

106th ACER Board of Regulators Meeting
2 March 2022
By video/audio conference
FINAL MINUTES

| Country/Institution | Name ^[1] | Country/Institution | Name |
|----------------------|--|---------------------|---|
| Austria (E-Control) | M: Wolfgang Urbantschitsch O: Katharina Ledermann-Tappeiner (with proxy) O: Christine Materazzi-Wagner | Latvia (PUC) | M: Rota Šņuka O: Lija Makare O: Dace Bite |
| Belgium (CREG) | A: Geert Van Hauwermeiren | Lithuania (NERC) | M: Renatas Pocius A: Irma Zdanienė |
| Bulgaria (EWRC) | M: Stanislav Todorov A: Blagoy Golubarev | Luxembourg (ILR) | M: Camille Hierzig |
| Croatia (HERA) | M: Željko Vrbanić A: Dunja Trakoštanec A: Jokić | Malta (REWS) | A: Phyllis Mycallef O: Manuel Manuzzi |
| Cyprus (CERA) | O: Marilena Delenta (with proxy) O: Christina Zouvani (with proxy) | Netherlands (ACM) | A: Remko Bos O: Monique Coenraad |
| Czech Republic (ERO) | A: Jana Haasová O: Tomáš Kupčíha | Poland (URE) | M: Rafał Gawin A: Małgorzata Kozak |
| Denmark (DUR) | M: Carsten Smidt | Portugal (ERSE) | M: Pedro Verdelho A: Natalie McCoy O: Catarina Santos |
| Estonia (ECA) | A: Marilyn Tilkson | Romania (ANRE) | O: Florin Tobescu (with proxy) |
| Finland (EV) | M: Simo Nurmi | Slovakia (URSO) | A: Mária Bronišová |
| France (CRE) | O: Claire Hellich (with proxy) O: Frank Heseler | Slovenia (AGEN-RS) | A: Bojan Kuzmič |
| Germany (BNetzA) | M: Annegret Groebel O: Alexander Linov | Spain (CNMC) | M: Mariano Bacigalupo O: Gema Rico |

[1] M: Member – A: Alternate – O: Observer

| | | | |
|--------------------------------|---|--------------------------------------|--|
| Greece (RAE) | A: Dimitrios Psychoyios O: Yuriy Bilen | Sweden (Ei) | M: Anne Vadasz- Nilsson A: Caroline Törnqvist O: Fredrik Norlundt |
| Hungary (MEKH) | M: Pál Ságvári O: Tamás Gyarmati | EEA-EFTA State Iceland | A: Hanna Björg Konráðsdóttir |
| Ireland (CRU) | O: Barry Hussey (with proxy) | Norway (NVE-RME) | A: Anne Dønnem |
| Italy (ARERA) | M: Clara Poletti A: Francesco Cariello O: Ilaria Galimberti | EFTA Surveillance Authority (ESA) | O: Anne De Geeter |
| ACER | Christian Zinglensen, Christophe Gence-Creux, Dennis Hesseling, Martin Godfried, Volker Zuleger, Francois Beaude, Marcel Vochem, Fay Geitona, Mitsuko Akiyama | | |
| European Commission | Annamaria Marchi, Michael Schuetz, Remi Mayet, Tadhg O' Briain | | |
| CEER | Charles Esser | | |

1. Opening

1.1. Approval of the agenda

The agenda of the 106th BoR meeting was approved. The draft agenda has been sent to the European Parliament.

The BoR Chair asked for declarations of conflict of interest. None was declared.

1.2. Minutes of the 105th BoR meeting

The minutes of the 105th BoR meeting were approved and sent to the European Parliament on 4 February.

Decisions/ Conclusions

1.1 The BoR approved the agenda.

2. Updates from the ACER Director and the BoR Chair

2.1. Updates from ACER

The Director referred to the EC initiative to repurpose of the Network Code Implementation and Monitoring Group into the “Gas and Electricity policy exchange meetings” (“GEPEMs”).

The members were informed on the BoR EP for the ACER decision on European Resource Adequacy Assessment 2021 which was conducted in two rounds ending 17 February 2022. During the first round, no proposal for amendments/comments was received. During the second round, 25 members participated. The BoR favorable opinion was provided by consensus of members participating in the EP.

The BoR Chair thanked the Director for the updates.

2.2. Updates from the BoR Chair

- Hybrid and physical BoR meeting arrangements

The Chair explained the future arrangements.

- Declaration of interest and CVs

Ms Geitona also urged members and alternates to submit outstanding declarations of interest and CVs so that the Review Panel can be convened.

- Update on April and June meeting arrangements

Ms Hellich noted that CRE is very pleased to host the April meetings (in hybrid format) on the occasion of the French Council Presidency in Paris updating members on the detailed programme.

Ms Poletti and Ms Marchi informed members that the next Florence Forum will take place in Rome and invitations will be sent shortly.

2bis Exchange of views on the gas security of supply situation

The BoR discussed the energy security of supply situation in the light of the Russian invasion in Ukraine and the risks in the various Member States.

