

133rd ACER Board of Regulators meeting

26 June 2025 | 12.30 – 16.30

Brussels (CEER premises, 30a Cours Saint-Michel 1040) and hybrid

MINUTES

Represented institutions	Names ¹
E-CONTROL (Austria)	M: Wolfgang Urbantschitsch; A: Dietmar Preinstorfer; O: Christine Materazzi-Wagner; O: Katharina Ledermann-Tappeiner
CREG (Belgium)	M: Koen Locquet; A: Geert Van Hauwermeiren; O: Bart De De Waele
EWRC (Bulgaria)	A: Tasko Ermenkov; O: Borislava Petrakieva
HERA (Croatia)	A: Sonja Tomašić Škevin
CERA (Cyprus)	M: Polyvios Lemonaris; A: Alkis Phillippou
ERU (Czech Republic)	A: Vladimír Vajnar; O: Adam Chromčák
DUR (Denmark)	M: Carsten Smidt; A: Brigitta Bundgaard
ECA (Estonia)	-
EV (Finland)	M: Simo Nurmi; O: Veli-Pekka Saajo
CRE (France)	M: Emmanuelle Wargon; A: Ivan Faucheux; O: Claire Hellich-Praquin; O: Lea Metke
BNetzA (Germany)	M: Annegret Groebel; O: Alexander Linov; O: Nadia Horstmann
RAAEY (Greece)	O: Komninos Komnios; O: Yuriy Bilen
MEKH (Hungary)	M: Pál Sagvari; O: Szabolcs Koppányi
CRU (Ireland)	M: Jim Gannon

¹ M: Member; A: Alternate; O: Observer.

ARERA (Italy)	M: Clara Poletti; A: Francesco Cariello; O: Ilaria Galimberti
PUC (Latvia)	M: Rota Šņuka; O: Alda Ozola; O: Lija Makare
NERC (Lithuania)	M: Renatas Pocius; A: Irma Zdanienė; O: Benas Skublickas; O: Jelena Diliene
ILR (Luxembourg)	A: Claude Hornick
REWS (Malta)	O: Manuel Mannuzi
ACM (Netherlands)	A: Michiel Denkers; O: Nora Meray; O: Negosava Smiljanic
URE (Poland)	M: Rafal Gawin; A: Małgorzata Kozak; O: Gabriela Tyczka
ERSE (Portugal)	M: Pedro Verdelho; A: Natalie McCoy; O: Rita Laranjeira; O: Joao Diogo
ANRE (Romania)	A: Tatiana Iosiper; O: Patricia Adegbuyi
URSO (Slovakia)	-
AGEN-RS (Slovenia)	A: Bojan Kuzmic
CNMC (Spain)	M: Josep Maria Salas; O: Gema Rico
EI (Sweden)	A: Caroline Tornqvist; O: Johan Roupe
RME (Norway)	A: Anne Dønnem
EEA-EFTA State - Iceland	A: Ninna Ýr Sigurdardottir
EFTA Surveillance Authority	-
ACER	Christian Zinglersen, Christophe Gence-Creux, Rafael Muruais Garcia, Volker Zuleger, Francois Beaude, Tina Voncina, Mitsuko Akiyama, Argyro Lykaki, Vasilis Papandreou, Daniel Ihasz-Toth, Gilles Bertrand, Spela Maver, Uros Gabrijel, Ignacio Muniozguren Garcia, Nico Keyaerts
European Commission	Christof Lessenich, Annamaria Marchi, Francisco Fournier, Betatriz Sinobas, Tereza Stasakova, Alex Dusolt

1. OPENING

1.1. Approval of the agenda & declaration of conflicts of interest

The agenda of the 133rd BoR meeting was approved with the addition of item 4.6 (see below).

The draft agenda was sent to the European Parliament.

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

The BoR Chair announced the opening of the call for candidates for the positions of BoR Chair and Vice-Chair (26 June – 17 July 2025), with both elections to take place at the 134th BoR meeting. The BoR Chair explained the election process and next steps and the BoR agreed to these.

