



Energy Community Regulatory Board
2023 Work Programme

ABOUT ECRB

The **Energy Community Regulatory Board** (ECRB) operates based on the Treaty establishing the Energy Community (hereinafter ‘the Treaty’). It is composed of representatives of the energy regulators of the Contracting Parties (CPs).¹ The European Union is represented by the European Commission – also acting as ECRB Vice-Presidency – assisted by the regulators of the EU Participants Countries to the Energy Community² as well as ACER.

Competencies of ECRB, as defined in the Treaty Establishing the Energy Community ((hereinafter: the Treaty), are as follows:

- advise the Ministerial Council or the Permanent High Level Group on the details of statutory, technical and regulatory rules
- issue Recommendations on cross-border disputes involving two or more Regulators
- take Measures (Recommendation, or legally binding Decisions), if so empowered by the Ministerial Council
- adopt Procedural Acts

ECRB can also provide an Opinion to the Energy Community Secretariat (ECS) on preliminary certification decisions of Contracting Parties’ regulators and is in charge of providing an Opinion of Network Code and Guideline Regulations prior to their adoption by the Energy Community Permanent High Level Group.

Over time, with transposition of gas and electricity network codes and the package “Clean Energy for all Europeans” in the Energy Community legal framework, ECRB gained a number of new competences, enhancing thereby its tools to foster integration of Contracting Parties’ energy markets in the internal EU electricity and natural gas markets, in line with the objectives of the Treaty.

Our mission builds on three pillars: providing coordinated regulatory positions to energy policy debates, harmonizing regulatory rules across borders and sharing regulatory knowledge and experience.

¹ Albania, Bosnia and Herzegovina, Georgia, Kosovo*, Moldova, Montenegro, North Macedonia, Serbia and Ukraine. [For the entire document * refers to: *This designation is without prejudice to positions on status, and in line with the United Nations Security Council Resolution 1244 and the international Court of Justice*].

² Austria, Bulgaria, the Czech Republic, Croatia, Cyprus, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Sweden and the United Kingdom.

