

CEER Regulatory Benchmark Report 2005

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Table of Contents

1. INTRODUCTION	3
2. NATIONAL REGULATORY AUTHORITY (NRA) STATUS AND RESOURCES	4
2.1. NRA ESTABLISHMENT	4
2.2. TRANSPOSITION OF THE EU ELECTRICITY AND GAS DIRECTIVES.....	6
2.3. NRA LEGAL STATUS	8
2.4. SCOPE OF NRA TASKS	18
2.5. NRA REGULATORS AND STAFF	20
2.6. NRA BUDGET.....	23
2.7. NRA BUDGET PROCESS	24
2.8. NRA ENFORCEMENT POWERS	30
2.9. APPEAL PROCESS.....	36
2.10. APPOINTMENT OF REGULATORS	45
2.11. STAFF RECRUITMENT	56
2.12. SALARIES OF REGULATORS AND STAFF	61
2.13. ETHICAL STANDARDS	64
2.14. PUBLIC PARTICIPATION IN NRA DECISION-MAKING.....	71
2.15. REPORTING REQUIREMENTS	85
3. NRA COMPETENCIES.....	90
3.1. ACCESS TO INFORMATION	90
3.2. SECURITY OF SUPPLY	94
3.3. MARKET OPENING.....	106
3.4. LICENSES	109
3.5. TARIFFS.....	117
3.6. DISPUTE SETTLEMENT	141
3.7. RULE-MAKING AUTHORITY	146
3.8. QUALITY OF SERVICE	154
3.9. CONGESTION MANAGEMENT	159
3.10. CONNECTION AND REPAIRS	166
3.11. UNBUNDLING.....	169
3.12. INVESTMENT PLANNING	175
3.13. CROSS-BORDER EXCHANGES	178
3.14. MARKET DOMINANCE	181
3.15. ENVIRONMENT	186

Annex

1. Introduction

The mandate of the Information Exchange & Benchmarking TF

At the beginning of March 2005, the Council of European Energy Regulators (CEER) approved its 2005 Work Programme. The CEER charged the Information Exchange & Benchmarking TF (IEB TF) with drafting a benchmarking report of CEER Members akin to the Regulatory Report produced for the South East European region. In November 2005 the CEER adopted the third Regulatory Benchmarking Report for South East Europe and presented it at the 7th South East Europe Energy Regulation (Athens) Forum in November 2005.

The questionnaire

On the basis of the questionnaire previously used by the CEER's South East Europe Energy Regulation Working Group (SEEER WG), the IEB TF prepared an amended questionnaire which was sent out to all 27 CEER members on 11 July 2005. The questionnaire is reproduced in the Annex. Its main headings address the following issues:

- Legal status;
- Independence;
- Competencies;
- Internal organisation, resources, capacity;
- Procedures for core regulatory activities;
- Enforcement; and
- Accountability

Responses to the Regulatory Benchmark questionnaire

All 27 member authorities of the CEER replied to the questionnaire: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Luxemburg.

Presentation of data collected and purpose

The excel tables which form this report show in a condensed form the members' answers to the questionnaire. The ITB WG considers that a full legal assessment of whether the EU Electricity and Gas Directives have been transposed and implemented properly is not possible on the basis of energy regulators' responses to this questionnaire. Instead, the CEER Regulatory Benchmark is intended to provide its members with readily available information on the status, resources and competences of the energy National Regulatory Authorities (NRAs) of Europe. This report was originally intended for internal use, but in the interest of transparency has been made public.

2. National Regulatory Authority (NRA) status and resources

2.1. NRA establishment

NRA ESTABLISHMENT			
Country	NRA	Name and establishment date	Establishing legislation
Austria	E-Control	Energie-Control Corporation, E-Control Commission (2001)	Energy Regulatory Authorities Act 2001
Belgium	CREG	Commission de Régulation de l'Electricité et du Gaz (1999) <i>[Federal level]</i>	Loi du 29 avril 1999 relative à l'organisation du marché de l'électricité
	VREG	Vlaamse reguleringsinstantie voor de elektriciteits- en gasmarkt (2001) <i>[Flemish region]</i>	Decree of 17 July 2000
	CWAPE	Commission wallonne pour l'Energie <i>[Walloon region]</i>	Decree of 12 April 2001 on the organisation of the local electricity market Decree of 19 Dec 2002 on the organisation of the local gas market
	BIM	Brussels Instituut voor Milieubeheer - Institut Bruxellois pour la gestion de l'environnement <i>[Brussels capital region]</i>	Ordonnance of 19 July 2001 on the organisation of the electricity market in the Brussels region
Cyprus	CERA	Cyprus Energy Regulatory Authority (2004)	Regulation of the Electricity Market Law 2003
Czech Republic	ERO	Energy Regulatory Office (2001)	Energy Act No. 458/2000
Denmark	DERA	Danish Energy Regulatory Authority (2000)	Electricity Supply Act of 1999, Natural Gas Supply Act 2000
Estonia	EMI	Energy Market Inspectorate (1998)	Electricity Market Act
Finland	EMV	Energy Market Authority (1995/2000)	Electricity Market Act 1995 Act (No. 507/2000) on the Energy Market Authority
France	CRE	Commission de regulation de l'énergie (2000)	Law n°2000-108 of 10 February 2000
Germany	BNetzA	Federal Network Agency (1998/2005); regulatory authorities of the Federal States	Energy Industry Act 2005
Great Britain	Ofgem	OFGEM (1986/1989/1999)	Electricity Act 1989, Gas Act 1986, Competition Act 2000
Greece	RAE	Regulatory Authority for Energy (2000)	Law 2773/1999

NRA ESTABLISHMENT			
Country	NRA	Name and establishment date	Establishing legislation
Hungary	HEO	Hungarian Energy Office (1994)	Act XLI. of 1994
Iceland	OS	National Energy Authority (1967)	Energy Act No. 58/1967
Ireland	CER	Commission for Energy Regulation (1999/2002)	Electricity Regulation Act 1999, Gas (Interim) (Regulation) Act 2002
Italy	AEEG	Authority for Electricity and Gas (1996)	Law n°481 of 14 November 1995, Law n°239 of 23 August 2004
Latvia	PUC	Public Utilities Commission (2001)	Law On Regulators of Public Services 2000/2004
Lithuania	NCC	National Control Commission for Prices and Energy (1997)	Energy Law 1997
Malta	MRA	Malta Resources Authority (2000)	Malta Resources Authority Act 2000
The Netherlands	Dte	Office of Energy Regulation (1998/2000)	Electricity Act 1998, Gas Act 2000
Norway	NVE	Norwegian Water Resources and Energy Directorate (1990)	Energy Act 1990
Poland	URE/ERO	Energy Regulatory Office (1997)	Energy Law of April 10, 1997
Portugal	ERSE	Energy Services Regulatory Authority (1997/2002)	Decree-Law n° 187/95 of 27 July 1995
Slovak Republic	URSO/ RONI	Regulatory Office for Network Industries (2001)	Act No. 276/2001 on Regulation in Network Industries
Slovenia	AGEN-RS	Energy Agency of the Republic of Slovenia (2000)	Energy Act, Official Journal of the RS, No. 36/05-UPB
Spain	CNE	National Energy Commission (1995/1999)	Electricity Act 1994, 1998 Hydrocarbons Act
Sweden	STEM	Swedish Energy Agency (1998)	Electricity Act 1997
Luxembourg	ILR	Institut Luxembourgeois de Régulation (1997/2000/2001)	Loi du 21 mars 1997 sur les télécommunications, Loi du 30 mai 2005 portant organisation de l'Institut Luxembourgeois de Régulation

2.2. Transposition of the EU electricity and gas directives

TRANSPPOSITION			
Country	NRA	Electricity Directive	Gas Directive
Austria	E-Control	Electricity Act, last amended 2005 Energy Regulatory Authorities Act, last amended 2002	Natural Gas Act, last amended 2002
Belgium	CREG	Loi du 29 avril 1999 relative à l'organisation du marché de l'électricité, last amended 1 June 2005	Loi du 12 avril 1969 relative au transport de produits gazeux et autres par canalisation, last amended 1 June 2005
	VREG	Decree of 17 July 2000	Decree of 6 July 2001
	CWAPE	Decree of 12 April 2001 on the organisation of the local electricity market	Decree of 19 Dec 2002 on the organisation of the local gas market
	BIM	Ordonnance of 19 July 2001 on the organisation of the electricity market in the Brussels region	Ordonnance of 1 April 2004 on the organisation of the gas market in the Brussels region
Cyprus	CERA	Derogation requested to delay 100% market opening until 2013	Derogation in effect
Czech Republic	ERO	Energy Act 458/2000, last amended 30 Dec 2004	Energy Act 458/2000, last amended 30 Dec 2004
Denmark	DERA	Electricity Supply Act, last amended 2004	Natural Gas Supply Act, last amended 2004
Estonia	EMI	Electricity Market Act, last amended 2004	Natural Gas Act, last amended 2004 - Commission infringement
Finland	EMV	Electricity Market Act, last amended 2004	Natural Gas Market Act, last amended 2004
France	CRE	Law n°2000-108 of 10 Feb. 2000, last modified 2004/2005	Law 2003-8 of 3 Jan 2003, last modified 2004/2005
Germany	BNetzA	Energy Industry Act 2005	Energy Industry Act 2005
Great Britain	Ofgem	Electricity Act 1989, Utilities Act 2000, Energy Act 2005, Competition Act 1998, Enterprise Act 2002	Gas Act 1986, Utilities Act 2000, Energy Act 2005, Competition Act 1998, Enterprise Act 2002
Greece	RAE	Commission Infringement	Derogation in effect
Hungary	HEO	Act CX. of 2001 on Electricity, last amended 2005 (enforcement decree in preparation)	Act XLII. of 2003 on Natural Gas Supply, last amended 2005 (enforcement decree in preparation)
Iceland	OS	Directive not applicable	Directive not applicable
Ireland	CER	Electricity Regulation Act 1999, Statutory Instruments	Commission Infringement (Miscellaneous Energy Bill 2005 and Natural Gas Regulation Bill 2005 in preparation)

TRANSPOSITION			
Country	NRA	Electricity Directive	Gas Directive
Italy	AEEG	Legislative Decree n° 79 of 16 March 1999, forthcoming legislative decrees under '2005 EU law', Law n° 239 of 23 August 2004	Legislative Decree n° 164 of 23 May 2000 Electricity, forthcoming legislative decrees under '2005 EU law', Law n° 239 of 23 August 2004
Latvia	PUC	Electricity Market Law of 25 May 2005	Energy Law of 6 Oct 1998, last amended 2005
Lithuania	NCC	Law on Electricity 2002, last amended in 2004	Law on Natural Gas 2001 is being updated
Malta	MRA	Derogation requested (Legal notice 511 of 2004)	Directive not applicable (Legal Notice 432 of 2004)
The Netherlands	Dte	Elektriciteitswet 1998 as amended	Gaswet 2001 as amended
Norway	NVE	No transposition so far	No transposition so far
Poland	URE/ERO	Energy Law of 10 April 1997, last amended 2005	Energy Law of 10 April 1997, last amended 2005
Portugal	ERSE	Commission Infringement	Derogation in effect
Slovak Republic	URSO/ RONI	Act of 14 June, 2001 on Regulation in Network Industries, last amended 2004 Act on Energy of 26 Oct 2004	Act of 14 June, 2001 on Regulation in Network Industries, last amended 2004 Act on Energy of 26 Oct 2004
Slovenia	AGEN-RS	Energy Act, Official Journal of the RS, No. 36/05-UPB	Energy Act, Official Journal of the RS, No. 36/05-UPB
Spain	CNE	Commission Infringement	Commission Infringement
Sweden	STEM	Electricity Act 1997, last amended 2005	Natural Gas Act 2000, last amended 2005
Luxembourg	ILR	Commission Infringement	Commission Infringement

2.3. NRA legal status

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Austria	E-Control	Yes	E-Control Corporation; Private corporation owned by the State; E-Control Commission: Federal commission consisting of three members.	Minister of Economics and Labour may give binding instructions to E-Control Corporation (not to the Commission) in writing which must be published (not practised so far).	Federal Minister of Economics and Labour, and local state authorities.	Yes (provincial governments competent for licensing)
Belgium	CREG	Yes	Independent legal body	Yes In future (Electricity law amendment of 27 July 2005): Appeal before Brussels Civil Court (Cour d'Appel de Bruxelles), or the Competition Authority Conseil de la concurrence). Council of Ministers may suspend CREG's tariff decisions within 30 days where such decisions contravene the law, infringe the public interest or run contrary to the national energy policy. CREG to modify decision in line with Government	No	Yes Regional energy competences cover the regional aspects of energy and in any case distribution and local transmission of electricity by means of networks with a nominal tension of 70kV or lower, the public distribution of gas, renewable energy sources and the efficient use of energy. The federal authority is competent for all matters that require an equal treatment

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
				position within 15 days. Minister may also ask CREG for advice on laws and secondary legislation, or ask CREG to perform studies.		on the national level because they are indivisible for technical and economic reasons, i.e. national equipment program for the electricity market, nuclear power, large infrastructure for production, transport and storage and tariffs.
	VREG	Yes	Independent governmental body	No (only budget approval by Ministry)	No	VREG is the regulator for the Flemish region.
	CWAPE	Yes	Legal person, independent from Walloon government	No	No	CWAPE is the regulator for the Walloon region.
	BIM	No	Part of Government	Yes	No	BIM is the regulator for the Brussels capital region.
Cyprus	CERA	Yes	Independent legal body	No	No	No
Czech Republic	ERO	Yes	Administrative authority: "Another central body of state administration"	No	Ministry of Industry and Trade (monitoring SoS, generation authorisations) State Energy Inspectorate acts as inspection and enforcement authority under the Energy Act.	No

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Denmark	DERA	Yes	Independent authority	No	Danish Energy Authority (DEA): generation and transmission project licensing, oil/gas extraction, technical regulation of Energinet.dk (the TSO) Energy Supply Complaints Board (ESCB): consumer dispute resolution Energinet.dk (TSO): market-monitoring tasks	No
Estonia	EMI	Yes	Independent governmental agency	No	No	No
Finland	EMV	Yes	Expert body subordinate to the Ministry of Trade and Industry.	No	No	No
France	CRE	Yes	The CRE is an independent administrative body.	CRE recommendations on electricity and natural gas network and LNG plant tariffs must be confirmed by Finance and Energy Ministers (automatic if no reaction within 2 month). Ministers can only refuse entire proposed measure, must then explain in public.	Government: general energy policy, SoS, financial decisions (taxes, social tariffs, renewables incentives), regulated sales tariffs.	No

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Germany	BNetzA	Yes	The Federal Network Agency is a Higher federal authority within the scope of business of the Federal Ministry of Economics and Labour.	Federal Ministry of Economics and Labour must publish in the Federal Gazette any general instructions it may issue with regard to the activity of the Federal Network Agency.	Federal Ministry of Economics and Labour: Security of supply	Federal Network Agency competent for regulating electricity and gas network operators except where such networks serve fewer than 100,000 customers directly or indirectly. However, where networks serving fewer than 100,000 customers extend beyond the borders of one State (Land), the Federal Network Agency is again competent. State (Länder) authorities that regulate networks outside the Federal Network Agency's competence may however delegate their competences to the Agency.

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Great Britain	Ofgem	Yes	Non-ministerial department reporting to Parliament/DTI.	Secretary of State can veto licence condition modifications (not practised so far)	Secretary of State for Trade and Industry: general energy policy; licensing of gas production and off-shore gas industry consents for power stations (over 50MW), defining the extent of the regulated industry by deciding on exemptions from the requirement of licences. Several Secretary of State powers on electricity network tariffs.	No. However, regional Ofgem office in Scotland
Greece	RAE	Yes (but not with a fully independent legal personality)	Independent administrative authority	RAE recommendations - Minister of Development has authority on almost all matters except the imposition of fines to licensees.	Minister of Development	No
Hungary	HEO	Yes	Civil service agency with independent powers and competence, acting under the Government's control and the Minister's supervision.	No. Only Capital Court of Justice has the authority to approve, reject or change regulatory decisions.	Hungarian Atomic Energy Authority, Mining Bureau of Hungary	Yes, local governments also competent for regulating district heat.

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Iceland	OS	Yes	Independent governmental body, under the auspices of the Ministries of Industry and Commerce.	No (only Appeals Committee on Electricity)	No	No
Ireland	CER	Yes	Independent statutory body	No	Department for Communications, Marine and Natural Resources (general energy policy), licensing of offshore gas, oil.	No
Italy	AEEG	Yes	Independent Public Institution	Yes. If AEEG does not act on matters within its competences, Government (through a Presidential Decree proposed by the Council of Ministers) may issue decision after giving AEEG 60 days notice urging it to adopt the relevant act.	Ministry of Industry	No
Latvia	PUC	Yes	Derived Public Person	No	Ministry of Economics (general energy policy, generation authorization, renewables) and Energy Inspection (quality control of equipments).	Local government regulators: water, sawege, waste management, and heat (except for combined heat and power).
Lithuania	NCC	Yes	Governmental body	No	No	No

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Malta	MRA	Yes	Body corporate having a distinct legal personality	Minister for Resources may make regulations on any functions of the Authority or for the better carrying out of any of the provisions of the MRA Act, after consulting it. Ministry may give to the Authority directions in writing of a general character on policy, such directions must be in line with the Act (not precised so far).	Minister responsible for resources, Malta Environment and Planning Authority, Oil Exploration Division (MRES)	No
The Netherlands	Dte		DTe is a chamber of the Netherlands Competition Authority (Nma) which is an autonomous administrative authority (ZBO) with a board of directors.	No	Ministry of Economic Affairs	No
Norway	NVE	Yes	Subordinate agency of the Ministry of Petroleum and Energy	Ministry of Petroleum and Energy can approve, reject or change (rehear) individual decisions passed by NVE where a formal complaint has been made by one of the parties involved in the case.	Ministry of Petroleum and Energy	No

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
Poland	URE/ERO	Yes	Central authority of the government administration	No	No	No
Portugal	ERSE	Yes	Public corporate body with administrative and financial autonomy and possessing a patrimony of its own.	No	Ministry Directorate-General for Geology and Energy: QoS	No
Slovak Republic	URSO/ RONI	Yes	Body of state administration	No for individual decisions; Ministry of Economy to assess annually "the harmony between draft concept on the scope of price regulation and a proposed method of its performance, and the goals of energy policy only."	Ministry of Economy: general energy policy, balancing, generation authorisation, SoS, renewables.	No. However, 3 regional RONI branches charged with ensuring compliance with the provision of the Act on regulation and special secondary legislation.
Slovenia	AGEN-RS	Yes	Public agency under law on public agencies	Government may approve or reject all significant "general acts" of the Agency, including those on methodologies for calculating network tariffs, preparing tariff system, defining general conditions for gas and heat supply. Agency must give "consent to" system operator rules on allocation	Government	No

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
				of interconnection capacity, transmission, the tariff system, and market balancing prior to enforcement.		
Spain	CNE	Yes	Agency (public Institution with its own legal personality, own resources and full powers to act in the scope of its competences)	Minister of Industry may approve, reject or change all CNE decisions when these are appealed by interested parties (except dispute resolution decisions related to technical and economical management of electricity and gas networks). Happens in practice.	Ministry of Industry holds several regulatory powers in the area of energy.	Yes. Regional Administrations have certain powers in generation, distribution and supply
Sweden	STEM	Yes	Independent governmental agency	Ministry must not interfere with the case-specific STEM decision-making. Appeals on decisions regarding local/regional distribution concessions are heard by the Government (not the Ministry).	Swedish Government: Decisions on concessions for interconnectors between Sweden and other countries. Ministry responsible for secondary legislation and supervision and ordering of repayment of elt./gas network tariffs Elt./ gas markets supervised by Svenska Kraftnät,	No

NRA STATUS						
Country	NRA	Separation from Ministry	Legal status	Ministry powers to approve, reject or amend regulatory decisions	Other institutions with regulatory powers (except Competition or Financial services Authority)	Regional regulators
					Swedish National Electrical Safety Board, Swedish Consumer Agency.	
Luxembourg	ILR	Yes	'Etablissement independant public' with legal personality	No, but regulator has no powers to take market-related decisions.	Ministry of economic affairs, Ministry of environment	No

2.4. Scope of NRA tasks

NRA TASKS			
Country	NRA	Scope of energy tasks	Other utilities regulated
Austria	E-Control	Electricity, gas	No
Belgium	CREG	Electricity, gas	No
	VREG	Electricity, gas	No
	CWAPE	Electricity, gas	No
	BIM	Electricity, gas, district heating	Environment
Cyprus	CERA	Electricity and gas	No
Czech Republic	ERO	Electricity, gas, heat	No
Denmark	DERA	Electricity, gas, district heating	No
Estonia	EMI	Electricity, gas district heating and oil quality	No
Finland	EMV	Electricity, gas, emissions trading	No
France	CRE	Electricity, gas	No
Germany	BNetzA	Electricity, gas	Telecommunications, post, railways
Great Britain	Ofgem	Electricity, gas	No
Greece	RAE	Electricity, oil gas, heat	No
Hungary	HEO	Electricity, gas, district heating	No
Iceland	OS	Electricity, district heating (in future probably)	No
Ireland	CER	Electricity, gas	No
Italy	AEEG	Electricity, gas	No
Latvia	PUC	Electricity, gas, heat produced in cogeneration plants	Electronic communications, post, and railway sectors (PUC) Water, sewage, waste management, and heating (except combined heat and power) (local government regulators)
Lithuania	NCC	Electricity, gas, district heating	Water supply, sewage, passenger transport (except municipal)
Malta	MRA	Electricity, gas, oil, heat	Water, minerals
The Netherlands	Dte	Electricity, gas	No
Norway	NVE	Electricity	No
Poland	URE/ERO	Electricity, gas, heat, oil	No
Portugal	ERSE	Electricity, gas	No