3 Delivering on the wider Energy Union from a regulatory perspective**3.1 Updates on the EU Green Deal and other EC updates**

Ms Marchi reported that the legislative proposals on the hydrogen and gas markets decarbonisation package and on reducing methane emissions from gas, oil and coal in Europe adopted on 15 December 2021 are now available in all official languages. The Council's Energy Working Party started examining the proposals and the Impact Assessment. The European Parliament appointed rapporteurs. She also reported that the Commission plans to adopt a new Communication on energy prices in the following week.

3.2 Update on the "lines to take" paper on the Gas Package

Mr Verdelho presented the state of play of regulators' work on the gas decarbonisation package including the legislative process and the next steps.

4. Items for BoR opinion/approval/agreement**4.1. ACER-CEER paper on offshore renewable energy**

The AEWG Chair presented the draft paper setting out the joint ACER-CEER response to the European Commission Communication on an EU Strategy to harness the potential of offshore renewable energy for a climate neutral future.

The BoR Chair opened the floor for discussion. Ms Materazzi-Wagner informed the BoR about the AEWG discussions and the key issues.

The BoR endorsed the ACER-CEER paper on offshore renewable energy by the requisite, two-thirds majority. A cover note outlining some key considerations will be prepared and submitted for a quick round of electronic procedure for approval.

4.2. ACER Opinion on TCMs for LTTR implementation on FI-EE

Following the request for an opinion regarding the required terms and conditions and methodologies and the processes for their approval in respect of the long-term transmission rights (LTTRs) on the FI-EE bidding zone border of the Baltic CCR, the Director and Mr Gence-Creux explained how ACER had sought to address the issues raised in the AEWG advice.

Mr Nurmi thanked ACER for preparing this opinion which addresses the legal questions submitted by EV and ECA.

In the absence of proposals for amendments and comments, the BoR Chair asked whether there was consensus to issue a BoR favourable opinion. The BoR favourable opinion was given by the consensus of members present and represented.

4.3. ACER Decision on the amendment of the Core intraday capacity calculation methodology

Mr Gence-Creux explained the key issues relevant to the ACER Decision, which was referred to ACER by the Core NRAs on 8 February failing their agreement. The ACER Decision must be issued as a matter of urgency notably because of the strong interdependency between the go-

live date of the Core day-ahead capacity calculation methodology (foreseen for 20 April 2022) and the approval/implementation of the first amendment to the Core intraday capacity calculation methodology. Hence the BoR was invited to agree to the use of an Electronic Procedure.

**Decisions/
Conclusions**

4.1 The BoR endorsed the ACER-CEER paper on offshore renewable energy by the requisite two-thirds majority and agreed a quick round of electronic procedure for approving a cover note/letter to accompany the paper.

4.2 The BoR provided its favourable opinion on the ACER Opinion on TCMs for LTTR implementation on FI-EE by consensus of the members present and represented.

4.3 The BoR unanimously agreed to the use of the electronic procedure to issue its favourable opinion on the ACER Decision on the amendment of the Core intraday capacity calculation methodology.

5. AWG key issues

5.1. AWG/ARC key issues

The AWG Chairs presented their respective updates.

The AEWG Chair reported on the outcome of the meeting of 16 February gathering representatives of TSOs, the AEWG and the EC regarding the participation of Swissgrid in the balancing platforms, which requires inter alia a positive EC decision for Switzerland to participate. A follow-up meeting is scheduled for 22 March and the AEWG will report back on this discussion at the April BoR meeting.

Mr Gence-Creux updated members on the state of play of the upcoming ACER Decision on System Operation Regions (SOR) and explained ACER's current stance. The Decision will be submitted for BoR favourable opinion at the April meeting.

The BoR Chair thanked the AWG Chairs and Mr Gence-Creux for their updates.

5.2. Update on the April assessment of high energy prices

The EC Communication "tackling rising energy prices: a toolbox for action & support" dated 13 October 2021 tasked ACER inter alia with studying the benefits and drawbacks of the existing electricity market design by April 2022. The Director stated that ACER is proceeding on the basis of this initial mandate, but in this context of unusually high prices, not addressing the issue of near-term possibilities for addressing the impact of gas prices on electricity prices could be perceived as an omission and that the highly interventionist measures currently under consideration in some parts of Europe may also warrant reflection.

Mr Beaude updated members on the state of play of the April assessment, including its envisaged structure. He also summarised the key issues and dilemmas under consideration and presented the key inputs from the stakeholder workshop held on 10 February on the following topics: driving sufficient investments; electricity price volatility as a driver for flexibility and effects for suppliers and consumers.

On the next steps, Mr Beaude outlined the changes to the planning highlighting the tight timeline.

The BoR discussed the key aspects.

5.3. Update: REMIT/market surveillance perspective on high prices

ACER's market surveillance efforts under REMIT, alongside those of national regulators, have so far not revealed systematic manipulative behaviour or insider trading under REMIT that could explain the high energy prices. Surveillance is ongoing, as is the informal cooperation with DG COMP and ESMA. Mr Vochem gave an update on surveillance since October 2021.