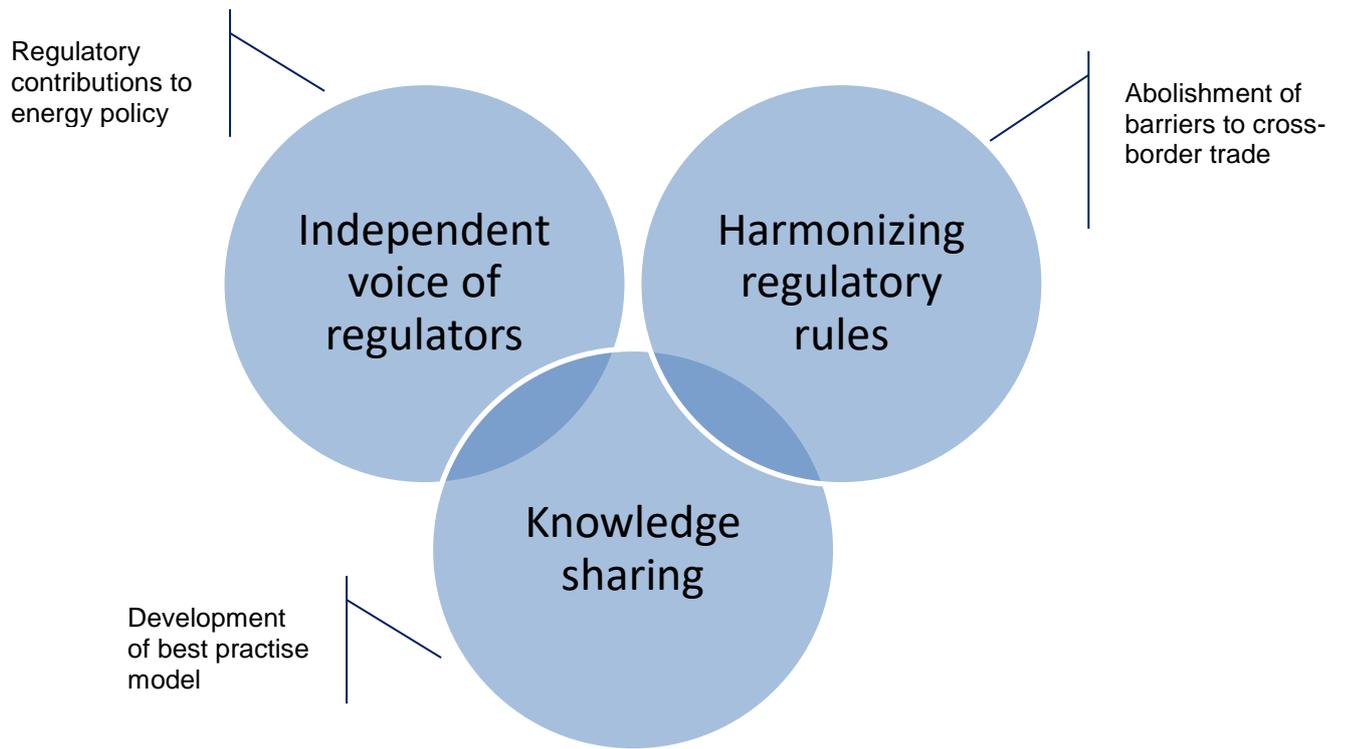


Figure 1 ECRB mission and objectives

WORKING STRUCTURE

The four pillars of ECRB activities are organised in four corresponding working groups. Under this general set up, the *Customers and Retail Markets Working Group* covers retail market and customer protection related aspects of the electricity and gas sectors while the *Electricity Working Group* and *Gas Working Group* focus on wholesale related aspects of the relevant sectors. The *REMIT Working Group* deals with regulatory and ECRB duties stemming from the REMIT Regulation. **Cross-sectoral** ECRB activities, such as Opinions on preliminary certification decisions of Contracting Parties' national regulatory authorities (NRA), are addressed on Board level.

The following illustration shows ECRB organisational structure in 2023.

