



**TRANSPARENCY REPORT**  
**Electricity Data Publication in SEE**

December 2016

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## Introduction

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### 1. About ECRB

The Energy Community Regulatory Board (ECRB) operates based on the Energy Community Treaty. As an institution of the Energy Community<sup>1</sup> 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

Ever since its establishment, the Energy Community Regulatory Board (ECRB) is dedicated to promote transparency in electricity markets. This is done not only through the Market Monitoring endeavours it implemented through the South East Europe Automated Market Monitoring System<sup>2</sup>, or its contribution to the ECRB Market Monitoring Report 2015<sup>3</sup>, but also through the publication of data relevant for the functioning of electricity markets. The ECRB's recommendation on the adoption of Commission Regulation 543/2013 of 14 June 2013 on submission and publication of data in electricity markets (hereinafter: 'Regulation (EU) 543/2013' or 'the Regulation') in the Energy Community<sup>4</sup> was one of the latest achievement of the group's dedicated work in that regard, as it has led to the factual adoption of said regulation with Decision 2015/01/PHLG-EnC on the implementation of the Regulation (EU) 543/2013 amending Annex I to Regulation (EC) 714/2009<sup>5</sup>.

**The transposition deadline for Regulation (EU) 543/2013 was set as 24 December 2015. At the time of finalisation of this report, no Contracting Party has successfully transposed the Regulation. The concrete deadline for implementation was set for 24 December 2016**, related to the obligation to submit data to the central data platform. Preparatory discussions with ENTSO-E, in charge of operating the central data platform, as specified by the Regulation, led to unanimous support for the Contracting Parties' entities to submit, collect and publish their electricity market data at said platform<sup>6</sup>.

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<sup>1</sup> [www.energy-community.org](http://www.energy-community.org). The Energy Community comprises the EU and Albania, Bosnia and Herzegovina, Macedonia, Kosovo\*, Moldova, Montenegro, Serbia and Ukraine. Armenia, Georgia, 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 Opinion on the Kosovo declaration of independence*].

<sup>2</sup> Compare to the ECRB Market Monitoring Guidelines available here: <https://www.energy-community.org/portal/page/portal/0633975AD87F7B9CE053C92FA8C06338>.

<sup>3</sup> See: <https://www.energy-community.org/portal/page/portal/310EA70C92EB668EE053C92FA8C042FA>.

<sup>4</sup> See: <https://www.energy-community.org/portal/page/portal/0633975AD5DC7B9CE053C92FA8C06338>.

<sup>5</sup> PHLG Decision: <https://www.energy-community.org/portal/page/portal/196786A39EDA638EE053C92FA8C04554>. The consolidated text of the Regulation is available at: <https://www.energy-community.org/portal/page/portal/24F60C5F5B4D104BE053C92FA8C03780>.

<sup>6</sup> The central data platform is available at [www.entsoe.net](http://www.entsoe.net) and <https://transparency.entsoe.eu/>.

## 2.1. The concept of Transparency Regulation 543/2013

Transparency was an element of every legislative package adopted on EU level since the beginning of market liberalisation, as it was, and is, understood to be a necessary precondition for market functioning. With the experience gained during the establishment and development of cross-border wholesale markets in the EU, awareness for the need of a harmonised and comprehensive set of rules for transparency in electricity markets arose. Accordingly, such an update of the legal basis for the submission and publication of data translated in becoming the second Guideline adopted as Commission Regulation 543/2013 under the Third Package.

Compared to the 2<sup>nd</sup> or 3<sup>rd</sup> packages' transparency provisions<sup>7</sup>, Regulation 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 that data. The **reasons behind adopting the new Transparency Regulation 543/2013** were:

