

## 136<sup>th</sup> ACER Board of Regulators meeting

10 December 2025 | 8.30 – 12.30

Ljubljana, hybrid

### MINUTES

Represented institutions	Names <sup>1</sup>
E-CONTROL (Austria)	A: Dietmar Preinstorfer; O: Christine Materazzi-Wagner; O: Katharina Ledermann-Tappeiner
CREG (Belgium)	M: Koen Locquet; A: Geert Van Hauwermeiren; O: Bart De Waele
EWRC (Bulgaria)	A: Tasko Ermenkov; O: Borislava Petrakieva
HERA (Croatia)	A: Sonja Tomašić Škevin
CERA (Cyprus)	M: Alkis Philippou
ERU (Czech Republic)	A: Vladimír Vajnar; O: Adam Chromčák
DUR (Denmark)	M: Carsten Smidt; A: Birgitta Bundgaard
ECA (Estonia)	A: Marilyn Tilkson
EV (Finland)	M: Simo Nurmi; O: Veli-Pekka Saajo
CRE (France)	M: Emmanuelle Wargon; A: Ivan Fauchaux; O: Lea Metke; O: Anne-Lise Teani
BNetzA (Germany)	M: Annegret Groebel; O: Alexander Linov; O: Nadia Horstmann
RAAEY (Greece)	O: Yuriy Bilen
MEKH (Hungary)	A: Gergely Szabó; O: Szabolcs Koppanyi; O: Tamás Gyarmati
CRU (Ireland)	O: Barry Hussey; O: Eilis McDonnell; O: Clodagh Hunt-Sheridan
ARERA (Italy)	M: Clara Poletti; A: Francesco Cariello; O: Ilaria Galimberti

<sup>1</sup> M: Member; A: Alternate; O: Observer.

PUC (Latvia)	M: Rota Sņuka; A: Dace Bite; O: Alda Ozola; O: Lija Makare
NERC (Lithuania)	M: Renatas Pocius; A: Irma Zdanienė; O: Jelena Dilienė; O: Benas Skublickas
ILR (Luxembourg)	M: Claude Rischette
REWS (Malta)	O: Manuel Manuzzi
ACM (Netherlands)	O: Nora Meray
URE (Poland)	A: Małgorzata Kozak; O: Danuta Sierocińska
ERSE (Portugal)	A: Natalie McCoy; O: Rita Laranjeira; O: Ricardo Loureiro; O: João Diogo
ANRE (Romania)	M: George Niculescu; A: Tatiana Iosiper; O: Patricia Adegbuyi
URSO (Slovakia)	A: Ivan Rodina
AGEN-RS (Slovenia)	A: Bojan Kuzmic
CNMC (Spain)	M: Josep Maria Salas; A: Esther Espeja; O: Gema Rico
EI (Sweden)	M: Ulrika Hesslow; A: Caroline Tornqvist; O: Johan Roupe
RME (Norway)	A: Anne Dønnem
Orkustofnun (Iceland)	M: Hanna Björg Konráðsdóttir
EFTA Surveillance Authority	O: Ada Gimnes Jaroy
ACER	Volker Zuleger, Christophe Gence-Creux, Rafael Muruais Garcia, Csilla Bartok, Martin Godfried, Karina Knaus, Karin Lunning, Antonio Santos, Francois Beade, Maria Barroso Gomes, Markus Amundsen, Tina Voncina, Mitsuko Akiyama, Argyro Lykaki
European Commission	Christof Lessenich, Lukasz Kolinski, Francisco Fournier, Inez Brogowska

## 1. OPENING

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

The agenda of the 136<sup>th</sup> BoR meeting was approved.

The draft agenda was sent to the European Parliament.

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

### 1.2. Minutes of the 135<sup>th</sup> BoR meeting

The minutes of the 135<sup>th</sup> BoR meeting were approved and sent to the European Parliament on 5 November 2025.

Decisions/Conclusions	
1.1	The BoR approved the agenda.