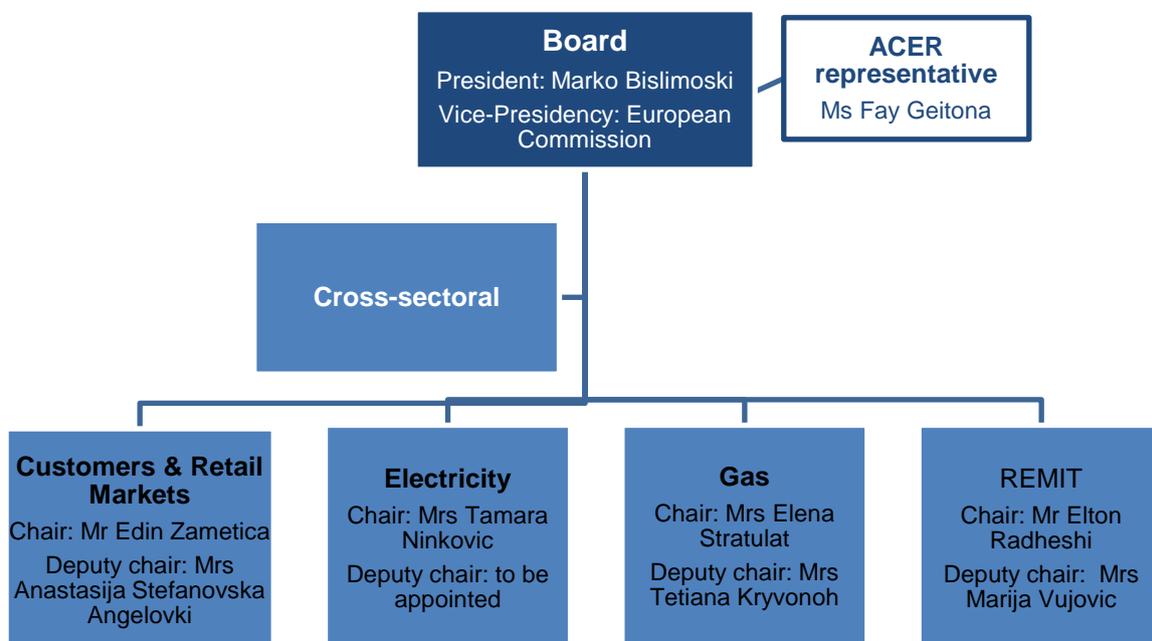


Figure 2: Overview of ECRB structure in 2023

CROSS - SECTORAL

1. Energy Policy

Task Force	Leader	Scope	Deliverable	Due
I. ECRB Opinions on preliminary decisions of Contracting Parties' NRA on TSO certifications	<i>Coordinated by the ECRB President</i> based on ECRB Procedural Act No 01.1/2015	<p>The Third Energy Package requires designation of national gas and electricity transmission operators (TSO). Articles 9(6) and 10(1) of Directive 2009/72/EC and Directive 2009/73/EC require certification of the relevant TSO by the national regulatory authority as pre-condition for successful designation. The certification procedure aims at proofing the TSO's compliance with the unbundling requirements of the Gas and Electricity Directives.</p> <p>Pursuant to Article 3(1) of Regulation (EC) 714/2009 and Article 3(1) of Regulation (EC) 715/2009, the Energy Community Secretariat ('Secretariat') shall within a maximum of 4 months examine the notified draft decision of a Contracting Party's NRA in relation to certification of a gas or electricity TSO (as to its compatibility with Articles 9 and 10(2) of as Directive 2009/73/EC and Electricity Directive 2009/72/EC; according to the applicable Energy Community law, the Secretariat has to consult ECRB and invite ECRB for an Opinion on the preliminary certification decision.</p>	ECRB Opinion	Upon receipt of the preliminary certification decision by the Secretariat and receipt of consultation input by ECRB members
II. Cyber Security	Consultations coordinated by the ECRB Section at the Secretariat	<p>The Energy Community Ministerial Council in November 2018 established a Coordination Group for Cybersecurity and Critical Infrastructures (CyberCG).³ The CyberCG aims at facilitating strategic cooperation and the exchange of information in an environment for open discussion on shared concerns or questions of common interest. The CyberCG work program 2020-2021 includes a number of work areas that are of regulatory relevance. While Contracting Parties' NRAs are involved in the CyberCG, coordinated regulatory input shall be provided via ECRB. The ECRB electricity working group is in charge of related input in the area of electricity.</p>	Coordinated regulatory input to the activities of the CyberCG in the area of electricity	Upon consultation by the Cyber CG or the Secretariat

³ Procedural Act 2018/PA/2 /MC-EnC.

2. International Cooperation

Sharing best practice experience with other regional regulatory bodies is not only recommended from an efficiency point of view but also when keeping in mind the goal of integrating regional markets. ECRB is committed to continue and strengthen the well-established streams of cooperation with the Agency for the Cooperation of Energy Regulators (ACER), the Council of European Energy Regulators (CEER) and the Association of Mediterranean Regulators (MedReg). Specific cooperation formats are outlined in the programs of the individual working groups. The signature of a Cooperation Arrangement with MedReg and CEER in December 2018 kicked of a new area of enriched cooperation in a more institutionalised structure that is also reflected in the ECRB Work Program 2023.

CUSTOMERS & RETAIL MARKETS

Task Force	Leader	Scope	Deliverable	Due
I. Retail Market Monitoring	Mr Aca Vučković (AERS)	Market monitoring is a core element of regulatory responsibilities. Only in-depth knowledge of market performance, stakeholder activities and development outlooks allow regulators to create an effective market framework that balances the needs of market players and is able to promote competition, customer protection, energy efficiency, investments and security of supply at the same time. Since 2015 ECRB therefore prepares annual market monitoring reports assessing the functioning of gas and electricity retail markets. This complements the input provided by Contracting Parties' NRAs to the annual market monitoring report of ACER and CEER on retail market developments that is prepared in cooperation with the Energy Community Secretariat.	1. Market Monitoring Report on the functioning of gas and electricity retail markets in the CPs that - Assesses the electricity and gas markets; - Identifies potential barriers; and - Discusses recommendations on potential improvements. 2. Input to the annual market monitoring report of ACER and CEER on retail market developments	12/2023
	Ms Maja Kavarić (REGAGEN)			Subject to ACER timeline
II. Consumer Protection	Mr Florian Pichler (E-Control)	Consumer protection is a central duty of NRAs. This responsibility unites the regulatory activities of ECRB, CEER and MedReg members. Cooperation of the three regional regulatory bodies in the customers and retail markets area builds on already well established common exchange of regulatory experience, among which trilateral workshops held in 2018, 2019, 2021 and 2022.	1. Trilateral workshop ECRB-CEER-MEDREG on customer aspects ⁴	04.10.2023
			2. Status review of implementation of consumer protection rules of the new Electricity Directive in the Contracting Parties	12/2023

⁴ Activity coordinated by ECRB as lead deliverable institution.

