

**CEER**

**Council of European  
Energy Regulators**



Fostering energy markets, empowering consumers.

# What Regulators Stood for in the Second Half of 2021

**European Policy Unit**

**28 January 2022**

## Second half of 2021 for CEER...



### **CUSTOMERS & RETAIL MARKETS**

1 document

### **GAS DECARBONISATION**

3 documents



### **CROSS-SECTORAL**

2 documents

### **ELECTRICITY**

3 documents



### **ADVOCACY WORK**

6 public consultation  
responses

The introductory part of this review is dedicated to CEER's main messages for energy sector in 2<sup>nd</sup> half of 2021. These messages are in line with our [policy strategy](#), which guides CEER's deliverables and activities throughout the defined period of the strategy.

# Our main messages for the second half of 2021!



## **CUSTOMERS AND RETAIL MARKETS**

- NRAs should ensure that all consumers have access to and are aware of national comparison tools to unlock the savings available from switching their supplier.
- Customers' concerns must be considered and solutions must be found regarding potentially problematic issues like the inability to fully partake in digital services due to economic or social status, the digital divide, or lack of information.
- Regulators are committed to playing their part and encouraging all energy consumers to become more energy efficient.
- The rights of consumers should be safeguarded regardless of the type of energy carrier they contract.



## **CROSS-SECTORAL**

- NRAs should try to find ways to diminish lock-in effects of certain contracts, for example, by enforcing that businesses open up the product for third-party access or take measures to reduce the risk regarding high pricing or poor quality.
- Regulators must simultaneously ensure that incumbents do not unduly benefit from resources inherited from their regulated activity, such as their customer database.
- NRAs, along with the responsible parties (namely utilities), should ensure that consumers are on-board and trusting of the underlying technology that enables data access.
- At present, only a small share of RES installations are not being supported but by 2030, around 40% of currently supported installed capacity will reach the end of support (EOS).
- The legal framework governing RES installations has so far not been adapted. This is either because the framework does not distinguish between supported and unsupported RES or because the support time is still running.



## **ELECTRICITY**

- Electricity markets are facing unprecedented changes. As they adapt to meet global decarbonisation targets, electricity markets must safeguard security of supply and ensure affordability in the increasingly challenging context of climate change.
- In 2020, for the first time in Europe, renewable energy sources generated more electricity than fossil fuels.
- Both demand and supply factors have contributed to the increase in electricity prices. Electricity demand is recovering to pre-COVID-19 levels. As a consequence of this increase and the low availability of wind during the summer, gas-fired power plants have increasingly become the price-setting units in wholesale electricity markets.
- It is essential that distribution network development plans (D-NDPs) provide equity and transparency, as the planning methodology should be comprehensible.



## **GAS DECARBONISATION**

- Establish an EU-level harmonised approach to methane emissions monitoring and detection, based in particular on mandatory monitoring of methane emissions by all gas infrastructure operators.
- Apply cost reflectivity and beneficiary-pays principles to hydrogen networks, avoiding cross-subsidies between energy carriers.
- Ensure an integrated, liquid and interoperable EU internal gas market, including by foreseeing a more flexible approach to the application of relevant network codes with respect to specific cross-border charges.
- Adopt a gradual and flexible regulatory approach to facilitate the emergence of competitive hydrogen markets, by defining core market and regulatory principles, guaranteeing a level playing field, ownership unbundling, third-party access, transparency and regulatory oversight.

## 1 CEER proposals on customers

In second half of 2021, CEER published **1 document** which relates to the customer issues.

### **Annual Monitoring Report on Energy Retail and Consumer Protection<sup>1</sup>**

This report looks back at the developments in Europe's energy retail markets and customer protection measures during 2020. Notwithstanding this, the unprecedented increase in electricity and gas wholesale prices that have taken place in the second half of 2021 merit a few moments of reflection in the report as well.

