

CEER Specialised Legal Training on Evolving Regulatory Processes in European Energy Policy

27-28 February 2018

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

COURSE PROGRAMME

The EU's Electricity and Gas Directives and related legislation, adopted in 2009 and collectively known as the "3rd Package", introduced a set of rules relating to the organisation and functioning of the European electricity and gas sectors. The energy regulatory processes have been and will continue to evolve with the European Commission's proposals on "Clean Energy for All Europeans", also known as "Clean Energy Package" published in November 2016. One of the aims of the new legislative proposals is to set the governance rules for the Energy Union. What is proposed in the European Commission's new legislative proposals and what might they change?

This CEER Specialised Legal Training will provide a state of play of the Clean Energy Package and address the evolving regulatory challenges for National Regulatory Authorities (NRAs) at the European, regional and national level. The challenges regarding the European decision-making processes, the implementation of Network Codes / Guidelines, as well as other challenges in the implementation of the security of supply in electricity and gas regulations and of the General Data Protection Regulation (GDPR) will be discussed.

Tuesday, 27 February 2018
10:30–17:45

DAY 1: "CLEAN ENERGY PACKAGE" - STATE OF PLAY 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**

SESSION 1 "CLEAN ENERGY PACKAGE" – STATE OF PLAY

Since the publication of the European Commission's Clean Energy Package proposals in November 2016, what is the state of play and the results of the legislative process so far? This session will provide the participants with an overview of the state of play of the Clean Energy Package and focus on some selected topics that are important for National Regulatory Authorities such as electricity market design, governance issues and new roles for DSOs and DSO-TSO cooperation. It will also provide a summary of European Energy Regulators' positions on these selected topics.

10:45-11:45 State of play of the Clean Energy Package legislative process and its results so far.

- The European Union legislative process: the role of European Commission, European Parliament and European Council regarding the Clean Energy Package.

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

Discussion/Q&A

11:45-12:45 Lunch Break – CEER Office

12:45-13:30 State of play of the Clean Energy Package on selected topics:

- ACER/NRA Governance – New “Checks and Balances”
- New role for DSOs & DSO-TSO cooperation
- Electricity Market Design (incl. Bidding Zones / Capacity Mechanisms / Priority dispatch...)

▪ **Mr Jan Papsch, European Commission**

Discussion/Q&A

13:30-15:00 ACER-CEER positions on the selected topics of the Clean Energy Package and their White Papers.

- Short overview and summary of CEER-ACER White Papers
- ACER/NRA Governance – New “Checks and Balances”
- New role for DSOs & DSO-TSO cooperation
- Electricity Market Design (incl. Bidding Zones / Capacity Mechanisms / Priority dispatch...)

▪ **Mr Martin Šik, ERÚ, CEER Vice President**

▪ **Mr Alexander Linov, BNetzA**

Roundtable discussion with the participants and lecturers.

SESSION 2 REGULATORY CHALLENGES FOR ACER/NRAs/REGIONAL 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), NRAs and regional NRAs? This session explores how ACER and NRAs deal with regulatory challenges at the national, regional and European levels. Which measures and processes have been developed by NRAs for this purpose? What is the state of play of regional NRAs cooperation? What can be learnt from the experience gained to date and what can be improved?

15:00-15:45 European Regulators' Forum (ERF) Regulatory challenges.

- ERF Rules of Procedure
- ERF decisions and their consequences
- ACER's decisions as last resort and their consequences

▪ **Mr Fernando Hernandez, CNMC, CEER-ACER Electricity Working Group Chair**

Discussion/Q&A

15:45-16:00 Coffee break

16:00-16:45 ACER Regulatory challenges.

- Outcome of ACER's Decisions
- Outcome of ACER's Monitoring

▪ **Mr Ernst Tremmel, ACER**

Discussion/Q&A

16:45-17:30 Regional NRAs cooperation – State of play and case study of market coupling in the Central-West Europe region.

▪ **Mr Corentin Goupillier, CRE**

Discussion/Q&A

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

▪ **Ms Nadia Horstmann, BNetzA, Vice Chair CEER Legal Affairs Committee**

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, 28 February 2018
09:00-16:30

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 the regional TSO coordination of power operation system? 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 (Demand Connection / System Operations / markets-related Network Codes/Guidelines) and regional issues: TSO coordination of power operation system.
- Implementation and monitoring of new entities (NEMOs, implementation and monitoring of NEMOs when performing MCO functions).

- **Ms Anne De Geeter, ENTSO-E**
- **Lecturer tbc, EPEX SPOT**

Discussion/Q&A

11:00-11:15 Coffee break

SESSION 4 SECURITY OF SUPPLY IN ELECTRICITY AND GAS: STATE OF PLAY

European Energy Regulators contribute to the goal of maintaining and enhancing security of supply in electricity and gas in Europe. What is proposed in the Clean Energy Package regarding the Risk Preparedness Regulation in electricity and the regulatory challenges for NRAs? The new Gas Security of Supply Regulation which entered into force on 1 November 2017 introduces some new rules which require the involvement of NRAs. This session will address the changes in the regulations regarding security of supply in electricity and gas and the implications for NRAs.

11:15-12:00 Electricity: Risk preparedness: What is proposed in the Clean Energy Package and what are the regulatory challenges?

- **Mr Johannes Pelkonen, Ofgem**

Discussion/Q&A

12:00-13:00 Lunch Break

13:00-14:00 Gas Security of Supply Regulation: What is foreseen and what will change?
EC Proposal to amend the EU Gas Directive.

- Gas Security of Supply Regulation: New tasks and competences of NRAs
- EC Implementation Plan
- EC Proposal to amend the EU Gas Directive
- EC Study “Quo Vadis”: State of Play

- **Mr Maciej Ciszewski, European Commission, DG ENER**
- **Ms Zsuzsanna Szeles, European Commission, DG ENER**

Discussion/Q&A

SESSION 5 GENERAL DATA PROTECTION REGULATION: DATA PROTECTION IN THE ENERGY SECTOR

The General Data Protection Regulation (GDPR) was formally adopted by the European Council and the European Parliament in April 2016 and will enter into force on 25 May 2018. What is the specific relevance of this Regulation for the energy sector and energy sector stakeholders that NRAs should be aware of? What are the arising changes in legal privacy requirements and what are their legal implications? What is in place at national level and at NRA organisational level, what will change in order to implement/prepare for the implementation of GDPR? This session will provide an overview of GDPR and the relevant provisions for NRAs and include an interactive discussion with the participants on the implementation of GDPR at national and NRA organisational level.

14:00-15:30 General Data Protection Regulation (GDPR): Data protection in the energy sector.

- What is GDPR? A general explanation.
- What is its specific relevance for the energy sector? – Provisions / applications relevant for the energy sector and consequences for REMIT related activities.
- GDPR for Energy Sector Stakeholders / TSOs – Specific relevance and implementation issues.
- GDPR and NRAs: Relevant provisions for and implementation by NRAs.

- **Mr Alexandre Cruquenaire, Lexing Avocats**
- **Mr Øyvind A. Arntzen Toftegaard, NVE**

Discussion/Q&A

15:30-16:15 Roundtable discussion with the participants on GDPR and implementation at national/NRA level:

- What is in place at national level and for implementation by NRA?
- What are the issues that NRAs encounter?

16:15-16:30 Wrap-up of Day 2.

- **Mr Alexander Linov, BNetzA**

- END SECOND DAY -