NRA TASKS			
Country	NRA	Scope of energy tasks	Other utilities regulated
Slovak Republic	URSO/ RONI	Electricity, gas, heat	Water, sewage
Slovenia	AGEN-RS	Electricity, gas, district heating	No
Spain	CNE	Electricity, gas, oil	No
Sweden	STEM	Electricity, gas, district heating	No
Luxembourg	ILR	Electricity, gas	Electronic communications, post

2.5. NRA regulators and staff

NRA REGULATORS AND STAFF				
Country	NRA	Regulators	Voting procedures	NRA staff
Austria	E-Control	3	E-Control Comm.: unanimity E-Control Corp.: 1 MD	64
Belgium	CREG	6	Majority, in practice search for consensus	65
	VREG	4	Consensus	21
	CWAPE	5	Majority, in practice search for consensus President has casting vote in case of deadlock (equality of votes).	14
	BIM	1	1 Director General	6
Cyprus	CERA	3	Majority	6
Czech Republic	ERO	1	1 President	90
Denmark	DERA	7	Majority, in practice search for consensus Quorum: 2 substitutes to guarantee quorum Chairman has casting vote in case of deadlock (equality of votes).	29
Estonia	EMI	1	1 Director	9
Finland	EMV	1	1 Director	16
France	CRE	7	Majority; in practice search for consensus Quorum: 4 members President has casting vote in case of deadlock (equality of votes).	120
Germany	BNetzA	1 President and 2 VP NB. Regulatory decisions taken by Ruling Chambers with 1 Chairman and 2 assessors each.	Majority	100
Great Britain	Ofgem	12	Majority Quorum: 3 executive and 3 non-executive members Chairman has 2nd or casting vote in case of deadlock (equality of votes).	300

NRA REGULATORS AND STAFF				
Country	NRA	Regulators	Voting procedures	NRA staff
Greece	RAE	5	Majority Quorum: Pres or VP and 2 members President (or VP if Pres is absent) has casting vote in case of deadlock (equality of votes).	55
Hungary	HEO	1	1 President	94
Iceland	OS	1	1 Director General	3
Ireland	CER	3	Majority Quorum: 2 members	52
Italy	AEEG	5	Majority President has casting vote	101
Latvia	PUC	5	3 positive votes required	74
Lithuania	NCC	5	Majority	50
Malta	MRA	7	Majority Quorum: 4 members Chairman (Dep. Chairman in absence) has casting vote in case of deadlock (equality of votes)	7
The Netherlands	Dte	3	Majority Portfolios divided between the 3 board members of the Competition Authority.	65 (in addition Dte uses Nma staff and legal resources)
Norway	NVE	1	1 Director-General	30
Poland	URE/ERO	1	1 President	269
Portugal	ERSE	3	Majority President has veto where Board decision would be illegal; decision suspended until final decision by the Minister of Economy.	50
Slovak Republic	URSO/ RONI	6	Majority Quorum: 4 members, including Chairperson or VC	55
Slovenia	AGEN-RS	6	Majority President has casting vote in case of deadlock (equality of votes).	29
Spain	CNE	9	Majority Quorum: 5 plus the Secretary of the Board President has 2nd vote in case of deadlock (equality of votes).	138

NRA REGULATORS AND STAFF				
Country	NRA	Regulators	Voting procedures	NRA staff
Sweden	STEM	1	1 Energy Markets Inspectorate Chief Executive (or delegated to Head of Unit)	52
Luxembourg	ILR	3	Unanimity	35

2.6. NRA budget

NRA ENERGY REGULATORY BUDGET			
Country	NRA	Budget 2004 in euro	Budget 2005 in euro
Austria	E-Control	8.300.000	9.300.000 (planned)
Belgium	CREG	11.394.762	11.274.138
	VREG	2.500.000	2.500.000
	CWAPE	3.220.000	3.220.000
	BIM	180.000	210.000
Cyprus	CERA	1.500.000	1.600.000
Czech Republic	ERO	3.892.000	3.946.533
Denmark	DERA	3.400.000	4.000.000
Estonia	EMI	320.000	326.000
Finland	EMV	2.400.000	2.700.000
France	CRE	13.850.000	15.520.000
Germany	BNetzA	#N/A	#N/A
Great Britain	Ofgem	53.900.000	52.900.000
Greece	RAE	5.600.000	8.200.000
Hungary	HEO	6.600.000	6.700.000
Iceland	OS	550.000	550.000
Ireland	CER	9.200.000	12.000.000
Italy	AEEG	#N/A	25.000.000
Latvia	PUC	1.837.532	2.149.686
Lithuania	NCC	755.532	894.347
Malta	MRA	360.000	514.000
The Netherlands	Dte	8.500.000	7.000.000
Norway	NVE	2.250.000	2.300.000
Poland	URE/ERO	8.500.000	8.500.000
Portugal	ERSE	7.202.000	7.764.000
Slovak Republic	URSO/ RONI	1.373.000	1.898.000
Slovenia	AGEN-RS	2.250.000	2.420.000
Spain	CNE	20.000.000	21.000.000
Sweden	STEM	3.533.179	7.607.730
Luxembourg	ILR	477.770	#N/A

2.7. NRA budget process

NRA BUDGET PROCESS					
Country	NRA	Budget process established in law	Separate budget	Sector contributions	Annual audits
Austria	E-Control	Yes. Established by federal statute (Sec. 6 of the Energy Regulatory Authorities Act). Budget is only subject to the approval of the Supervisory Board. Minister of Economics and Labour has a right of supervision.	Yes	Cost-oriented fees to be paid by operators of ultra-high voltage grids (electricity) and to the Control Area Managers (gas) in accordance with an ordinance of the Minister of Economics and Labour and after approval of the Supervisory Board.	Yes, in accordance with the Private Companies Act and the Commercial Law Statute; the Federal Financial Supervising Authority (Rechnungshof) may also perform audits.
Belgium	CREG	Yes Budget requires approval by government every year (semi-automatic indexation; full review every four years under zero base budgeting.	Yes	Yes Fees on consumption of electricity and gas plus a specific additional contributions for the granting of permits for new generation and direct lines, as well as mediation fees.	Accounts supervised by external auditor; accounts must also be sent to government and Belgian Court of Auditors
	VREG	Yes Budget fixed annually by the Flemish Government	Yes	No	Yes, Court of Auditors
	CWAPE	Yes	Yes	No	Yes
	BIM	Yes	No	No	No
Cyprus	CERA	Yes	Yes, but subject of approval by the Council of Ministers and the House of Representatives	CERA funds based on licensing fees (set by Government Regulations requiring parliamentary approval). Initial financial assistance was provided by Government.	CERA to prepare annual accounts according to State budget code; accounts audited by the Accountant General of the Republic.

NRA BUDGET PROCESS					
Country	NRA	Budget process established in law	Separate budget	Sector contributions	Annual audits
Czech Republic	ERO	Yes. State Budget Act applies to ERO budget.	No, the budget forms part of state budget (chapter no. 349)	No	Yes
Denmark	DERA	Yes	No, forms part of state budget (budget of the Ministry of Transport of Energy and the Ministry of Economic and Business affairs)	Fees to be paid by monitored and regulated entities (payment via national TSO) are set by Ministerial Order.	Yes
Estonia	EMI	Yes	No, forms part of state budget	No	Yes
Finland	EMV	Yes	No, forms part of state budget	Supervision and licence fees to be paid by electricity and natural gas network operators and the emissions trading actors (majority of EMV funds) are set every year by a decree of the Ministry of Trade and Industry. The fees are based on the proposition made by EMV.	Yes
France	CRE	Yes	No, forms part of state budget	No	Yes
Germany	BNetzA	Yes	No, forms part of state budget	Possible. Federal Government, in agreement with the Upper Chamber of Parliament (Bundesrat), may adopt an Ordinance on contributions by energy network operators. Total energy regulation-related expenditure of the BNetzA minus any administrative fees levied is the starting point for computing contributions. A certain retainer must be deducted	Yes

NRA BUDGET PROCESS					
Country	NRA	Budget process established in law	Separate budget	Sector contributions	Annual audits
				from that amount in order to reflect the authorities' public interest functions, as opposed to activities that solely benefit energy network operators. As a consequence, contributions by energy network operators must not exceed 60% of expenditure.	
Great Britain	Ofgem	Yes	Yes, Ofgem is a separate Government Department with its own Main Estimate which is approved by Parliament each year. Each year the budget and proposed work activities are consulted upon with the energy companies via an annual Corporate Planning exercise. Following this exercise, a budget is then agreed with HM Treasury and, as mentioned above, a Main Estimate is submitted to Parliament for approval.	Yes. Ofgem has issued a Licence Fee Principles document which sets out the methodology for recovering a relevant proportion of its costs from energy companies. The principles document is sent to the energy companies for consultation prior to the formal adoption of the document.	Yes
Greece	RAE	Yes	Yes	Yes Fees paid by undertakings of the energy sector (set by decision of the Minister of Development and the Minister of Economics, following opinion by	Yes

NRA BUDGET PROCESS					
Country	NRA	Budget process established in law	Separate budget	Sector contributions	Annual audits
				RAE) on the basis of sales of electricity, gas and oil products, as well as for the granting, modification and extension of licenses.	
Hungary	HEO	Yes	Yes	Yes, supervision and ad hoc charges set by joint Decree of the Minister of Economy and Transport and the Minister of Finance.	Yes
Iceland	OS	Yes	No	TSO and DSOs to cover the cost of regulatory monitoring (no link with NRA budget).	Yes
Ireland	CER	Yes	Yes, but CER must get the approval of both the Department of Finance and the DCMNR in order to increase staff numbers	Yes, levy on industry participants and licence application fee.	Yes
Italy	AEEG	Yes	Yes	Contributions currently must not exceed 0.1% of a licensee's income for preceding financial year. AEEG proposes the contribution rate on the basis of its approved budget. Ministry of economy and finance sets the contribution rate by Administrative Decree.	Yes
Latvia	PUC	Yes	Yes	Yes PUC budget funded by the state duty paid by the regulated enterprises.	Yes

NRA BUDGET PROCESS					
Country	NRA	Budget process established in law	Separate budget	Sector contributions	Annual audits
				Annual rate set by Cabinet of Ministers must not 0.2% of net turnover generated by public services provided.	
Lithuania	NCC	Yes	No	No	Yes
Malta	MRA	Yes	Yes	Yes (230.000 € electricity licence fee charged to Enemalta)	Yes
The Netherlands	Dte	Yes	Yes, part of the overall budget of the Netherlands Competition Authority	Yes. For specific tasks, the cost incurred by DTe is recovered from energy companies. Billing is done by DTe but funds go to the ministry of Economic Affairs.	Yes
Norway	NVE	Yes	No	No	Yes
Poland	URE/ERO	Yes	No	No	Yes
Portugal	ERSE	Yes	Yes, budget is considered by Statutory Auditor as well as Consultative Committee and approved by Minister of Economy	No. Transmission System licence holders REN and Transgás fund ERSE budget by contributions, but recover amount via tariffs (cost pass-through).	Yes
Slovak Republic	URSO/ RONI	Yes	No, forms part of state budget	No	Yes
Slovenia	AGEN-RS	Yes	Yes	Yes (contributions computed as a fraction of network charges, to be determined by the Government on an annual basis)	Yes

NRA BUDGET PROCESS					
Country	NRA	Budget process established in law	Separate budget	Sector contributions	Annual audits
Spain	CNE	Yes	<p>Yes</p> <p>Governmental bodies (e.g., Council of Ministers, Ministries, Parliament) do not directly have a say with respect to the manner in which these funds are used, although the CNE Annual Programme is drafted by the CNE and the Ministry of Industry.</p> <p>In addition, financial supervision of the CNE accounts by the State Controller Office or the National Auditing Office.</p> <p>CNE must seek approval for the budget only from the Parliament when attached to the State General Budget</p>	The fees actually have the consideration of a tax and have been defined by law by the General Administration.	Yes
Sweden	STEM	Yes	Yes (Government decides on budget size, but not on allocations)	No	Yes
Luxembourg	ILR	Yes	Yes	Yes, levies on regulated companies set by Grand-Ducal decree	Yes

2.8. NRA enforcement powers

NRA ENFORCEMENT POWERS							
Country	NRA	Power to issue a public letter to the chief executive condemning violations by the undertaking	Power to publish comparative reports demonstrating insufficient performance by network company concerned	Fines against sector participants for failure to comply with license requirements and secondary legislation	Power to revise tariffs or reduce rates of return in response to violations	Power to skim-off additional proceeds	Power to revoke licence
Austria	E-Control	No	No	No	No	No	No
Belgium	CREG	Yes (not practised)	Yes	Yes	No	Yes	No
	VREG	Yes	Yes	Yes	No	No	Yes
	CWAPE	Yes	No	Yes	No	No	No (but may advise the Minister to do so)
	BIM	Yes	No	Yes	No	No	No
Cyprus	CERA	No	Not applicable	Yes (fines from 1700 euro to 10% of annual operator income).	No	Yes	Yes
Czech Republic	ERO	No	No	Yes	Yes	No	Yes
Denmark	DERA	No	No	No	Yes	No	No
Estonia	EMI	Yes	Yes	Yes	Yes	Yes	Yes
Finland	EMV	No	Yes. EMV has a power to publish all information that is not operational or business secret.	Yes	Yes. Based on Electricity and Natural Gas Market Act, EMV shall by its decision oblige the network operator to reduce its service fees by the	No	Yes

NRA ENFORCEMENT POWERS							
Country	NRA	Power to issue a public letter to the chief executive condemning violations by the undertaking	Power to publish comparative reports demonstrating insufficient performance by network company concerned	Fines against sector participants for failure to comply with license requirements and secondary legislation	Power to revise tariffs or reduce rates of return in response to violations	Power to skim-off additional proceeds	Power to revoke licence
					amount by which the return on the system operation has exceeded the reasonable return.		
France	CRE	No	No	Yes. Sanctions linked to violation of network access or accounting unbundling rules or CRE decisions, or non-compliance with CRE dispute settlement decisions may include financial penalty up to 3% of the sales (increased to 5% in the event of recidivism).	No	No	No, but sanctions outlined above may include a ban on accessing the electricity or natural gas systems or installations for maximum of one year.
Germany	BNetzA	No	No	Yes. Power to impose administrative fines from 1000 euro to 10m euro, in special cases	No	Yes	No (licensing of network operations is a competence of regional authorities)

NRA ENFORCEMENT POWERS							
Country	NRA	Power to issue a public letter to the chief executive condemning violations by the undertaking	Power to publish comparative reports demonstrating insufficient performance by network company concerned	Fines against sector participants for failure to comply with license requirements and secondary legislation	Power to revise tariffs or reduce rates of return in response to violations	Power to skim-off additional proceeds	Power to revoke licence
				up to a threefold of the additional proceeds obtained as a result of the violation.			
Great Britain	Ofgem		Yes. In principle the Authority is able to publish information to promote the interests of consumers. With this in mind the Authority has published information regarding industry conduct to highlight general concerns, in circumstances where such conduct does not constitute a breach of a licence condition or a provision of primary legislation.	Yes. The Authority is able to impose financial penalties of up to 10% of a licence holder's turnover for a breach of a licence condition or certain provisions of primary legislation.			Yes. Where consent is not given by the licence holder(s) concerned, the Authority has the power to make a reference to the Competition Commission for an inquiry into whether matters relating to licenced activities operate against the public interest and, if so, whether these effects would be remedied by a modification to the standard licence conditions.

NRA ENFORCEMENT POWERS							
Country	NRA	Power to issue a public letter to the chief executive condemning violations by the undertaking	Power to publish comparative reports demonstrating insufficient performance by network company concerned	Fines against sector participants for failure to comply with license requirements and secondary legislation	Power to revise tariffs or reduce rates of return in response to violations	Power to skim-off additional proceeds	Power to revoke licence
Greece	RAE	No	No	Yes	No	No	No. RAE may give opinion on the revocation, suspension or modification of licenses to Minister of Development.
Hungary	HEO	Yes	Yes, a benchmark report is published every year on sufficient and insufficient performances of network and public supply companies respectively.	Yes. HEO may impose an administrative fine of up to 400,000 euro against sector participants for failure to comply with licence requirements and legislation.	Yes. HEO may impose a tariff reduction for consumers could be if the supply quality is less than prescribed level in form of in tariff reduction for consumers maximum 3% of income.	Yes	Yes
Iceland	OS	Yes	Yes	Yes	Yes	No	No
Ireland	CER	No	Yes	No	Yes	No	Yes
Italy	AEEG	No	Yes, while respecting confidentiality	Yes	Yes	No	Yes
Latvia	PUC	No	No	Yes	No	No	Yes
Lithuania	NCC	Yes	Yes	Yes	No	Yes	Yes
Malta	MRA	No	Not applicable	Yes (propose criminal investigation, fines by Court)	No	No	Yes

NRA ENFORCEMENT POWERS							
Country	NRA	Power to issue a public letter to the chief executive condemning violations by the undertaking	Power to publish comparative reports demonstrating insufficient performance by network company concerned	Fines against sector participants for failure to comply with license requirements and secondary legislation	Power to revise tariffs or reduce rates of return in response to violations	Power to skim-off additional proceeds	Power to revoke licence
The Netherlands	Dte	Yes	Yes	Yes	Yes	Preventing cross-subsidies through checks and by adjusting tariffs and by means of fine. In determining magnitude of fine the magnitude of the advantages obtained can be taken into consideration.	Yes
Norway	NVE	Yes	Yes	Yes	No	Yes	Yes
Poland	URE/ERO	No	No	Yes	No	No	Yes
Portugal	ERSE	Yes	Yes	Yes	No	Yes	No. However, ERSE may propose to the competent body suspension of the license.
Slovak Republic	URSO/ RONI	Yes	Yes	Yes	Yes	Yes	Yes
Slovenia	AGEN-RS	No	Yes (comparative reports on network companies in Annual Report)	No	Yes	No	Yes

NRA ENFORCEMENT POWERS							
Country	NRA	Power to issue a public letter to the chief executive condemning violations by the undertaking	Power to publish comparative reports demonstrating insufficient performance by network company concerned	Fines against sector participants for failure to comply with license requirements and secondary legislation	Power to revise tariffs or reduce rates of return in response to violations	Power to skim-off additional proceeds	Power to revoke licence
Spain	CNE	No	No	No (CNE may however propose such fines to the Minister)	No (CNE may however propose to the Minister to revise tariffs.)	No (CNE may however propose to the Minister to skim off additional proceeds obtained as a result of violations)	No (CNE may however propose to revoke, suspend or modify licenses)
Sweden	STEM	Not applicable	Yes	Yes	Yes, ex-post regulation of tariffs is applied by use of the network performance model	No	No
Luxembourg	ILR	Yes	No	Yes	No	No	No

2.9. Appeal process

APPEALS				
Country	NRA	1st instance	2nd instance	Appeal time-limit
Austria	E-Control	E-Control Corp.: to E-Control Comm.; E-Control Comm.: to Federal Supreme Administrative Court and Constitutional Court.	Not applicable	E-Control Corp.: 14 days E-Control Comm.: 6 weeks
Belgium	CREG	At present: Supreme Administrative Court (Conseil d'Etat) In future (Electricity law amendment of 27 July 2005): Appeal before Brussels Civil Court (Cour d'Appel de Bruxelles), or the Competition Authority (Conseil de la concurrence). Council of Ministers may suspend CREG's tariff decisions within 30 days where such decisions contravene the law, infringe the public interest or run contrary to the national energy policy. CREG to modify decision in line with Government position within 15 days.	Not applicable	Civil court: 30 days Competition authority: according to general competition law
	VREG	Administrative court and Court of First Instance, in special cases the Minister for Energy	Not applicable	60 days
	CWAPE	Supreme Administrative Court (Conseil d'Etat)	Not applicable	60 days
	BIM	Not applicable	Not applicable	Not applicable
Cyprus	CERA	Supreme Court	Not applicable	30 days
Czech Republic	ERO	Decisions of ERO sections: to Head of ERO Head of ERO decisions: to the Court	Civil administrative tribunal	Head of ERO decisions: 2 months

