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Council of European Energy Regulators

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Relevant developments in selected certification practices of NRAs

RBL Report 2026

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This PPT report provides an update of the current gas & electricity TSOs‘ unbundling models across EU/EEA countries since 2024 and gives a first overview on hydrogen related certification, including two case studies. A brief addition on national transposition of EU legislation on EV charging stations and energy communities is included as well.

Moving to additional certification practices, the report provides an overview of (gas & electricity) interconnectors to 3rd countries incl. the legal requirements for certification, „offshore“ TSOs and hybrid installations and closes with a summary of (non-unbundling relevant) certification of gas storage operators.

Target audience

European Commission, TSOs, DSOs, HTNOs, Member States, academics and other interested parties.

Keywords

Unbundling, certification, TSO, DSO, HTNO, NRAs, ENNOH, ENTSO-E, ENTSO-G

Related Documents

- CEER Report: Status review TSO/DSO unbundling, 20 March 2024.

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1. Introduction

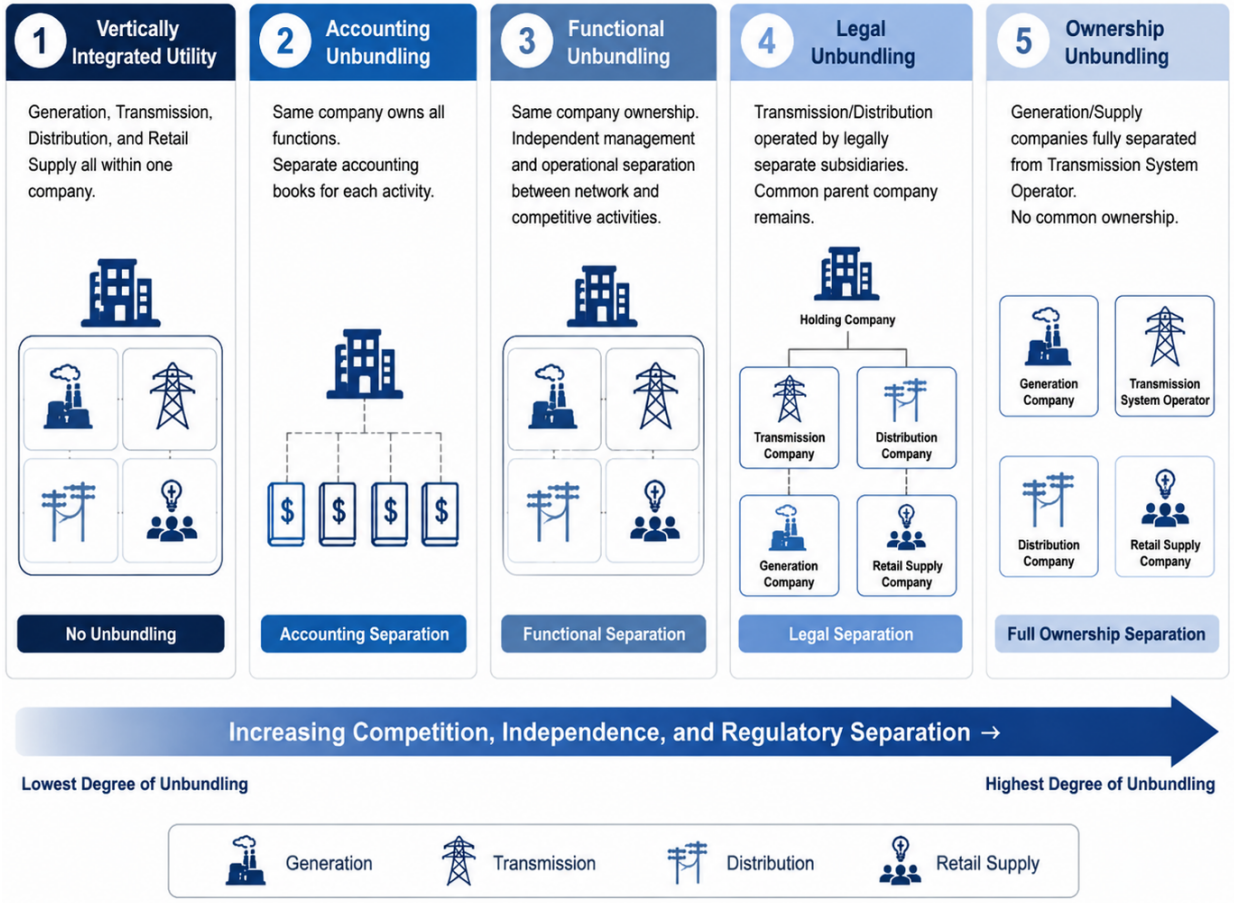
What to expect

- This report aims to shed light on the current status of unbundling requirements in the EU
- Newer developments in the energy market will be presented in relation to potential unbundling requirements
- In addition, it highlights certification procedures that go beyond the unbundling requirements

Method

- Review of certification cases since 2024
- Survey among CEER members, ~17 responses → not a complete survey, but up-to-date overview

Degrees and models of unbundling remain the same after EMD & Gas Decarbonisation Package*



*now also applicable to HTNOs

Additional models, per EU legislation

ISO Model

- TSO assets remain owned by the VIU
- BUT: operational control is transferred to an independent system operator
  - the ISO is a separate legal entity
  - it operates the grid, but does not own it

ITO Model

- Transmission system remains owned by a vertically integrated undertaking (VIU)
- TSO is a legally separate company, having:
  - independent management
  - compliance officer & compliance programme
  - decision-making autonomy for operations, maintenance, investment planning (within limits)
- But it remains corporately linked to parent VIU