III. Consumer Empowerment and Protection

Ms *Anastasija Stefanovska Angelovski* (ERC)

Better informed and empowered consumers are at the heart of the Clean Energy Package for all Europeans. The new Electricity Directive (Directive (EU) 2019/944) has been transposed in the Energy Community regulatory framework in December 2021. It brings a number of new and updated provisions related to consumer protection. The aim of this workstream is to analyze the status quo regarding implementation of consumer protection rules of the new Electricity Directive in the Contracting Parties and provide recommendations for necessary amendments of national legislations.

1. Status review of implementation of consumer protection rules of the new Electricity Directive in the Contracting Parties

12/2023

ELECTRICITY WORKING GROUP

Task Force	Leader	Scope	Deliverable	Due
I. Wholesale Market Integration	<i>Tasks (a), (b), (d) and (e)</i> <i>Coordinated by ECRB Section</i> <i>Task (c)</i> <i>Ms. Tamar Parunashvili (GNERC)</i>	Effective wholesale market opening is central for establishing a competitive regional Energy Community electricity market and its integration with the European market. A harmonized regulatory approach is necessary in this context. With a view to support wholesale market opening, the activities of this Task Force will focus on regulatory support to forward market, day-ahead and intraday market integration in South East Europe. This will include the identifications of possible areas for early implementation of elements of the the electricity market Guideline Regulations before they become legally binding in the Energy Community.	a. Regular updates on actual EU wholesale market Integration processes related to electricity market Guideline Regulations b. Joint workshops of ACER and ECRB on the electricity market Guideline Regulations c. Assessment of day-ahead, intraday and balancing markets in CPs d. Review of Harmonized Allocation Rules implemented by CPs e. Update of status of implementation of electricity package in CPs	Up to three updates p.a. at the EWG meeting Up to twice p.a. 12/2023 Upon request Up to twice p.a.
	II. Voltage Control and Reactive Power Management	<i>Ms. Tamara Ninkovic (REGAGEN)</i>	The task force will conduct screening of regulatory-legal framework in place in CPs in order to assess the level of (voluntary) implementation of SOGL and its adequacy for voltage control and reactive power management by system operators.	a. Assessment of regulatory-legal framework for voltage control and reactive power management by system operators in CPs.

<p>III. Wholesale Market Monitoring</p>	<p><u>Task (a)</u> Mr. Ymer Rudari and Mr. Skender Muqolli (ERO)</p> <p><u>Task (b)</u> Coordinated by ECRB Section</p> <p><u>Task (c)</u> Ms. Tamara Ninkovic (REGAGEN)</p>	<p>Market monitoring is a core element of regulatory responsibilities. Only in-depth knowledge of market performance, stakeholder activities and development outlooks allow regulators to create an effective market framework that balances the needs of market players and is able to promote competition, customer protection, energy efficiency, investments and security of supply at the same time. Dedicated monitoring efforts will be also put on compliance of Contracting Parties with the transparency requirements of the Energy Community law in electricity</p>	<p>a. SEE Market Monitoring Annual Report based on data collected via a regional Market Monitoring Administrator and quarterly rotation scheme</p> <p>b. Monitoring report as contribution for ACER Monitoring Report</p> <p>c. Monitoring spread sheet on compliance of Contracting Parties with the transparency requirements of the Energy Community law in electricity</p>	<p>12/2023 upon agreement of EWG</p> <p>based on ACER's timeline</p> <p>Annual updates</p>
<p>IV. Renewables Integration and Flexibility</p>	<p><u>Task (a)</u> Coordinated by ECRB Section</p> <p><u>Task (b)</u> Mr. Igor Malidzan (REGAGEN)</p> <p><u>Task (c)</u> TBD</p>	<p>Integration of renewable energy sources into the energy systems gains more and more importance but also entails a number of regulatory challenges that come with the need to make the system more flexible. The task will look into these aspects including the balancing responsibility of producers from renewable energy sources, marketing and connection to the grid. Part of this task will be potential cooperation and exchange of experience with MEGREG through workshops and joint events.</p>	<p>a. Regulatory contribution on the flexibility assessment of the ECS including potential recommendations</p> <p>b. Update on developments on regulatory framework regarding renewables and flexibility including assessment of RES market participation, virtual generators and aggregators in CPs</p> <p>c. Joint workshop with MEGREG on renewables' integration and flexibility and e-mobility</p>	<p>As requested</p> <p>Once in two years</p> <p>Up to once p.a.</p>

