

138th ACER Board of Regulators meeting

11 March 2026 | 9.00 – 14.00

Brussels, hybrid

MINUTES

Represented institutions	Names ¹
E-CONTROL (Austria)	M: Wolfgang Urbantschitsch; A: Dietmar Preinstorfer
CREG (Belgium)	M: Koen Locquet; A: Geert Van Hauwermeiren O: Bart De Waele
EWRC (Bulgaria)	A: Tasko Ermenkov; O: Borislava Petrakieva
HERA (Croatia)	M: Nikola Vištica; A: Sonja Tomašić Škevin
CERA (Cyprus)	A: Alkis Philippou O: Marilena Dilenta
ERU (Czech Republic)	A: Vladimír Vajnar; O: Ožana Patrik
DUR (Denmark)	M: Carsten Smidt; A: Birgitta Bundgaard
ECA (Estonia)	M: Evelin Pärn-Lee; A: Marilyn Tilkson
EV (Finland)	A: Antti Paananen; O: Veli-Pekka Saajo
CRE (France)	M: Emmanuelle Wargon; A: Nadia Faure; O: Claire Hellich-Praquin; O: David Karouni; O: Anne-Lise Teani
BNetzA (Germany)	M: Annegret Groebel; O: Alexander Linov; O: Nadia Horstmann
RAAEY (Greece)	M: Konstantinos Tsimaras; O: Yuriy Bilen
MEKH (Hungary)	M: Pal Sagvari; O: Tamás Gyarmati
CRU (Ireland)	M: Jim Gannon; O: Eilis McDonnell; O: Eilis McDonnell
ARERA (Italy)	M: Lorena De Marco; A: Francesco Cariello; O: Ilaria Valdata; O: Cristian Lanfranconi; O: Andrea Lo Presti

¹ 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; O: Benas Skublickas; O: Jelena Diliene; O: Vytautas Budreika
ILR (Luxembourg)	M: Claude Rischette
REWS (Malta)	O: Manuel Manuzzi
ACM (Netherlands)	A: Michiel Denkers; O: Nora Meray
URE (Poland)	A: Małgorzata Kozak; O: Danuta Sierocińska
ERSE (Portugal)	M: Pedro Verdelho; A: Natalie McCoy; O: João Diogo; O: Rita Laranjeira
ANRE (Romania)	M: George Niculescu; A: Tatiana Iosiper; O: Partricia 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 Törnqvist; O: Johan Roupe
RME (Norway)	A: Anne Dønnem
Orkustofnun (Iceland)	M: Hanna Björg Konráðsdóttir
EFTA Surveillance Authority	-
ACER	Volker Zuleger, Christophe Gence-Creux, Rafael Muruais Garcia, Csilla Bartok, Martin Godfried, Karina Knaus, Bart Vereckee, Francois Beaude, Tina Voncina, Mitsuko Akiyama, Argyro Lykaki
European Commission	Lukasz Kolinski, Christof Lessenich, Bart Noud, Marta Buonisi, Lorenzo Paliotta, Ignacio Asenjo, Leander Stukart, Niklas Clement, Inez Brogowska

1. OPENING

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

The agenda of the 138th 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.

The BoR Chair also welcomed new BoR members, Ms De Marco (ARERA), Ms Faure (CRE) and Mr Tsimaras (RAAEY).

1.2. Minutes of the 137th BoR meeting

The minutes of the 137th BoR meeting were approved and sent to the European Parliament on 11 February 2026.

Decisions/Conclusions

1.1	The BoR approved the agenda.
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2. UPDATES FROM ACER AND THE BOR CHAIR

2.1 Update from ACER

The ACER Director *ad interim* announced that ACER had marked its 15th anniversary of its establishment on 3 March.

Mr Vereecke subsequently reported on the state of play of a project born in November 2023 which, after considering the evolving Agency mandate over recent years, concluded on the need to update the mission and vision statements to reflect the Agency's current culture and activities.