APPEALS				
Country	NRA	1st instance	2nd instance	Appeal time-limit
Denmark	DERA	Energy Board of Appeal	County Court, High Court, Supreme Court	No automatic suspensive effect; DERA itself may decide to suspend decision.
Estonia	EMI	Administrative Court	Regional court, Supreme Court	30 days
Finland	EMV	Market Court (market supervision issues) or Administrative Courts (licence issues)	Supreme Administrative Court	30 days
France	CRE	Dispute settlement decisions: Paris Appeal Court Sanctions decisions: State Council as single instance.	Dispute settlement decisions: Cassation court	Dispute settlement decisions: 1 month Sanctions decisions: 2 months
Germany	BNetzA	District Civil Court in Düsseldorf (no prior internal review of the decision within the NRA).	Federal Court of Justice	1 month
Great Britain	Ofgem	1) Competition Act decisions: appeal to Competition Appeal Tribunal (the CAT). 2) Decision for market investigation reference to Competition Commission (CC): appeal to CAT. 3) Ofgem decision as to whether to give or refuse its consent to a modification to certain industry codes: appeal to Competition Commission. 4) Ofgem decisions: Judicial review to a Court on certain grounds only 5) Licence Condition modifications: appeal to Competition Commission	See previous answer	CAT: 2 months CC: 15 working days Judicial review: 3 months
Greece	RAE	Athens Administrative Court of Appeals (only for RAE decisions, not opinions)	Council of State	30 days
Hungary	HEO	Capital Court of Justice		30 days

APPEALS				
Country	NRA	1st instance	2nd instance	Appeal time-limit
Iceland	OS	Appeals Committee on Electricity	Not applicable	30 days
Ireland	CER	Ministry Appeal Panel or Judicial Review before the Superior Court	Judicial Review	Ministry Appeal Panel: 28 days Judicial review: 2 months
Italy	AEEG	Regional Administrative Court of Lombardy	Council of State (Supreme Administrative Court)	60 days from publication of the decision.
Latvia	PUC	Administrative District Court	Administrative Regional Court, The Supreme Court	30 days
Lithuania	NCC	Yes. To the courts. The Chief Administrative Disputes Commission, administrative courts.	Yes. To the courts. The Chief Administrative Disputes Commission, administrative courts.	20 days
Malta	MRA	Resources Appeals Board	Court of Appeal	RAB: no time-limit set Court of Appeal: 30 days
The Netherlands	Dte	Lodge an objection to the Nma (the Dutch Competition Authority)	Dependent on type of decision. In the event of a fine: the court of Rotterdam, then College van Beroep voor het Bedrijfsleven (CBB: Trade and Industry Appeals Tribunal). With other matters, only CBB.	6 weeks
Norway	NVE	NVE internal review based on complaint under the Public Administration Act A complaint can also always be brought into Court.	If the regulator doesn't intend to support the complaint, the complaint will be sent to the Ministry of Petroleum and Energy. The Ministry has the authority to make the final decision.	Appeals to NVE: 3 weeks
Poland	URE/ERO	District Court in Warsaw – Competition and Consumer Protection Court	Appeal court In addition, exceptionally the decision of the second instance (appeal) court can be appealed by filing a final appeal with the Supreme Court.	2 weeks
Portugal	ERSE	Administrative courts		3 months

APPEALS				
Country	NRA	1st instance	2nd instance	Appeal time-limit
Slovak Republic	URSO/ RONI	Internal review by authorized NRA department (electricity, gas, water, heat, supervision) Pricing decisions: Internal review by the Chairman	Appeal to the Regulatory Council; final instance: the Court.	15 days
Slovenia	AGEN-RS	Ministry (for Agency decisions except connection decisions (which cannot be appealed). Administrative dispute before the Administrative Court.	Not applicable	Appeal to Ministry: 15 days Administrative dispute: 30 days.
Spain	CNE	Minister of Industry (most CNE decisions) Administration Court (some CNE decisions)	Not applicable	1 or 3 months (depending on the case)
Sweden	STEM	Appeal to County Administrative Court (except appeals on decisions regarding local /regional distribution concessions: appeal to Government)	Administrative Court of Appeal of Stockholm. 3rd instance: Supreme Administrative Court	3 weeks
Luxembourg	ILR	Tribunal administratif	Not applicable	3 months

APPEALS				
Country	NRA	Suspensive effect of appeal	Scope of appeal	Appeal statistics
Austria	E-Control	Suspensive effect, except for special circumstances (public interest).	Full review of E-Control Corp. decisions	5-10%
Belgium	CREG	No	Civil court: full review of CREG's decisions ("de pleine juridiction")	Almost all tariff decisions have been appealed Supreme Administrative Court so far.
	VREG	Depends on the instance	Depends on the instance (full review or procedural review only)	Not applicable
	CWAPE	No	Judicial review	Appeals have been filed against 2 CWAPE decisions.
	BIM	Not applicable	Not applicable	Not applicable
Cyprus	CERA	No suspensive effect	Review of errors of fact and procedure Supreme Court may replace CERA decision	Not applicable
Czech Republic	ERO	No automatic suspensive effect, Appeal Court may suspend decision	Errors of fact as well as of procedure. Appeal Court may replace ERO decisions only in case of dispute resolution.	10%
Denmark	DERA	No suspensive effect. Only DERA itself can decide that a decision should not remain in effect pending appeal.	Errors of fact and procedure as well as the compliance of the decision with the legal basis. Energy Board of Appeal may issue new decision of its own.	During the period 2001-2004 a total of 227 decisions taken by DERA have been appealed. During the same period DERA has taken 3424 decisions (of which 3218 were taken by the secretariat and 206 by the Authority).
Estonia	EMI	No suspensive effect	Errors of fact as well as of procedure. Appeal Court may not replace EMI decision, but revoke it.	2-3%
Finland	EMV	No automatic suspensive effect, except for EMV decisions on refund to an individual customer of a fee incorrectly charged or penalties.	Errors of fact as well as of procedure. Appeal Court may replace EMV decision or return it back for re-examination.	Network pricing (1995-2004): 10 of 11 decisions appealed, 9 upheld; (2004-2005): 77 of 105 elt. nw. pricing pricing appealed; no appeals on elt. connection and gas network. pricing.

APPEALS				
Country	NRA	Suspensive effect of appeal	Scope of appeal	Appeal statistics
		However, Market Court and Administrative Courts may suspend EMV decisions.		
France	CRE	No suspensive effect	Dispute resolute before the Paris Appeal Court: Errors of fact as well as of procedure. Court may revoke CRE decision.	10%
Germany	BNetzA	No suspensive effect. However, the District Civil Court may issue an interim injunction against the decision.	Errors of fact and procedure in the first instance. In the second instance, review in general only covers points of law.	Not available
Great Britain	Ofgem	CAT: no suspensive effect, unless CAT gives a direction to the contrary in the case of a decision to make a market reference to the CC, or where decision is regarding imposition or the amount of a fine. CC: Where permission has been granted by the CC to bring an appeal against a decision to give a consent, a direction may be given by the CC that, pending the determination of the appeal, the consent is not to have effect or the consent is not to have effect to such extent as may be specified in the direction. An application must be made for such a direction. Judicial review: no suspensive effect	CAT: Appeal of a Competition Act decision (including the appeal of a penalty decision): Review on matter of law or fact. Appeal of a decision to make a market reference to the CC: CAT to apply the same principles as would be applied by a court in the case of JR (see below). CC: CC to consider whether the decision was wrong in fact, law, or whether Ofgem failed to have the appropriate regard to certain matters. Judicial review: review of 'illegality', 'irrationality', and 'procedural impropriety'	Not available
Greece	RAE	No suspensive effect	Errors of fact and procedure	3 appeals against sanctions imposed on PPC
Hungary	HEO	No suspensive effect (from 1 Nov 2005 onwards).	Capital Court of Justice reviews both errors of fact and procedure, but may change regulatory decisions only on points of law.	8,3%

APPEALS				
Country	NRA	Suspensive effect of appeal	Scope of appeal	Appeal statistics
Iceland	OS	No suspensive effect	Errors of fact as well as of procedure. Court may replace OS decision.	1 out of 3 decisions appealed since mid-2003.
Ireland	CER	Effect of appeal not yet decided (no appeals to date).	Scope of review not yet decided (no appeals to date). Appeal body may replace CER decision with a decision of its own.	No appeals to date
Italy	AEEG	Depends on case by case Court determination.	Mainly errors of procedure/points of law, eventually also errors of fact.	167 appealed (out of 1817 adopted) 13 totally annulled, 8 partially annulled (from 1997 to 2005)
Latvia	PUC	Suspensive effect. Exception: tariff cases	Full review of PUC decisions	6 appeals (in 2004-2005)
Lithuania	NCC	No automatic suspensive effect, but Court may suspend.	Errors of procedure only	About 10 percent of decisions have been appealed; major part of decisions have been accepted without appeal.
Malta	MRA	No automatic suspensive effect, but Court may suspend.	RAB: Review of errors of fact and procedure Court of Appeals: point of law only	3 out of 7 MRA decisions appealed in 2002-June 2005.
The Netherlands	Dte	No suspensive effect	Scope with objection is ex nunc, with appeal ex tunc.	98 objections completed in 2004, 26 appeals completed in 2004 (Source: Dte-Nma Annual report 2004).
Norway	NVE	No automatic suspensive effect, but NVE may suspend.	Review of errors of fact and procedure by the Ministry. Review by Court only on regarding legal basis, both for individual decisions and provisions in a regulation.	Tariffs and network access decisions: 30%. In all but a few cases the Ministry has confirmed the NVE decision.

APPEALS				
Country	NRA	Suspensive effect of appeal	Scope of appeal	Appeal statistics
Poland	URE/ERO	Suspensive effect, unless the President of ERO has issued a decision with immediate effect. However, the Competition and Consumer Protection Court may, upon request by the appealing party, suspend the execution of the decision.	Competition and Consumer Protection Court assesses ERO President decision in the light of the provisions of both substantive law and the CAP. In the event the appeal is found justified, the Competition and Consumer Protection Court is rescinding or changing all or part of the appealed decisions and makes a judgment on the essence of the matter.	125 out of 8279 decisions issued in 2004 by the President of ERO were appealed to the Competition and Consumer Protection Court
Portugal	ERSE	No suspensive effect	Legality and the lawfulness of an act. The appeal body does not have the competence to replace ERSE's decision with a decision of its own.	No appeals
Slovak Republic	URSO/ RONI	No suspensive effect	Review of errors of fact and procedure by the Regulatory Council, may replace decision.	13 appeals against internal review decisions. Regulatory Council rejected 8 appeals and confirmed first instance decisions, 3 appeals resulted in relevant changes in a first instance decision and 1 appeal lead to cancellation of a first instance decision and its return, thus initiating new proceedings. In one case the proceeding was suspended, as a party to administrative proceeding withdrew its appeal.
Slovenia	AGEN-RS	No suspensive effect	Review of errors of fact and procedure by the Ministry, may revoke but not replace decision.	1 appeal of network access decision was taken to Court, which ruled in favor of the Agency. This ruling has been appealed again and is pending a decision.
Spain	CNE	No suspensive effect as a general rule	Errors of fact and procedure	Several decisions have been appealed.

APPEALS				
Country	NRA	Suspensive effect of appeal	Scope of appeal	Appeal statistics
Sweden	STEM	No suspensive effect, except for EMI connection tariff decisions (since 1 July 2005).	Review of errors of fact and procedure by the Courts, may replace decision. 2nd and 3rd instance first decide on whether to hear case at all, then may look at merits of the case.	Complete appeal statistics not available; connection fee decisions: rate of appeals are fairly high but this varies over time. At present it is high due to a large number of cases dealing with connection of the power to 3G-antennas. The rate of appeals regarding concessions are low.
Luxembourg	ILR	No suspensive effect	Error of fact or procedure ILR decisions can be cancelled but not modified	2 appeals on compensation fund pending.

2.10. Appointment of regulators

APPOINTMENT				
Country	NRA	Appointment power	Appointment criteria	Restrictions on previous energy industry employment
Austria	E-Control	E-Control Corp. CEO: Minister of Economics and Labor E-Control Comm. members: Federal Government	E-Control Corporation: no written criteria E-Control Comm.: 1 member from judiciary, 1 member with technical and 1 member with legal and economic expertise	No restriction on previous employment in electricity and gas industry E-Control Comm.: no Government members, no persons legally or otherwise connected to persons availing themselves of any of the services of E-Control Comm., no persons who are not eligible to the National Council.
Belgium	CREG	Council of Ministers	Expertise, especially in areas of the Directorate of which they are in charge	No
	VREG	Flemish Government	Set by the Flemish Government	No restriction on previous employment in electricity and gas industry However, incompatibility rules for members of Government, MPs, any persons legally or otherwise connected to persons availing themselves of any of the services of VREG.
	CWAPE	Walloon Government	Not applicable	No restriction on previous employment in electricity and gas industry However, incompatibility rules for members of Government, members of Federal, Regional, Community or European parliaments, or members of the Board of Administration of an association of "communes" (local administrative divisions of Belgium: towns or cities) involved in energy distribution.
	BIM	Not applicable	Not applicable	Not applicable

APPOINTMENT				
Country	NRA	Appointment power	Appointment criteria	Restrictions on previous energy industry employment
Cyprus	CERA	Council of Ministers	High professional and social standing, wide experience and knowledge, demonstrated ability in industry, engineering, commerce or law	No
Czech Republic	ERO	Ministry of Industry and Trade/Government	No written appointment criteria	No restriction on previous employment in electricity and gas industry
Denmark	DERA	Minister of Transport and Energy	Independence of energy sector actors Professional skills on law, economy, technique, environment, business and energy consumers. Below 70 years of age	No restriction on previous employment in electricity and gas industry
Estonia	EMI	Director General: Minister of Economic Affairs and Communications on recommendation by the Competition and Evaluation Committee of Higher State Public Servants Deputy Director General: Director General on recommendation by the Committee	Experience	No restriction on previous employment in electricity and gas industry
Finland	EMV	Council of State on proposal of Ministry of Trade and Industry	Masters degree and experience (acquaintance with energy sector, leadership in practice)	No restriction on previous employment in electricity and gas industry
France	CRE	2 Commission members appointed by the President, other 5 members appointed by the Presidents of the National Assembly (2), Senat (2) and Economic and Social Council (1).	Qualifications in legal, economic and technical fields	No restriction on previous employment in electricity and gas industry

APPOINTMENT				
Country	NRA	Appointment power	Appointment criteria	Restrictions on previous energy industry employment
Germany	BNetzA	Appointment by the Federal President on nomination by the Federal Government on proposal of the Agency's Advisory Council	No written appointment criteria In practice, President and VPs appointed to reflect proportional representation of major political parties	No restriction on previous employment in electricity and gas industry
Great Britain	Ofgem	Gas and Electricity Markets Authority Chairman: Secretary of State for Trade and Industry Gas and Electricity Markets Authority members: same, following consultation with the Chairman	No written appointment criteria; in practice skills, seniority and experience	No restriction on previous employment in electricity and gas industry
Greece	RAE	Until July 2005: RAE President and VP by Minister on opinion of the competent Parliamentary Committee. Other RAE Board members (3) appointed by Minister of Development following tender; Since July 2005: RAE President and 2 VPs appointed by Cabinet of Ministers on proposal by Minister of Development and opinion of the competent Parliamentary Committee Other RAE Board members (4) by Minister of Development	Scientific authority, professional competence and experience in the energy sector	No restriction on previous employment in electricity and gas industry
Hungary	HEO	HEO President and VP by Prime Minister on proposal by Minister of Economy	No written appointment criteria, in practice experience, clean record, Hungarian citizenship	No restriction on previous employment in electricity and gas industry
Iceland	OS	Minister of Industry and Commerce	Above 18 years of age, fitness for employment, Icelandic citizenship; education, financial independence	No restriction on previous employment in electricity and gas industry
Ireland	CER	Minister for Communications, Marine and Natural Resources (with Finance Minister's consent)	No written appointment criteria	No restriction on previous employment in electricity and gas industry

APPOINTMENT				
Country	NRA	Appointment power	Appointment criteria	Restrictions on previous energy industry employment
Italy	AEEG	President of the Republic on proposal by Minister of Industry, following approval by Council of Ministries and competent Parliamentary committee (2/3 majority of members required)	Qualification, experience	No restrictions on regulators having previously worked in industry.
Latvia	PUC	Parliament on proposal of special commission	No written appointment criteria. However, there are criteria precluding appointment set by law	No restriction on previous employment in electricity and gas industry
Lithuania	NCC	President of Lithuania	High moral character; Lithuanian citizenship, university degree	No restriction on previous employment in electricity and gas industry
Malta	MRA	Minister for Ressources	Incompatibilities: No parallel employment as Minister, Parliamentary Secretary, MP or judge	No, but disqualification if financial or other interests in any enterprise or activity is likely to affect the discharge of functions as a member of the Authority.
The Netherlands	Dte	Minister of Economic Affairs	No written appointment criteria	Yes, restrictions on activities that prevent proper and independent carrying out of tasks.
Norway	NVE	Minister of Petroleum and Energy	Education, professional experience, to be defined by the Ministry	No
Poland	URE/ERO	Prime Minister on proposal by Minister of Economy	No written appointment criteria	No restriction on previous employment in electricity and gas industry
Portugal	ERSE	Council of Ministers on proposal by Minister of Economy	Recognised technical and professional competence	No previous employment in electricity and gas industry in board or Mnagerial position less than 2 years ago

APPOINTMENT				
Country	NRA	Appointment power	Appointment criteria	Restrictions on previous energy industry employment
Slovak Republic	URSO/ RONI	3 Regulatory Council members appointed by President of the Slovak Republic on proposal by Parliament; 3 other members on proposal by Government (at least 2 candidates for each position required)	Slovak nationality, university education, 10 years professional experience, thereof 5 years in managing position, full legal capacity, no criminal offence conviction	No restriction on previous employment in electricity and gas industry - incompatibilities: Current employment as Parliament or (local) Government member, business activity, membership in management, supervisory and controlling bodies of private enterprises.
Slovenia	AGEN-RS	Government on proposal by Minister of Economy	University degree in related field (technical, law, economics); energy expert, Slovenian citizenship, 10 years professional experience	No. Only general conditions on employment in Slovenia apply
Spain	CNE	Government on proposal by Minister of Industry	Acknowledged professional and technical abilities	No restriction on previous employment in electricity and gas industry
Sweden	STEM	Energy Markets Inspectorate Chief Executive: Government	No written appointment criteria for Chief Executive apart from the general criteria applicable to state officials	No written restrictions for appointing the Chief Executive; in practice Government takes previous employment into account.
Luxembourg	ILR	Grand-Duc on proposal of Government	Independence from regulated sectors	No restriction on previous employment in electricity and gas industry

APPOINTMENT						
Country	NRA	Mandate	Staggered terms	Re-appointment possible	Removal powers	Removal for cause only
Austria	E-Control	5 years for both E-Control Corp. CEO and E-Control Comm. Members	No	Yes. No limitation on the number of consecutive terms a regulator may serve; no renewal so far.	E-Control Corp. CEO: 5 years contract Prior removal by the Minister of Economics and Labour only where Director fails to comply with written instructions of the Minister. E-Control Comm members: 5 years Prior removal by other Comm. members where a member fails to comply with invitation to 3 successive meetings without reasonable excuse; or where member becomes ineligible to hold office	Yes (Energy Act requirement)
Belgium	CREG	6 years	Yes Initially, 2 of the 6 Commission members were nominated for three years.	No limitation on the number of consecutive terms a regulator may serve. So far, the 2 regulators whose initial term was 3 years, have been re-appointed.	Regulators cannot be removed during term of office.	Regulators cannot be removed during term of office.
	VREG	6 years	Not applicable	Yes, for a new term of 6 years	Flemish Government	Not applicable
	CWAPE	5 years	No	Yes	No limit	Not applicable
	BIM	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Cyprus	CERA	6 years	No	Yes. 2 consecutive terms possible (not practised so far)	Council of Ministers	Yes (Electricity Market Regulatory Law requirement)

APPOINTMENT						
Country	NRA	Mandate	Staggered terms	Re-appointment possible	Removal powers	Removal for cause only
Czech Republic	ERO	Chairman: 5 years	Not applicable	Yes. An extension of the terms of the Chairman is possible, no conditions specified by law. No experience so far	ERO Chairman: Court of Justice or Government. Vice-chairman may be removed by the Chairman.	Yes. The Chairman may be removed at his own request; due to long lasting sickness; judgment of Court of Justice about his person or by the Government provided that an important cause is shown.
Denmark	DERA	4 years for all	No	Yes – limited experience. The group of regulators is only on second term (2003-2007). 4 of 7 were renewed – the 3 being not renewed for different reasons (e.g. age).	Regulators cannot be removed during term of office. A regulator might himself apply for leaving DERA.	Not applicable
Estonia	EMI	Indefinite term for both Director and Deputy director (may serve until retirement).	Not applicable	Not applicable	Minister of Economic Affairs and Communications	Yes (Public Service Act requirement)
Finland	EMV	Indefinite term for Director	Not applicable	Not applicable	EMV: Director: Ministry of Trade and Industry	Yes (Act on Government Officials requirement)
France	CRE	6 years	Yes. At the beginning, the CRE has been renewed in thirds, a random selection mechanism being used to	Not foreseen under the law. In practice, re-appointment happened only once. Initially, the two members selected for two	Commission members cannot be dismissed, except by forced resignation restricted to violation of incompatibility rules; to be	Yes