## 2. UPDATES FROM ACER AND THE BOR CHAIR

### 2.1 Update from ACER

The ACER Director *ad interim* reported back on ACER's annual appearance before the European Parliament ITRE Committee - together with the BoR and AB Chairs - where he presented the 2025 Market Monitoring Reports and the Single Programming Document 2026-2028. The ACER Director *ad interim* also informed the BoR of his first meeting with the ACER ITRE Contact group, where they discussed topics relevant to deeper energy market integration.

The ACER Director *ad interim* drew members' attention to the 2025 NRA survey launched on 17 November, seeking feedback on ACER-NRA collaboration and ACER's external communications.

### 2.2 Update from the BoR Chair

The BoR Chair informed members about the EU-US roundtable discussions, reaffirming the strong transatlantic partnership between energy regulators. Drawing on past practice, the BoR Chair proposed inviting an external expert to an upcoming BoR meeting to foster discussion, which members supported.

The BoR Chair also recalled the obligation for Board members and alternates to submit by 31 January 2026 their duly signed annual Declarations of Interests (DoIs) and CVs for review by the Review Panel and publication on the ACER website. AWG Chairs and Vice-Chairs and TF

Convenors must also submit their Dols and CVs. Members agreed to reappoint the Review Panel (the BoR Chair and Vice-Chair, Mr Urbantschitsch and Ms Espeja as alternate member of the Review Panel).

Decisions/Conclusions	
<b>2.2</b>	The BoR reappointed the 2026 conflict of interest Review Panel by consensus of the members present and represented.

### 3. DELIVERING ON THE WIDER ENERGY UNION

#### 3.1 Updates from the European Commission

The European Commission provided updates on the following topics.

- Revision of the Guideline on Capacity Allocation and Congestion Management

The European Commission reported that 1-2 comitology meetings are anticipated to address open issues. Public feedback will subsequently be sought.

- White Paper on deeper electricity market integration

The Commission expects the White Paper to be adopted early next year. It focuses on improving the rules governing electricity markets. Going beyond emergency measures, it will look into the functioning of the market and governance aspects. It is not a legislative initiative; it will seek to open up the debate with stakeholders to reflect on concrete proposals.

- EC update on the European Grids Package

The Grids Package of 10 December contains proposals for revising the TEN-E Regulation and relevant Directives to ensure the planning of grid buildout (without entrusting all responsibilities to 1 entity) and also addressing incentives for better use of the existing grid and innovative grid technologies, solutions to increase cybersecurity, as well as permitting. Beyond legislative proposals, the Package includes a guidance on grid connection (with objective criteria in lieu of the principle of first-come first-served) as well as on Contracts for Difference. The Package is accompanied by a communication on Energy Highways.

The BoR Chair thanked the Commission for the updates and members exchanged on the above topics.

#### 3.2 Next steps on the EC proposal on the revision of the TEN-E

ACER proposed next steps on the EC proposal for the revision of the TEN-E.

#### 3.3 Overview of expected 2026 highlights

ACER provided an overview of expected key 2026 milestones in an evolving context where stable fossil prices are expected after the gas crisis and with the phaseout of Russian gas, but inflation challenges are likely to impact electricity and renewable hydrogen.

### **3.4 ACER Recommendation on reasoned proposals for the improvement of the regulatory framework to ensure robust implementation of the internal electricity market rules**

The European Commission requested ACER and NRAs to make a recommendation on how to strengthen the regulatory framework to reduce implementation delays, looking into enforcement, incentives and governance.

Pursuant to Article 3(1) of Regulation (EU) 2019/942, ACER may issue a Recommendation to the European Parliament, the Council and the Commission on any of the issues relating to the purpose for which it has been established. ACER presented the key elements of the current draft of the Recommendation.

On the process for finalising the document, the BoR Chair invited members to submit additional written comments to ACER by 17 December so that ACER can circulate the final version of the Recommendation by 9 January, giving the BoR sufficient time to submit proposals for amendments and comments ahead of the formal vote on any such proposals as well as the Recommendation at the January BoR meeting.