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*On average, energy retail prices decreased in 2020. The decrease was largely driven by wholesale electricity and gas price decreases caused by the significant reduction in both electricity and gas demand during the COVID-19 pandemic.*

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- While both electricity and gas wholesale prices have increased to unprecedented levels across the EU during the second half of 2021, the price increases have been notably higher for gas than for electricity. Gas prices in early October 2021 were 400% more expensive than in April 2021. Electricity prices have increased by 200%.
- NRAs should ensure that all consumers have access to and are aware of national comparison tools to unlock the savings available from switching supplier.
- Energy efficiency will be key to protect consumers from energy price increases during the transition to clean energy. Retrofitting consumer homes will increase energy efficiency and reduce energy consumption.
- European energy consumers on average had a broader supplier choice in 2020 than in 2019.
- On average, energy retail prices decreased in 2020. The decrease was largely driven by wholesale electricity and gas price decreases caused by the significant reduction in both electricity and gas demand during the COVID-19 pandemic.
- Market concentration levels in 16 out of 25 electricity markets remained high (HHI above 2,000), indicating that consumer choice, in fact, was limited in many markets.
- Dynamic electricity price offers, real-time pricing and other more advanced services are still limited across the EU.
- European energy consumers file millions of complaints to their suppliers and distribution system operators (DSOs) across the European Union each year. Invoicing, billing and debt collection are the most common reasons to complain about both electricity and gas suppliers.

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<sup>1</sup> [Annual Report on the Results of Monitoring the Internal Electricity and Natural Gas Markets in 2020 Energy Retail and Consumer Protection Volume](#)

## 2 CEER proposals on gas decarbonisation issues

During the second half of 2021, CEER published **3 documents** related to decarbonisation of the gas sector.

### Annual Report on Gas Wholesale Markets in 2020<sup>2</sup>

CEER and ACER presents the results of monitoring the status of the European gas markets in 2020 and the progress made towards a fully functioning internal gas market in the light of the existing EU Regulation. The report puts further emphasis on tracking the progress towards decarbonising European gas markets.

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*The supply share of low-carbon gas is still low at the EU level. Low-carbon gases accounted for 3.8% of EU and UK gas consumption in 2020.*

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- On an annual basis, EU gas demand was reduced by 3.1%, while coal consumption decreased by 20%.
- Together with record LNG availability, the reduction in gas demand caused by COVID-19 pushed EU gas hub prices to historical lows in the spring and summer of 2020, prompting gas producers to seek an equilibrium between maintaining market share and safeguarding returns.
- EU storage sites began the 2020 injection season with record high stocks. However, withdrawal from EU gas storage sites increased by the end of Q3. This was due to increased gas prices, a reduction in LNG arrivals, and the start of colder weather.
- The volume of natural gas traded at hubs was at an all-time high in 2020, with 14% more volume changing hands compared with 2019.
- The supply share of low carbon gas is still low at the EU level. Low-carbon gases accounted for 3.8% of EU and UK gas consumption in 2020.
- Hydrogen production in the EU is small relative to future expectations. An estimated 340 TWh of hydrogen are produced per year, which represents less than 2% of the EU's total energy consumption.
- The cost of the currently cheapest low-carbon gas, biogas, was four times higher than the price of unabated natural gas, when taking the average gas hub spot price in 2020 as the benchmark.
- The Capacity Allocation Mechanism Network Code (CAM NC) is facilitating more efficient and flexible booking of gas transportation cross-border interconnection capacity.
- Importantly, the gas network codes are and will continue to be relevant for specifying the market principles and technical rules governing the gas decarbonisation shift in the coming years.

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<sup>2</sup> [ACER/CEER Annual Report on the Results of Monitoring the Internal Electricity and Natural Gas Markets in 2020 - Gas Wholesale Markets Volume](#)

## White Paper on Rules to Prevent Methane Leakage in the Energy Sector<sup>3</sup>

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*Guarantee that national regulatory authorities (NRAs) have adequate access to methane emissions data.*

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CEER and ACER expressed views on rules to prevent methane leakage in the energy sector. They find the policy design approach envisaged by the European Commission reasonable (notably to start off with prescriptive measuring and mitigation requirements to establish a robust monitoring, reporting and verification (MRV)

scheme, then consider performance-based requirements in a second step). CEER and ACER recommend consideration of the following issues:

- Recognise the role of infrastructure in the entire supply chain in terms of the scale of directly attributable methane emissions, which are only a small fraction compared to emissions from other sources.
- Assess the case for including biogas/biomethane in the European Commission's policy proposals, especially with regard to mitigating measures.
- A Methane Supply Index and/or a carbon tax should only be introduced on the condition of first having in place a robust MRV system for all companies (including harmonised reporting).
- Establish an EU-level harmonised approach to methane emissions monitoring and detection, based in particular on mandatory monitoring of methane emissions by all gas infrastructure operators.
- Guarantee that national regulatory authorities (NRAs) have adequate access to methane emissions data.
- Favour initiatives at EU level for a harmonised regulatory approach to methane emissions abatement cost recovery, notably by introducing specific mandatory cost recovery requirements, especially in relation to the costs of MRV and mitigation.
- The need for cost recovery should also be subject to cost efficiency and cost effectiveness principles.