APPOINTMENT						
Country	NRA	Mandate	Staggered terms	Re-appointment possible	Removal powers	Removal for cause only
			set 2-year and 4-year terms of office for 4 of the commission members nominated.	years have been renewed.	confirmed by the minister in charge of energy following opinion by the Commission.	
Germany	BNetzA	5 years	No	Yes. An extension of the terms of the President and the Vice-Presidents is possible, no conditions specified by law. In practice, Mr Kurth's term of office has been extended by one year.	President and VPs may be removed at own request, or by the Federal Government at the request of the Federal Ministry of Economics and Labour following consultation of the Advisory Council.	Yes (Energy Industry Act requirement)
Great Britain	Ofgem	Chairman: normally 5 years External Authority members (the Non-Executive Directors): normally 3 years Chief Executive and (currently 3) Managing Directors as they hold their Ofgem appointments in these positions.	Yes – and especially on re-appointment – to help to ensure continuity of expertise.	Yes. External Authority members may be re-appointed for a total period of service not exceeding 5 years; in fact, most external members have 5 years.	Secretary of State	Yes (Utilities Act 2000 requirement)
Greece	RAE	5 years	Yes. Initial terms of RAE Board members were staggered: 5 years for the President and VP, 4 years	Yes. 2 consecutive terms possible (not practised so far)	Regulator is dismissed ipso facto in case of irrevocable conviction for an offence which constitutes a bar to appointment or which calls for the	Yes

APPOINTMENT						
Country	NRA	Mandate	Staggered terms	Re-appointment possible	Removal powers	Removal for cause only
			for two members and 3 years for the fifth member.		dismissal of a civil servant, in accordance with the Civil Service Code.	
Hungary	HEO	6 years	No	Yes. Re-appointment is possible (no clear provisions in the law)	President and VP may be dismissed by the Prime Minister	Yes
Iceland	OS	Director General: 5 years	Not applicable	Yes	Minister of Industry and Commerce	Yes (Government Employee Act requirement)
Ireland	CER	Between 3 and 7 years	No	Yes. Re-appointment possible, limited to a total of 10 years (practised once)	Minister for Public Enterprise Trade and Employment.	Yes (Schedule to the Electricity Regulation Act 1999 requirement)
Italy	AEEG	7 years	No	No	Official Court for specific public or private responsibilities.	Yes
Latvia	PUC	5 years	No	Yes	Parliament	Yes (Law on Regulators of Public Services)
Lithuania	NCC	5 years	Yes	Yes. Re-appointment is possible, no explicit rules on how many consecutive terms may regulator serve. Chairman and two commissioners were appointed for a second time.	President of Lithuania	Yes
Malta	MRA	Between 1 and 3 years (but regulators expected to offer	No	Yes. Re-appointment is possible and has been practised	Minister for Ressources	Yes

APPOINTMENT						
Country	NRA	Mandate	Staggered terms	Re-appointment possible	Removal powers	Removal for cause only
		resignation on appointment of a new Minister).				
The Netherlands	Dte	6 years for chairman, 4 years for other two board members.	No	Yes, for a maximum of 4 years	Minister of Economic Affairs	Unsuitability of incompetence or other reasons with major cause.
Norway	NVE	6 years	Not applicable	Yes. NVE Director General may serve 2 consecutive terms; he is in practice in his second term.	Director General: Minister of Petroleum and Energy	Yes (follows rules on removal of state officials)
Poland	URE/ERO	5 years	Not applicable	Yes. Re-appointment possible (no restrictions by law); in practice, Mr Juchniewicz was re-appointed for a second consecutive term of 5 years in 2002 .	Prime Minister	Yes (Energy Act requirement)
Portugal	ERSE	5 years	Yes	Yes. Directors may serve two consecutive terms; in practice, all members' terms have been renewed once.	Council of Ministers	Yes (ERSE Statutes requirement)
Slovak Republic	URSO/ RONI	6 years	Yes, every 2 years the Regulatory Council replaces one third of its members.	Yes. Re-appointment possible (not practised so far)	President of the Slovak Republic	Yes
Slovenia	AGEN-RS	5 years	Not applicable	Yes (in practice, initial terms have not yet ended)	Government	Yes

APPOINTMENT						
Country	NRA	Mandate	Staggered terms	Re-appointment possible	Removal powers	Removal for cause only
Spain	CNE	6 years	Yes	Yes, happened twice	Government	Yes
Sweden	STEM	6 years at present	Not applicable	Yes. No written restrictions on re-appointment. In practice, Chief Executive mandate renewed once by another 3 years (6 + 3 years).	No removal during Chief Executive term	Not applicable
Luxembourg	ILR	5 years	No	Yes. Re-appointment possible (limited by pension age of 65), practised once	Grand-Duc on proposal of Government	Not defined

2.11. Staff recruitment

STAFF EMPLOYMENT					
Country	NRA	Recruitment criteria	Recruitment procedure	Recruitment powers	Staff removal powers
Austria	E-Control	Experience in the energy sector or in any other regulatory authority.	Recruitment agents, advertisements	E-Control Corp. CEO in agreement with the head of departments	E-Control Corp. CEO in agreement with the head of departments
Belgium	CREG	Skills, qualifications and aptitude, depending on the vacancy	Notice on CREG website, advertisements, recruitments agents and aptitude tests	Management Board of CREG, on proposal of competent manager	Management Board of CREG
	VREG	Skill and qualifications	Notice on website and advertisements	President and the other three regulators	President and the other three regulators
	CWAPE	Based on position	Recruitment agents	Board of Auditors	Board of Auditors
	BIM	Experience, creativity, languages proficiency	Via Human Resources service of BIM	Regional Minister in charge of Energy	Regional Minister in charge of Energy
Cyprus	CERA	Public authorities recruitment criteria: skill, qualifications, aptitude, etc.	Notice on CERA website, advertisements	Authority	Authority
Czech Republic	ERO	Skills, qualifications and aptitude	Notice on ERU website, advertisements	Relevant head of department	Relevant head of department after consultation of management
Denmark	DERA	Civil service recruitment criteria (focus on economic and legal skills)	Advertisement	Danish Competition Authority	Danish Competition Authority
Estonia	EMI	Mainly experience	Public tendering	Director General, or the Deputy Director of the regulatory authority	Director General, or the Deputy Director of the regulatory authority
Finland	EMV	Skill and qualifications	Notice on EMV website, advertisements, recruitments agents and aptitude tests	EMV Director	EMV Director

STAFF EMPLOYMENT					
Country	NRA	Recruitment criteria	Recruitment procedure	Recruitment powers	Staff removal powers
France	CRE	The CRE can employ civil servants who are assigned or seconded to it, under the same conditions as the minister in charge of energy, or can recruit personnel on contract.	The CRE can employ civil servants who are assigned or seconded to it, under the same conditions as the minister in charge of energy, or can recruit personnel on contract.	Chairman	Chairman
Germany	BNetzA	Civil service recruitment criteria (skills, qualifications, aptitude, and seniority)	Notice on BNetzA website, advertisements	Federal Network Agency President	Federal Network Agency President
Great Britain	Ofgem	Depend on position, competency- and skill-based	Recruitment consultants, prior internal and civil service-wide notice	Head of Human Resources on recommendation by the Recruitment board chairman (chair is always from HR); recruitment process is subject to internal and external audit	Panel chaired by an HR member to recommend penalty, including dismissal, to be approved by Head of HR Operations (appeals to the next highest level)
Greece	RAE	Heads of Departments: University degree in Engineering or Economics, post-graduate degree, professional experience of at least 10 years in the private or public sector, knowledge of the energy sector, languages. Scientific staff: University Degree in Engineering or Physics, Maths, Economics, Social Sciences, Law plus post-graduate degree relevant to RAE's work.	Competition following public tender; publication of successful candidates in Official Gazette ; supervision by Independent Council for the Selection of Civil Servants (ASEP)	RAE President	RAE President and a Committee according to law regarding public servants.

STAFF EMPLOYMENT					
Country	NRA	Recruitment criteria	Recruitment procedure	Recruitment powers	Staff removal powers
		Administrative staff: general public sector criteria.			
Hungary	HEO	Clean criminal record, Hungarian citizenship, legal capacity, at least secondary qualification.	Public announcement and advertisement	HEO President	HEO President
Iceland	OS	Qualification and experience	Advertisements on Ministry of Finance website and in newspapers	Director General	Director General
Ireland	CER	Interviews and psychometric tests, to check for leadership, team working, judgement, analytical thinking and networking.	Notice on CER website, advertisements, graduate recruitment events	CER Commissioners	CER Commissioners
Italy	AEEG	Ability, professional qualifications, experience	Public competition, exceptions for certain categories under Article 16 of the law n° 56 of 28 February 1987	President and the other four regulators	President and the other four regulators
Latvia	PUC	Depend on position, competency- and skill-based	Notice on PUC website, advertisements	PUC director	PUC director
Lithuania	NCC	Lithuanian citizenship, language, education	Public competition	Recruitment commission formed by order of NCC Chairman	NCC Chairman
Malta	MRA	Maltese citizenship, good morale character (according to Public Service Management Code) plus others depending on case	First internal competition, followed by recruitment through the Employment and Training Corporation, public competition; or direction by Prime Minister	MRA Board (and Prime Minister)	MRA Board (in some cases, also Public Service Commission)

STAFF EMPLOYMENT					
Country	NRA	Recruitment criteria	Recruitment procedure	Recruitment powers	Staff removal powers
The Netherlands	Dte	Skill and qualifications	Position is first open for potential candidates who need a new position due to restructurings, then position open for internal candidates (internal for national civil servants), then open for external candidates on national civil service website.	Minister of Economic Affairs, delegated to board of directors of Nma (and also director of DTe)	For removing people in the Dutch Civil service strict formal procedures have to be followed. These procedures follow from distinct rules prevailing in the public service. Among other factors there must be a factual reason (repeal of the field of work, neglect of duty, etc.). Such a case can also be brought into court.
Norway	NVE	Education and professional experience	Announcement in newspapers and professional journals. Sometimes, recruitment agencies may be used.	The appointment panel at NVE has the final decision-making authority to select and recruit staff members, except for the position of Director General	For removing people in the Norwegian Civil service, a lot of formal procedures have to be followed. These procedures follow from distinct rules prevailing in the public service. Among other factors there must be a factual reason (repeal of the field of work, neglect of duty, etc.). Such a case can also be brought into court. Regarding the appointment board has the final decision-making authority.
Poland	URE/ERO	Formal and technical merits	Public tender; notice on ERO website	ERO Director General	ERO Director General

STAFF EMPLOYMENT					
Country	NRA	Recruitment criteria	Recruitment procedure	Recruitment powers	Staff removal powers
Portugal	ERSE	Criteria set by the Board of Directors (require authorisation by Ministers of Economy and Finance): case-by-case, but primarily qualifications, experience.	Public tender	ERSE Board of Directors	ERSE Board of Directors
Slovak Republic	URSO/ RONI	Civil Service recruitment criteria: education and special qualification requirements pursuant to a special regulation.	Public tender	Head of Service Office	Head of Service Office
Slovenia	AGEN-RS	Competence, relevant experience	Public tender	Internal commission	Internal commission
Spain	CNE	Education and professional experience	Public tender	Board of Commissioners	Board of Commissioners
Sweden	STEM	Skills, qualifications and aptitude	Public notice on STEM website or advertisement	Chief Executive	Director General in cooperation with the Chief Executive
Luxembourg	ILR	Civil service recruitment criteria	Public tender	ILR Director	ILR Director or Disciplinary Council within the governmental organisation

2.12. Salaries of regulators and staff

SALARIES			
Country	NRA	Regulators' salary	Staff salary
Austria	E-Control	E-Control Corp. CEO has a private employment contract	Staff salaries above civil servants (but lack associated social benefits)
Belgium	CREG	Private employment contract; salary based on Ministerial Decree; below sector specific industry level	Staff also under private employment contract. Staff salary below sector specific industry level.
	VREG	Set by the Flemish Government	Staff salaries are above civil servants but subject to the salary scales
	CWAPE	Contract between Walloon government and regulators; in line with civil servant	Private contracts; in line with civil servants
	BIM	Information not available	Information not available
Cyprus	CERA	Information not available	Information not available
Czech Republic	ERO	ERO chairman subject to civil service salary scale	ERO staff subject to civil service salary scales
Denmark	DERA	Regulators do not receive salary, but compensation per meeting	DERA staff subject to civil service salary scales
Estonia	EMI	Regulator's salary level above ordinary civil servant	EMI staff salary below industry
Finland	EMV	Contractual salary in line with civil service salary level, below industry	Since April 2004, salaries based on the requirement level of the job and on the personal performance. Salaries in line with civil service salary level, below industry
France	CRE	The salaries for regulators are established by law	Salaries are based on civil servants rules
Germany	BNetzA	Information not available	Most BNetzA staff subject to civil service salary scales
Great Britain	Ofgem	Remuneration to Chairman and (non-Executive) Authority Members as authorised by Secretary of State (based on senior civil service pay bands). Members of the Authority who are also staff employees are not additionally remunerated.	Staff salaries based on senior civil service pay bands
Greece	RAE	Decision by Ministers of Finance and Development defines RAE members' salary and allowances; level equivalent to senior civil servants.	Decision by Ministers of Finance and Development defines RAE staff salary and allowances; level below industry.
Hungary	HEO	HEO management subject to civil service salary scales	HEO staff subject to civil service salary scales

SALARIES			
Country	NRA	Regulators' salary	Staff salary
Iceland	OS	Regulator paid according to the wage agreement for governmental officials.	Staff members paid according to the wage agreement for civil servants.
Ireland	CER	Regulators' salary subject to approval by Minister for Communications, Marine and Natural Resources and Minister for Finance; level of salaries in line with civil service.	Staff salary subject to approval by Minister for Communications, Marine and Natural Resources and Minister for Finance
Italy	AEEG	Equivalent to government officials; set by decree of the Prime Minister upon recommendation from the Treasury Minister	Equivalent to civil servants; set by AEEG, based on criteria set in current collective labor contract for Antitrust Authority.
Latvia	PUC	Set by PUC	Set by the director of PUC
Lithuania	NCC	Salary level set by Law on politicians, judges and government officials	Staff subject to civil service salary scales
Malta	MRA	Comparable to other regulators in Malta	Comparable to other regulators' staff in Malta
The Netherlands	Dte	Not subject to civil service pay band because it is an independent administrative authority. Salary set by minister of economic affairs.	Staff salaries based on civil service pay bands
Norway	NVE	Salary set by a basic collective agreement; salary level below industry.	Salary set by a basic collective agreement; salary level below industry.
Poland	URE/ERO	ERO President salary set by legislative acts under Act on Government Officers and the Electricity Law	Staff subject to civil service salary scales
Portugal	ERSE	Salary of the members of the board of directors set by decision of Ministers of Finance, of Economy and of the State Reform and Civil Service under regime of the holders of high public office.	ERSE staff salaries require approval by Ministers of Finance, Economy and State Reform and Civil Service
Slovak Republic	URSO/ RONI	Members of Regulatory Council entitled to monthly compensation amounting to four times the average monthly wages of national economy employees for the preceding calendar year; Chairperson (VC) entitled to bonus of 30% (15%).	Staff subject to civil service salary scales
Slovenia	AGEN-RS	Salary equivalent to most senior officials	Staff subject to civil service salary scales
Spain	CNE	Salaries between government officials and industry	Staff salary levels defined by the regulator but total amount to be approved by a Ministerial Dept.; salary level between government officials and industry.

SALARIES			
Country	NRA	Regulators' salary	Staff salary
Sweden	STEM	Regulators salary set by the Director General of the Swedish Energy Agency	Staff salaries set individually (market based in order to be competitive)
Luxembourg	ILR	Regulator salary subject to senior civil service salary scales	Staff subject to civil service salary scales

2.13. Ethical standards

ETHICS				
Country	NRA	Code of ethics	Parallell employment restrictions	Ownership restrictions
Austria	E-Control	No	Yes (applies to regulators and staff)	Not in law, but may be set in private employment contract (applies to regulators and staff)
Belgium	CREG	No	By law: Regulators must not be member of parliament or government nor of private office of minister; and regulators must not have any function or activity in gas and electricity sector. By contract: staff must not have any function or activity in gas and electricity sector.	By law for regulators and by contract for staff members (does not apply to family members).
	VREG	Yes, fixed in a Decree	Yes (apply to regulators and staff)	Yes
	CWAPE	No	Regulators must not hold any function or exercise any activity, whether remunerated or not, for the benefit of a DSO, an energy generator, a supplier or an intermediary that are active in the energy sector.	Regulators must not own stocks or similar financial values that have been issued by energy undertakings, as well as financial instruments that would allow them to buy or sell such stocks or financial values.
	BIM	No	Yes (does not apply to family members)	Yes (does not apply to family members)
Cyprus	CERA	No. However Government code of conduct of public sector	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)
Czech Republic	ERO	No, but all staff subject to general public administration code of ethics.	No (applies to regulators and staff)	No (applies to regulators and staff)
Denmark	DERA	No, but all staff subject to legislation on public administration.	Yes (applies to regulators and not to family members).	Yes (staff to notify acquisition of shares above 3500 euro to head of secretariat)
Estonia	EMI	No, but all staff subject to general civil servants code of ethics; in addition Anti-Corruption Act provisions.	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)

ETHICS				
Country	NRA	Code of ethics	Parallell employment restrictions	Ownership restrictions
Finland	EMV	No, but all staff subject to general civil servants legislation.	No	No
France	CRE	No, but Commission members subject to Art. 35 of law of 10 February 2000 covering secrecy, autonomy and impartiality; and Art. 28 covering incompatibility and ownership restrictions.	Yes. Staff is subject to the same incompatibility rules as regulators.	Yes (applies to regulators and staff)
Germany	BNetzA	No, but all BNetzA staff subject to general public sector conduct rules (Federal Ministry of Interior Anti-corruption Guidelines of 7 July 2004). President and VPs subject to special Energy Act rules covering employment and gifts.	Yes. President and VPs must not have any employment relationship, in particular not manage an enterprise, be part of Federal or State Governments or Parliaments; act as experts for money out of a court. Enterprise board or advisory council membership requires prior Ministry approval (disallowed for privatised telecoms and post incumbent operators).	Yes (applies to regulators and staff)
Great Britain	Ofgem	No, but all staff subject to Cabinet Office and other conduct guidance for all UK public bodies (examined by Committee on Standards in Public life); Ofgem rules of procedure on conflicts of interest and ownership rules for Authority Members (examined by National Audit Office); Commissioner for Public Appointments responsible for monitoring, regulating and auditing ministerial appointments.	No restriction for regulators, but mandatory disclosure and rules conflicts of interest apply (analoguous for staff).	Yes. Rules governing share ownership in energy and energy-related companies apply to regulators, staff and extend to family (requirement to exercise caution and be alert to possible conflicts of interest; absolute ownership restriction for 'major regulated companies' as defined by Ofgem, approval from management needed for ownership of other licensed operators).
Greece	RAE	No	Yes (applies to regulators, staff and families)	Yes (applies to regulators and families, but not to staff)

ETHICS				
Country	NRA	Code of ethics	Parallell employment restrictions	Ownership restrictions
Hungary	HEO	No, but all staff and regulators subject to general civil servants legislation.	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)
Iceland	OS	No, but all staff subject to general civil servants code of ethics.	No, but regulator could be disqualified because of employment.	No, but regulator could be disqualified because of ownership.
Ireland	CER	Yes, all staff subject to CER Code of Conduct. Separate CER Code of Ethics for Commissioners, Directors and specific managers covering procurement, handling of information, gifts.	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)
Italy	AEEG	Yes, applies to all staff, covers impartiality, notice and abstention in case of conflict of interests, confidentiality, prohibition to accept presents and favours; fines, suspensions.	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)
Latvia	PUC	Yes, applies to commissioners and all staff	Restrictions applies only to commissioners	Yes (applies to commissioners)
Lithuania	NCC	No	Yes (applies to regulators and staff)	No, but regulators and staff to abstain from decision-making in case of conflict of interest
Malta	MRA	Yes. Horizontal Code of Ethics for Board Directors in the Public Sector plus Code of Ethics for public sector employees	Yes (disqualification in case of financial or other interest in any enterprise or activity likely to affect the discharge of functions as member of the Authority.	Yes (disqualification in case of financial or other interest in any enterprise or activity likely to affect the discharge of functions as member of the Authority.
The Netherlands	Dte	Yes, applies to all staff, covers impartiality, notice and abstention in case of conflict of interests, confidentiality, prohibition to accept presents and favours; fines, suspensions.	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)

ETHICS				
Country	NRA	Code of ethics	Parallell employment restrictions	Ownership restrictions
Norway	NVE	Yes, applies to all staff, covers values and responsibilities in addition to Code applying to all Government employees.	Yes	
Poland	URE/ERO	No, but all staff subject to Civil Service Code of Conduct	Yes (applies to regulator and senior staff only). Staff to seek Director General approval for secondary employment.	No, but regulator and senior staff must not hold more than 10% of an energy company's shares.
Portugal	ERSE	Yes, applies to all staff, covers parallell employment and gifts.	Yes (applies to regulators and staff)	Yes (applies to regulators). Staff to notify ownership and to abstain from decision-making in case of conflict of interest.
Slovak Republic	URSO/ RONI	Yes, applies to all staff i.e. civil servants, covers gifts, abstention from decision-making in case of conflict.	Yes (applies to regulators only)	Yes (applies to regulators only)
Slovenia	AGEN-RS	Yes, applies to all staff, covers corruption, loyalty, confidentiality, conflicts of interest and professional impartiality; in addition provisions of Labour Law and Law on Officials.	Yes (applies to regulators only)	Yes (applies to regulators and family only)
Spain	CNE	No, but rules under sector and general provisions.	Yes (applies to regulators and staff)	No
Sweden	STEM	No, but staff subject to Act on Official Employment, Act on Administration and Energy Agency policy rules.	No. Act on Official Employment sets rules on paralell employment.	No
Luxembourg	ILR	No	Yes (applies to regulators and staff)	Yes (applies to regulators and staff)