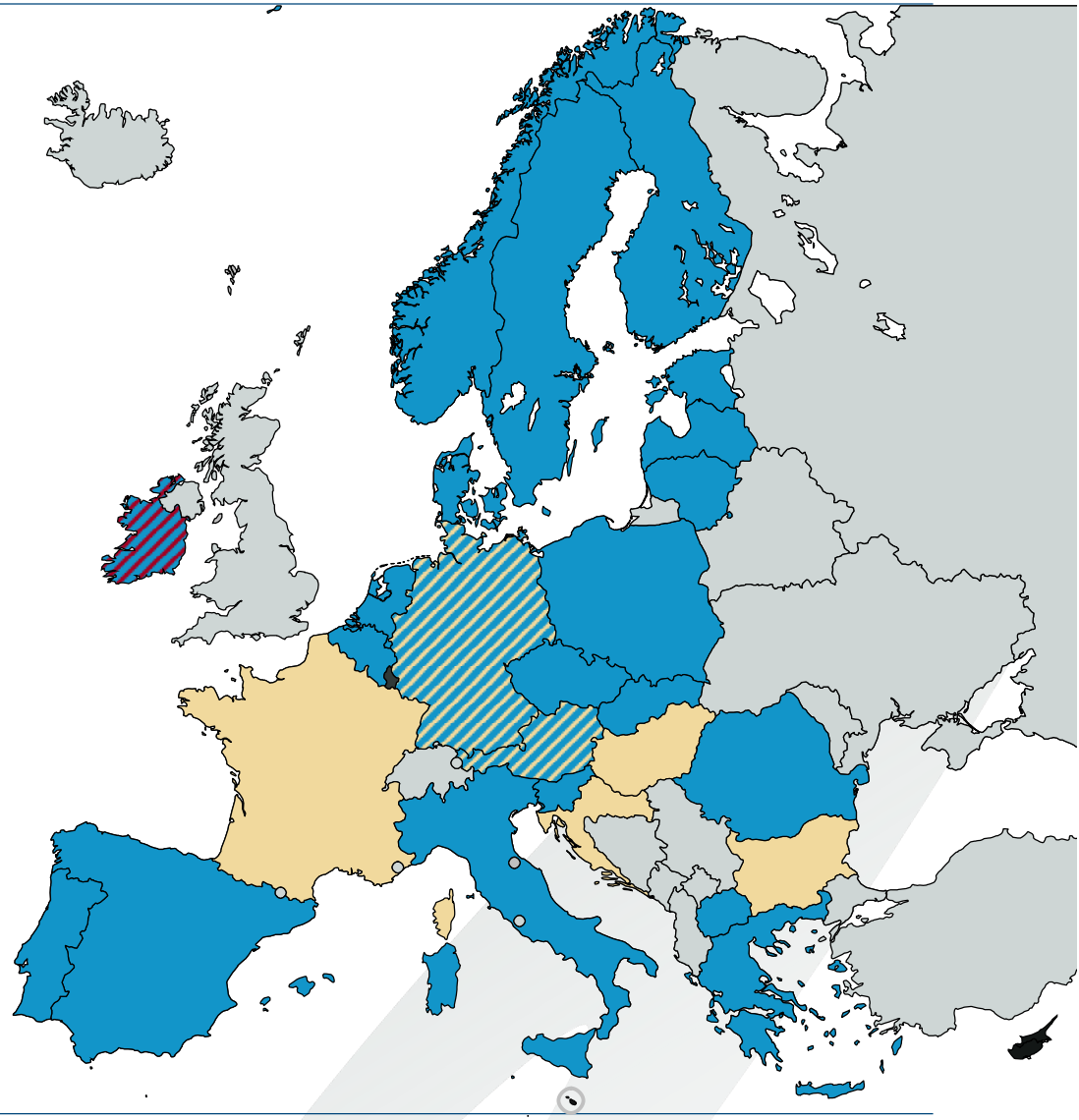
2. Current status of unbundling models across EU/EEA countries

Unbundling regimes of electricity TSOs

37 TSOs

1 new since 2024 (Austria)

Austria: 4
Belgium: 1
Bulgaria: 1
Croatia: 1
Cyprus: 1
Czechia: 1
Denmark: 1
Estonia: 1
Finland:1
France: 1
Germany: 8*
Greece: 1
Hungary: 1
Ireland: 1
Italy: 1
Latvia: 1
Lithuania: 1
Luxembourg: 1*
North Macedonia: 1
The Netherlands: 1
Norway: 1
Poland: 1
Portugal: 1
Romania: 1
Slovakia: 1
Slovenia: 1
Spain: 1
Sweden: 1



Ownership Unbundling (OU)

Independent Transmission Operator (ITO)

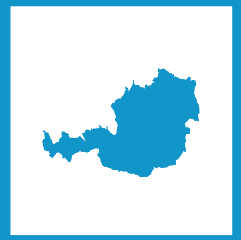
Independent System Operator (ISO)

*In DE, 4 onshore *(members of ENTSO-E)* and 4 offshore TSOs
*In LU, the TSO is not required to be certified according to derogation of Art. 66(3) Directive 2019/944 but is required to comply with the rules on accounting unbundling provided for by Article 56. In accordance with national law, the TSO is subject to the same legal, functional, & accounting unbundling rules as the DSO.

New developments since 2024

Austria: Tiroler Übertragungsnetz GmbH (TÜN)

- Certified (June 2024) as a TSO under OU model



Relevant facts:

- TÜN will own the Austrian section of a cross-border 110 kV electricity line with Italy (Prati di Vizze–Steinach) which is operated by TERNA, the Italian TSO, on the Italian side.
- TÜN → 100% owned by TINETZ (DSO) → 100% owned by TIWAG (a generation company owned by the Land Tirol).
- TINETZ plans to sell 51% of TÜN to the Land Tirol while retaining a 49% shareholding and a single voting right (required under Austrian law).

Commission opinion of 10 June 2024:

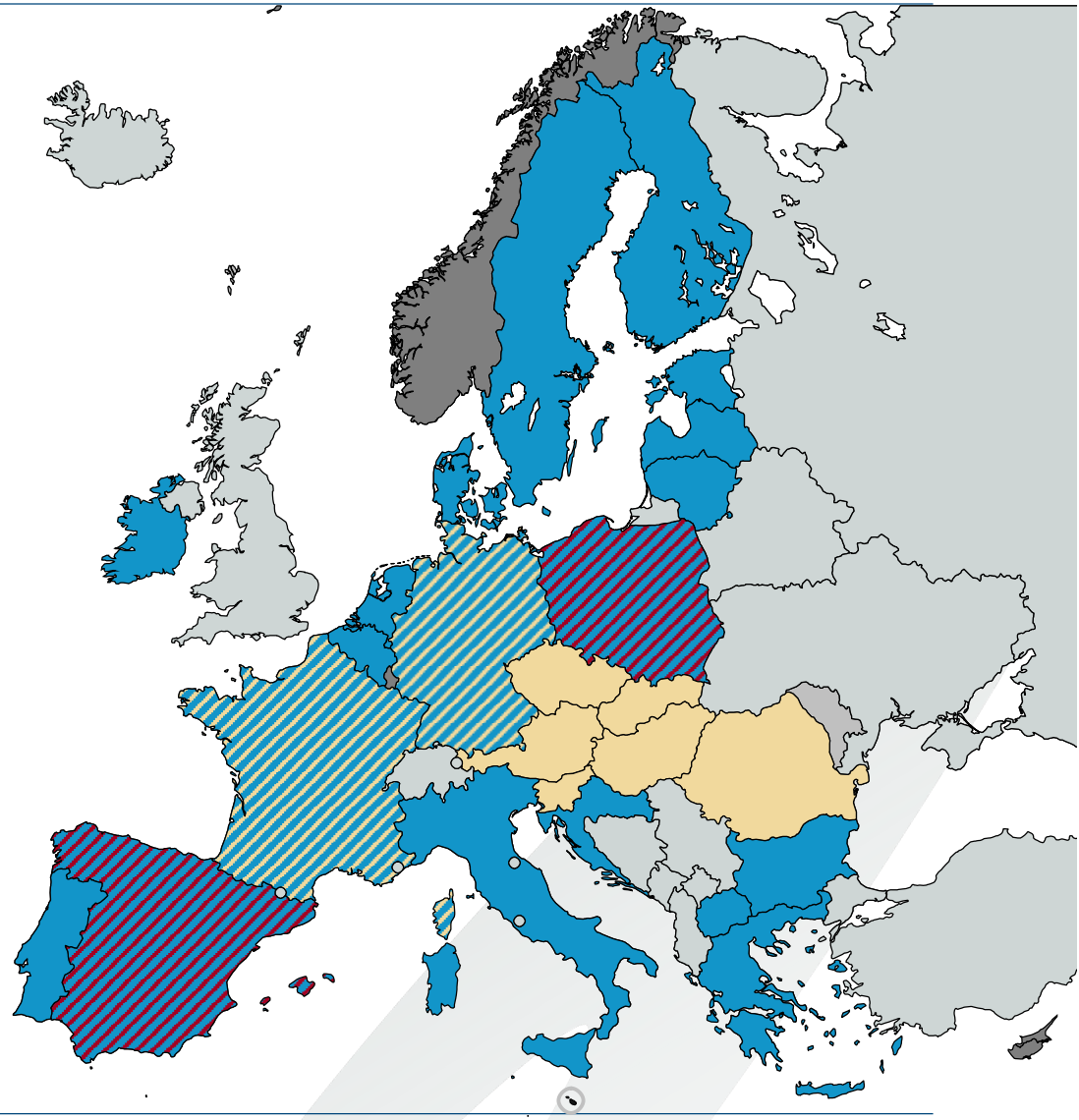
- Generation undertakings may only hold finantial rights on a TSO, without voting rights or control.
- Even though the shareholders' agreement prevents any veto or control, certification should require corporate arrangements ensuring that TINETZ's rights do not go beyond said financial rights.

Unbundling regimes of gas TSOs

46 TSOs

1 new since 2024 (Sweden)

Austria: 2
Belgium: 1
Bulgaria: 1
Croatia: 1
Czechia: 1
Denmark: 1
Estonia: 1
Finland:1
France: 2
Germany: 13
Greece: 1
Hungary:1
Ireland: 1
Italy: 3
Latvia: 1
Lithuania: 1
Luxembourg: 1*
North Macedonia: 1
The Netherlands:2
Poland: 2
Portugal: 1
Romania: 1
Slovakia: 1
Slovenia: 1
Spain: 3
Sweden: 1



Ownership Unbundling (OU)

Independent Transmission Operator (ITO)

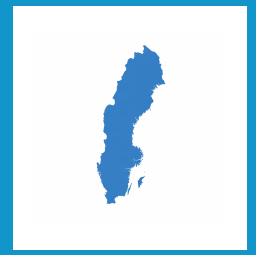
Independent System Operator (ISO)

Special cases: In NO, there is no gas TSO (only limited distribution networks). *In LU the derogation from Art. 60 (Ownership Unbundling) according to Article 86(3) of Directive (EU) 2024/1788 applies. The TSO has the same unbundling status in electricity and gas.

Changes since 2024

Sweden: Swedegas AB

- Certified (April 2024) as a TSO under OU model



Relevant facts:

- Swedegas AB (Swedish gas TSO) → controlled by EDIF II since 2019.
- EDIF II acquired new interests in electricity and gas generation and supply companies.
- The Swedish NRA (EI) considered that these investments do not create a conflict of interest (geographically distance, ancillary generation, no incentives to discriminate against network users).

Commission opinion of 29 April 2024:

- No objection to the renewed certification but EI must continue monitoring compliance with unbundling and SoS requirements
- EI should assess the interests of all investors controlling the entity in order to ensure full compliance with the unbundling rules.
- Regarding Art.11 of the Gas Directive, the ultimate control by Japanese and Australian entities does not risk the SoS.

Unbundling requirements for HTNOs

Art. 68 Dir. 2024/1788

Unbundling of HTNOs follows the same requirements as for gas TSOs

Art. 71 Dir. 2024/1788

1. **Certification of HTNOs** by NRA, as compliant with the unbundling requirements of Art. 60 or 68
2. **Designation & approval** by MS
3. **Notification to the COM**

Art. 69 Dir. 2024/1788

Requirement for horizontal unbundling:

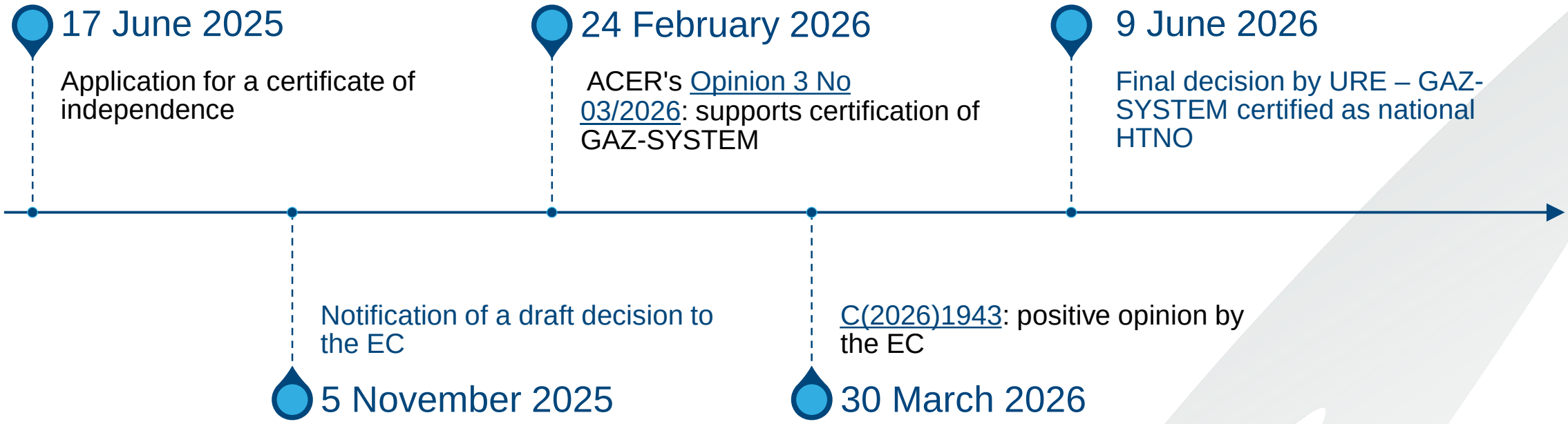
- Applies to **HTNO part of gas/electricity TSO/DSO**
- In this case, HTNO must be **independent in legal form**
- **Derogations possible** in certain cases for MS:
  - Positive result of cost-benefit analysis
  - Competent regulatory authority: no negative impact on transparency, network charges, or cross-border trade
  - Every 7 years re-evaluation

Certification status of HTNOs in EU:

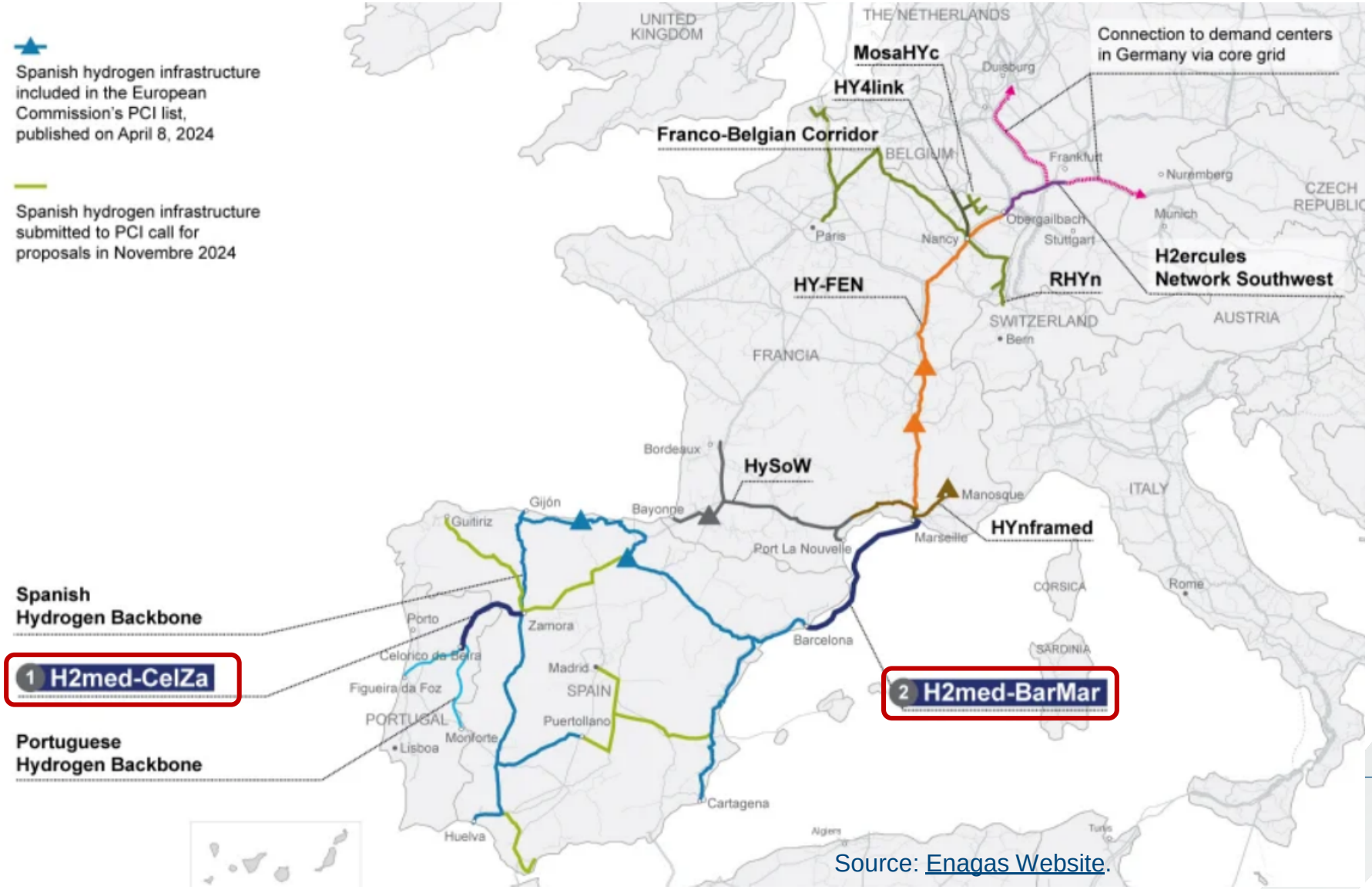
Member State	NRA / Competent authority	TSO	Certified	Comments
BE	CREG	Fluxys Hydrogen	**Yes**	Decision of 22 February 2024: nv Fluxys Hydrogen certified as national HTNO in Belgium. The certification was performed on the basis of article 10 of the law of 11 July 2023 concerning the transport of H2 by pipelines. A new certification procedure has been launched in order to obtain the opinion of the EC. CREG has in the meantime received the opinion of the EC and will take in the coming weeks a final decision.
PL	URE	Gaz System	**Yes**	Decision of 9 June 2026: GAZ-SYSTEM certified as national HTNO.
ES		Enagás Infraestructuras de Hidrógeno	Provisional	Appointed as a provisional HTNO operating as a legal entity horizontally separated from the Gas TSO (Enagás Transporte) for the purposes of developing PCI (H2MED) by virtue of RDL 8/2023 (Additional Provision 9(2) implemented by Agreement of the Council of Ministries of 30 July 2024)

Case Study (Poland): Certification of HTNO (GAZ-SYSTEM)

- **First case** of a certified HTNO **under** the Hydrogen & Gas Decarbonisation Package
- Administrative procedure:



Case Study (Spain): Temporary H2 NRA & HTNO in the context of TEN-E (H2MED)



Source: Enagas Website.