- To overcome the lack of legal certainty in two areas:
  - on data and timing requirements, as the previous rules (Annex 1, Point 5.5 and 5.9 of Regulation 714/2009 or 1228/2003, respectively) were not detailed and precise enough. These provisions, which are to be replaced by Regulation 543/2013 allowed for different interpretations and hence led to different applications of these. Moreover, the bindingness of Regulators' interpretations of these provisions was questioned and hardly enforceable. Consequentially, publications were and still are often not comparable across markets; and
  - in the relation between Transmission System Operators (TSOs) and other market participants, where the latter are the primary owners of the data. This in turn supported the TSOs that were already active in implementation and provided incentives to all other TSOs to cooperate with ENTSO-E on that project.
- To establish information flows with clear roles and responsibilities (primary data owner, data provider, central information transparency platform).
- To provide a centralised publication of data, allowing for an overall assessment of fundamentals of market functioning.
- To avoid potential inconsistency with REMIT<sup>8</sup>.
- To realise the benefits from a relatively easy implementation of the central publication platform. Significant synergies were won through a cooperation of the Energy Community Contracting Parties' TSOs with ENTSO-E's EMFIP project. The relative ease of implementation, additionally, forwards the integration of the Southeast European Region, as it facilitates market participation and promotes the reputation of the Contracting Parties as trustworthy partners for trade, investment and cooperation.

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<sup>7</sup> 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 or to Regulation (EC) 1228/2003, respectively.

<sup>8</sup> The Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT) is not yet part of the Energy Community acquis.

- To facilitate the endeavours of Energy Community Contracting Parties' TSOs to get involved in the Electricity Market Fundamental Information Platform (EMFIP) project.

### 3. Objective of this Report

The current report is taking stock of the **level of implementation of the Contracting Parties in fulfilling their obligations under Regulation 543/2013**. This monitoring shall also contribute to the monitoring of implementation of the Energy Community Secretariat and help the National Regulatory Authorities (NRAs) to enforce implementation of said Regulation. In addition to that, the items required for publication by the old legal framework and the compliance of a neighbouring SEE EU Member State were monitored for comparative reasons, too.

In overall terms, the **level of implementation is very heterogeneous with the countries whose TSOs are members of ENTSO-E being the front-runners, and all others appearing as laggards**. This is partly because of the 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.

Experience gained in the EU during integrating and developing electricity markets across borders, showed that transparency is a precondition for market functioning. This awareness for the need to have harmonised and comprehensive rules for transparency in wholesale electricity markets also manifested in the Energy Community Contracting Parties. In accordance with that, the Electricity Working Group believes that the new transparency regulation needs to be made reality in all of Southeast Europe, aiming to create a level-playing field and preparing the region to integrate into the pan-European electricity market. The reduction of transaction costs for market participation is one of the main reasons behind that. The other one is to empower regulators to monitor market abuse, manipulation and compliance. Thus, it is important to note that the timely and comprehensive publication is only one part of transparency. The other element forming part of transparency is the regulators' monitoring not only of publically available data, but also of other information. Lastly, one needs to acknowledge that for the publication element of transparency, the optimal level is not the maximum level. This is the case for two reasons: First, smaller traders do not possess the computation power to process all data, which could then constitute a barrier to market participation. Second, excess information may also include highly sensitive data, not only about business operation, but also about critical infrastructure.

### 4. Methodology

This report is the result of continued efforts to collect data in a central manner within the ECRB Electricity Working Group on compliance with publication obligations. Questionnaires were developed and filled by the respective regulators for their jurisdictions since 2014. Most data was made available by the TSOs of said jurisdictions and subsequent quality checks were performed both by the regulators and centrally by the Working Group. These quality checks comprised analysing the availability, timeliness and comprehensiveness of the publication of the relevant items. All data presented is based on the information from NRAs of the ECRB Electricity Working Group collected and related calculations.

The number of obligatory publication items differs from jurisdiction to jurisdiction, due to certain thresholds that would need to be reached, or through the lacking of certain types of infrastructure or markets. Each publication item, as listed in Annex 1 of this report, is treated with equal weight in all of the following overviews, despite the significant differences in the efforts that are needed to achieve compliance with the respective provisions requiring publication of each item. 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 next chapter displays the results of this process of implementing the publication obligations and collecting data through surveys carried out within the ECRB Electricity Working Group. They are sorted along the following lines:

- Overall scoring in terms of publication of data pursuant to Regulation 543/2013;
- Comparison of compliance under the “old” publication obligations and under Regulation 543/2013;
- Comparative performance of publication items by groups:
  - o Load;
  - o Transmission;
  - o Generation;
  - o Balancing.

## Findings

### 1. Results of Transparency Surveys

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

Table 1<sup>11</sup> shows that there has been different progress in implementing the publication obligations in the various countries over the last three rounds of data collection. **Whereas Contracting Parties like Ukraine, Moldova, Kosovo\* or Albania have hardly improved their compliance, Macedonia and Montenegro have drastically improved their publication ratios.** Still, in overall terms it is to say that no country is close to fulfil all its publication obligations under Regulation 543/2013. Where NRAs have not submitted a response to the underlying questionnaire, results below indicate 0%.