V. Actions towards Electricity Package Implementation	<i>Coordinated by the ECRB President⁵</i> <i>Task (e)</i> <i>ECRB Section and Ms. Tamara Ninkovic (REGAGEN)</i>	<p>ECRB tasks as defined by the Energy Community acquis regarding the implementation of the new Electricity Package in 2023:</p> <ul style="list-style-type: none"> a. Maintain a list of designated NEMOs in the Contracting Parties, their status and where they operate (Art. 4 (10) of CACM) b. Monitor TSO/NEMOs' progress developing terms and conditions or methodologies (Art.9 (1) of CACM) c. Terms and conditions or methodologies in accordance with Electricity Package Implementation (CACM, FCA, EBGL) d. Participate in regular meetings of TSOs/NEMOs as observers on day-to-day operational issues (Art 10 of CACM) e. Provide a best practice report on transmission and distribution tariff methodologies (Art. 18(9) of Regulation 2019/943) f. Monitor TSOs/NEMOs' progress developing local implementation projects 	<ul style="list-style-type: none"> a. List of designated NEMOs in the Contracting Parties on the website b. and c. ECRB opinion, request for amendments (upon request) d. Nominated contact point for ECRB in JET-EnC e. Best practice report on transmission and distribution methodologies 	<ul style="list-style-type: none"> Continuously Upon request Upon invitation 10/2023
VI. Recovering and Development of Energy Sectors	<i>Coordinated by ECRB Section</i>	<p>ECRB has been closely monitoring impacts of the electricity price surge in CPs and measures undertaken. Although some challenges have been resolved, there might be remaining challenges with resources, generation, wholesale market, retail market, grid and/or consumers. ECRB might define position on how to deal with remaining challenges on short, medium and long.</p>	<ul style="list-style-type: none"> a. Impact of the energy crisis on electricity and gas price regulation in the Energy Community Contracting Parties (EWG and GWG) b. Position paper on recovering and development of electricity sector 	<ul style="list-style-type: none"> 9/2023 2023/2024

⁵ With the support of the ECRB Section at the Secretariat and in line with the relevant internal procedures defined by ECRB.

VII. Implementation of Connection Network Codes	<i>Coordinated by ECRB Section</i>	Monitoring the status of implementation of Network Codes and Guideline Regulations in line with requirements from Network Codes requires assessment and exchanges with National Regulatory Authorities. This task will focus on monitoring the implementation of the Connection Network Codes in Contracting Parties following the monitoring activities of ACER and ENTSO-E.	Report on state of implementation of Connection Network Codes	2023/2024
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GAS WORKING GROUP

Task Force	Leader	Scope	Deliverable	Due
I. Wholesale Market Monitoring	<i>Mr Revaz Geradze</i> (GNERC)	Market monitoring is a core element of regulatory responsibilities. Only in-depth knowledge of market performance, stakeholder activities and development outlooks allow regulators to create an effective market framework that balances the needs of market players and is able to promote competition, customer protection, energy efficiency, investments and security of supply at the same time. Since of 2015 ECRB therefore prepares annual market monitoring reports assessing the functioning of gas and electricity retail markets.	1. Monitoring report on the development of gas wholesale markets in the Contracting Parties	12/2023
II. Network Code Implementation	Deliverable 1: <i>Ms Tetiana Kryvonoh</i> (NEURC) Deliverables 2 and 3: <i>Coordinated by ECRB Section</i>	According to chapter 2.2.1 of the gas congestion management network code ⁶ ECRB shall publish by 1 June of every year, commencing with the year 2020, a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the preceding year, taking into consideration to the extent possible capacity trading on the secondary market and the use of interruptible capacity. According to Article 13 of the Tariff Network Code ⁷ the ECRB may issue a recommendation on the maximum level of multipliers for daily standard capacity products and for within-day standard capacity	1. Report on congestions at interconnection points 2. Evaluation of level of multipliers for daily and within day capacity products 3. Analysis of consultation documents related to reference price methodologies	06/2023 9/2023 Upon receipt from NRA

⁶ Amended Annex I to Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks, as amended at EU level by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015 - adapted and adopted for the Energy Community Contracting Parties by PHLG Decision No 2018/01/PHLG-EnC of 12.01.2018.

⁷ Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonised transmission tariff structures for gas, incorporated and adapted by Permanent High Level Group Decision 2018/07/PHLG-EnC of 28 November 2018.

products. Based on the criteria listed in Article 13, the GWG will evaluate if such a recommendation should be provided, and if yes, prepare it.