H2MED

Included in the TEN-E Regulation as PCI

Art. 16 TEN-E Regulation "Enabling investments with a cross-border impact": coordinated decisions of NRAs regarding the allocation of investment costs deemed efficient as well as the inclusion in tariffs.

Case Study (Spain): Temporary H2 NRA & HTNO in the context of TEN-E (H2MED)

RDL 7/2026

Temporary functions on Art. 16 TEN-E regarding H2 PCI (H2MED): **CNMC**

RDL 8/2023 & Agreement of the Council of Ministries 30 July 2024

Temporary authorization as HTNO for development of PCI (H2MED): **ENAGÁS INFRAESTRUCTURAS**

Current situation

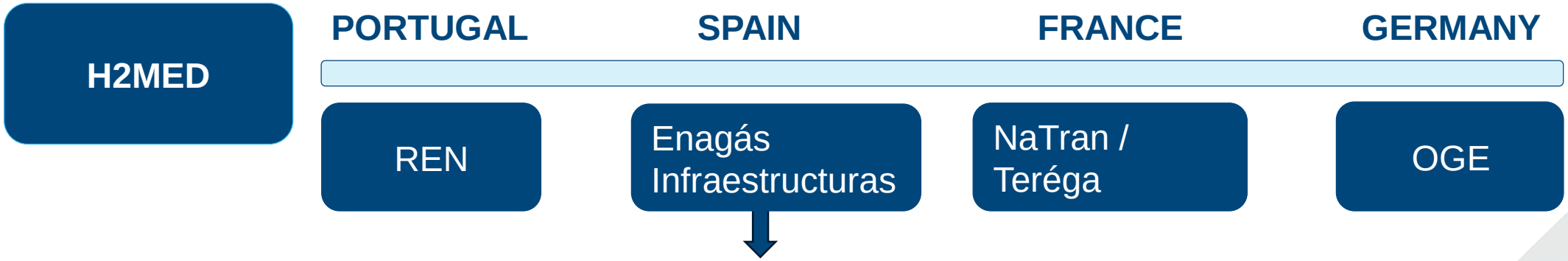
Temporary NRA regarding Art. 16 (CNMC) & Temporary HTNO for PCI (ENAGÁS INFRAESTRUCTURAS)

Future

Assignment of competencies for the H2 sector to a NRA & definitive designation of the HTNO

Case Study (Spain):

Temporary HTNO & CNMC's supervision of unbundling requirements (H2MED)



SPAIN (Enagás Infraestructuras de Hidrógeno)

- Provisional HTNO for developing of PCI (H2MED): Council of Ministers 30 July 2024 (implementing RDL 8/2023)
- **CNMC: Annual supervision of unbundling requirements (horizontal separation from the Gas TSO)**
- Pending final designation as HTNO

Case Study (Spain): Temporary HTNO and CNMC's supervision of unbundling requirements (H2MED)

ENAGÁS (Gas TSO)

↓

ENAGÁS INFRAESTRUCTURAS DE HIDRÓGENO (HTNO): horizontally separated from the Gas TSO (in application of Art.69 Dir.2024/1788 and RDL 8/2023)

CNMC
COMISIÓN NACIONAL DE LOS MERCADOS Y LA COMPETENCIA

ANNUAL SUPERVISION OF ENAGÁS INFRAESTRUCTURAS

- Art. 69(1) Dir.2024/1788
- Council of Ministers 30 July 2024
- Art. 7(3) Law of the CNMC

→

1st ASSESSMENT of the CNMC (3 July 2025)

✓ Separate legal personality
✓ Own staff & body
✓ No production/supply
✓ Sufficient unbundling

Legal framework for electric vehicle charging stations

- Art. 33(1), (2) Dir. (EU) 2019/944: **DSOs are prohibited** from owning, developing, managing or operating EV recharging points, except private recharging points solely for their own use.
- Art. 33(3), (4) Dir. (EU) 2019/944: **derogations** are only possible where
  - an **open, transparent, non-discriminatory tender** fails at reasonable cost and timely,
  - subject to ex ante **NRA approval**,
  - **third-party access & non-discrimination** and periodic (every 5 years) **market re-assessment** with phase-out if competitive provision becomes available.

Transposed derogations in **2024**

10 NRAs: SI, DE, EE, ES, FR, HR, MT, PL, PT, LU

Transposed derogations in **2026**

3 more NRAs: AT, CY, RO

Legal framework for energy communities & energy sharing

- Article 16(4) of the Electricity Directive opens the option for Member States to grant citizen energy communities *"the right to manage distribution networks in their area of operations".*

Transposed into national law, **2024**:

5 NRAs: EE, DE, EL, MT, PT

Transposed into national law, **2026**:

4 more NRAs: CY, FR, IT, RO

- **Transposition varies across MS**: In contrary to French practice (where this option is not granted), Germany allows citizen energy communities to manage distribution networks. However, as reported, this causes various difficulties i.a. in regulatory oversight.

3. Other relevant certification practices

Certification of electricity TSOs

Art. 53 Dir. 2019/944
„Certification in relation to 3rd countries“

Role of NRA:

- Notify COM of certification request
- Draft decision after 4 months, grant certification if:
  - Compliance with Art. 43
  - No risk on Security of Supply (SoS)
- Notify COM on draft decision
- Opinion by COM to inform NRA on:
  - Compliance with Art. 43 (*ownership unbundling*)
  - Potential risk for SoS
- Adopt final decision, taking COM opinion into account

Certification of gas and hydrogen TSOs

Art. 72 Dir. 2024/1788
„Certification in relation to 3rd countries“

Role of NRA:

- Notify COM of certification request
- Draft decision within 100 days, grant certification if:
  - Compliance with Art. 60 or 68
  - No risk on Security of Supply (SoS), or
  - *No risk on essential security interests*
- Notify COM on draft decision
- Opinion by COM to inform NRA on:
  - Compliance with Art. 60 or 68 (*unbundling provisions*)
  - Potential risk for SoS or essential security interests
- Adopt final decision, taking COM opinion into account

→ Certification must follow security of supply considerations & for gas/H2 TSOs also assess essential security interests

Electricity interconnections between EU/EEA countries and their non-EU/EEA neighbours/3rd countries

- There are currently **73 interconnections** between EU/EEA countries and 3rd countries (>220kV)*
  - With **Ukraine**: 6
  - With **Moldova**: 1
  - With **Albania**: 1
  - With **Bosnia & Herzegovina**: 2
  - With **North Macedonia**: 3
  - With **Serbia**: 5
  - With **Turkey**: 3
  - With **Morocco**: 2
  - With **Montenegro**: 1
  - With **UK**: 8
  - With **Switzerland**: 41
- A major change in the past years was the disconnections of all interconnectors to Russia and Belarus in 2025.