ETHICS					
Country	NRA	Employment cooling-off period	Ownership cooling-off period	Staff-industry turnover	Other restrictions
Austria	E-Control	Yes. Department heads may not have employment with utility during tenure and 6 months after (does not apply to staff).		10%	
Belgium	CREG	Regulators must not work for electricity or gas sector for one year (does not apply to staff) after end of their term.	No	No figures available	No
	VREG	Yes (1 year for regulators)	No	No figures available	No
	CWAPE	Yes (2 years for regulators)	No	No figures available	No
	BIM	Yes	No	No figures available	No
Cyprus	CERA	Yes (3-years-period for regulators)	Yes (3-years-period for regulators)	No figures available	
Czech Republic	ERO	Not applicable	Not applicable	No figures available	No
Denmark	DERA	No	No	No information provided	Members of DERA will be disqualified to participate in decisions on cases where they have been involved during or before being members of DERA. In one case a member was disqualified due to involvement in a case 20 years before.
Estonia	EMI	Yes (3-years-period for regulators and staff)	No	No turnover	No
Finland	EMV	No	No	Almost no staff-industry turnover since 2000	No

ETHICS					
Country	NRA	Employment cooling-off period	Ownership cooling-off period	Staff-industry turnover	Other restrictions
France	CRE	Yes (5-years-period for regulators and staff)	No	No figures available	No
Germany	BNetzA	No	No	No figures available (energy regulation department up recently).	No
Great Britain	Ofgem	No formal rules for regulators; staff covered by Cabinet Office 'Business Appointment Rules' on treatment of access to commercially sensitive information, may case-by-case include cooling-off period.	No	No figures available. Ofgem considers that its benefits from such turnover.	No
Greece	RAE	No	No	No information provided	
Hungary	HEO	No	No	4 HEO staff moved to industry and 11 persons left HEO in 2004.	Regulator and staff must not participate in decision-making in case of conflicts of interest.
Iceland	OS	No	No	No information provided	
Ireland	CER	Yes (12 months for regulators, 6 months for staff) where sensitive information may be disclosed	No	No information provided	Yes (numerous provisions)
Italy	AEEG	Yes (4-years-period for regulators; no restriction for staff)	No	No figures available	
Latvia	PUC	Yes (2-years-period for commissioners)	Yes (2-years-period for commissioners)	No figures available	Yes (numerous provisions)
Lithuania	NCC	No	No	No information provided	

ETHICS					
Country	NRA	Employment cooling-off period	Ownership cooling-off period	Staff-industry turnover	Other restrictions
Malta	MRA	No (at present)	No (at present)	2 staff members left MRA in 2004, but not to industry.	
The Netherlands	Dte	No	No	No information provided	
Norway	NVE	No	No	No information provided	
Poland	URE/ERO	Yes (12 months for regulator and senior staff)	No	No figures available	No
Portugal	ERSE	Yes (2 years for regulators)	No	5 ERSE staff moved to industry since 1997.	
Slovak Republic	URSO/ RONI	Yes (12 months for regulators)	Yes (12 months for regulators)	1 person went into regulated industry, 18 persons left NRA completely in 2004.	
Slovenia	AGEN-RS	No	No	No fluctuation	
Spain	CNE	Yes (2 years for regulators in private sector)	Yes (2 years for regulators)	No information provided	
Sweden	STEM	No	No	No information provided	
Luxembourg	ILR	No	No	No fluctuation	

2.14. Public participation in NRA decision-making

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
Austria	E-Control	Yes, interested market players and Ministries may be part of technical, market rule drafting; public notice issued, normally via website; if material subject to data protection (tariffs), only comments permitted	Not available	No	Yes. Complaints concerning civil law to be addressed to the Dispute Settlement Department of E-Control Corp. E-Control Corp. Also competent for complaints against a TSO or DSO on non-discrimination, effective competition, efficient functioning of the market.	Closed hearing organised if necessary
Belgium	CREG	CREG's consultation body, the General Council, provides for participation of all market participants. CREG also organises public consultations.	No legal obligation to organise consultations; CREG organises public consultations if this is in the interest of the market as a whole.	No	At present, two different bodies exist: Chamber of Disputes (for disputes between grid users and TSO concerning access to the grid) and Service of Mediation and Arbitration (for disputes concerning access to the grid, technical code and tariffs).	Hearings of Chamber of Disputes are not open to public; no hearings for Service of Mediation and Arbitration

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
					Chamber of Disputes to be abolished in the near future following law amendment.	
	VREG	Yes, but on a voluntary basis	Not applicable	No	Yes	Yes
	CWAPE	Yes, but informal consultation on a voluntary basis	Not applicable	Yes, problems and observations can be submitted	Yes	No
	BIM	Informal consultation of all actors involved	Not applicable	Informal consultation of all actors involved	Yes	Hearings not open to public
Cyprus	CERA	Yes. Anybody may comment to CERA during decision-making; this may include public hearings and/ or written statements.	No consultations so far	Yes	Yes	No complaints hearings so far
Czech Republic	ERO	Yes. Concerns draft secondary legislation which is addressed to special chamber in government, where ministries and companies may comment on it. After common agreement the act is published in the Code of law.	Not available	Yes. There is no formal procedure, but ERO usually contacts the involved companies and asks for their comments; or a specialist group may be established.	Yes, any individual or association of individuals may file a complaint with the Energy Regulatory Office where their interests are seriously affected by a network operators' conduct.	No

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
Denmark	DERA	Yes. Activities, as a main rule, are subject to the legal requirements of "open administration".	Not available	Yes, various hearings in writing as well as informal contacts.	Yes. Parties having an individual interest in decisions of energy companies – to the extent that they might have breached relevant rules of the energy acts – can complain to DERA.	No formal, open hearings, but relevant parties might be asked for opinion.
Estonia	EMI	Yes. Limited to public price setting procedure (every energy consumer may ask information concerning the price components, etc.)	Limited public interest	Yes	Yes	Closed hearings are being organised
Finland	EMV	Yes. EMV to give involved parties opportunity to comment during decision-making process. EMV holds public written consultations on general issues such as network pricing methodology), In addition, annual public seminars on network regulation.	Recent network pricing methodology consultation provoked 40 stakeholder statements; 180 participants in electricity network regulation seminars (50 for gas).	No	Yes	No. However EMV usually seeks information in a written form (a statement) from the relevant parties. Additionally, EMV can also arrange closed meeting(s) to hear the views.

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
France	CRE	Yes. The CRE may organise formal closed hearings and public consultations on important subjects before issuing decisions. CRE may hold public hearings in dispute resolution cases.	Depends on topic, but usually broad participation	Yes (possible)	Yes	Yes (public except request for privacy by the parties)
Germany	BNetzA	Yes. BNetzA to give involved parties the opportunity to comment during the decision-making process (may include public hearings). Regulatory decisions taken by Ruling Chambers (similar to courts) with written exchange of statements and public hearing.	In telecommunications regulation, RegTP has routinely held public hearings in dispute resolution cases; this regularly involved more than 20 interested parties. Information events for energy network operators have drawn more than 1000 participants.	No formal procedure	Yes, any individual or association of individuals may file a complaint with the BNetzA where their interests are seriously affected by a network operators' conduct. BNetzA to decide within two months, with a possible extension of two months.	Yes (usually)

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
Great Britain	Ofgem	Yes. Ofgem required to consult on proposals before determining policy; involving several rounds of consultation.	Public participation occurs; the volume of responses varies from issue to issue.	Yes. There is no formal procedure; however, depending on the nature of the problem, Ofgem would expect to seek and/or receive input from sector participants.	Yes. Any interested party may bring a complaint to the Authority regarding a suspected breach of a licence condition (e.g. discrimination) or breach of domestic competition law and/or Articles 81 and 82 of the EC Treaty.	Yes. Licence breach investigation may be triggered by competitor or consumer body (Energywatch) complaint or ex officio. Following request for information, Ofgem compiles statement of facts for comments by affected company. Final statement approved by Authority; followed by opportunity for written representations and/or oral (closed) hearing.
Greece	RAE	Public consultation procedure not mandatory	Yes. Public consultations for Electricity Law, Electricity Grid Code, Natural Gas Law and tariffs, long-term Energy planning and other issues.	Yes. Public consultation and communication to all relevant stakeholders	Yes	Closed hearings are being organised

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
Hungary	HEO	No in most cases Exception: decision on „standard terms of business” requires consultation of consumers’ interest organisation. In addition, HEO established Consultation Forum (EET) voluntarily.	Yes (in the case mentioned)	Yes. HEO internal regulation addresses implementation issues. HEO would seek and/or receive input from sector participants.	Yes, the complaints are looked into the matter by HEO (TPA complaints).	(Closed) hearing is possible but it is not widely used.
Iceland	OS	No	No	Yes, inputs might be requested from the consultation committee of parties subject to regulatory decisions		No. However, interested parties have a right to be heard.
Ireland	CER	Yes, via consultation papers/ draft decisions. CER also operates 'open door policy'.			Yes, for both electricity and gas	No. However, CER operates 'open door policy'.
Italy	AEEG	Yes, concerning secondary legislation (e.g. on tariffs or quality). In addition, some hearings for cases of general interest. From 2006, Regulatory Impact Analysis required for the most important decisions.	Interested parties participating are usually regulated companies, trade unions, industrial associations, consumer associations, etc.	Yes	Yes	Yes (closed hearing except in limited cases of direct interest)

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
Latvia	PUC	Yes. Draft legislative acts within the competence of the regulatory authority and tariff projects, are subject to public participation	The stakeholders concerned are usually present at public hearings	Yes (preparing most important PUC decisions). On case by case basis after the decision is made.	Yes	Yes
Lithuania	NCC	Public organizations, consumers (citizens) may participate in the meetings, hearings and express their opinion.	4 –5 public organizations always participate	No	Yes	Yes
Malta	MRA	No. Consultation only prior to issue of (subsidiary) legislation, but not at decision-making stage	Not available	No	Yes	No
The Netherlands	Dte				Yes	Yes
Norway	NVE	Yes. NVE to involve stakeholders when changing regulations (includes public hearings). In individual decisions the parties have the right to be heard.	In changing regulations (e.g. network tariff regulation) public hearings have drawn representatives of more than 100 companies.	No formal procedure	Yes	Usually no hearings (these would be public)

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
Poland	URE/ERO	Yes. Draft legislative acts within the competence of the regulatory authority, are subject to public participation, in particular involving energy market players' associations.	Energy market players' associations are usually represented.	Yes	Electricity Law does not provide for a separate authority for dealing with complaints against TSO or DSO (see note)	No
Portugal	ERSE	Yes. ERSE must consult DGE concession or license holders and consumer associations before approving or amending a regulation.	Around 100 undertakings participate.	Yes	Yes	Closed hearings are being organised
Slovak Republic	URSO/ RONI	Yes. Parties may participate in proceedings where their rights would be affected by the decision.	Usually 3 participants	No	Yes, in all matters mentioned above instead of tariffs.	Yes. Public hearing except where confidentiality demands closed hearing
Slovenia	AGEN-RS	Yes. Within two months of issuing a general act, any party with legal interest may demand a revision. Agency lacks rulemaking authority, although it must consent to select rules developed by system	Some hearings have been conducted, for example, when a consultation paper or draft general act is debated; in these instances, parties that have offered comments and entities may participate	<i>Not foreseen</i>	Yes (in case of network connection or access rejection)	No

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING						
Country	NRA	Consultation duties	Consultation statistics	Consultation during implementation phase	Complaint mechanisms	Public hearings on complaints
		operators – and such rules must be developed “under public authorization”.				
Spain	CNE	Yes. Public participation organised via 2 advisory boards (electricity and hydrocarbons) with representation of public administrations, industry, consumers and environmental associations. In addition, CNE conducted a few public consultations (e.g. on Iberian Electricity Market)	Between 25-75 participants	No. In principle the CNE is not responsible of implementing rules.	Yes	Closed hearings are being organised
Sweden	STEM	Yes. Consultation of stakeholders on draft decisions for written comments. In addition, meetings with interested parties (reference-groups).	Some public participation takes place in every regulatory process. Number of participants varies depending on the issue.	Yes	Customers may file a complaint to the regulatory authority on tariff issues.	No
Luxembourg	ILR	No formal procedure	No consultation in practice	Yes. In practice, bi- or multilateral negotiations	Yes	Not practised, but not excluded either

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING			
Country	NRA	Protection of confidentiality	Disclosure of confidential data
Austria	E-Control	Federal Act concerning the Protection of Personal Data applies E-Control decides on confidentiality	
Belgium	CREG	General obligation (by law) for all CREG personnel and members of General Council to keep confidential information secret. CREG decides on confidentiality after consultation of the operator concerned.	Law limits disclosure to obligation to testify in court and the exchange of information with the Belgian regions and with EU member states
	VREG	Yes, required by the Flemish Decree on the organization of the electricity market	Disclosure limited to obligation to testify in court and the exchange of information with the Belgian regions, CREG, the Electricity and Gas Control Committee and with EU member states.
	CWAPE	Yes, required by Decree on the organisation of the regional electricity market of 12 April 2001	Disclosure limited to obligation to testify in court and the exchange of information with the Belgian regions and with EU member states.
	BIM	Yes, required by Ordonnance of 19 July 2001 on the organisation of the electricity market in the Brussels region	The mediators, the members of the hearing Chamber and the personnel of the Secretariat (= the service in charge of the energy administration in the Brussels Capital Region that is part of BIM) must not disclose confidential information to third parties except in the cases where such disclosure has been explicitly authorised.
Cyprus	CERA	Yes. Processing of Personal Data (Protection of the Individual) Law 2001 applies. CERA decides on confidentiality.	No access by third parties where CERA has decided that it is deemed an operational or business secret.
Czech Republic	ERO	All company information must be treated as confidential; no access for third parties	All company information must be treated as confidential; no access for third parties
Denmark	DERA	Yes. DERA generally must treat received information as confidential unless it is part of a published DERA ruling or it is notified information. Even in these situations it can be classified as confidential in certain cases.	DERA decides on confidentiality

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING			
Country	NRA	Protection of confidentiality	Disclosure of confidential data
Estonia	EMI	Yes. Data provided by companies is treated as commercially restricted information. Except for data described in the NRA decisions.	No disclosure of restricted information, except data in EMI decisions
Finland	EMV	Yes. Act on the Openness of Government Activities requires confidential information to be removed from published decisions and statistics. EMV decides on confidentiality (stakeholders may propose which parts of documents should not be published as they contain operational and business secrets).	Confidential information/documents are highlighted when the documents are given to the party of a proceeding. The party (or representative or counsel) must not disclose to third parties secret information obtained by virtue of party status and concerning other persons than the party himself.
France	CRE	Yes. All parties must highlight any operational and business secret in their documents. CRE competent to decide on the confidentiality of such information following a consultation with the party.	Third parties will not be given access to a piece of information where the CRE has decided that it is deemed an operational or business secret.
Germany	BNetzA	Yes. Energy Act requires all parties to regulatory procedures to highlight any operational and business secrets in their submissions and to submit a second document in which such information is blackened. BNetzA competent to decide on the confidentiality of such information following a consultation with the party concerned.	Third parties will not be given access to a piece of information where the BNetzA has decided that it is deemed an operational or business secret.
Great Britain	Ofgem	Yes. Utilities Act 2000 restricts the disclosure any information that relates to the affairs of any individual or to any particular business, except where the party consents to disclosure, where disclosure is necessary for the performance of the Authority's functions, and where disclosure is necessary for the purpose of facilitation the functions carried out by certain public bodies.	In general, the Authority may disclose information to complainants and third parties for the purpose of any civil proceeding brought under a range of legislation, including the sector specific legislation which applies to electricity and gas.

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING			
Country	NRA	Protection of confidentiality	Disclosure of confidential data
		Separate legislation protects confidential information which has been collected by the Authority when exercising its functions as an enforcer of consumer protection legislation and as the NCA. The Authority decides whether information is confidential and whether any of the exceptions apply, subject to administrative court review.	
Greece	RAE	Relevant provisions of General Legislation apply RAE decisions concerning “national defense and public security issues” are entered into a “special secret record”. According to article 5 of law 2773/1999, RAE compiles and examines all necessary data for the fulfillment of its tasks under the condition of respect of the principle of confidentiality and the protection of trade secrecy.	Information is treated as confidential according to the relevant provisions of General Legislation.
Hungary	HEO	Protection of confidential information is regulated in several Acts and Decrees HEO Code to protect confidential information HEO President decides on confidentiality.	Third parties will not be given access a piece of information where HEO has decided that it is deemed a business secret.
Iceland	OS	Information Act No 50/1996 applies. Information committee decides on confidentiality.	In relation to the hearing process, confidential information is not given to others.
Ireland	CER	Freedom of Information Act, 1997 (as amended in 2003) requires CER to give each person access information held by public bodies, to have official information relating to him/herself amended where it is incomplete, incorrect or misleading, and to obtain reasons for decisions affecting oneself. The Commission decides on the confidentiality of data, highlighted as such by the party submitting the data.	If the Commission deems the data as confidential, data will not be disclosed.
Italy	AEEG	Government guidelines on confidentiality apply Parties to indicate which information shall be treated as confidential.	Parties shall indicate which information shall be treated as confidential.

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING			
Country	NRA	Protection of confidentiality	Disclosure of confidential data
Latvia	PUC	Yes. Established by Law on Regulators of Public Services.	No disclosure of confidential information. Exception - following Court request
Lithuania	NCC	Regulated companies decide on confidentiality	Confidential information is not being disclosed.
Malta	MRA	Yes. Data Protection Act applies. MRA Board decides on confidentiality.	Confidential information is not being disclosed.
The Netherlands	Dte	Yes, for specific information.	Confidential information is not being disclosed.
Norway	NVE	Yes. Open File Act applies. Usually the leader nearest to the executive officer will decide on confidentiality.	Third parties will not be given access to those pieces which are deemed confidential.
Poland	URE/ERO	Yes. Act on Protection of Confidential Information of 22 January 1999 applies. Manager of organisational unit, which is generating, processing, transferring or storing confidential information, is responsible for its protection. Confidential information specialist, who is reporting directly to manager of organisational unit, responsible for ensuring compliance with the provisions on protection of confidential information. Confidentiality status is assigned by the person authorised to sign the document or mark a material other than document.	Confidential information is not being disclosed
Portugal	ERSE	All commercial contracts are confidential. Beyond that, all information received, considered as confidential by sender, is respected.	No disclosure except where ordered by the Courts.
Slovak Republic	URSO/ RONI	Social regulation applies An authorized decision making body. inside URSO decides on confidentiality	No disclosure
Slovenia	AGEN-RS	Yes	Confidential information is not made available to other parties.
Spain	CNE	Yes. Organic Law 15/1999 of 13 December of 1999 on the Protection of Personal Data applies The Board of Commissioners decides whether information is confidential.	Confidential information is not made available to other parties.