## **4. ITEMS FOR OPINION/APPROVAL/AGREEMENT**

### **4.1 Draft Single Programming Document 2027-2029**

In line with the ACER Regulation, each year, the Director prepares a draft Single Programming Document containing annual and multi-annual programming and submits the draft Programming Document to the Administrative Board and to the Board of Regulators. The Administrative Board adopts the draft Programming Document after receipt of a favourable opinion of the Board of Regulators, and submits it to the European Parliament, the Council and the Commission no later than 31 January. The requisite two-thirds majority of the BoR agreed to approve the Single Programming Document 2027-29 by electronic procedure (one member abstained).

### **4.2 Revised Single Programming Document 2026-2028**

The draft Single Programming Document 2026-2028, submitted to the Commission on 31 January 2025, has been revised following receipt of the Commission's opinion. The revised Single Programming Document 2026-2028 reflecting the final budget will be submitted to the European Parliament, the Council and the Commission by 31 December after receipt of a favourable opinion from the BoR and following its presentation to the European Parliament.

The BoR approved the revised Single Programming Document 2026-2028 by the requisite two-thirds majority of members present and represented subject to the removal of the reference to REMIT "enforcement" on page 25 (one member abstained).

### **4.3 Rules of Procedure for the REMIT Investigations Department**

Following the revision of the REMIT Regulation, ACER has new powers to carry out cross-border investigations in specified cases. The powers complement the important work of NRAs in detecting and preventing market abuse in Europe's wholesale energy market.

Article 14(5) of ACER Regulation 2019/942 provides that ACER shall adopt and publish adequate and proportionate rules of procedure in accordance with point (f) of Article 22(5). The present Rules lay down the administrative procedure by which the Agency will carry out investigations on potential breaches of Articles 3, 4, 5, 8 and 15 of REMIT Regulation (EU) No. 1227/2011, as referred to in Article 13(3) to (11) and Article 13a to 13h thereof.

The BoR granted its favourable opinion by the requisite two-thirds majority of the members present and represented (one member voted against).

### **4.4 ACER Decision on the amendment to the RCC balancing procurement methodology**

On 26 September, ENTSO-E submitted the proposal for the amendments to the RCC procurement methodology aimed at reducing the cost of procuring balancing capacity. ACER presented its Decision, outlining the main amendments to ENTSO-E's proposal.

The draft Decision was circulated along with the AEWG advice. In the absence of a proposal for comment/amendment, the BoR Chair asked members whether there was consensus to grant the BoR favourable opinion. The BoR granted its favourable opinion thereon by the requisite two-thirds majority of members present and represented (one member abstained).

### **4.5 ACER Decision on the amendment to the Intraday Cross-Zonal Gate Opening and Gate Closure Time methodology**

The CACM Regulation lays down a range of requirements for cross-zonal capacity allocation and congestion management in the day-ahead and intraday electricity markets. Article 59 of the CACM Regulation concerning the operation of single intraday coupling sets out rules on the terms and conditions for the intraday cross-zonal gate opening and gate closure times (IDCZGTs). On 2 July 2025, all TSOs proposed amendments to the IDCZGTs. ACER presented the key revisions to the IDCZGTs as outlined in the Decision.

The draft Decision was circulated along with the AEWG advice. In the absence of a proposal for comment/amendment, the BoR Chair asked members whether there was consensus to grant the BoR favourable opinion. The BoR unanimously granted its favourable opinion thereon.

### **4.6 ACER Decision on the amendment to the determination of Capacity Calculation Regions methodology**

This methodology defines how each of the bidding zone borders of the EU's internal electricity market are grouped into the different capacity calculation regions (CCRs). The last determination of capacity calculation regions (CCR) was approved by ACER in March 2024. The current CCR amendment submitted by ENTSO-E/all TSOs on 2 July concerns: 1. the further merger of Core and Italy North CCRs into one Central Europe (CE) CCR also for intraday capacity calculation and for ROSC (Regional Operational Security Coordination),

RDCT (Redispatching and Countertrading) and RDCT cost sharing methodologies; and 2. incorporating the Bidding Zone borders of the Energy Community TSOs and their neighbouring EU TSOs.

The draft Decision was circulated along with the AEWG advice. In the absence of a proposal for comment/amendment, the BoR Chair asked members whether there was consensus to grant the BoR favourable opinion. The BoR unanimously granted its favourable opinion thereon.