*Source: ENTSO-E data

Certified interconnector operators by MS

Country	Certified
AT	1
ES	1
FR	2
HU	5
PL	1
NO	1

Source: Survey among CEER NRAs, 2026.

Note: There is a possibility for NRAs to grant exemptions for new interconnectors under the conditions of Art. 63, Reg. 2019/943.

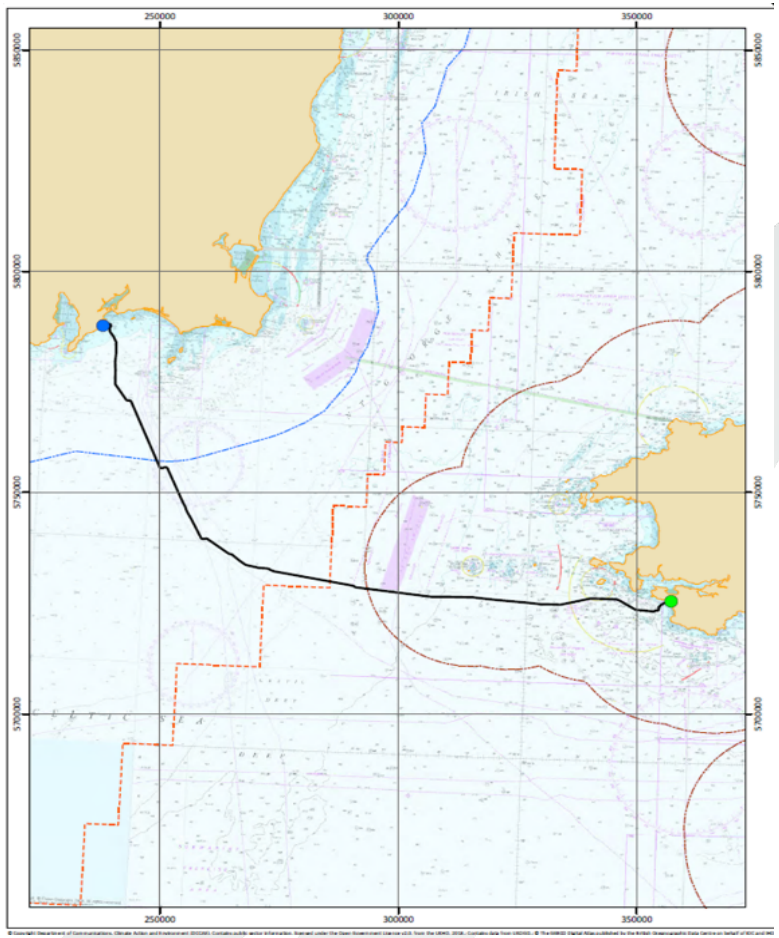
Certification of Greenlink Interconnector Limited (GIL) as TSO

Background

- Electricity interconnector between IE & UK, operational since January 2025.
- Firstly certified in 2024; after parent company was acquired by Sustainlink SARL, jointly owned by Equitix (UK-based) & Baltic Cable AB (NO-based), new certification process started.

Certification decision 2026

- **Limited risk of discrimination & conflict of interest**:
  - Generation & supply interests with limited exposure to wholesale markets; existing exposure only of small-scale assets & geographically distant from GIL;
  - GIL only has limited control over interconnector's operation due to operational & regulatory arrangements.
- **No risk for security of supply,** shareholders registered outside of the EU.
- **Compliance with unbundling requirements:** GIL certified as unbundled TSO; continued monitoring.



Source of map: Greenlink webpage.

 Source: Commission opinion 31/03/2026 & CRU decision 04/06/2026.

Interconnectors with 3rd countries - Gas

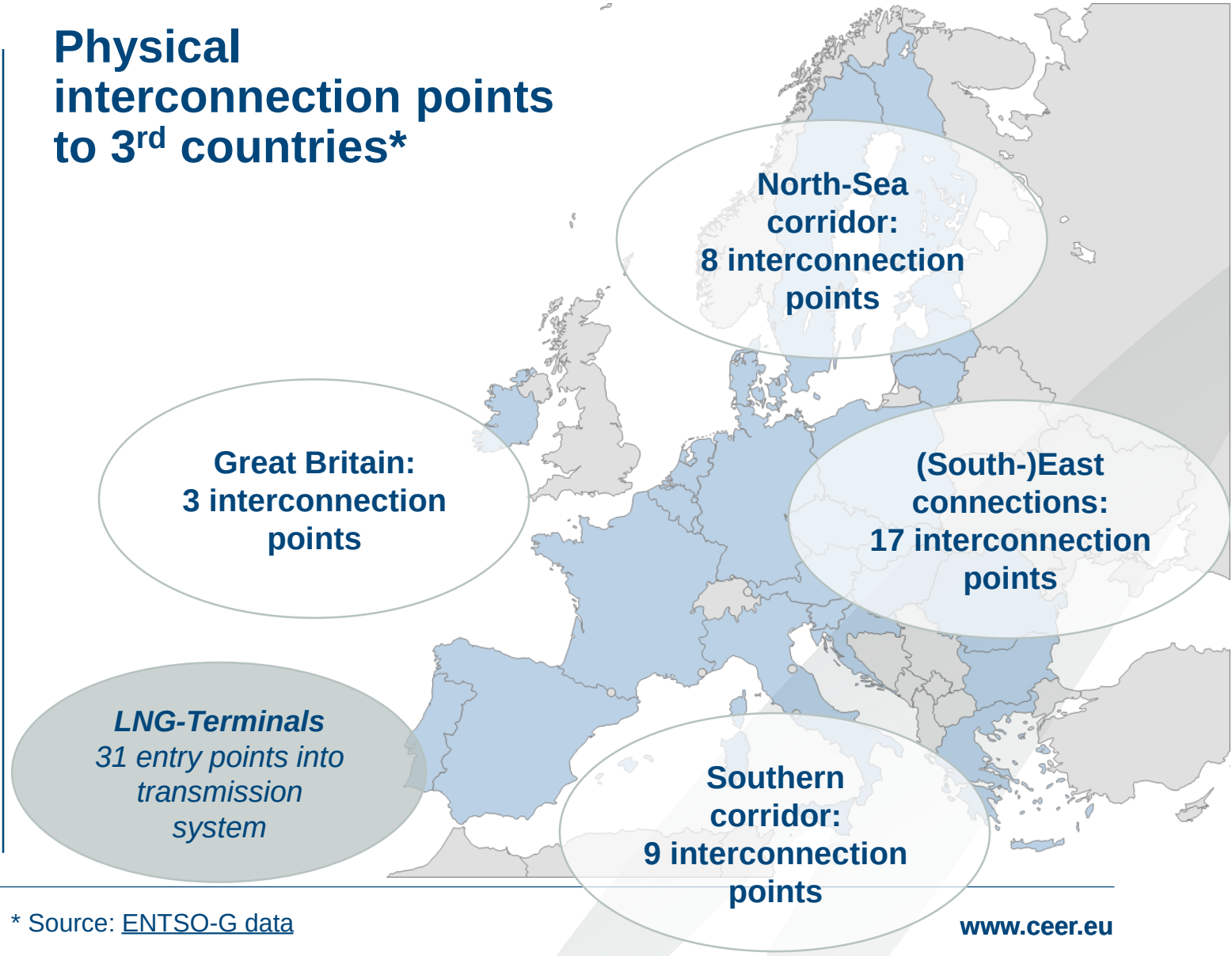
Certified gas interconnectors to 3rd countries*