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<sup>3</sup> [ACER-CEER White Paper on Rules to Prevent Methane Leakage in the Energy Sector](#)



## Position Paper on the Key Regulatory Requirements to Achieve Gas Decarbonisation <sup>4</sup>

When addressing the key regulatory requirements needed to achieve a decarbonised gas sector, ACER and CEER recommend consideration of the following issues:

- Apply cost reflectivity and beneficiary-pays principles to hydrogen networks, avoiding cross-subsidies between energy carriers.
- Ensure an integrated, liquid and interoperable EU internal gas market, including by foreseeing a more flexible approach to the application of relevant network codes with respect to specific cross-border charges.
- Embed robust consumer protection, future innovation, technology developments and new market trends in decarbonisation policies, recognising the specificities of gas markets.
- Ensure cost efficiency and affordability to safeguard inclusiveness and a just transition, including by promoting and facilitating energy efficiency measures and information.
- Adopt a gradual and flexible regulatory approach to facilitate the emergence of competitive hydrogen markets, by defining core market and regulatory principles, guaranteeing a level playing field, ownership unbundling, third-party access, transparency and regulatory oversight.
- Provide consumers with clear and reliable information and support, as well as ensure effective enforcement of their rights and consumer-centric digitalisation rules to enhance their empowerment and trust in the energy transition.

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*Adopt a gradual and flexible regulatory approach to facilitate the emergence of competitive hydrogen markets, by defining core market and regulatory principles, guaranteeing a level playing field, ownership unbundling, third-party access, transparency and regulatory oversight.*

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<sup>4</sup> [ACER-CEER Position Paper on the Key Regulatory Requirements to Achieve Gas Decarbonisation](#)



### 3 CEER proposals on cross-sectoral issues

Since August 2021, CEER also published **2 documents** which are cross-sectoral and their aim and conclusions target electricity, gas and customers sectors.

#### Report on Innovative Business Models and Consumer Protection Challenges <sup>5</sup>

The emergence of new innovative business models across Europe provides an opportunity for individual states to share knowledge and best practice, based on their own experiences, from which others may benefit. CEER sought to identify and describe some of these emerging business models and suggests what appropriate regulatory action may be required to protect consumers.

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*Regulators must simultaneously ensure that incumbents do not unduly benefit from resources inherited from their regulated activity.*

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- NRAs should try to find ways to diminish lock-in effects of certain contracts, for example by enforcing that businesses open up the product for third-party access or take measures to reduce the risk regarding high pricing or poor quality.
- NRAs must ensure that the regulatory framework in the individual state provides for the adequate regulation of agents.
- Self-consumption should be integrated into balancing rules, such as those regarding independent aggregators, in order to clearly define the delimitation of balancing responsibilities.
- Equal access to all stakeholders: Regulators must simultaneously ensure that incumbents do not unduly benefit from resources inherited from their regulated activity, such as their customer database.
- NRAs should adapt retail market monitoring to better understand the impact of self-consumption in market dynamics.
- Data protection should not result in excessive regulatory barriers and should not hinder the emergence of new services and new market players.
- NRAs, along with the responsible parties (namely utilities), should ensure that consumers are on-board and trusting of the underlying technology that enables data access.

## 2<sup>nd</sup> Paper on Unsupported RES <sup>6</sup>

CEER presents an updated assessment of the status quo of formally supported RES installation in Europe. This paper follows three main objectives: (1) Assessing the magnitude of RES installations, which will be running without support, notably after their support time has ended, in the coming years; (2) identifying the upcoming regulatory challenges and, if needed, the changes to the legal framework; and (3) showing alternative business strategies for RES installations running without support.