#### **4.7 ACER Opinion on the draft ENTSG TYNDP 2024**

This Opinion is addressed to ENTSG concerning its draft Ten-Year Network Development Plan (TYNDP) 2024. ACER has assessed the draft TYNDP 2024 taking into account the objectives of non-discrimination, effective competition, and the proper and secure functioning of the internal market for natural gas and hydrogen. Additionally, ACER has reviewed whether ENTSG has appropriately considered and incorporated recommendations from ACER's previous opinions.

The draft Opinion was circulated along with the AGWG advice. In the absence of a proposal for comment/amendment, the BoR Chair asked members whether there was consensus to grant the BoR favourable opinion. The BoR granted its favourable opinion thereon by the requisite two-thirds majority of members present and represented (one member abstained).

#### **4.8 ACER paper on Smart Grid Indicators**

Article 59(1)(l) of the Electricity Directive provides for NRAs to monitor and assess the performance of TSOs & DSOs in relation to the development of a smart grid that promotes energy efficiency and integration of renewables based on a limited set of indicators and publish a national report biennially, including recommendations. The Copenhagen Forum invited ACER and CEER to develop smart grids indicators, and the present paper focuses on such indicators at transmission level.

Following discussion, the paper was endorsed by the requisite two-thirds majority of the members present and represented (one member abstained).

Decisions/Conclusions	
<b>4.1</b>	The BoR agreed to the use of the electronic procedure to approve the draft Single Programming Document 2027-2029 by the requisite majority of members present and represented.
<b>4.2</b>	The BoR approved the revised Single Programming Document 2026-2028 by the requisite members present and represented.
<b>4.3</b>	The BoR issued its favourable opinion on the Rules of Procedure for the REMIT Investigations Department by the requisite majority of members present and represented.
<b>4.4</b>	The BoR issued its favourable opinion on the ACER Decision on the amendment to the RCC balancing procurement methodology by the requisite majority of members present and represented.

<b>4.5</b>	The BoR unanimously issued its favourable opinion on the ACER Decision on the amendment to the Intraday Cross-Zonal Gate Opening and Gate Closure Time methodology.
<b>4.6</b>	The BoR unanimously issued its favourable opinion on the ACER Decision on the amendment to the determination of Capacity Calculation Regions methodology.
<b>4.7</b>	The BoR issued its favourable opinion on the ACER Opinion on the draft ENTSOG TYNDP 2024 by the requisite majority of members present and represented.
<b>4.8</b>	The ACER paper on Smart Grid Indicators was endorsed by the requisite majority of members present and represented.

## 5. AWG/ARC KEY ISSUES

### 5.1 AWG/ARC key issues

The AEWG Chair briefly presented ongoing discussions on the topics to be addressed in the monitoring of aggregation models within the framework of the Demand Response Network Code expected to enter into force in 2026, and the expected timeline for this work.

The AGWG Vice-Chair updated members on the Hydrogen and Decarbonised Gas Market Package, specifically on the deadline (mid-February 2026) for derogation requests as regards the application of Gas Network Codes and Guidelines to interconnectors with third countries, on which ACER will issue opinions. The AGWG Vice-Chair also updated members about the ongoing comitology procedure for amending the Capacity Allocation Mechanisms Network Code.

Ms Bartok updated members on the preparations for the ARWG away day to take place in Vienna on 14 January.

Finally, as Ms Materazzi-Wagner's term as AEWG Chair expires on 19 December, the BoR Secretariat will open the call for nominations in view of the joint Director - BoR appointment decision being tabled for the January BoR meeting.

- ACER Opinion on the French National Resource Adequacy Assessment

Articles 20, 23 and 24 of Regulation (EU) 2019/943 (Electricity Regulation) provide that a Member State may conduct a national resource adequacy assessment to complement the European resource adequacy assessment when monitoring resource adequacy within its territory. ACER opines on whether the differences between the two assessments are justified. ACER presented its preliminary opinion on the French adequacy assessment.

### 5.2 Market Surveillance and Conduct State of play & 2026 outlook

Mr Santos presented the highlights of market surveillance activities in 2025 and the 2026 outlook, on which members were invited to exchange views.