1.2. Minutes of the 132nd BoR meeting

The minutes of the 132nd BoR meeting were approved and sent to the European Parliament on 14 April 2025.

Decisions/Conclusions	
1.1	The BoR approved the agenda and the BoR agreed the process to be followed for the elections of the BoR Chair and Vice-Chair.

2. ITEMS FOR BOR OPINION/APPROVAL/AGREEMENT

2.1 ACER assessment on Peak-shaving products

ACER is mandated to assess the impact of peak-shaving products under normal market conditions by 30 June 2025 (Art. 7a(8), Regulation (EU) 2019/943). Based on this assessment, the Commission may propose regulatory changes to allow use beyond price crisis situations.

ACER presented the assessment that considers two scenarios: where the majority of assets are not subject to claw-back mechanisms versus where they are. Claw-back mechanisms are designed to automatically recover revenues from generators when the day-ahead market price exceeds a specified threshold.

The Chair asked the BoR to agree to issue its favourable opinion by electronic procedure. Members unanimously agreed.

2.2 ACER Opinion on ENTSOG's Summer Supply Outlook 2025

On 10 April 2025, ENTSOG published its Summer Supply Outlook (the Outlook) 2025 with a Winter 2025/26 Overview pursuant to Article 26(3)(g) of Regulation (EU) 2024/1789. The

Outlook evaluates the possible developments in gas supply and the ability of the European gas system infrastructure to meet demand and handle storage injections during this summer and the coming winter.

ACER presented the ACER Opinion on the Outlook to be issued pursuant to Article 27(2) of Regulation (EU) 2024/1789 and Article 4(3)(b) of Regulation (EU) 2019/942.

The BoR Chair invited members to vote on the above ACER Opinion (as amended to reflect the discussion) and the BoR granted its favourable opinion by consensus of the members present and represented.

2.3 ACER Recommendation on intertemporal cost allocation

According to Article 5(3) of Regulation (EU) 2024/1789, Member States can allow hydrogen network operators to spread the recovery of the network costs over time via network access tariffs. This inter-temporal cost allocation seeks to ensure that future users of the hydrogen network contribute to the initial investment. This promotes a fairer sharing of network costs between early and future users, resulting in more affordable tariffs for everyone.

The inter-temporal cost allocation and its underlying methodology must be approved by the regulatory authorities. ACER is tasked under Article 5(6) of the Regulation as well as Article 6(9a) of Regulation (EU) 2019/942 with issuing recommendations on these methodologies to the regulatory authorities and to the network operators of transmission, distribution and hydrogen networks. The inputs gathered through the public consultation and the bilateral exchanges were incorporated in ACER's assessment accompanying the draft Recommendation (Annex I).

The BoR Chair invited members to vote on the ACER Opinion and the BoR granted its favourable opinion by consensus of the members present and represented.

2.4 ACER Monitoring Reports

- Electricity Wholesale Market volume - transmission capacities for cross-zonal trade of electricity and congestion management in the EU

ACER presented the Electricity Wholesale Market volume to be issued during the summer, which assesses the implementation of the minimum 70% requirement as the main regulatory tool for increasing cross-zonal capacities in the short term.

The BoR discussed the Report. The Report was endorsed by the requisite majority of the members present and represented.

- Retail Market volume – new gas and updated electricity country sheets

ACER presented the new gas and updated electricity country sheets to be published in July as part of the Retail Monitoring Report. The country sheets present overviews of retail markets. Following discussion and pending the factual corrections, the BoR unanimously agreed to use

the electronic procedure (to be launched around the middle of the week commencing 30 June) to endorse the country sheets.

2.5 Distribution National Development Plan Guidance

Action 3 of the 2023 EU Action Plan for Grids concerning DSO (Distribution System Operator) grid planning called on NRAs, in cooperation with ACER and the Council of European Energy Regulators, to provide guidance to DSOs on planning to promote consistency among plans. ACER presented the state of play of this work.

ACER asked the BoR to agree to endorse the Guidance by electronic procedure to be launched after the meeting. Members unanimously agreed.