The BoR Chair thanked Mr Vereecke for the presentation and requested that the new texts taking account of BoR feedback be shared with the members for information.

The BoR was also informed of the outcome of the electronic procedure for the endorsement of the ACER reaction to the European Grids Package, which ended on 11 February. 24 members participated and the requisite majority of those participating in the procedure responded in favour, with 1 abstention.

2.2 Update from the BoR Chair

- 2026 declaration of Conflict of Interest

The BoR Chair recalled that pursuant to the Agency's policy for the prevention and management of conflicts of interest (Col policy), as adopted by the Administrative Board on 31 January 2015, all Members and Alternates of the Board of Regulators (BoR), ACER Working Group (Vice-) Chairs, and Task Force Convenors submit a Declaration of Interest (DoI) and CV every year.

The Review Panel (comprising the BoR Chair, the BoR Vice-Chair and Mr Wolfgang Urbantschitsch, and Ms Esther Espeja acting as an alternate to the Review Panel members) examined submissions received and based on the information provided, did not identify any conflict of interest notwithstanding the application of the provisions in the BoR and WG Rules of Procedure, which importantly require declarants to explicitly flag any potential conflict of interest which could be prejudicial to their independence with respect to any points on the agenda of the meeting(s) they attend and not to take part in those discussions. All DoIs and CVs will be published on the Agency's website to ensure transparency. The Administrative Board will also be informed about the outcome of the process.

- ENNOH letter

The BoR Chair informed members about a letter from the European Network of Network Operators for Hydrogen (ENNOH), which legal establishment is pending.

- Feedback on the ENTSO-E presentation during the 137th BoR meeting

BoR members provided feedback on the exchange with ENTSO-E on their Annual Work Programme and position on the Grids Package at the last BoR meeting.

- Update from BoR Vice Chair on recent developments

Mr Niculescu informed members of the Energy Union Task Force meeting of 9 March, which discussed summer 2024 energy price spikes in South-East Europe and possible solutions.

3. DELIVERING ON THE WIDER ENERGY UNION

3.1 Updates from the European Commission

The European Commission provided updates on the following topics.

- Energy prices

Mr Lukasz Kolinski, Director for Green Transition and Energy System Integration in DG ENER, provided an update on energy prices and recent gas market developments following the escalation of conflict in the Middle East. The European Commission is closely monitoring the current volatility, with gas prices having doubled compared to pre-conflict levels and with electricity price pressures affecting national markets in very different ways. Despite this, the situation currently remains far from the EU energy crisis experienced two years ago.

Ms Csilla Bartok concurred that while 20% of global gas imports transit through the Strait of Hormuz, the impact of its closure is currently felt mainly in Asia, where markets are experiencing the highest price premia. A key variable for both prices and security of supply is the duration of the conflict.

- EU's security of electricity and gas supply framework

Mr Kolinski informed members that at the beginning of 2026, the Commission had published a “fitness check” on energy security, focusing on EU regulations on gas supply security (2017) and electricity risk preparedness (2019). The report concludes that these regulations have positively contributed to a stable, secure, and uninterrupted energy supply, while protecting the most vulnerable and critical customers. However, energy systems have evolved significantly since then, thus the energy security legislative framework requires alignment with identified emerging risks. Based on this review, the Commission intends to submit its initial legislative proposals for the revision.

3.2 Electrification Action Plan

At the last BoR meeting, the Commission briefly informed the Board about the preparatory work on the Electrification Action Plan, which aims to achieve 30% electrification by 2030 in the transport sector, industry and buildings. The initiative is driven by 3 key policy objectives: energy decarbonisation, competitiveness and affordability. Mr Kolinski stated that the Action Plan is expected to suggest a mix of EU-level and national-level actions supporting its goal, which is not to be pursued through new legislation. Members exchanged views on the initiative.