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*At present, only a small share of RES installations are not being supported but by 2030, around 40% of currently supported installed capacity will reach the EOS.*

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- The largest share of RES installations running without support have never been supported in the past, notably large hydropower plants.
- For onshore wind and solar, new (larger) capacities are already being planned and installed to run without any direct financial support.
- The strategies followed by unsupported RES installations are manifold. The most common approach is – at least in case of larger installations – to rely on the market as a source of income.
- At present, only a small share of RES installations are not being supported but by 2030, around 40% of currently supported installed capacity will reach the EOS.
- The legal framework governing RES installations has so far not been adapted. This is because either because the framework does not distinguish between supported and unsupported RES or because the support time is still running.

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<sup>5</sup> [CEER Report on Innovative Business Models and Consumer Protection Challenges](#)

<sup>6</sup> [CEER 2nd Paper on Unsupported RES](#)

## 4 CEER proposals on electricity regulatory issues

During the second half of 2021, CEER published **3 documents** related to the electricity sector.

### Annual Report on Electricity Wholesale Markets in 2020<sup>7</sup>

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*For the first time, renewable energy sources generated more electricity than fossil fuels.*

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While this report by CEER and ACER focuses on 2020, the unprecedented increases in energy prices across the EU in 2021 deserved some initial attention at

the time of publishing this report.

- Electricity markets are facing unprecedented changes. As they adapt to meet global decarbonisation targets, electricity markets must safeguard security of supply and ensure affordability in the increasingly challenging context of climate change.
- Both demand and supply factors have contributed to the increase in electricity prices. Electricity demand is recovering to pre-COVID-19 levels. As a consequence of this increase and the low availability of wind during the summer of 2021, gas-fired power plants have increasingly become the price-setting units in wholesale electricity markets.
- For the first time, in 2020, renewable energy sources generated more electricity than fossil fuels in the EU plus Norway, Switzerland and the UK. In this context, the efforts of Member States (MSs) towards market integration in recent years continued to show positive results in 2020.
- The first assessment of barriers to price formation reveals the existence of such barriers, to varying degrees, in most Member States. Regarding efficient price formation, a number of issues stand out as barriers, including insufficient cross-zonal capacity and liquidity.
- The report recommends that dedicated interruptibility schemes only be offered where no parallel procurement channels exist, or when there is a need to kick-start the development of new demand side response products or services.
- Despite the disruption caused by the pandemic, electricity market integration projects did not stall.
- The level of integration of the intraday and balancing markets, measured in terms of efficiency in the use of interconnectors, is still not as high as in the day-ahead markets.

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<sup>7</sup> [ACER/CEER Annual Report on the Results of Monitoring the Internal Electricity and Natural Gas Markets in 2020 - Electricity Wholesale Markets Volume](#)

## Views on Electricity Distribution Network Development Plans<sup>8</sup>

CEER addressed aspects that distribution system operators should consider when preparing and consulting on their network development plans, as well as actions that national regulatory authorities could take to foster transparency and participation in distribution network planning processes.

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*A regulatory requirement to establish a common template with minimum information provided by the DSO can ensure that all D-NDPs are consistent and can be easily compared.*

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- A regulatory requirement for a central publication and communication platform for distribution network development plans (D-NDPs) may offer considerable added value, in light of the number of DSOs.
- A regulatory requirement to establish a common template with minimum information provided by the DSO can ensure that all D-NDPs are consistent and can be easily compared.
- A biennial frequency of D-NDPs is likely to allow more time for consultation and additional interactions with stakeholders.
- As part of the process of publishing public consultation results, DSOs should be able to justify how comments have affected D-NDPs, and if some responses have not led to changes.
- It is essential that the D-NDPs provide equity and transparency, as the planning methodology should be comprehensible.
- D-NDPs should properly assess and explain the interactions between the planning methodology and procurement of flexibility options.

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<sup>8</sup> [CEER Views on Electricity Distribution Network Development Plans](#)

## Report on Redispatching Arrangements in Europe against the Background of the Clean Energy Package Requirements<sup>9</sup>

Against the background of the Electricity Regulation requirements set out in Article 13, the paper sets out to shed some light on the different mechanisms for redispatching and to provide a rough comparison of both regimes, market-based and cost-based redispatching.