2.6 ACER Decision on the extension request from the Energy Markets Inspectorate and National Energy Regulatory Council to jointly decide on electricity cross-zonal risk hedging opportunities

In accordance with the Forward Capacity Allocation network code, the Swedish and Lithuanian national regulators tasked transmission system operators to propose alternative measures to improve cross-zonal hedging opportunities in the Lithuanian bidding zone. The Swedish and Lithuanian transmission system operators submitted a joint proposal to their national regulators, but it contained some ambiguities. On 9 May 2025, the Swedish and Lithuanian national regulatory authorities requested from ACER a six-month extension to jointly assess the system operators' proposal. ACER asked members to agree to the use of the electronic procedure to issue the BoR favourable opinion on its Decision on the extension request. Members unanimously agreed.

Decisions/Conclusions	
2.1	The BoR unanimously agreed to issue its favourable opinion on the ACER assessment on Peak-shaving products by electronic procedure.
2.2	The BoR issued its favourable opinion on the ACER Opinion on ENTSOG's Summer Supply Outlook 2025 (as amended) by consensus of the members present and represented.
2.3	The BoR issued its favourable opinion on the ACER Recommendation on intertemporal cost allocation by consensus of the members present and represented.
2.4	The BoR endorsed the ACER Monitoring Report on transmission capacities for cross-zonal trade of electricity and congestion management in the EU by the requisite majority of the members present and represented, and unanimously agreed to the use of the electronic procedure to endorse the country sheets forming part of the Retail Market volume.
2.5	The BoR unanimously agreed to the use of the electronic procedure to endorse the Distribution National Development Plan Guidance.

2.6	The BoR agreed to the use of the electronic procedure to issue its favourable opinion on the ACER Decision on the extension request from the Energy Markets Inspectorate and National Energy Regulatory Council to jointly decide on electricity cross-zonal risk hedging opportunities.
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3. AWG KEY ISSUES

3.1. Update on the investigation of the Iberian electricity system incident

Alongside TSOs, Regional Coordination Centres and NRAs, ACER is participating in the expert panel investigation of the Iberian electricity system incident that took place on 28 April.

ACER presented the latest expert panel developments and the BoR was invited to discuss them.

3.2. Flexibility National Assessment Methodology and European Resource Adequacy Assessment 2024

ACER presented the state of play and next steps regarding the Flexibility National Assessment Methodology and its upcoming Decision on the 2024 European Resource Adequacy Assessment (ERAA).

ERAA was discussed at the previous BoR meeting and the electronic procedure for the BoR favourable opinion is expected to take place between 23 July – 2 August.

ACER recalled that flexibility needs assessments support Member States in identifying their indicative national targets for non-fossil flexibility (e.g. storage, demand response), ensuring that their electricity systems remain secure and efficient in the energy transition. On 16 April 2025, ENTSO-E and the European Distribution System Operators Entity (EU DSO Entity) submitted to ACER a joint proposal on the national flexibility needs assessment methodology and ACER is to approve or amend this proposal. On receipt of the AEWG advice, ACER plans to launch the electronic procedure between 9-24 July to secure the BoR favourable opinion.

3.3. ACER-NRAs' call to the EC for a swift amendment of the Grid Connection codes

ACER recommended to the EC to amend the network codes on requirements for connection of generators and demand in December 2023. Following the Iberian peninsula electricity system incident and the increase in number of severe incidents in the past years, pointing to the lack of system resilience, several NRA members urged the Commission to prioritise the swift adoption of these amendments – also given the operational difficulties faced by DSOs - to secure a stable, decarbonised electric power system.

3.4. Update on ACER paper on TEN-E-Regulation

In its Action Plan for Affordable Energy published in February 2025, the European Commission announced the forthcoming revision of the TEN-E Regulation as part of the broader European Grid Package. The aim is to accelerate the development of energy infrastructure. The Commission is expected to propose revised legislation in Q4 2025. ACER informed members that as part of this process, the Commission has also launched a Call for Evidence to collect stakeholder feedback on the current EU regulatory framework for grids.