Country	Number
BE	1
ES	2 (Morocco & Algeria)
FR	1
HU	3
IT	1
LT	1
PL	1

Source: Survey among CEER NRAs, 2026.

* There is a possibility for MS to grant derogations according to Art. 88 of Directive 2024/1788.

Physical interconnection points to 3rd countries*



* Source: ENTSO-G data

Offshore TSOs

- Offshore grids are relevant for a couple of EU MS, often reflected in the various offshore initiatives, such as the North Seas Energy Cooperation (NSEC)
- Offshore TSOs follow **the same unbundling & certification procedure** as onshore TSOs.
- For most EU members, onshore TSOs are responsible as well for offshore activities, hence there are no extra “offshore TSOs”.
- Upcoming development: hydrogen offshore TSOs. Those are TSOs working on the development of large-scale offshore hydrogen production & transport infrastructure.

Case study: Germany

- In Germany, **four dedicated TSOs** are responsible for the operation of the offshore grids:
  1. TenneT Offshore DolWin3 GmbH Co. KG;
  2. TenneT Offshore 9. Beteiligungsgesellschaft mbH;
  3. TenneT Offshore 1. Beteiligungsgesellschaft mbH
  4. Baltic Cable AB (interconnector TSO)
- They are certified as TSOs alongside with “onshore” TSOs.

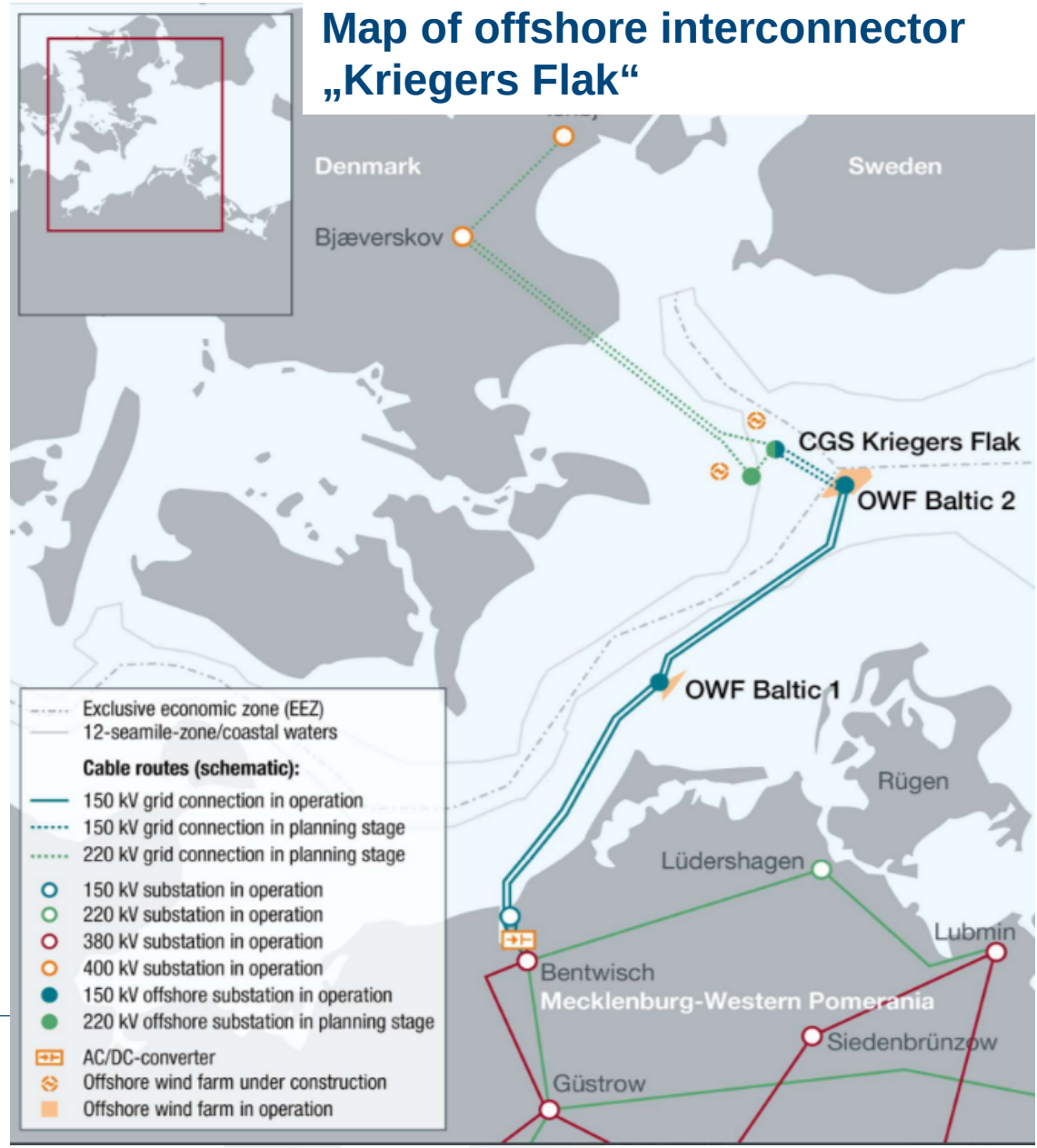
* *1-3 are subsidiaries of the German TSO TenneT.*

Hybrid installations

- are infrastructures that consists of **offshore installations and transmission networks** at the same time, i.e. **offshore interconnector**

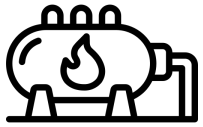
- (From the responses) only one hybrid infrastructure was mentioned:
  - **Kriegers Flak**, a cooperation of the German TSO 50Hertz & the Danish TSO Energinet

Map of offshore interconnector „Kriegers Flak“



Source: 50Hertz webpage.