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*Uniform approach to redispatching is missing in Europe, rather there are individual set-ups that try to accommodate for country specificities.*

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- In order to overcome, or at least limit, Inc-Dec gaming, two approaches are in principle possible:
  - Cost-based mechanism of redispatching, which would be the best choice in zonal markets;
  - Avoid redispatching in the first place through the introduction of a market-based dispatch, compatible with the reality of the electricity system, which would therefore imply a shift towards the nodal design
- Uniform approach to redispatching is missing in Europe, rather there are individual set-ups that try to accommodate for country specificities.
- There is no requirement regarding the level of transparency with respect to the decision-making process and the final decision. In this context, it may be of interest and beneficial to strive for more transparency and a better understanding of the different regimes and their respective reasoning across Europe.

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<sup>9</sup> [CEER Report on Redispatching Arrangements in Europe against the Background of the Clean Energy Package Requirements](#)

## 5 CEER Advocacy work

In second half of 2021, CEER participated in **6 public consultations**. Below, we present topics and main messages which were sent to the institutions.

<p>Response to the Commission's <a href="#">Consultation on Climate, Energy and Environmental Aid Guidelines (CEEAG)</a></p>	<p>30.07.2021</p>
<ul style="list-style-type: none"> <li>• CEER supports the stimulation of RES integration by widening the scope of the Guidelines to all measures that are suitable to reduce greenhouse gases and the strong commitment to end support for fossil fuels.</li> <li>• CEER welcomes that the net extra cost (funding gap) of a project can now be covered in contrast to the 45-65% coverage allowed under the regime of the EEAG.</li> <li>• CEER welcomes the Commission's commitment to tendering procedures for RES.</li> <li>• CEER considers that non-price selection criteria are relevant in certain cases and should be allowed to weigh up to 30-40%, for example to promote environmentally friendly installations or innovative solutions.</li> <li>• CEER agrees that bidding processes should, in principle, be designed technology neutral and that technology specific auctions shall be an exception to that general rule. CEER would like to propose that technology-specific tendering procedures might still be carried out whenever their expected results seem to be more promising.</li> <li>• CEER strongly supports the idea to design aid in such a way that market distortion is reduced to the very minimum and that beneficiaries remain exposed to market risks.</li> </ul>	
<p>Response to the Commission's <a href="#">Public Consultation on the Data Act</a></p>	<p>3.09.2021</p>
<ul style="list-style-type: none"> <li>• In order to fully unlock the potential of digitalisation in this sector, it is not only sufficient to incentivise the roll-out of technology, but it is also necessary to enable the use of the multiple types of data generated.</li> <li>• CEER believes that digitalisation can, among other things, bolster cost savings, convenience, consumer choice and participation as well as overall quality and security of supply of the system.</li> <li>• Data needs to be collated and made available not only to network operators but also to current and potential market participants. Furthermore, data must be interoperable, subject to appropriate cost-benefit analysis and lastly, secure, in line with cybersecurity and data protection requirements.</li> <li>• CEER stresses the importance of ensuring that digitalisation empowers energy consumers through new services and products and does not create additional hurdles or worsen the digital divide.</li> <li>• Regulators have pledged to reserve particular attention to distributional issues, that is, whether some parts of society are being "left behind", through continuous market monitoring and adaptable regulatory frameworks that balance innovation and data protection needs.</li> </ul>	