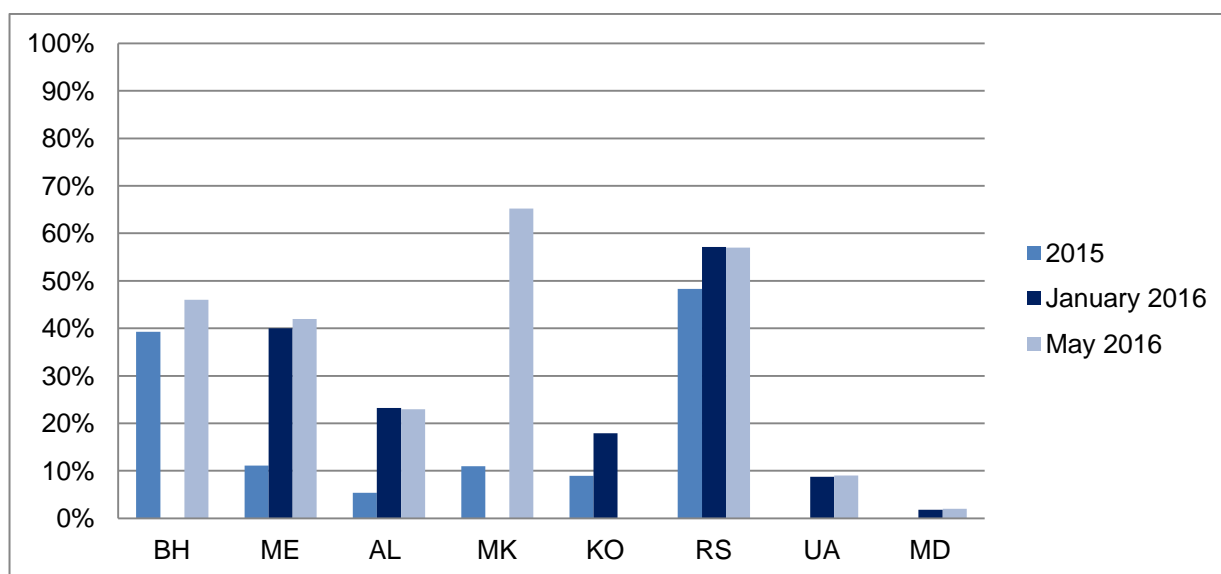


Table 1: Overall scoring in terms of publication of data pursuant to Regulation 543/2013

A key insight gained during the endeavour to compile all relevant information on the publication of electricity data is that the publication obligations under the Second and Third package were already

<sup>9</sup> 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](https://www.entsoe.eu/fileadmin/user_upload/library/resources/Transparency/MoP%20Ref02%20-%20EMFIP-Detailed%20Data%20Descriptions%20V1R4-2014-02-24.pdf)

<sup>10</sup> See:

[http://www.acer.europa.eu/Official\\_documents/Acts\\_of\\_the\\_Agency/Opinions/Documents/Manual%20of%20Procedures%20for%20the%20ENTSO-E%20Central%20Information%20Transparency%20Platform.pdf](http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Opinions/Documents/Manual%20of%20Procedures%20for%20the%20ENTSO-E%20Central%20Information%20Transparency%20Platform.pdf)

<sup>11</sup> The abbreviations used in the tables of this report for the SEE countries are the following: BH: Bosnia and Herzegovina, ME: Montenegro, AL: Albania, MK: former Yugoslav Republic of Macedonia, KO: Kosovo\*, RS: Serbia, HR: Croatia, UA: Ukraine, MD: Moldova. The used abbreviations follow ISO standard 3166.

quite substantial, especially when applying one of the EU NRAs' Reports on Transparency that were used for interpreting the requirements before the adoption of the Transparency Regulation 543/2013, such as the *2009 Report on Transparency*, by the IG Transparency of the Electricity Regional Initiative Central Southern Regional Electricity Market<sup>12</sup>. Hence, the **poor performance in terms of transparency through publication of electricity data was already present in the Energy Community Contracting Parties before the adoption of Regulation 543/2013 in 2015.**

Table 2 below shows how little the number of publication items differs between the “old” transparency requirements and the “new” ones, when using the data published in 2016 for checking the compliance with the Points 5.5 and 5.9 of Annex I to both Regulations 714/2009 and 1228/2003, which read identically.

