1c | Congestion management report (Costs of Congestion management) | | | | | | | | EMFIP | |
| Generatio n | 14.1a, 14.2a | Installed Generation Capacity aggregated | TSO | TSO | TSO | TSO | EMFIP | EMFIP | TSO | EMFIP |
| | 14.1b, 14.2 b | Installed capacity by Production Unit | EMFIP | EMFIP | | TSO | EMFIP | EMFIP | TSO | EMFIP |

| | | | | | | | | | | | |
|------------------|-------------------|---|-------|-------|-----|--|-------|-------|--|-------|-------|
| | 14.1c, 14.2c | D-1 aggregated generation | EMFIP | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | |
| | 14.1d, 14.2d | D-1 generation forecasts for wind and solar | | | TSO | | EMFIP | EMFIP | | | |
| | 15.1a, 15.2, 15.3 | Planned Unavailability of a generation unit | EMFIP | | | | | EMFIP | | EMFIP | |
| | 15.1b, 15.2, 15.3 | Actual unavailability of generation unit | EMFIP | | | | | | | EMFIP | |
| | 15.1c, 15.2, 15.3 | Planned unavailability of production unit | EMFIP | | | | | EMFIP | | EMFIP | |
| | 15.1d, 15.2, 15.3 | Actual unavailability of production unit | EMFIP | | | | | | | EMFIP | |
| | 16.1a, 16.2a | Actual generation per unit | | | | | EMFIP | EMFIP | | | |
| | 16.1b, 16.2b | Aggregated generation per type | | EMFIP | TSO | | EMFIP | EMFIP | | EMFIP | EMFIP |
| | 16.1c, 16.2c | Actual wind and solar power generation | | | TSO | | EMFIP | EMFIP | | | EMFIP |
| | 16.1d, 16.2d | Pumped storage/reservoir stored energy (Aggregated filling rate of water reservoirs and hydro storage plants) | | | | | EMFIP | | | EMFIP | |
| Balancing | 17.1a | Rules on balancing | | | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1b, 17.2a | Amount of balancing reserves under contract | | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1c, 17.2b | Prices of the reserved capacity (procured) of balancing reserves | | EMFIP | | | | EMFIP | | EMFIP | |
| | 17.1d, 17.2c | Accepted aggregated offers (volumes) | | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1e, 17.2d | Volumes of activated balancing reserves (Activated balancing energy) | | | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1f, 17.2e | Prices of activated balancing reserves (energy) | | | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1g, 17.2f | Imbalance prices | | | | | | EMFIP | | EMFIP | |
| | 17.1h, 17.2g | Total imbalance volume per Balancing time unit | | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1i, 17.2h | Monthly financial balance (Financial expenses and income for balancing) | | | | | | EMFIP | | EMFIP | |
| | 17.1j, 17.2i | Aggregated volumes of offers for cross-border balancing activation | | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1j, 17.2i | Prices for cross-control area for bids and offers | | EMFIP | | | EMFIP | EMFIP | | EMFIP | |
| | 17.1j, 17.2i | Volumes of cross-control area balancing energy activated | | EMFIP | | | EMFIP | EMFIP | | EMFIP | |