4. ITEMS FOR OPINION/APPROVAL/AGREEMENT

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

In response to the European Commission’s request, ACER and NRAs have been working on this Recommendation (pursuant to Article 3(1) of Regulation (EU) 2019/942) tackling 3 key challenges i.e. amendments to improve monitoring and a swifter enforcement framework for ENTSO-E and Regional Coordination Centres (RCCs) and invitation to the Commission to further assess the collective responsibilities of All TSOs/All Nominated Electricity Market Operators (NEMOs). The AEWG advice was circulated.

By the deadline of 4 March, 4 proposals for amendments were received. The BoR Chair invited members to vote on the proposals, two of which were adopted by the requisite two-thirds majority of members present and represented, and two of which did not meet the threshold for adoption.

The BoR Chair invited members to vote on whether to grant the BoR favourable opinion to the proposal incorporating the adopted amendments. The BoR issued its favourable opinion by the requisite majority of members present and represented.

4.2 ACER Recommendation on the monitoring of barriers for non-fossil flexibility

According to Article 6(2) of Regulation (EU) 2019/942, ACER may make recommendations to assist regulatory authorities and market participants in sharing good practices. ACER's work programme for 2025 - 2027 envisages that ACER will issue a Recommendation to NRAs on reporting to the Commission and to ACER on the barriers for non-fossil flexibility. This builds on ACER's monitoring work inter alia on regulatory barriers for new entrants and smaller actors in wholesale electricity markets pursuant to Article 15(1) of Regulation 2019/942 (including the 2025 Monitoring Report on no-regret measures to removing barriers to demand response) and forms part of ACER's efforts to support the national authorities or entities in identifying barriers for non-fossil flexibility in accordance with Article 19e(2)(c) of the Electricity Regulation (via Flexibility Needs Assessments (FNAs)).

The AEWG advice was shared. In the absence of proposals for amendment/comment, the BoR Chair invited members to vote on whether to grant the BoR favourable opinion and this was granted by the requisite majority of members present and represented, with 1 vote against.

4.3 ACER Report on DSO revenues and incentives

Article 18(9) of Regulation 2019/943 requires ACER to issue a best practice report on transmission and distribution incentives for efficient investment in networks, including resources providing flexibility and flexible connection agreements. This duty was also underlined by Commission's Grid Action Plan (2023). A number of previous ACER reports have tackled the transmission networks and this report focuses on the distribution level.

The AEWG advice was circulated. The BoR Chair invited members to vote on whether to grant the BoR favourable opinion and this was granted by the requisite majority of members present and represented. ACER also noted corrections requested by ILR.

4.4 ACER Decision on amending the European Resource Adequacy Assessment (ERAA) methodology & 2025 ERAA Decision

As part of the Electricity Market Design reform, the European Commission was tasked with assessing ways to streamline and simplify the approval process for capacity mechanisms, and to that end, requested that ACER amend the ERAA methodology.

The draft Decision was circulated along with the AEWG advice, and presented to the BoR. 1 amendment was tabled. The BoR Chair invited members to vote on the proposal for amendment, which did not meet the threshold for adoption.

The BoR subsequently issued its favourable opinion on the ACER Decision on the ERAA methodology by the requisite majority of members present and represented, with 1 abstention.

ACER also asked members to agree to issue the BoR favourable opinion on the 2025 ERAA Decision by way of electronic procedure planned around 24 March (to avoid delays that would impact other deliverables), and members unanimously agreed.

4.5 ACER Opinion on the draft updated statutes of the EU DSO entity

Regulation 2024/1789 extended the membership of the EU DSO entity to include gas and hydrogen and the entity’s tasks. Consequently, updated statutes were submitted to ACER and the Commission last November and ACER had 4 months (until 19 March) to issue its opinion on the proposed changes.

The joint electricity and gas WG advice was circulated and in the absence of proposals for amendments and comments, the BoR Chair invited members to vote on whether to grant the BoR favourable opinion and this was granted by the requisite majority of members present and represented, with 1 abstention.