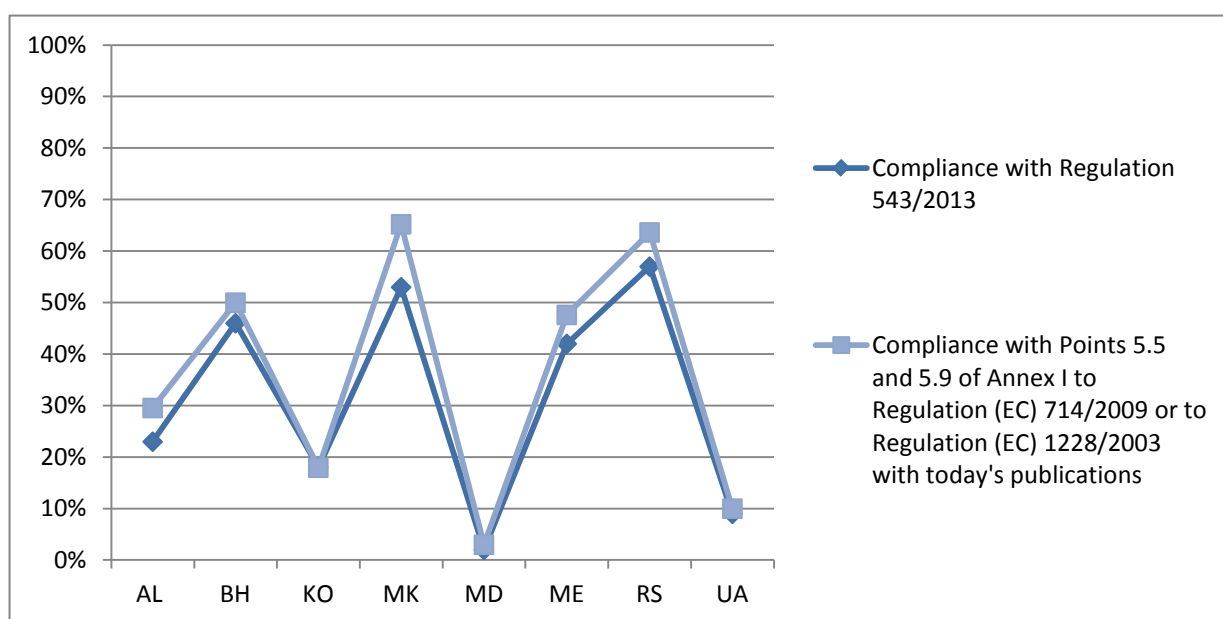


Table 2: Comparison of compliance under the “old” publication obligations and under Regulation 543/2013

A look into the details of the publication items reveals that the **harder the items are to implement**, like those related to data not primarily owned by the TSOs, close to real-time operational data and data on balancing, **the worse the scoring is of all Contracting Parties**. Tables 3-6 also indicate for most countries better performance in the areas of transmission and load, where the TSOs do not have to engage (much) with other entities from the sectors, but largely with other TSOs only, and worse, where agreement(s) on data submission clarifying data confidentiality issues would be needed, like in the sphere of Generation. Albania and Kosovo\* and Moldova are the exception, as the three Contracting Parties score worst in the sphere of transmission, shown in Table 4.

<sup>12</sup> The report is available here: [www.rae.gr/old/K2/CSE\\_TR\\_2009/CSE\\_Region\\_TR.pdf](http://www.rae.gr/old/K2/CSE_TR_2009/CSE_Region_TR.pdf)



