

## **CEER Specialised Training on Legal and Regulatory Challenges for National Regulatory Authorities with a focus on the Clean Energy Package**

**12-13 March 2019**

**CEER Office, Cours Saint-Michel 30a (5th floor), 1040 Brussels**

### **COURSE PROGRAMME**

*The energy regulatory processes have been and will continue to evolve with the "Clean Energy for All Europeans" Package, also known as "Clean Energy Package". One of the aims of the new legislative package is to set the governance rules for the Energy Union. With the conclusion of the negotiation processes between the different European Institutions on the Clean Energy Package at the end of December 2018, National Regulatory Authorities (NRAs) should be properly prepared for the implementation of the new legislative package in the coming years. What is the new legal landscape of the Clean Energy Package and what are the new regulatory challenges for NRAs? While trying to address the new challenges from the Clean Energy Package, NRAs have to continue to deliver the coherent and consistent implementation of the European Network Codes and Guidelines.*

*This CEER Specialised Legal Training will provide an overview of the new legal and regulatory challenges for NRAs, with a focus on the Clean Energy Package. The implementation challenges regarding the European decision-making processes at the European and national level, new roles for DSOs and DSO-TSO cooperation, electricity market design, regulatory oversight of Transmission System Operators (TSOs) and Nominated Electricity Market Operators (NEMOs) will be presented and discussed with practical case studies from NRAs as well as from market participants. This training also addresses the new emerging issues regarding electricity and gas interconnectors and their respective applicable regimes. The training finally focuses on the judicial review process of ACER's decisions, with the practical example from the latest appeal case of the ACER's decision at national level.*

**Tuesday, 12 March 2019**

**10:30–17:45**

### **DAY 1: "CLEAN ENERGY PACKAGE" - LEGAL AND REGULATORY CHALLENGES**

#### **WELCOME AND INTRODUCTION**

**10:30-10:45** Opening remarks and round-table introduction of the participants.

- **Ms Nadia Horstmann, BNetzA, Vice Chair CEER Legal Affairs Committee, Course Director**

## SESSION 1 NEW LEGAL LANDSCAPE OF THE CLEAN ENERGY PACKAGE

With the conclusion of the negotiation processes between the different European Institutions on the Clean Energy Package at the end of December 2018, NRAs should be properly prepared for the implementation of the new legislative package in the coming years. What is the new legal landscape of the Clean Energy Package and what are the new regulatory challenges for NRAs? This session will provide the participants with an overview of the implementation challenges for NRAs and focus on some selected topics that are important for NRAs as well as for market participants such as electricity market design, governance issues and new roles for DSOs and DSO-TSO cooperation.

### **10:45-11:15 The “Clean Energy Package” – Overview and the implementation challenges for NRAs.**

- Overview of the main changes and new rules by the Clean Energy Package
- Implementation process: how does this work? Roles/Actions for NRAs?

- **Ms Kateřina Firlová, Former ERÚ, Former CEER European Policy Unit Co-Chair**

#### **Discussion/Q&A**

### **11:15-13:00 Key aspects of EU energy policy: what will change for NRAs and market participants with the Clean Energy Package?**

- ACER/NRA Governance – New “Checks and Balances”
- New roles for DSOs & DSO-TSO cooperation
- Case Study – what changed/will change for your DSOs?

- **Mr Alexander Linov, BNetzA**
- **Ms Claire Hellich-Praquin, CRE**
- **Mr Corentin Goupillier, CRE**

#### **Discussion/Q&A**

### **13:00-14:00 Lunch Break – CEER Office**

### **14:00-15:45 Key aspects of EU energy policy: what will change for NRAs and market actors with the Clean Energy Package?**

- Electricity Market Design – congestion management and resource adequacy
- How are stakeholders going to implement the Clean Energy Package?

- **Mr Fernando Hernandez, CNMC, CEER-ACER Electricity Working Group Chair (tbc)**
- **Ms Florence Melchior, ENTSO-E (tbc)**

#### **Discussion/Q&A**

*15:45-16:00 Coffee break*

## **SESSION 2 REGULATORY CHALLENGES FOR ACER AND NRAs**

Good governance means a proper articulation between national, regional and European levels. Which decision-making mechanisms are the most suitable for the specificities of the European energy market? What are the regulatory challenges for the Agency for the Cooperation of Energy Regulators (ACER) and NRAs? This session provides an overview of ACER's individual and general decisions and how NRAs implement ACER's decisions at national level. What can be learnt from the experience gained to date and what can be improved?