4.6 2026 Monitoring Report: key developments in EU electricity and gas markets

ACER presented they key developments in EU electricity and gas markets from the upcoming 2026 Monitoring Report. This Report on the evolution of the European electricity and gas markets in 2025 combines a high-level overview of key market trends with more in-depth analyses of demand, supply, and cross-market interactions.

The BoR Chair invited members to endorse the Monitoring Report. The BoR endorsed it by the requisite majority of members present and represented (with one member against).

4.7 Appointment of the AEWG Vice-Chair

The Director and the BoR, having consulted the relevant Chairperson, may jointly appoint one or more Vice-Chairpersons of an AWG. The AEWG Chair called for expressions of interest to be submitted by 18 February 2026 and received one application from Mr Vytautas Budreika of NERC, Lithuania. A draft appointment decision was circulated and members agreed to appoint Mr Budreika as AEWG Vice-Chair for a term of 2 years. Members congratulated Mr Budreika.

Decisions/Conclusions	
4.1	The BoR adopted 2 proposals for amendments by the requisite majority of members present and represented and granted its favourable opinion on the ACER Recommendation on reasoned proposals for the improvement of the regulatory framework to ensure robust implementation of the internal electricity market rules by the requisite majority of members present and represented.
4.2	The BoR granted its favourable opinion on the ACER Recommendation on the monitoring of barriers for non-fossil flexibility by the requisite majority of members present and represented.
4.3	The BoR issued its favourable opinion on the Report on DSO revenues and incentives by the requisite majority of members present and represented.
4.4	The proposal for amendment to the ACER Decision on amending the European Resource Adequacy Assessment methodology was not adopted and the BoR agreed to issue its favourable opinion thereon by the requisite majority of members present and represented. The BoR agreed to issue its favourable opinion on the ACER Decision on ERAA 2025 by consensus of the members present and represented.

4.5	The BoR issued its favourable opinion on the ACER Opinion on the draft updated statutes of the EU DSO entity by the requisite majority of members present and represented.
4.6	The BoR endorsed the ACER Monitoring Report on key developments in EU electricity and gas markets by the requisite majority of members present and represented.
4.7	The ACER Director ad interim and the BoR jointly appointed Mr Budreika as AEWG Vice-Chair.

5. AWG/ARC KEY ISSUES

5.1 AWG/ARC key issues

The ACER Director ad interim informed members that Ms Lunning, ACER Head of Department for Market Surveillance and Conduct and ARC Vice-Chair, would be leaving the Agency, and Mr Santos would take over as Acting Head of Department and ARC Vice-Chair.

The AEWG Chair briefly updated the BoR on ongoing work on the Cost Benefit Sharing Paper.

In addition to informing members that the presentations for the European Hydrogen Regulatory Forum of 19-20 March have been circulated, the AGWG Chair referred to upcoming reasoned opinions to be issued by ACER pursuant to Article 70.3 of the Gas Regulation.

Mr Muruais Garcia also provided updates relating to the Grids Package.

5.2 Vision and outline of the Monitoring Report: energy retail and consumer protection

Ms Bartok referred to the ARWG discussion of 24 February on retail market expertise among NRAs as well as the timeline and scope of the above ACER Monitoring Report. The ARWG endorsed the scoping as proposed.

ACER also presented an indicative timeline on the process of other retail monitoring outputs planned for 2026.

The BoR Chair thanked Ms Bartok for her presentation and the BoR provided feedback.

6. CLARIFICATION OF THE BOR RULES OF PROCEDURE

In a constructive spirit of cooperation, the BoR Chair and the ACER Director ad interim invited an exchange of views specifically on the practical application of Article 24(2) of the ACER Regulation read together with Article 6.4(x) of the BoR Rules of Procedure (RoP), to ensure an effective process that also preserves the close collaboration between ACER and NRAs.