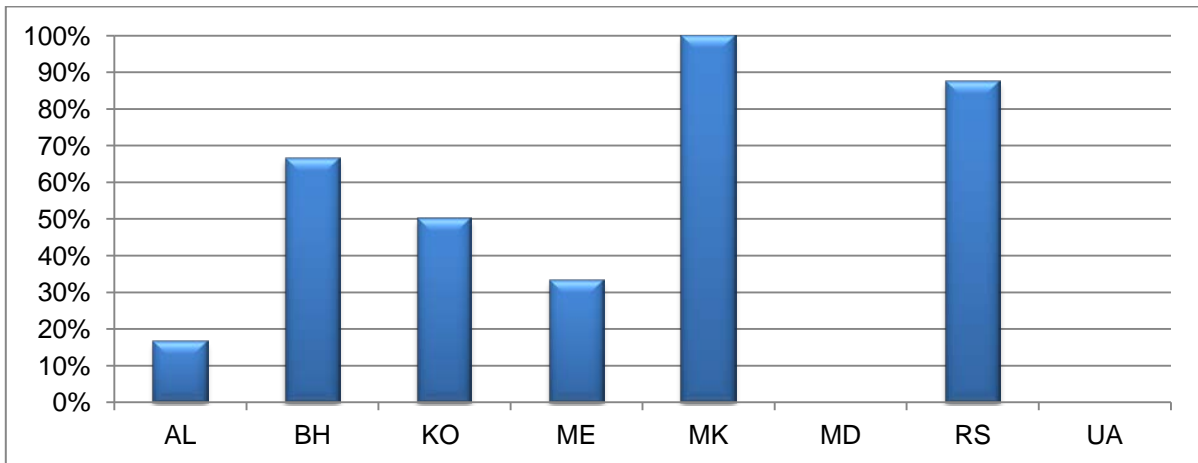


Table 3: Publication of items related to Load

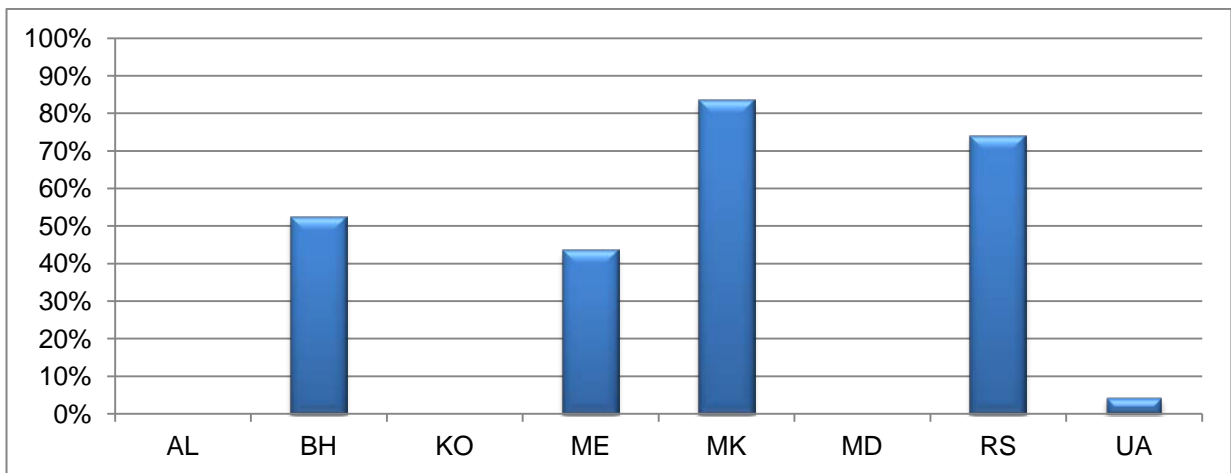


Table 4: Publication of items related to Transmission

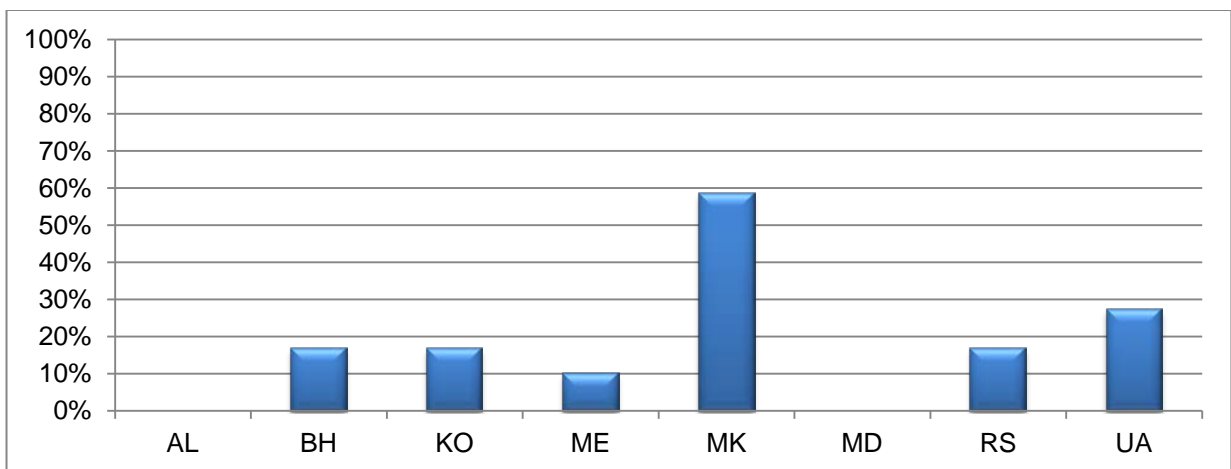


Table 5: Publication of items related to Generation

The poor performance of most Contracting Parties in the balancing dimension is to a large extent due to the missing market structures or imbalance settlement mechanisms, however, not exclusively. In countries where these exist, like Serbia or Bosnia and Herzegovina, publication is still not compliant with Regulation 543/2013.

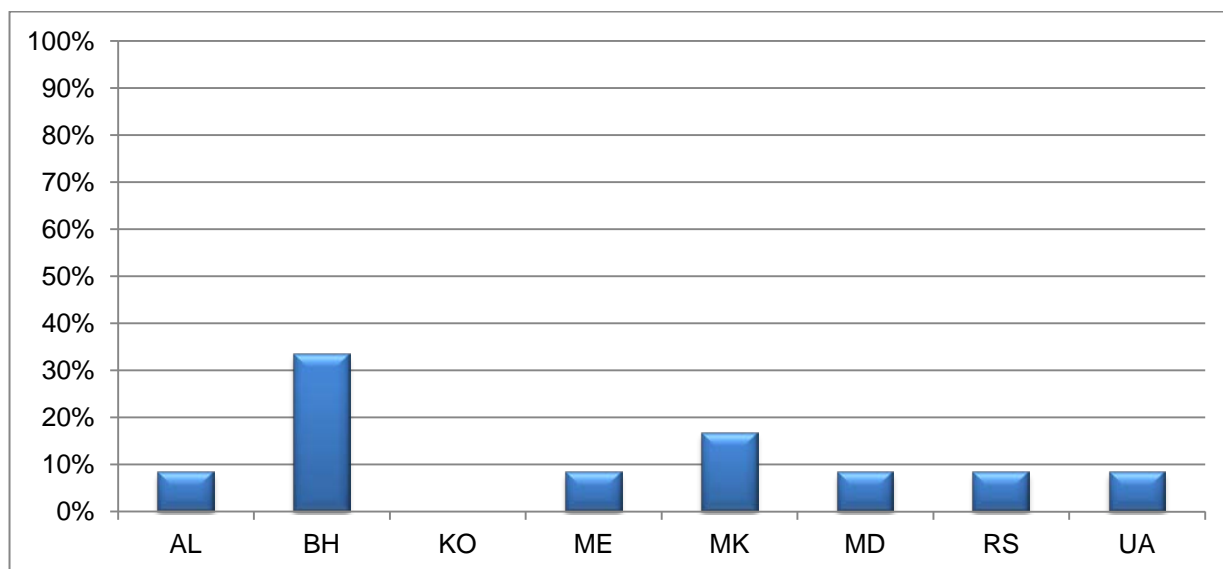


Table 6: Publication of items related to Balancing

## 2. Conclusions and recommendations

The monitoring of compliance with publication requirements should become a regular task of the regulators of the Contracting Parties. The ECRB Electricity Working Group is the right body to coordinate and lead to comparisons of results. The main duty to monitor and promote compliance, however, is with the National Regulatory Authorities. In order to make sure that the results displayed in this report are correct, the Contracting Party regulators are invited to compare the results of their last compliance checking of publication obligations performed internally by each of them with the results displayed in this report.