According to Article 27 of the Tariff Network Code, the ECRB analysis the consultation documents related to reference price methodologies against the predefined criteria. The NRAs should forward the consultation documents to the ECRB upon launching the final consultation that should be open for at least two months. Within two months following the end of the consultation, the ECRB should publish the conclusion of its analysis.

REMIT WORKING GROUP

Task Force	Leader	Scope	Deliverable	Due
I. Regulatory Guidance on REMIT	Mrs <i>Marija Vujović</i> (REGAGEN)	The task force will identify potential need for further clarifications and guidance by the regulators market participants in the course of the implementation of the REMIT Regulation. The task force will evaluate whether related guidance(s) developed by ACER can be used identically or adaptations to the specifics of the Contracting Parties or the REMIT version applicable in the Energy Community. In the latter case the task force will develop-update special ECRB guidance(s).	Harmonized regulatory guidance related to REMIT.	updated as necessary
II. Maintenance of the central register	Mr <i>Martin Martinoski</i> (ERC) <i>ECRB Section</i>	The REMIT Regulation, as applicable in the Contracting Parties, requires the establishment of national registers by national regulators as well as the setting up of a central register by the Energy Community Secretariat. The task force will facilitate the establishment of the central registry.	Maintenance of a central registry and potential recommendation of transfer of national registers	9/2023
III. Inside information platform	Mrs. <i>Sophio Khozrevanidze</i> (GNERC)	The REMIT Regulation, as applicable in the Contracting Parties, requires effective disclosure of inside information. ACER on its Guidance recommends utilization of Inside Information Platform as an effective way to disclose the inside information. It also lists the minimum requirements to be met by the Inside Information Platform. This task force will discuss and assess the need for centralized platform for publication of inside information	Assessment of the requirements for such platforms for disclosure of inside information and options for the CPs, also based on experience of EU Member States. Update	12/2023

IV. Implementation of REMIT	<i>Ms Natalia Plakyda (NEURC)</i>	<p>In addition to discussions and exchange of experiences on REMIT implementation on different Contracting Parties, the reporting on regulatory activities increases transparency and confidence in the market. Under this TF, NRAs will report on cases, investigations undertaken etc. with regards to REMIT, including also cases discussed and coordinated by ECRB.</p>	<p>Report on REMIT implementation in the Contracting Parties, report on cases assessed and infringed in the CPs and cooperation activity by the ECRB. Update.</p>	<p>Update by 12/2023</p>
V. Penalty regime in CPs under REMIT	<i>Mrs Marija Vujović (REGAGEN) Radoslav Čović (REGAGEN)</i>	<p>Establishing a penalty regime in the CPs in line with REMIT requirement is an important part of REMIT implementation. Implementation of such requirement is not consistent across the EU, therefore the role of the task force will be to select one of few EU MS as a benchmark, against which it will assess different penalty regimes applied or to be applied in the CPs.</p>	<p>Report analyzing powers of NRAs', competences and existing obstacles to application of penalties meeting the requirements of REMIT Regulation</p>	<p>12/2023</p>
VI. Coordination of investigations	<i>Coordinated by ECRB Section</i>	<p>The role of ECRB according to EnC REMIT is to facilitate and coordinate investigations of the NRAs, in particular cases that have a cross-border impact. ECRB REMIT Procedural Act (PA) provides an operational framework for such coordination facilitated by this task force.</p>	<p>Coordinate activity and as necessary contribute to the report under task force IV.</p>	<p>timeline & activity as per PA</p>
VII. Evaluation of knowledge building needs of NRAs	<i>Coordinated by ECRB Section & Mr Martin Martinoski (ERC)</i>	<p>The needs of NRAs have changed due to new market developments, such as energy crisis, price volatility, practical issues of REMIT implementation under these circumstances</p>	<p>Technical assistance to Regulators to follow up on what knowledge building is needed within NRAs. The approach shall be similar to historical. The review shall elaborate whether and how recent challenges need to be addressed at NRA level and applicable incl. criteria thereto</p>	<p>12/2023</p>
VIII. REMIT Corner Creation	<i>Coordinated by ECRB Section</i>	<p>Creation of REMIT Corner on the web page of the Energy Community. the information to be included: ECRB regulation,</p>	<p>REMIT corner on the web page</p>	<p>12/2023</p>

Procedural Act, templates, centralized register, notification platform, EnC REMIT cases based on ACER format.