Legal framework for certification



SSO

The certification requirements for natural gas storage operators are addressed in **Art. 15 Reg. (EU) 2024/1789:**

- NRAs* to issue (draft) certification decision
- COM to issue opinion on the NRA (draft) certification decision
- NRA certification decision to take into account:
  - **Security of supply considerations**
  - **Essential security interests of the EU**
- NRAs to closely monitor certified SSOs

No unbundling certification but security of supply and security interests considerations.

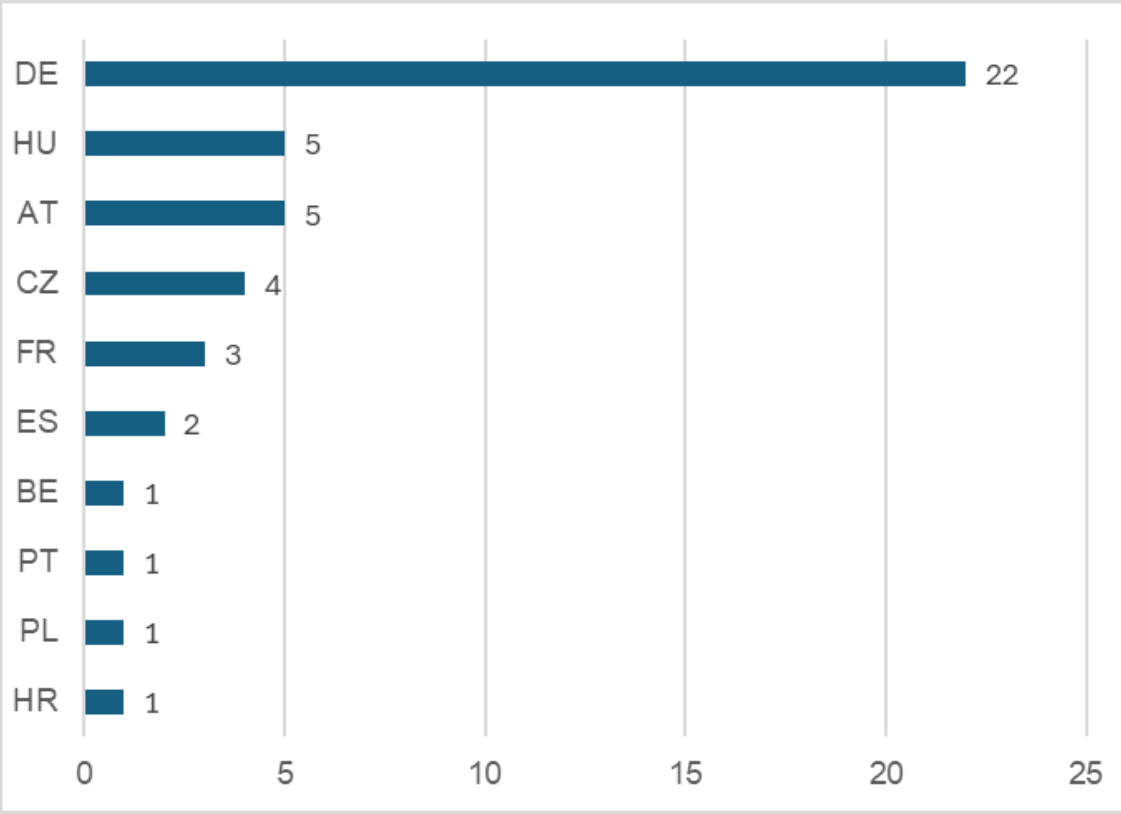


LNG

- **Parts of LNG facilities used for storage do not fall under the certification requirements** outlined in the legislation.

*This duty applies when the NRA has been designated as the certifying authority. In some cases, other competent authorities may be designated.

Number of certified gas storage operators (ongoing or concluded)



Source: Survey among CEER NRAs, 2026.

- Since the legislative framework for gas storage requirements is quite new, many **certification procedures are still ongoing**.
  - DE, FR & CZ: All certification cases are still ongoing (mainly awaiting EC opinion)
  - AT: One concluded, four certification cases still pending (EC opinion awaited)

- Gas storage operators sometimes operate more than one storage = number of **actual storages higher than operators** across MS.

4. Conclusion

Subject to unbundling

- Electricity TSOs (on- & offshore, interconnectors to 3rd countries)
- Gas TSOs (national & interconnectors to 3rd countries)
- Hydrogen TSOs

Not subject to unbundling

- Gas storage operators, but SoS certification
- Energy communities to manage distribution networks (no common transposition)
- DSOs to manage EV charging stations (derogation)

Conclusion

Main take-aways:

- **No major changes** in unbundling models across EU/EEA countries since 2024
- **HTNOs**: First certified HTNO based on national law in BE; first certified HTNO under the Hydrogen & Gas Decarbonisation Package in PL in 2026.
- Since 2024, additional 5 MS transposed derogations allowing **DSOs to manage EV charging stations**
- Energy communities' right to manage distribution networks **not commonly transposed** in national law.
- Certification of interconnectors to 3rd countries must take **SoS considerations** into account & **risks for security interests** (gas/H2).
- Certification of "**offshore TSOs**" (different to national TSOs) only done by DE across EU MS.
- Only one **hybrid offshore installation** reported across EU MS: "Kriegers Flak" (DE-DK)
- Certification of **gas storage** follows security considerations and no unbundling requirements.
- Most SSO **certification processes are still ongoing** across EU MS.

The Council of European Energy Regulators (CEER) is the voice of Europe's national energy regulators. CEER's members and observers comprise 38 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.

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