## Annex: List of Publication Items Monitored

Name of the Group	Relevant Article(s) of Regulation 543/2013	Short description of Data (for more detailed information, see the Detailed Data Descriptions)
<b>Load</b>	6.1a, 6.2a	Actual total load per Bidding Zone (BZ)
	6.1b, 6.2b	D-1 total load forecast per BZ
	6.1c, 6.2c	W-1 total load forecast per BZ
	6.1d, 6.2d	M-1 total load forecast per BZ
	6.1e, 6.2e	Y-1 total load forecast per BZ
	8.1, 8.2	Y-1 forecast margin
	7.1a, 7.2, 7.3	Planned unavailability of consumption units
	7.1b, 7.2, 7.3	Actual unavailability of consumption units (Changes in actual availability of consumption units)
<b>Transmission</b>	9,1	Report on developments (expansion and dismantling projects)
	10.1a, 10.2, 10.4	Planned unavailability in the transmission grid
	10.1b, 10.3, 10.4	Changes in actual availability of interconnections and the transmission grid
	10.1c, 10.3	Unavailability of offshore infrastructure
	11.1, 11.2	Yearly forecasted cross-zonal capacity
	11.1, 11.2	Monthly forecasted cross-zonal capacity
	11.1, 11.2	Weekly forecasted cross-zonal capacity
	11.1, 11.2	Yearly offered cross-zonal capacity
	11.1, 11.2	Monthly offered cross-zonal capacity
	11.1, 11.2	Weekly offered cross-zonal capacity
	11,1	D-1 forecasted cross-zonal capacity (NTC)
	11.1, 11.2	D-1 offered cross-zonal capacity (NTC allocation method)
	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)
	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
	12.1a, 12.2a	Explicit allocation - The capacity, requested by the market
	12.1a, 12.2a	Explicit allocation - the capacity allocated to the market
	12.1a, 12.2a	Explicit allocation - the price of the capacity
	12.1a, 12.2a	Explicit allocation - the auction revenue per border between BZs
	12.1b, 12.2b	Total Capacity Ominated from explicit allocation
	12.1c, 12.2c	Total Capacity Already Allocated
	12.1d, 12.2d	Day-Ahead Prices
	12.1e, 12.2a	Implicit allocations - net positions

	12.1e, 12.2a	Implicit allocations - congestion income
	12.1f, 12.2e	Total scheduled commercial exchanges
	12.1g, 12.2f	Physical Flows
	12.1h, 12.2g	Transfer capacities allocated between BZ in Member States/Contracting Parties and third countries
	13.1a, 13.2	Congestion management - redispatching
	13.1b, 13.2	Congestion management - Countertrading
	13.1c	Congestion management report (Costs of Congestion management)
<b>Generation</b>	14.1a, 14.2a	Installed Generation Capacity aggregated
	14.1b, 14.2 b	Installed capacity by Production Unit
	14.1c, 14.2c	D-1 aggregated generation
	14.1d, 14.2d	D-1 generation forecasts for wind and solar
	15.1a, 15.2, 15.3	Planned Unavailability of a generation unit
	15.1b, 15.2, 15.3	Actual unavailability of generation unit
	15.1c, 15.2, 15.3	Planned unavailability of production unit
	15.1d, 15.2, 15.3	Actual unavailability of production unit
	16.1a, 16.2a	Actual generation per unit
	16.1b, 16.2b	Aggregated generation per type
	16.1c, 16.2c	Actual wind and solar power generation
	16.1d, 16.2d	Pumped storage/reservoir stored energy (Aggregated filling rate of water reservoirs and hydro storage plants)
	<b>Balancing</b>	17.1a
17.1b, 17.2a		Amount of balancing reserves under contract
17.1c, 17.2b		Prices of the reserved capacity (procured) of balancing reserves
17.1d, 17.2c		Accepted aggregated offers (volumes)
17.1e, 17.2d		Volumes of activated balancing reserves (Activated balancing energy)
17.1f, 17.2e		Prices of activated balancing reserves (energy)
17.1g, 17.2f		Imbalance prices
17.1h, 17.2g		Total imbalance volume per Balancing time unit
17.1i, 17.2h		Monthly financial balance (Financial expenses and income for balancing)
17.1j, 17.2i		Aggregated volumes of offers for cross-border balancing activation
17.1j, 17.2i		Prices for cross-control area for bids and offers
17.1j, 17.2i		Volumes of cross-control area balancing energy activated
<b>Wholesale market</b>		None
	None	Information on electricity trading at PEX
	None	Prices and volumes of OTC standard contracts