PUBLIC PARTICIPATION IN REGULATORY DECISION-MAKING			
Country	NRA	Protection of confidentiality	Disclosure of confidential data
Sweden	STEM	Yes. Secrecy Act (1980:100) applies Confidentiality status will be decided by the deputy director general where the question has been raised.	Not applicable
Luxembourg	ILR	Yes Confidentiality status decided by the issuer/ owner of the information.	Not applicable

2.15. Reporting requirements

REPORTING REQUIREMENTS			
Country	NRA	Required to submit Annual Report	Publication of latest Annual Report with English translation
Austria	E-Control	Yes Recipients: National Council via the Minister of Economics and Labour and the Council of Ministers	Yes (2004) www.e-control.at/pls/econtrol/docs/FOLDER/INTERN/ADMINISTRATION/DATEIEN/PUBLIKATIONEN/JAHRESBERICHT/ECG_JB_2004_EN.PDF
Belgium	CREG	Yes	Yes (2004) www.creg.be/pdf/Ra/2004/rep2004uk.pdf
	VREG	Yes	No 2005 annual report in Dutch available at www.vreg.be/vreg/documenten/Jaarverslagen/jaarverslag_VREG_2004.pdf
	CWAPE	Yes	No 2004 annual report in French available at www.cwape.be/servlet/Repository?IDR=784
	BIM	No	No
Cyprus	CERA	Yes Recipient: President of the Republic of Cyprus	Yes (2004, in Greek only) www.cera.org.cy
Czech Republic	ERO	Yes Recipients: Parliament and Senate	Yes (2004) www.eru.cz./pdf/vyrocka04_aj.pdf
Denmark	DERA	Yes Recipient: Minister of Transport and Energy (required by law)	Yes (2004) http://energitilsynet.dk/fileadmin/Filer/publikationer/aarsberetning04_uk.pdf
Estonia	EMI	Yes Recipient: Ministry of Finance	Latest English report (2002) www.eti.gov.ee/uploads/files/test.pdf
Finland	EMV	Yes Recipients: Ministry of Trade and Industry, National Audit Office (with financial statements), general public (without)	Yes - published report (2004) www.emvi.fi/files/ema_annual_report_2004.pdf Report to the MTI and National Audit Office (2004, in Finnish only) www.emvi.fi/select.asp?gid=177&pgid=177

REPORTING REQUIREMENTS			
Country	NRA	Required to submit Annual Report	Publication of latest Annual Report with English translation
France	CRE	Yes Recipients: Government and Parliament	Yes (2005) www.cre.fr/uk/ressources/publications/etdiscours/publicationsetdiscours_consultation.jsp?idDoc=2700
Germany	BNetzA	Yes Recipient: Parliament via the Federal Government	Yes (2004, by BNetzA's predecessor RegTP) www.bundesnetzagentur.de/media/archiv/2043.pdf
Great Britain	Ofgem	Yes Recipient: Parliament	Yes (2004-2005) www.ofgem.gov.uk/ofgem/documents/annual_report2004_2005.pdf
Greece	RAE	Yes Recipient: Parliament	Yes (in Greek only) www.rae.gr
Hungary	HEO	Yes Recipient: Parliament	Yes (2004) www.eh.gov.hu/gcpdocs/200509/ki2004a.pdf
Iceland	OS	Yes Recipients: Regulated parties, Ministry of Industry and Commerce	Yes (in Icelandic only) www.os.is
Ireland	CER	Yes Recipients: Parliament via Minister for Communications, Marine and Natural Resources	Yes (2004) www.cer.ie/cerdocs/AR2004%20-%20English.pdf
Italy	AEEG	Yes Recipients: Parliament, Prime minister	Yes (2005) www.autorita.energia.it/relaz_ann/index.htm In English: www.autorita.energia.it/inglese/annual_report/eng_index.htm Latest annual report (2005, introductory chapter): www.autorita.energia.it/inglese/annual_report/eng_pres_2005.pdf
Latvia	PUC	Yes. Recipients: Government, Parliament	Latest annual report in English (2004): www.sprk.gov.lv/doc_upl/Annual_Report_2004.pdf
Lithuania	NCC	Yes Recipients: President of Lithuania, Government, Parliament	Yes (2004) www.regula.is.lt/get_file.php?file=cmVndWxhL20vbV9maWxlcY93ZmlsZXMvZmlsZTQ5OS5wZGY7MjAwNSBBbmdsLnBkZjs7&view=1

REPORTING REQUIREMENTS			
Country	NRA	Required to submit Annual Report	Publication of latest Annual Report with English translation
Malta	MRA	Yes Recipients: Minister for Resources, Minister for Finance	Latest annual report (2002-03): www.mra.org.mt/Downloads/Publications/Annual%20Report%202002-2003.pdf
The Netherlands	Dte	Yes Recipient: Minister of Economic Affairs	Yes (2004) www.dte.nl/images/Annual%20Report%202004%20NMa%20and%20Dte_tcm7-55865.pdf
Norway	NVE	Yes Recipient: Ministry of Petroleum and Energy	Yes (2005, in Norwegian: Ministry report on NVE as part of Government budget proposition) http://odin.dep.no/filarkiv/246886/Tildelingsbrev_for_2005_til_NVE.pdf
Poland	URE/ERO	Yes Recipient: Minister of Economy	Yes (2004, in Polish only) www.ure.gov.pl/index.php?dzial=54
Portugal	ERSE	Yes Recipients: Government, Parliament; Statutory Auditor, Consultative Committee; Ministers of Finance and Economy	Yes (2004, in Portuguese only) http://www.erse.pt/vpt/entrada/aerse/relatorioecontas/
Slovak Republic	URSO/ RONI	Yes Recipient: National Council	Yes (Public version, 2004) www.urso.gov.sk/informacie/doc/VS2004_eng.pdf
Slovenia	AGEN-RS	Yes Recipient: Government	Yes (2004) www.agen-rs.si/dokumenti/36/2/2005/Annual_report2004_654.pdf
Spain	CNE	Yes Recipients: Parliament via Government	Yes (2004) www.cne.es/pdf/PA001_05.pdf
Sweden	STEM	Yes Recipient: Government	Yes (2004) www.stem.se/web/biblshop_eng.nsf/FilAtkomst/ET16_04W.pdf/\$FILE/ET16_04W.pdf?OpenElement
Luxembourg	ILR	Yes Recipient: Government	Yes (2003, in French only) www.ilr.etat.lu/co/info/rapport2003.pdf

REPORTING REQUIREMENTS			
Country	NRA	Annual Report contains financial information	Parliamentary scrutiny
Austria	E-Control	Yes	No
Belgium	CREG	Yes	No
	VREG	Yes	Yes
	CWAPE	Yes	No
	BIM	Not applicable	BIM is part of government
Cyprus	CERA	Yes. Breakdown of budget allocations and actual expense.	No
Czech Republic	ERO	Yes	Yes, annually
Denmark	DERA	Yes (short information on main items only)	No
Estonia	EMI	Yes	No
Finland	EMV	No (only in reports to the MTI and National Audit Office)	No (annual scrutiny by MTI only)
France	CRE	Yes	Yes, on request by Parliament
Germany	BNetzA	Yes	Yes, on request by Parliament
Great Britain	Ofgem	No (published separately, 2004-2005) www.ofgem.gov.uk/temp/ofgem/cache/cmsattach/11587_resourceaccounts_0405.pdf	Yes
Greece	RAE	Yes	Yes. RAE is obliged to send its Annual Report to the Parliament once a year.
Hungary	HEO	Yes, but only budget objectives and compliance.	Yes, annual. Prior to reporting to Parliament, the HEO is required to appear before the Economic Parliamentary Committee.
Iceland	OS	Yes	Yes, on request by Parliament
Ireland	CER	Yes	Yes, every other year
Italy	AEEG	Yes	Yes, annually and on request by Parliament
Latvia	PUC	Yes	Once a year submitted to Parliament only for information purposes.
Lithuania	NCC	No	Yes, once a year before Parliament.
Malta	MRA	No (annual audited accounts laid on the table of the House of Representatives)	Yes. Annual report forwarded by Minister to parliament; MRA may be summoned by the parliamentary Public Accounts Committee.
The Netherlands	Dte	Yes	No (Ministerial scrutiny only)

REPORTING REQUIREMENTS			
Country	NRA	Annual Report contains financial information	Parliamentary scrutiny
Norway	NVE	Yes	No (Ministerial scrutiny only)
Poland	URE/ERO	Yes	No
Portugal	ERSE	Yes	Yes, on request by Parliament
Slovak Republic	URSO/ RONI	No (only in confidential version of report to National Council)	Yes, annually
Slovenia	AGEN-RS	Yes	No
Spain	CNE	Yes	Yes, on request by Parliament
Sweden	STEM	Yes	No
Luxembourg	ILR	Yes	No

3. NRA competencies

3.1. Access to information

INFORMATION ACCESS			
Country	NRA	Full access to financial information	Full access to technical information
Austria	E-Control	Yes. Annual Financial Statements submitted immediately after publication.	Yes. Technical information is received during the tariff-setting procedure via a standardized data collection form.
Belgium	CREG	Yes, but CREG has to motivate requests	Yes, but CREG has to motivate requests
Cyprus	CERA	Yes	Yes
Czech Republic	ERO	Yes. As a general clause, § 11 Energy Act provides that the Energy Regulatory Office is empowered to request information from operators. Special provisions exist that require electricity and gas network operators to provide financial information. Network operators must submit their "regulatory" technical and economic accounts by a special deadline according to their licence number.	Regarding the electricity sector, there is a technical information system, which includes all technical data and provides an annual report on the running of the electric power system in the Czech Republic. Regarding the gas sector, data used for the calculation of prices is collected by the "Balance Centre".
Denmark	DERA	Yes. Some information must be supplied at present for notification/approval procedures according to the Energy Acts. Other information can be required on an ad-hoc basis.	Yes. Some information must be supplied at present for notification/approval procedures according to the Energy Acts. Other information can be required on an ad-hoc basis.
Estonia	EMI	Yes. According to the legislation, regulated companies must provide to the regulatory authority any kind of data that is required by the regulatory authority.	Yes. According to the legislation, regulated companies must provide to the regulatory authority any kind of data that is required by the regulatory authority.
Finland	EMV	Yes. EMV collects financial statistics such as financial statements and other key figures ones a year by a survey via post or email. EMV also has powers to request information from a company any time in order to conduct an investigation where a complaint has been filed.	Yes. EMV collects technical information such as information on network components and other key figures once a year by a survey via post or email.

INFORMATION ACCESS			
Country	NRA	Full access to financial information	Full access to technical information
France	CRE	Yes. This involves information held by the energy operators or the ministers responsible for the economy or energy. Where an operator refuses an information request, CRE may impose sanctions. CRE employees have the right to make enquiries in order to allow it to fulfil its missions. For this purpose, they may launch investigations, enquiries on documents and at operators' premises, in a manner which respects the adversarial principle.	Yes. This involves information held by the energy operators or the ministers responsible for the economy or energy. Where an operator refuses an information request, CRE may impose sanctions. CRE employees have the right to make enquiries in order to allow it to fulfil its missions. For this purpose, they may launch investigations, enquiries on documents and at operators' premises, in a manner which respects the adversarial principle.
Germany	BNetzA	Yes. As a general clause, the Federal Network Agency is empowered under the Energy Act to conduct enquiries to establish facts and to request information from operators. Special provisions requiring electricity and gas network operators to provide financial information are contained in the Ordinance on electricity network fees and the Ordinance on gas network fees.	Yes. As a general clause, the Federal Network Agency is empowered under the Energy Act to conduct enquiries to establish facts and to request information from operators. Special provisions requiring electricity and gas network operators to provide technical information are contained in the Ordinance on access to electricity networks and the Ordinance on access to gas networks.
Great Britain	Ofgem	Ofgem can require information in accordance with its statutory duties, through relevant legislation, i.e. the Gas Act (as amended) as well as the Electricity Act (as amended), and standard licence conditions.	Ofgem can require information in accordance with its statutory duties, through relevant legislation, i.e. the Gas Act (as amended) as well as the Electricity Act (as amended), and standard licence conditions.
Greece	RAE	Yes. RAE is authorized by law to collect, organize, process and evaluate, under the condition of confidentiality and professional and other secrecy, as well as of personal data protection, the technical, financial accounting commercial and other related information required for the fulfillment of its duties, with respect to entities exercising activities in the energy sector. RAE may either use audits to gather information, or otherwise request such data from the energy sector participants.	Yes. RAE is authorized by law to collect, organize, process and evaluate, under the condition of confidentiality and professional and other secrecy, as well as of personal data protection, the technical, financial accounting commercial and other related information required for the fulfillment of its duties, with respect to entities exercising activities in the energy sector. RAE may either use audits to gather information, or otherwise request such data from the energy sector participants.
Hungary	HEO	Yes. According to the Electricity and Gas Acts, HEO is empowered to have access to documents related to the licensed activity and to request information. This authorization also covers confidential information.	Yes. According to the Electricity and Gas Acts, HEO is empowered to have access to documents related to the licensed activity and to request information. This authorization also covers confidential information.

INFORMATION ACCESS			
Country	NRA	Full access to financial information	Full access to technical information
Iceland	OS	Yes. There is in fact no limitation for the information, but sensitive information should be treated in a confidential way.	Yes. There is in fact no limitation for the information, but sensitive information should be treated in a confidential way.
Ireland	CER	Yes	Yes
Italy	AEEG	Yes. There is no scheduled reporting, but AEEG has the ability to request some information ad hoc.	Yes. Scheduled reporting is required by many regulatory decisions.
Latvia	PUC	Yes. PUC is authorised to request and to receive without any hindrance from the public services' providers and users, the State and local government institutions and from the officials, information necessary to performing the tasks set out in the law on Regulators of Public Services.	Yes. PUC is authorised to request and to receive without any hindrance from the public services' providers and users, the State and local government institutions and from the officials, information necessary to performing the tasks set out in the law on Regulators of Public Services.
Lithuania	NCC	Yes. Information to be submitted either quarterly, annually, or by request.	Yes. Information to be submitted by request only.
Malta	MRA	Yes	Yes
The Netherlands	Dte	Yes. There is in fact no limitation for the information but sensitive information should be treated in a confidential way.	Yes
Norway	NVE	Yes. Regulation in Norway is based on mandatory annual economic and technical reporting by concessionaires. NVE has defined the reporting system and decides what information is needed. A web based data collection program has been prepared by NVE which includes profit and loss statements, balance sheet property, and balance sheet total. The information is given separately for different network levels as well as for network (monopoly), trade, production and other activities.	Yes. NVE may request all technical information. Some technical information is collected annually through the economic and technical reporting. This covers, inter alia, length of lines, cables, under sea-cables etc. Information on statistics covering interruptions and non-delivered energy is also collected annually.
Poland	URE/ERO	Yes. In addition, ERO may request the sector participants to provide information about their business operations, including capital projects, subject to the provisions on the protection of confidential or proprietary information.	Yes
Portugal	ERSE	Yes. Concession or license holders and other operators must cooperate with ERSE, when requested to do so to allow ERSE to fulfil its tasks. Information and documents requested must be submitted within 30 days, unless an extension of the deadline is justified.	Yes. Concession or license holders and other operators must cooperate with ERSE, when requested to do so to allow ERSE to fulfil its tasks. Information and documents requested must be submitted within 30 days, unless an extension of the deadline is justified.

INFORMATION ACCESS			
Country	NRA	Full access to financial information	Full access to technical information
Slovak Republic	URSO/ RONI	Yes	Yes
Slovenia	AGEN-RS	AGEN-RS may request all information required to carry out its responsibilities. Failure to provide requested information to Agency may result in a fine (which not imposed by the regulator).	AGEN-RS may request all information required to carry out its responsibilities. Failure to provide requested information to Agency may result in a fine (which not imposed by the regulator).
Spain	CNE	Yes, within the scope of CNE's competences.	Yes, within the scope of CNE's competences normally associated to a specific case or proceeding. The information requested is ad hoc and therefore depends on the specific proceeding.
Sweden	STEM	Yes. According to Electricity Law the regulatory authority may request any information or documents necessary for conducting the supervision.	Yes. According to Electricity Law the regulatory authority may request any information or documents necessary for conducting the supervision.
Luxembourg	ILR	Yes. On request, no formal procedure.	Yes. On request, no formal procedure.

3.2. Security of supply

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
Austria	E-Control	Yes. The regulator publishes a medium to long term forecast of electricity demand and supply. For the purpose of the "Energielektungsgesetz" (Energy Steering Act), the monitoring of the supply and demand in view of crisis management is performed by E-Control.	Yes. The regulator is responsible for the forecast (10 years) based on studies (Energy Steering Act).	No. The relevant authorities issuing network licences (i.e. local state authorities) are competent for monitoring.
Belgium	CREG	Yes. At present, the Regulator issues every three years a report on forecast over 10 year-period. Under a recent amendment to the law, this power is being transferred to the Ministry; the regulator will however provide advice on the report.	Yes. At present, the Regulator issues every three years a report on forecast over 10 year-period. Under a recent amendment to the law, this power is being transferred to the Ministry; the regulator will however provide advice on the report.	Yes, indirectly
Cyprus	CERA	No. The TSO is responsible.	Yes, through the issuing of additional licences.	No. The TSO is competent.
Czech Republic	ERO	No, according to the § 16 Energy Act the competence for monitoring the security of supply is with the Ministry of Industry and Trade.	No. Ministry of Industry and Trade is competent. ERO uses studies by external bodies.	Yes. Foreseen in the Energy Law and secondary legislation published by ERO.
Denmark	DERA	No. The TSO is directly responsible for security of supply. The Danish Energy Authority (DEA) monitors and regulates the TSO.	No. The TSO is directly responsible for security of supply. The Danish Energy Authority (DEA) monitors and regulates the TSO.	No. The TSO is directly responsible for security of supply. The Danish Energy Authority (DEA) monitors and regulates the TSO.
Estonia	EMI	Yes. The TSO and the DSOs must provide load and demand forecasts as well as an action plan to meet the load requirements annually to EMI.	Yes. The TSO and the DSOs must provide load and demand forecasts and the action plan to meet the load requirements annually to the regulatory authority.	Yes. Network operators must collect electricity quality data.

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
Finland	EMV	No. EMV monitors the development of supply/demand balance. The Ministry of Trade and Industry is responsible for strategic long-term planning of supply and demand.	Yes. Ministry of Trade and Industry is responsible for the forecast of electricity consumption. EMV collects information and forecasts on generation capacity in short term (three to five years) and monitors the development of supply/demand balance based on this information.	Yes. EMV collects data on outages and other information (age, investments) on networks and supervises that networks operators fulfil their obligation to develop their network.
France	CRE	No. The Minister of Energy is competent for monitoring security of supply .	No. The Minister of Energy is competent for monitoring security of supply .	Yes. CRE may propose measures required to ensure the safety and security of public electricity systems and to guarantee the quality of network operations.
Germany	BNetzA	No. The Federal Ministry of Economics is competent for monitoring security of supply, according to the Energy Act. This covers, in particular, present and expected supply/demand balance in on the national electricity and gas market, planned and capacities and capacities under construction, quality and scope of network maintenance, analysis of network faults, measures to cover peak demand and failures of one or more suppliers. For gas, this also covers available supply, taking account of stocking capacity and the share of long-term import contracts. BNetzA is only required to assist the Ministry in the monitoring of security of supply.	BNetzA is only required to assist the Ministry in the monitoring of security of supply.	No. Ministry of Economics is competent for monitoring quality and scope of network maintenance.

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
Great Britain	Ofgem	<p>Yes. The Energy Act requires the Secretary of State, in conjunction with Ofgem, to publish an annual report on short and long-term security of supply.</p> <p>In July 2001, Department of Trade and Industry (DTI) and OFGEM set up the Joint Energy Security of Supply working group (JESS) to assess risks to Britain's future gas and electricity supplies.</p>	<p>Yes. In July 2001, the Department of Trade and Industry (DTI) and OFGEM set up the Joint Energy Security of Supply working group (JESS) to assess risks to Britain's future gas and electricity supplies.</p>	<p>Yes. Ofgem provides economic incentives for distribution network operators to maintain certain standards.</p> <p>The monitoring that occurs is therefore how the distribution operators have performed against those quality of service incentives.</p>
Greece	RAE	<p>Yes.</p> <ol style="list-style-type: none"> 1. By formulating, as an opinion to the Minister of Development, the Greek Long-Term energy planning. 2. In addition, Law 3175/2003 allows possible development of mechanisms that would ensure capacity adequacy (in comparison with demand) in both the short and longer term. Such mechanisms would be controlled and operated by the TSO, under the supervision of the regulator (Ministry decides). In the 2005 Grid Code (approved in May 2005 and to enter into force gradually from Oct 2005 to Jan 2008), a generating capacity assurance mechanism is included. 3. TSO establishes and publishes, at least every two years, a regular five-year estimate of the generating and transmission capacity that 	<p>Yes</p>	<p>Yes. According to the 2001 Grid Code (still in force), the Hellenic TSO (HTSO) is responsible for developing the five-year plan for maintenance and renewal of the transmission system.</p> <p>This plan is approved by the Minister of Development following an opinion by RAE.</p> <p>There is an investment and maintenance obligation for PPC SA (the gride owner).</p>

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
		<p>is likely to be connected to the transmission system, the interconnection requirements to other systems or networks, the transmission capacity requirements and electricity demand.</p> <p>A decision of the Minister of Development following an opinion by the RAE may specify details of implementation.</p> <p>Finally, RAE also approves the DSO's plan for the non-interconnected islands and provides its opinion within the tender procedure for new capacity (Ministry decides).</p>		
Hungary	HEO	<p>(Gas) Yes. According to the Gas Act, HEO is charged with collecting the necessary information and preparing the forecasts concerning consumption and supply as well as the medium-term system level balance of demand and supply for the Minister at necessity, but at least bi-annually.</p> <p>(Electricity) Yes. In case of insufficient capacity, HEO may launch a tender for demand-side measures, in accordance with the Electricity Act. In addition, HEO approves the network development plan and launches the tender for network development.</p>	<p>(Gas) According to the Gas Act, HEO is charged with preparing directives for the development of the transmission and distribution networks and the underground gas storage facility, in harmony with the principle of least cost, taking into consideration the development proposals prepared by the natural gas transmission-, storage- and distribution licensees.</p> <p>(Electricity) According to the Electricity Act, the System Operator or HEO may launch a tender for the development of distribution networks. Regarding generation capacity, HEO may launch</p>	<p>Yes. HEO determines the minimum requirements and the prescribed levels of certain elements of distribution and public supply.</p>

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
			a tender if the quantity of electricity available is not sufficient to satisfy the expected long-term demand.	
Iceland	OS	Yes. By collecting various data on security of supply according to the Energy Act and regulation.	Yes. OS collects data on energy consumption, i.e. electricity, geothermal usage and fossil fuels usage. OS also participates in the Energy Forecast Committee which annually publishes information on electricity consumption and estimates the electricity energy requirements as well as demand for the next 20 to 25 years.	Yes. According to the Electricity Act, producers, the TSO and DSOs shall establish internal controls on the quality of electricity and security of delivery. OS shall coordinate the implementation.
Ireland	CER	(Electricity) Yes. CER has a role in monitoring security of supply/generation adequacy and, together with the TSO and the Department of Communications, Marine & Natural Resources, putting in place appropriate arrangements to ensure that a satisfactory generation capacity margin is maintained and electricity supply is secured.	(Electricity) Yes. CER reviews the generation adequacy of the Irish system on a weekly basis, produces an annual report on security of supply and approves the annual forecast statement (covering the subsequent seven year period) prepared by the TSO, under Section 38 of the Electricity Regulation Act of 1999. (Gas) The Commission publishes annually a gas capacity statement which provides a forecast of capacity, flows and customer demand on Ireland's natural gas system over the subsequent eight years.	(Electricity) Yes. CER to monitor the quality and level of maintenance of the transmission networks (through the "revenue review" process). This approach is also employed with respect to monitoring the quality and level of maintenance of the distribution networks.