### **16:00-17:00 ACER's and NRAs' regulatory challenges.**

- ACER's individual and general decisions
- Implementation of regional decisions
- Case Study: Challenges in the implementation of ACER's decisions?

- **Mr Ernst Tremmel, ACER**

### **17:00-17:30 Roundtable discussion with the participants and lecturers.**

- **Ms Nadia Horstmann, BNetzA, Vice Chair CEER Legal Affairs Committee, Course Director**

### **17:30-17:45** Wrap up of Day 1.

- **Ms Nadia Horstmann, BNetzA, Vice Chair CEER Legal Affairs Committee, Course Director**

**17:45-18:45** Reception drinks – For those who wish to join, we will host a small drinks reception at the CEER office – all participants and lecturers welcome!

**- END FIRST DAY -**

**Wednesday, 13 March 2019**  
**09:00-16:15**

## **Day 2: OTHER EMERGING CHALLENGES IN EUROPEAN ENERGY POLICY**

### **SESSION 3 TSOs/NEMOs REGULATORY CHALLENGES**

This session deals with the legal challenges for the Transmission System Operators (TSOs) and Nominated Electricity Market Operators (NEMOs) in the implementation of Network Codes/Guidelines. Network Codes and Guidelines will need to be fully implemented as a matter of priority. What are the regulatory challenges for TSOs, especially regarding the implementation of Demand Connection, System Operations and markets-related Network Codes and Guidelines? What are the challenges regarding market coupling? New entities such as Nominated Electricity Market Operators (NEMOs) have been created according to the Network Codes. What are their tasks, competences and legal nature? Which regulatory rules are applicable to these entities and how are the implementation and monitoring of these new entities carried out?

#### **09:00-11:00 TSOs / NEMOs Regulatory challenges.**

- Challenges in the implementation of Network Codes / Guidelines: monitoring and enforcement of Terms & Conditions and Methodologies
- Challenges in the implementation and monitoring of new entities: NEMOs and the MCO Function
- Case Study – What are the regulatory challenges around NEMOs?

- **Mr Nico Schoutteet, CREG, CACM and FCA Task Forces Co-Chair**
- **Mr Salvio Lanza, ARERA, CACM and FCA Task Forces Co-Chair**

**Discussion/Q&A**

*11:00-11:15 Coffee break*

### **SESSION 4 INTERCONNECTORS – WHERE ARE WE NOW? WHAT ARE THE NEW CHALLENGES?**

Regulators will continue to work together to push for better planning of cross-border infrastructure and better usage of cross-border capacity and act where behaviour goes against the interest of consumers. What is the current status of the electricity and gas interconnectors? What are the new challenges, including their applicable regimes? What are the changes foreseen in the Clean Energy Package and the Gas Directive review? This session will explore the new emerging issues in electricity and gas interconnectors and their respective applicable regimes.

**11:15-12:00 Electricity interconnectors:** what are the applicable regimes (regulated/exempted/combined)? Changes in the Clean Energy Package's rules? Insight into an ACER's exemption decision.

- **Ms Ceciel Nieuwenhout, University of Groningen**

**Discussion/Q&A**

**12:00-13:00 Lunch Break**

**13:00-13:45 Gas Interconnectors:** what are the applicable regimes (regulated/exempted/combined)? Does the Gas Directive review change something?

- **Lecturer (tbc)**

**Discussion/Q&A**

## **SESSION 5 JUDICIAL REVIEW OF ACER's DECISIONS**

Binding legal acts are issued to ensure the proper implementation of the legislation in the energy sector. Some of these acts have an impact at a national level, whereas others are of a regional or pan-European nature. In this session the discussion focuses on judicial review of ACER's decisions. What is the remedy? Who is entitled to the judicial review? What are the role and competences of the ACER's Board of Appeal in the review of ACER's decisions? A practical case study on the latest appeal case of the ACER's decision at national level will be presented and discussed.

**13:45-16:00** Role and decisions of the ACER's Board of Appeal (BoA) – Review of ACER/BoA's decisions.

**Case study on the latest appeal case of the ACER's decision at national level.**

- **Mr Jean-Yves Ollier, ACER Board of Appeal**
- **Ms Nadia Horstmann, BNetzA, Vice Chair CEER Legal Affairs Committee**

**Discussion/Q&A**

**16:00-16:15** Wrap-up of Day 2.

- **Ms Nadia Horstmann, BNetzA, Vice Chair CEER Legal Affairs Committee, Course Director**

**- END SECOND DAY -**