<p>Input to the Commission's <a href="#">Roadmap for the Action Plan on the Digitalisation of the Energy Sector</a></p>	<p>10.09.2021</p>
<ul style="list-style-type: none"> <li>• Only a holistic approach to digitalisation can induce an evolution of the system.</li> <li>• Customers' concerns must be considered and solutions must be found regarding potentially problematic issues like the inability to fully partake in digital services due to economic or social status, the digital divide, or lack of information.</li> <li>• Customer rights must be robust enough to withstand growing problems that stem from digitalisation, e.g. dark patterns.</li> <li>• Digitalisation can also offer potential for climate change adaptation of the system, e.g. by making use of AI to find grid elements that are frail to extreme weathers and to come up with respective solutions.</li> <li>• CEER believes that a harmonised framework for digitalisation and decarbonisation must be based on the principles of sustainability, consumer-friendliness and economic efficiency, whilst safeguarding data access, data interoperability, data protection, and data security/cybersecurity.</li> </ul>	
<p>Feedback on Commission's <a href="#">Review of the Directive 2018/2001/EU on the Promotion of the Use of Energy from Renewable Sources</a></p>	<p>18.11.2021</p>
<ul style="list-style-type: none"> <li>• CEER explicitly welcomes EC amendment of Article 2 of REDII by modifying the definition of renewable fuels.</li> <li>• Concerning the new article 20a on Facilitating system integration of renewable electricity, this article must be read in conjunction with the provisions of the Regulation on the deployment of alternative fuels infrastructure (AFIR proposal for a Regulation concerning the deployment of alternative fuel infrastructure, repealing Directive 2014/94/EU).</li> <li>• CEER welcomes the increasing integration of the heating and cooling sector into the common renewable framework. The application of new market rules implies the need of further development of a stable regulatory framework, taking into account the heterogeneous structure of heating and cooling markets within EU MS.</li> <li>• From the perspective of NRAs, some amendments need more guidance and clarifications to be transposed into practice/national law.</li> </ul>	
<p>Feedback on Commission's <a href="#">Proposal for an EU Directive on Energy Efficiency (recast) COM(2021) 558</a></p>	<p>19.11.2021</p>
<ul style="list-style-type: none"> <li>• Regulators are committed to playing their part and encouraging all energy consumers to be more energy efficient.</li> <li>• CEER underlines the importance of reducing energy losses which contributes to greater energy efficiency and security of supply and is an important goal, not least because the costs of energy losses are often passed on to consumers (in most countries the costs for covering these losses are included in the network access tariffs).</li> </ul>	



<ul style="list-style-type: none"> <li>• CEER welcomes the introduction of basic contractual rights for heating, cooling and domestic hot water.</li> <li>• The rights of consumers should be safeguarded regardless of the type of energy carrier they contract. For example, energy consumers would be further protected and empowered by the introduction of punitive damages for infringements of their consumer rights.</li> <li>• Another important aspect is to have an infrastructure planning process that enables cross-sectoral satisfaction of system needs without inherent bias towards CAPEX-intensive solutions; i.e. promotion of innovative and advanced solutions to utilise the existing grid efficiently before considering reinforcement and expansion investments.</li> </ul>	
<p>Response to the Commission's <a href="#">Public Consultation on the priority list for the development of gas network codes and guidelines for 2022 (and beyond)</a></p>	<p>23.12.2021</p>
<ul style="list-style-type: none"> <li>• CEER agrees with the European Commission that no new gas items should be included in the priority list for 2022.</li> <li>• The impact of the implementation of existing gas network codes on market functioning will need to continue to be monitored, to identify whether any issues persist and whether particular actions should be envisaged.</li> <li>• CEER considers cybersecurity to be crucial for the functioning of the EU's energy market. A minimum level of cybersecurity constitutes a prerequisite for the increase in data exchange which will be required to facilitate large-scale integration of renewable energy sources.</li> <li>• While enhanced cybersecurity might seem to be evident for electricity, CEER recommends considering it also relevant for gas(es) and other relevant energy sectors on which the electricity sector is highly dependent, in light of the increasing importance of sector coupling.</li> </ul>	

## About CEER

The Council of European Energy Regulators (CEER) is the voice of Europe's national energy regulators. CEER's members and observers comprise 39 national energy regulatory authorities (NRAs) from across Europe.

CEER is legally established as a not-for-profit association under Belgian law, with a small Secretariat based in Brussels to assist the organisation.

CEER supports its NRA members/observers in their responsibilities, sharing experience and developing regulatory capacity and best practices. It does so by facilitating expert working group meetings, hosting workshops and events, supporting the development and publication of regulatory papers, and through an in-house Training Academy. Through CEER, European NRAs cooperate and develop common position papers, advice and forward-thinking recommendations to improve the electricity and gas markets for the benefit of consumers and businesses.

In terms of policy, CEER actively promotes an investment friendly, harmonised regulatory environment and the consistent application of existing EU legislation. A key objective of CEER is to facilitate the creation of a single, competitive, efficient and sustainable Internal Energy Market in Europe that works in the consumer interest.

Specifically, CEER deals with a range of energy regulatory issues including wholesale and retail markets; consumer issues; distribution networks; smart grids; flexibility; sustainability; and international cooperation.

More information is available at [www.ceer.eu](http://www.ceer.eu).

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