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
Italy	AEEG	Yes. AEEG may advise the Ministry where it foresees possible supply problems.	Yes. AEEG may advise the Ministry where it foresees possible supply problems. AEEG is not responsible for approving transmission and generation plans; primary responsibility of TSO and Ministry of Productive Activities.	Yes. AEEG sets overall service standards and automatic refund mechanisms where such standards are not met; monitors operation of services, with inspection and data access powers.
Latvia	PUC	No. The Ministry of Economics is charged with monitoring the future electricity market in accordance with the necessary information from the TSO.	No. The Ministry of Economics is charged with monitoring the future electricity market in accordance with the necessary information from the TSO.	Yes
Lithuania	NCC	No. Energy agency under the Ministry of Economy is competent.	No. Energy agency under the Ministry of Economy is competent.	Yes. Monitoring based on quarterly report form the sector participants.
Malta	MRA	Yes. MRA is competent for monitoring medium and long term supply/demand balance. This task is performed by reviewing DSO reports.	Yes	Yes
The Netherlands	Dte	Yes. DTe monitors medium and long term supply/demand balance and advises the Minister of Economic Affairs on such matters.	Yes. DTe analyses future supply/demand balance and advises the Minister of Economic Affairs on such matters.	Yes. DTe regulates the quality of supply and network maintenance.

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
Norway	NVE	Yes. NVE fulfils this task is performed by preparing power and energy balance studies based on detailed data on schemes in operation, transmission capacity, projects in the pipeline for coming years, and strategy studies for scenarios 10 and 20 years ahead. These studies are complemented by industry and public sector consumption data. In addition, the TSO also has related responsibilities.	Yes. NVE analyses the demand for energy in the Norwegian market based on data collected in relation to other NVE activities, and on Statistics Norway data.	Yes. NVE regulates the quality of supply in the networks. As far as security of installations (e.g. maintenance) is concerned, the Directorate for Civil Protection and Emergency Planning (DSB) is competent.
Poland	URE/ ERO	No. In general, the Minister of Economy is competent for monitoring of gas/electricity supply security and is required to prepare monitoring reports. ERO approve development plans of gas/electricity transmission/distribution companies, taking into account current and future demand for gas and electricity in a period of three years at minimum.	No. The Minister of Economy is responsible for the monitoring of expected future demand and envisaged additional capacity. However, in the event of a shortfall in long-term electricity supply, ERO announces, organises and conducts a tender process for the construction of new generation capacities or projects aimed at reduction of demand for electricity.	Yes. Licenses granted by ERO to power utilities specify terms and conditions of the operations, including, but not limited, to the level of service and network reliability. Compliance is checked mainly in the the tariff-setting exercise. In addition, ERO may investigate the performance of network utilities and quality or reliability in particular where consumers file complaints.
Portugal	ERSE	No. Directorate-General for Geology and Energy is competent.	No. Directorate-General for Geology and Energy is competent.	Yes. ERSE is competent for monitoring compliance with the Quality of Service Code.
Slovak Republic	URSO/ RONI	Yes. Shared responsibility with the Ministry of Economy.	Yes. Shared responsibility with the Ministry of Economy.	Yes. Shared responsibility with the Ministry of Economy.
Slovenia	AGEN- RS	No. Ultimate authority is with Ministry, but RS-AGENS is currently conducting a study to investigate these issues	No. The Ministry is competent.	No

SECURITY OF SUPPLY				
Country	NRA	Participate in monitoring medium and long term supply /demand balance	Participate in monitoring future demand / additional supply	Participate in monitoring quality and network maintenance
Spain	CNE	Yes. CNE prepares annually a medium term forecasting document where supply and demand are forecasted in a five year horizon. The CNE also participates in the process of the long term planning (10-year forecast) in which a number of other institutions participate with the Government being ultimately responsible.	Yes. CNE participayes in preparing the medium term forecast document.	Yes. Although CNE has statutory powers, the regional administrations are responsible for its enforcement and the Ministry of Industry has developed a registry.
Sweden	STEM	Yes. The Energy Markets Inspectorate reports on an annual basis about the function and development of the markets for electricity, natural gas and heating, the development of investments, prices etc. In addition, the Swedish Energy Agency (in its role as the emergency authority) reports annually about crisis management and actions taken to increase robustness in the system.	No. Affärsverket Svenska Kraftnät reports on an annual basis about the availability of capacity and the possibilities to ensure optimal capacity between the different areas. The Energy Markets Inspectorate is competent for coordinating and preparing a report on security of supply.	Yes. According to the Electricity Act, the Energy Markets Inspectorate is competent for monitoring the quality of supply including the level of maintenance in the networks. The Electricity Markets Inspectorate is also responsible for the competent for monitoring the quality of supply for natural gas according to the Natural Gas Act.
Luxembourg	ILR	No. Ministry of Economic Affairs and TSO are competent.	No. Ministry of Economic Affaires and TSO are competent.	No

SECURITY OF SUPPLY			
Country	NRA	Participate in implementation of measures to cover peak demand /shortfall	Organize, monitor and /or control tendering procedure for new capacity
Austria	E-Control	No. Only in emergency situations E-Control organises load-shedding and issues orders to producers and customers in cooperation with the ministry and local state authorities.	Not applicable. No tendering of new generating capacities in Austria is foreseen at the moment.
Belgium	CREG	Yes	No. The Minister is competent.
Cyprus	CERA	No. The TSO is competent.	Yes
Czech Republic	ERO	No. ERO regulates the activity of ČEPS (the TSO). ERO sets the price for ancillary services.	No. Ministry of Industry and Trade is competent.
Denmark	DERA	No. The TSO is directly responsible for security of supply. The Danish Energy Authority (DEA) monitors and regulates the TSO.	No. The Minister may require the TSO to make a call for tender for new generating capacity. The monitoring authority will be the Danish Energy Authority (DEA).
Estonia	EMI	No	Yes
Finland	EMV	No. TSO is responsible for peak demand. In case a retail supplier is unable to supply electricity, for instance due to bankruptcy, EMV may order another retail supplier to continue supply.	No. In normal circumstances, new generation capacity will depend on market based criteria and mechanisms. Where supply is not sufficient to meet demand, the Government may organise a public invitation to tender for new generation.
France	CRE	No. CRE approves the transmission system operator's annual investment plan and gives an opinion on the multi-annual grid development plan.	No. The Minister of energy is responsible for a final decision. The French government may decide to launch calls for tender when it considers that the development of production facilities by the market or through purchasing obligations is insufficient. CRE is responsible for implementing the procedure. Based on conditions defined by the Minister, CRE proposes draft specifications, which the Minister may modify before publication, responds to any questions from candidates, receives, examines and scores applications.
Germany	BNetzA	No. Ministry of Economics is competent.	No. The Federal Government/Ministry of Economics is competent.

SECURITY OF SUPPLY			
Country	NRA	Participate in implementation of measures to cover peak demand /shortfall	Organize, monitor and /or control tendering procedure for new capacity
Great Britain	Ofgem	Yes. Because gas and electricity are services that are generally regarded as essential, Ofgem (in conjunction with other bodies where appropriate) takes all reasonable steps to address the consequences of gas and electricity suppliers failing. Not every failure will require regulatory intervention – the business may be sold in a trade sale. However, it is for Ofgem to take all reasonable steps within its available powers to secure continuity of supply for all customers.	Not applicable
Greece	RAE	No. HTSO is competent.	No. The Minister of Development is competent and RAE only provides an opinion.
Hungary	HEO	(Gas) Yes. According to Gas Act, HEO may invite bids for the establishment of the transmission pipeline and the gas storage facility, and it may evaluate the bids, if the conditions of the development directive are not fulfilled by the licensees. (Electricity) Yes. According to the Electricity Act, the System Operator or HEO may launch a tender for the development of distribution networks where the quantity of electricity to be transmitted through the public utility networks does not match future system user demands. For generation capacity and to implement measures for regulating demand side the HEO may launch a tender where the quantity of electricity available in the country will be not sufficient to satisfy the expected long term demand. HEO may issue a tender for new capacity in case of capacity shortage (not peak demand specific).	(Gas) Yes. According to Gas Act, HEO may invite bids for the establishment of the transmission pipeline and gas storage facilities, and it may evaluate the bids, if the conditions of the development directive are not fulfilled by the licensees. (Electricity) Yes. HEO is competent for launching tenders.
Iceland	OS	No. TSO is competent.	Not applicable

SECURITY OF SUPPLY			
Country	NRA	Participate in implementation of measures to cover peak demand /shortfall	Organize, monitor and /or control tendering procedure for new capacity
Ireland	CER	(Electricity) Yes (Gas) No	(Electricity) Yes (Gas) Not applicable
Italy	AEEG	No. TSO is competent.	No. Ministry of Productive Activities, and local authorities.
Latvia	PUC	No. TSO is competent.	No. Ministry of Economy is competent.
Lithuania	NCC	No. Ministry of Economy is competent.	No. Ministry of Economy is competent.
Malta	MRA	Yes	No. Tendering option is available, but designation of body responsible for organising the tendering procedure is not yet defined.
The Netherlands	Dte	No. TSO is competent. However, DTe monitors and regulates the TSO.	No
Norway	NVE	No. According to the Energy Act, the TSO is competent. NVE has the responsibility to prepare and enforce the regulation of system operation.	Not applicable
Poland	URE/ERO	No. ERO is not directly involved in the implementation of measures to cover peak demand and to address any shortfalls of one or more suppliers. This is the responsibility of the TSO.	Yes. In the event of a long-term shortfall of electricity supply, it is the responsibility of ERO to announce, organise and conduct a tendering procedure for building additional generation capacities and projects aimed at reduction in electricity demand.
Portugal	ERSE	No	No.
Slovak Republic	URSO/ RONI	Yes. Shared responsibility with the Ministry of Economy.	Yes. The tender shall be organized and supervised by RONI.
Slovenia	AGEN-RS	No	No, the government/ministry is competent.
Spain	CNE	Yes. CNE involved through the drafting and supervision of network procedures The Ministry of Industry is in any case the ultimate decision body.	Tendering is a mechanism included in legislation.

SECURITY OF SUPPLY			
Country	NRA	Participate in implementation of measures to cover peak demand /shortfall	Organize, monitor and /or control tendering procedure for new capacity
Sweden	STEM	<p>No. A temporary law on capacity reserves gives Svenska Kraftnät the authority to secure adequate peak load reserves including demand response up to 2000 MW of reserves during a transition period. The intention is to give the actors on the market time to create market based measures to secure peak capacity. The law expires by the end of February 2008.</p>	<p>The only tendering that exists is related to the temporary law. Affärsverket Svenska Kraftnät has this role as a part of its authority related to systems operation.</p>
Luxembourg	ILR	<p>No. Ministry of Economic Affaires and TSO are competent.</p>	<p>No. Ministry of Economic Affairs is competent.</p>

3.3. Market opening

MARKET OPENING			
Country	NRA	Timetable for market opening	Role of the regulator
Austria	E-Control	100% for both electricity (since Oct 2001) and gas (since Oct 2002).	Not applicable
Belgium	CREG	100% market opening for markets under federal competences.	Not applicable: market opening determined by law.
Cyprus	CERA	35% market opening since 2004. Cyprus qualifies as an "isolated" system and has requested derogation for market opening.	Not applicable. Minister of Industry, Commerce and Tourism is competent for identifying the timetable for market opening.
Czech Republic	ERO	74% for electricity since 2005, 100% for electricity from 2006 100% for gas from 2007	Not applicable
Denmark	DERA	100% for electricity and gas since 2003. No market opening planned for the heat market, though there are current considerations on how to introduce competitive elements.	Not applicable
Estonia	EMI	35% for electricity from 2009, 100% for electricity from 2013 Estonia enjoys a derogation from the requirements of the Electricity Directive. 100% for gas from 2007	The regulator may propose the market opening to the Ministry of Economic Affairs or to Parliament.
Finland	EMV	100% for electricity since 1997 0.5% for natural gas since 1997 (only the secondary gas market has been opened). Finland enjoys a derogation from the requirements of the Gas Directive as long as Finland has only one importer of natural gas and Finland has no pipeline connections to another Member State.	Not applicable
France	CRE	100% for professional customers and collectivités territoriales since July 2004 100% for all customers from July 2007	Not applicable
Germany	BNetzA	Both electricity and gas markets are fully liberalised.	Not applicable
Great Britain	Ofgem	Both electricity and gas markets are fully liberalised.	Not applicable

MARKET OPENING			
Country	NRA	Timetable for market opening	Role of the regulator
Greece	RAE	<p>Since July 2004, all non-household consumers of the interconnected system have become eligible (equal to almost 70% of annual electricity consumption in Greece)</p> <p>100% for all customers from July 2007</p> <p>However, the Greek Government has filed a request with the Commission a request for a derogation under Art. 26 Gas Directive for the micro-systems on all non-interconnected islands (Crete and Rhodes not included).</p> <p>According to the request, there will be no eligible customers on these islands and the exclusive supplier and generator (with the exemption of RES, CHP and autoproducers) will be the incumbent PPC SA.</p>	
Hungary	HEO	<p>All non-residential electricity customers are eligible since May 2004.</p> <p>100% electricity market opening from July 2007</p> <p>All non-residential gas customers are eligible (equal to 69% of annual gas consumption in Hungary) since July 2004.</p> <p>100% gas market opening from July 2007</p>	Not applicable
Iceland	OS	100% from Jan 2006	Not applicable
Ireland	CER	<p>100% for electricity since Feb 2005,</p> <p>All non-residential gas customers are eligible since 2004</p> <p>100% gas market opening planned for Oct 2005</p>	Identifying the timetable of market opening is a matter for the Minister. CER however advises the Minister thereon.
Italy	AEEG	<p>All non-residential electricity customers are eligible (equal to 80% of annual electricity consumption excluding autoproducers in Italy) since July 2004 (in practice, only a very small percentage has exercised this choice).</p> <p>100% for all electricity customers from July 2007.</p> <p>100% for all gas customers since Jan 2003</p>	AEEG may comment or issue a proposal regarding market opening timetable.
Latvia	PUC	<p>All non-residential electricity customers are eligible since July 2004</p> <p>100% for all electricity customers from Jan 2007.</p> <p>No gas market opening until 2010.</p>	The Ministry of Economics is competent for market opening. PUC may advise the Ministry.
Lithuania	NCC	<p>All non-residential electricity customers are eligible from July 2004</p> <p>100% for all electricity customers from Jan 2007.</p> <p>All gas customers consuming ≥ 1bn m³ are eligible since 2004 (equal to 80% of annual gas consumption in Lithuania)</p>	No. In the gas sector, the Ministry of Economy is competent; the timetable for electricitiz market opening is set by law.

MARKET OPENING			
Country	NRA	Timetable for market opening	Role of the regulator
Malta	MRA	No market opening so far. Application pending for derogation as “small isolated electricity system”. No natural gas in Malta.	Not applicable
The Netherlands	Dte	Both electricity and gas markets are fully liberalised.	Not applicable
Norway	NVE	The electricity market is fully liberalised.	Not applicable
Poland	URE/ERO	All non-residential electricity and gas customers are eligible. 100% market opening from July 2007	Electricity and gas full liberalisation date set by law. Regulator was involved in draft law development, mostly by issuing opinions and submitting its own proposals.
Portugal	ERSE	100% market opening since 2004	Not applicable
Slovak Republic	URSO/ RONI	100 % market opening from July 2007	Not applicable
Slovenia	AGEN-RS	All non-residential electricity and gas customers are eligible since July 2004 100% market opening from July 2007	Not applicable
Spain	CNE	Both electricity and gas markets are fully liberalised.	Not applicable
Sweden	STEM	The electricity market is fully opened. All commercial gas customers are eligible since July 2005. 100% gas market opening from July 2007	Not applicable
Luxembourg	ILR	All non-residential electricity and gas customers are eligible. 100% market opening from July 2007	No formal role

3.4. Licenses

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Austria	E-Control	No. Licenses are issued by the Minister of Economic Affairs and Labor.	No. E-Control may set license terms and conditions	Yes	No
Belgium	CREG	No, Minister of Energy issues licences.	No, power to give advice of proposals.	No.	Yes
Cyprus	CERA	Yes	Yes	Yes	Yes
Czech Republic	ERO	Yes	Yes	Yes	No. ERO could remove licenses if there would be any infraction, but no experience so far.
Denmark	DERA	No. In general questions related to licenses are dealt with by the Danish Energy Authority (DEA).	No.	No, unless it relates to certain elements specifically mentioned in the energy acts as the competence of DERA (monitoring of certain unbundling requirements) or if the Minister of Transport and Energy gives this authority to DERA.	Yes. In relation to DERA-orders to specific companies to amend their tariffs or conditions, fines can be imposed to incentivise compliance.
Estonia	EMI	Yes	Yes	Yes	Yes

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Finland	EMV	Yes. EMV may issue electricity network licenses, natural gas network licenses and emissions permits. EMV has also power to issue licenses for the construction of a power line with a nominal voltage of 110 kilovolts or above. For the cross-border power lines, licenses are issued by the Ministry of Trade and Industry.	No.	No	EMV may withdraw licenses if the licensee terminates its electricity or natural gas network operation, if the licensee no longer meets the prerequisites required for the granting of the licence or if the licensee repeatedly and essentially violates Electricity or Natural gas Market Act or the statutes or regulations issued under that Act.
France	CRE	No	No	No	No
Germany	BNetzA	No. Federal State authorities are competent for the licensing of network operations.	No	No. Federal State authorities are competent for the licensing of network operations.	No. Federal State authorities are competent for the licensing of network operations.
Great Britain	Ofgem	Yes. In accordance with the Utility Act 2000, only the Regulatory Authority may issue new operating licences.	Yes. Ofgem can modify conditions of licenses subject to appeal.	Yes. The Regulatory Authority may modify existing licences with the agreement of the licensee. If the licensee rejects such proposals, the Authority may refer the matter for determination by the Competition Commission.	Yes

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Greece	RAE	No. RAE gives its opinion to the Minister of Development regarding the granting of licenses regarding the activities of the electricity sector. The Minister of Development issues the licenses. RAE has the power to review and monitor licenses and compliance with license conditions.	No. RAE gives its opinion on issuing secondary legislation in the area of licensing to the Minister of Development.	No. RAE gives an opinion to the Minister of Development on the modification of licenses.	RAE has the power to impose a fine on licensees for infractions.
Hungary	HEO	(Gas) Yes. HEO is authorised to issue licenses for the gas system operators and system users. (Electricity) Yes. According to Electricity act, HEO shall issue or in cases defined in the valid regulation shall modify or withdraw the licenses required for exercising licensed activities	(Gas) No, The HEO is not authorised to issue decrees, however it takes part in their preparation (right to specify the terms and conditions of licenses). (Electricity) The Government shall define the detailed rules of licensing, including the continuation of licensed activities and the conditions of modification of the operation licence	(Gas and Electricity) Yes	Yes
Iceland	OS	No. Licences are issued by the Ministry for Industry and Commerce.	No	No	Yes. OS has the power to impose daily fines on licensees until they comply with the act or the authority's decision.

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Ireland	CER	(Electricity) Yes The Commission may grant or refuse to grant to any person a licence to generate electricity and to supply electricity to eligible customers. (Gas) The Commission has the authority to grant, on such terms and conditions as may be specified in the licence, or may refuse to grant, to any person a licence in respect of any or all of the following activities- (i) the supply of natural gas, (ii) the shipping of natural gas, (iii) the operation of a transmission system, (iv) the operation of a distribution system, (v) the operation of an LNG facility, or (vi) the operation of a natural gas storage facility.	No. (Electricity) According to Electricity Regulation Act, the Minister shall specify by Order the criteria in accordance with which an application for an authorisation may be determined by the Commission. (Gas) The Minister shall specify by regulations the criteria in accordance with which an application for a natural gas licence may be determined by the Commission.	Yes. The Commission may modify the terms and conditions of licences and/or authorisations regarding natural Gas and electricity.	No. The Regulatory authority does not have the power to impose a fine on licensees for infractions.
Italy	AEEG	No, but issues opinion to Government and Parliament on services to be subject to authorization or license, it may advice the Ministry of Productive activities on issuance and	No	No, but issues opinion to responsible Ministers; Prime Minister may make ultimate decision if responsible Minister rejects AEEG's recommendation.	No, but may propose to the competent Ministry to suspend or revoke the license. Prime Minister may make ultimate decision if responsible Minister rejects AEEG opinion.

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
		amendments of licensing and authorization schemes.			
Latvia	PUC	Yes	No	Yes	Yes
Lithuania	NCC	Yes	No	Yes	Yes
Malta	MRA	Yes	No. The Minister for Resources is competent for making regulations in respect to any functions of MRA, after consulting it.	Yes	No. The Authority has the power to report on infractions but does not have the power to impose penalties.
The Netherlands	Dte	Yes	No. The Minister of Economic Affairs issues secondary legislation; DTe advises.	Yes	Yes
Norway	NVE	Yes. NVE issues a wide range of licenses.	Yes. NVE determines the terms and conditions of licences and issues regulations with statutory basis in the 1990 Energy Act.	Yes, if the licensee restructures or changes its business areas.	No. NVE may however impose a compulsory fine if a company is not in compliance with regulation and has failed to meet the authority's requests.

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Poland	URE/ERO	Yes. ERO is responsible for the monitoring of compliance with license conditions.	No. ERO is not entitled to issue any legislation secondary to EL. Nevertheless, he has the power to determine the terms and condition of licenses.	Yes. Two issues to be distinguished: First, license modification upon licensee's request. In that case ERO modifies the license, if the modification is found necessary and consistent with laws. Second, ERO may modify a license without licensee's consent. ERO is authorised to modify the scope of license in the event that utility undertaking has been split or merged with other undertakings or if necessary for national defense and security reasons or safety of citizens or if undertaking's bankruptcy is declared.	Yes. ERO may impose a fine on licensees. EL does not contain any provisions that would prevent him from reporting infractions to competent authorities.
Portugal	ERSE	No. The Directorate-General of Energy is competent for issuing licences. ERSE has the power to review and monitor licenses and compliance with license conditions.	Yes. ERSE is competent for issuing the codes and complementary legislation.	No. The Directorate-General of Energy is competent for licence modifications.	Yes
Slovak Republic	URSO/ RONI	Yes	Yes	Yes	Yes

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Slovenia	AGEN-RS	No. The Ministry is competent for setting rules and conditions for issuing licenses. AGEN-RS has the power to review and monitor licenses and compliance with license conditions	No.	Yes, AGEN-RS may revoke license in accordance with criteria set by Ministry; Energy Act does not address modification.	No
Spain	CNE	No, but CNE issues a report for the Ministry for application of new infrastructures on the national frame. CNE has the power to review and monitor licenses and compliance with license conditions; mainly through the inspections.	No. CNE has the power to propose to the Ministry of Industry legislation in this. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	No. Given that the duties are stated in the legislation and not in "licenses", the CNE has the power to propose changes in the legislation.	No. CNE may however propose the fines to the Ministry of Industry.

LICENSES					
Country	NRA	Power to issue licenses	Power to issue secondary legislation in the area of licensing	Power to modify licenses	Power to impose fines
Sweden	STEM	<p>Yes. The regulatory authority has the power to issue licenses up to 145 kV and, in some cases up to 400 kV. Interconnections with other countries are however excluded from the delegation. The regulatory authority has no power to issue secondary legislation in the area of licensing, but may determine the terms and conditions of a certain license. Licence monitoring is a part of the regulatory authority's supervision.</p>	<p>No. The regulatory authority has no power to issue secondary legislation in the area of licensing, but may determine the terms and conditions of a certain license.</p>	No	Yes
Luxembourg	ILR	<p>(Electricity) Not applicable, no licence required. (Gas) Minister of Economic Affairs is competent for issuing licences after seeking an opinion by ILR.</p>	No	No	Yes

3.5. Tariffs

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Austria	E-Control	Yes	Yes. E-Control Commission has the power to set tariffs ex ante by ordinance.	Yes. E-Control prepared and approved a methodology for the calculation of balancing service charges collaboration with the responsible company.	Yes
Belgium	CREG	No, power to make proposal in certain cases; in other cases: CREG gives advice on proposals made by Minister.	Yes. CREG has the authority to approve tariffs ex ante.	Yes, as part of authority on tariffs.	Yes
Cyprus	CERA	No. The Electricity Market Regulations of 2004, require CERA to prepare and publish electricity tariff charges.	Yes. TSO is competent for preparing methodologies for the calculation of transmission and distribution network access tariffs and CERA is the competent authority for approving them.	Yes. TSO is competent for preparing methodologies for the calculation of balancing and ancillary services and CERA is the competent authority for approving them.	Yes. The Regulatory authority has a role to approve TSO proposal regarding connection costs.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Czech Republic	ERO	Yes. ERO issues a Decree specifying the contents of the economic information and the price regulation procedures in the energy sector, a Decree on accounting separation and rules for the allocation of expenditures, sales and return on capital invested and a Notice on rules for electricity market organisation and the principles of pricing the market operator's activities.	Yes. ERO is competent for fixing and approving transmission and distribution network tariffs and methods for the calculation.	Yes	Yes
Denmark	DERA	Yes. However, this is limited to transparency and notification of tariffs. DERA is involved by providing comments, in the preparation of all other relevant secondary legislation by the Danish Energy Authority.	Yes. Network tariffs and methodologies must be notified to DERA. Network tariffs generally are set by network companies within the framework of income-caps fixed by DERA in advance. DERA may order the amendments of network tariffs notified if they are set contrary to the requirements of the energy acts.	TSO must notify DERA. DERA may order amendments of tariffs notified if they are set contrary to the requirements of the energy acts.	All network companies must notify standard tariffs/prices for connection to DERA. DERA can order the amendments if they are set contrary to the requirements of the energy acts.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Estonia	EMI	Yes. EMI issues the price calculation methodology.	Yes. EMI is fixing ex-ante all distribution and transmission network tariffs.	Yes. EMI is fixing the methodology to calculate the price of balancing services. The price of ancillary services is regulated ex post.	Yes. EMI approves the methodology for calculation of connection costs.
Finland	EMV	Yes. EMV issues two separate Regulations instructing retail suppliers and network operators on how to publish and inform prices as well as sales terms and conditions (electricity and gas).	Yes. There is no ex-ante approval of tariffs or prices of network services by authorities. EMV confirms ex-ante the methodology to be used in setting both transmission and distribution network tariffs and connection charges and the terms and conditions of network and connection services before the network operators are able to apply them.	Yes. EMV confirms ex-ante terms of the services and methods to determine the fees charged from the services.	Yes. EMV confirms ex-ante the terms and conditions of connection services before the network operators are able to apply them.
France	CRE	No	Yes. The CRE calculates and recommends tariffs for the use of public electricity and natural gas systems and LNG plants, which are confirmed jointly by the Ministers in charge of finance and energy.	Yes. CRE approves the proposal of rules provided by the TSO relating to generation and consumption scheduling, to the balancing mechanism and to the recovery of balancing charges.	Yes. The CRE can use the procedure of settlement of dispute for setting these connection costs. Moreover, when the CRE calculates tariffs for the use of public electricity and natural gas systems and LNG plants, its sets one part of these connection costs.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Germany	BNetzA	No. Energy Act requires BNetzA to prepare a report on introducing incentive regulation. Energy Act also empowers the Federal Government to adopt an Ordinance on incentive regulation in agreement with the Upper Chamber of Parliament (Bundesrat). The Ordinance would, inter alia, determine the starting date of incentive regulation and define the competences of BNetzA in implementing incentive regulation.	Yes. The methods for the calculation of network access charges, including cost-orientation requirements, are set by Energy Act and the forthcoming Ordinances on electricity network fees and gas network fees. Prior approval is required for electricity and gas network fees.	Yes. Energy Act and the Ordinance on access to electricity networks set rules for the procurement and tariffing of balancing services, e.g. a requirement for procurement procedures to be market-based, transparent and non-discriminatory.	No

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Great Britain	Ofgem	No	<p>Yes. Ofgem regulates the level and structure of charges levied for using the monopoly networks and the quality of service provided by these companies.</p> <p>The level of distribution and transmission charges and the quality of service provided by these companies are regulated using price controls and various incentive regimes.</p>	<p>Yes. Methodologies are in the network codes. Industry participants are able to propose changes which are reviewed by Ofgem who then decide whether to approve or reject the proposal.</p>	<p>No. The only instances in which Ofgem actually set connection costs is when determining a dispute between a licensee and a connection customer.</p>
Greece	RAE	<p>No. RAE provides an opinion to the Minister of Development who is competent.</p>	<p>No. RAE provides an opinion to Minister of Development. However, RAE approves various elements of the cost base of the tariffs, such as the annual system cost, including the annual barter owed by HTSO to PPC SA and the annual system operating cost, and also the calculation of system usage charges. Due to lack of the Distribution Network Code there is neither a methodology nor a procedure for the approval of the distribution system charges. Such charges are assumed to be incorporated into the retail tariffs of PPC, which are approved by the Minister of Development, following RAE opinion.</p>	<p>No. RAE only submits its opinion on such costs to the Minister of Development for approval.</p>	<p>No power to set connection costs. HTSO proposes the general terms and conditions (including costs) for the connection of the users, which are approved by the Minister of Development, following an opinion by RAE.</p>

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Hungary	HEO	No. HEO proposes tariffs and the Minister of Economy and Transport decides.	No. HEO shall prepare the methodology used for the calculation of tariff of transmission and distribution network and submit a proposal to the Minister of Economy and Transport. The tariffs shall be set by the Minister. Other HEO tariff powers: Preparation of the official prices of heated water and steam realized directly or indirectly by the licensee of electricity generation for district heating for the population and the preparation of prices of electricity covered by feed-in obligations.	Yes. Methodologies used to calculate balancing and ancillary services are included in the regulations elaborated by the licensees and to be approved by the HEO.	Yes.
Iceland	OS	No	Yes. According to the Electricity Act, OS decides an income cap for the network operators. The network operators then propose tariffs, based on the given income-cap. OS must comment on (approve) the proposed tariffs for transmission and distribution.	Yes. According to the Electricity Act, OS must comment on (approve of) the proposed tariffs for ancillary services.	Yes. The customer can appeal the connections costs to the regulatory authority. The decision of the regulatory authority can be appealed to the Appeals Committee.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Ireland	CER	<p>(Electricity) Yes CER issues a direction with respect to a schedule of tariffs to ESB, operating in its capacity as Public Electricity Supplier.</p> <p>(Gas) Yes CER issues a direction in respect to a schedule of tariffs, in relation to domestic and small industrial customers.</p>	<p>(Electricity) Yes. CER collects network operator data for the purposes of calculating allowed revenues and network tariffs, including the existing Regulated Asset Base (RAB), operating costs (OPEX), capital expenditure costs (CAPEX) and asset values. System operators submit proposed revenue requirements to CER, which reviews information provided and decides on the allowed revenues for the operators based on a number of criteria, including benchmarking data.</p> <p>(Gas) Yes. BGE proposes network transmission and distribution tariffs as part of the annual tariff review exercise. CER reviews assumptions underlying these submissions and the impact these will have on system-users.</p>	<p>(Electricity) Yes. Ancillary services are provided by generators for which they receive regulated revenue from the TSO. There is no market where ancillary services are traded. CER is competent for approving ancillary service rates ex ante annually.</p> <p>The electricity wholesale market is based on a bilateral contracts model with a balancing mechanism. "Top Up" is the price paid by participants to procure energy in excess of their contracted amounts. This price is calculated annually by CER ex ante. "Spill" is the price paid to participants for energy provided in excess of their contracted amounts. This price is calculated ex-post i.e. after the actual day. A spill price floor is in place which is set by CER.</p>	<p>(Electricity) Yes CER approves the costs annually for connection to the distribution and transmission systems and resolves disputes regarding connections.</p> <p>(Gas) Yes</p>

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Italy	AEEG	Yes. AEEG has the power to issue secondary legislation in the area of tariffs. AEEG issues tariffs.	Yes. AEEG is responsible, ex-ante, for fixing and approving transmission and distribution network tariffs or for fixing and approving methodologies used to calculate transmission and distribution network access tariffs.	Yes. AEEG is responsible, ex-ante, for fixing and approving methodologies used to calculate balancing and ancillary services.	Yes. With respect to setting connection costs, AEEG has a role in cooperation with the TSO.
Latvia	PUC	Yes	Yes	Yes, for balancing in electricity.	Yes. PUC elaborates and approves the methodologies / rules regarding access to the grids.
Lithuania	NCC	Yes	Yes. NCC is responsible for fixing and approving methodologies used to calculate transmission and distribution network access tariffs, as also approving the tariffs.	Yes	Yes
Malta	MRA	No. The Minister for Resources is competent for issuing secondary legislation, after consultation with MRA.	Yes. MRA is responsible for approving, prior to their entry into force, the methodologies used to calculate or establish the terms and conditions for connection and access to the network.	Yes. MRA is responsible for approving, prior to their entry into force, the methodologies used to calculate or establish the terms and conditions for the provision of balancing services.	Yes. MRA is responsible for approving, prior to their entry into force, the methodologies used to calculate or establish the terms and conditions for connection and access to the network.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
The Netherlands	Dte	No. The Minister of Economic Affairs is competent for issuing secondary legislation; DTe however advises.	Yes. DTe determines the methodology to promote efficient operation of the network companies and sets both the transmission and distribution network tariffs, resulting from the methodology.	DTe is responsible for approving the general rules and procedures for balancing and ancillary services (Systemcode)	Yes
Norway	NVE	Yes	No. NVE issues general legislation concerning the structure of the transmission and distribution tariffs. Each transmission and distribution network company is responsible for determining the tariffs within the framework of the legislation. NVE does not approve the individual tariffs.	Yes. The costs of balancing and ancillary services are covered through the general tariffs in the transmission grid. NVE do however decide what part of these costs can be covered through the tariffs.	Yes. Connection costs paid by customers are regulated according to the tariff regulations.
Poland	URE/ERO	No. ERO does not issue any secondary legislation in the area of tariffs. The Minister of Economy is competent for issuing an Ordinance on tariff setting and calculation principles as well as on detailed principles governing the settlements. ERO may comment on secondary legislation drafts.	Yes. ERO is responsible ex-ante for fixing and approval of transmission and distribution tariffs, as proposed by the energy enterprise.	Yes. ERO is responsible for approval of balancing rules. ERO ex-ante approves the costs of maintenance ensuring good quality of system operation (regulatory system services, reserve capacities, congestion removal costs) by TSO.	Yes. ERO may set network connection fees or decide on fee setting methodology.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Portugal	ERSE	Yes. ERSE sets, issues and updates the Tariffs Code and establishes periodically, within the terms of the Tariffs Code, the tariff rates and prices.	Yes. ERSE is competent for approving network tariffs as well the methodologies used to calculate transmission and distribution network access tariffs.	Yes (for balancing). No (for ancillary services), because they are established in the Power Purchase Agreements (PPA), signed between TSO and the generators.	Yes
Slovak Republic	URSO/ RONI	Yes	Yes	Yes	Yes
Slovenia	AGEN-RS	Yes. Government must however approve.	No, but AGEN-RS consent required. The Agency is charged under the new Energy Act with establishing the methodology for the tariff systems. The general act must be submitted to the Government for consent. Electricity tariffs must be prepared and published by the supplier of electricity to tariff customers, following the consent of the Agency. The tariff systems for natural gas and heat must be drawn up by the DSO and are approved by a competent local authority.	No, but it must consent.	Yes.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Spain	CNE	No. The CNE has the power to propose to the Ministry of Industry legislation in the area of tariffs. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	Yes. The CNE has the power to propose to the Ministry of Industry legislation in the area of network tariffs. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	Yes. The CNE has the power to propose to the Ministry of Industry legislation in the area of balancing and ancillary services. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	Yes. The CNE has the power to propose to the Ministry of Industry legislation in the area of connection costs. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding. In practice these costs are included in the annual Royal Decree that establishes the tariffs for the following year.

TARIFFS					
Country	NRA	Power to issue secondary legislation in the area of tariffs	Authority for transmission and distribution network tariffs	Authority for balancing and ancillary services	Authority for setting connection costs
Sweden	STEM	Yes. According to the Electricity Act and the Natural Gas act, the Swedish Government has the right to delegate this power to issue secondary legislation to the regulatory authority. This is expected to take place in late 2005.	Yes. The Energy Markets Inspectorate issues secondary legislation in the area of Electricity and Natural Gas tariff regulation. Tariffs for the distribution of electricity are regulated ex-post as regards reasonableness. For natural gas, the regulatory authority is responsible for approving ex-ante the methods by which the tariffs are decided as regards objectivity and non-discrimination. The actual natural gas tariffs are controlled ex-post as regards reasonableness.	Yes. Contracts on balancing services are approved ex-ante by the regulatory authority as regards objectiveness and non-discrimination.	No. Upon complaint, a customer may have the connections costs checked by the regulatory authority. The decision of the regulatory authority can be appealed to the District Administrative Court.
Luxembourg	ILR	No	ILR may advise the Minister of Economic Affaires, who has the power to decide.	ILR may advise the Minister of Economic Affaires, who has the power to decide.	ILR may advise the Minister of Economic Affaires, who has the power to decide.

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
Austria	E-Control	Yes	Yes	Yes. Price-cap using an efficiency offset (never used in practice).	No
Belgium	CREG	Yes	Not applicable	Yes	Yes (administrative penalties)
Cyprus	CERA	Yes. CERA may require TSO and DSOs to modify terms and conditions, tariffs, rules, mechanisms and methodologies to ensure they are proportionate and applied in a non-discriminatory manner.	Yes	Yes	Yes
Czech Republic	ERO	Yes. ERO publishes secondary legislation, i.e. Grid Code, which contains rules and mechanisms for ensuring non-discriminatory behaviour of TSO and DSOs.	Yes	Yes	No
Denmark	DERA	Yes	Yes	Yes, as an element of fixing income caps.	No
Estonia	EMI	Yes	Yes	Yes	Yes
Finland	EMV	Yes. EMV may order in the obliging decision how the mistake or omission should be mended.	Yes	Yes	Yes, as a part of methodology confirmed ex-ante.

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
France	CRE	No, because CRE sets the tariffs	CRE calculates and recommends tariffs for the use of public electricity and natural gas systems and LNG plants, which are confirmed jointly by the ministers in charge of finance and energy.	Yes	No
Germany	BNetzA	Yes, the Federal Network Agency is empowered to investigate and remedy abusive behaviour of network operators under Energy Act, in particular with respect to non-discrimination.	Yes	Yes	No. The parameters of incentive-based regulation still need to be defined in detail.
Great Britain	Ofgem	Yes, to the extent provided for by licences.	Yes, to the extent provided for by licences.	Yes, to the extent provided for by licences.	Yes, to the extent provided for by licences.
Greece	RAE	Yes. RAE provides an opinion, ex-ante, and can propose the imposition of fines to the operators in case of abuse regarding discrimination.	Yes	Yes. The cost calculation methodology includes performance based component (CPI-X method), which is set by RAE.	Yes. RAE has the discretion to set the rate of return as far as the cost of the System is concerned.

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
Hungary	HEO	No. HEO shall have the right to perform investigation at his discretion and to initiate the above modifications.	No. HEO is authorized to take decision with regard to disputes and to the application of provisions of business rules of the licensees.	<p>Yes. The HEO shall examine annually the performance of distribution licensees.</p> <p>If the required performance indices are decreased to an extent more than the specified value, then the licensee shall provide a predefined price discount for his consumers in the next year.</p> <p>If the performance indices are not decreased, then the profit limit of the next year shall be considered at a level higher by 10%.</p>	No
Iceland	OS	Yes. If OS considers that a proposed tariff is not in accordance with law and regulation it comments on that to the TSO or DSO. A tariff can not enter into force until OS considers that it has been amended properly.	Yes	No.	Yes, the regulation authority has the power through efficiency analysis to set company specific efficiency requirements.

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
Ireland	CER	(Electricity) Yes CER has the power to require Transmission and Distribution System Operators to modify terms and conditions for connection to and use of the Transmission and Distribution, tariffs, rules, mechanisms and methodologies to ensure they are proportionate and applied in a non discriminatory manner.	(Electricity) Yes This is conducted with regard to both the Transmission System Operator and Distribution System Operator through the revenue review processes and also through the connection dispute mechanism. (Gas) Yes this is conducted with regard to both TSO and DSO via the revenue review processes and also the Commission's active dispute settlement process.	(Electricity) Yes CER approves any changes to tariffs and has quality of service measures as part of its review of the revenue submissions, including benchmarking, efficiency targets and quality of service reports.	Yes
Italy	AEEG	Yes	Yes	Yes (price cap applied since AEEG began operations)	Yes
Latvia	PUC	Yes	Yes	Yes	Yes. According to the law, if factors that influence profitability change, PUC may propose a review of tariffs.
Lithuania	NCC	Yes	Yes	Yes	Yes

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
Malta	MRA	Yes	Yes	MRA has the power to regulate price structure, but the mechanisms are not yet defined in the relevant subsidiary legislation.	MRA has the power to regulate price structure, but the mechanisms are not yet defined in the relevant subsidiary legislation.
The Netherlands	Dte	Yes	Yes	Yes. The regulatory model is a method of price-capping to promote efficient operation.	No. Individual companies can be penalized in their revenue through individual decisions if companies refuse to implement the formal decisions taken by the Authority.
Norway	NVE	Yes. NVE has the power to ensure that the tariffs to the transmission and distribution system operators are in accordance with the main principles for determining tariffs.	Yes. NVE do handle disputed concerning tariffs. If a customer complain on the tariff and NVE find that the network companies tariff is not in variance with the legislation, NVE impose the network company to change the tariff for all the customers.	No. The regulatory model is an incentive based regulation and it has elements of incentives for the network owners to reduce their costs during the regulation period. (efficiency analysis and quality adjusted income cap)	No. Incentive based regulation is used.

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
Poland	URE/ERO	Yes. ERO may request TSO and DSO to modify terms and conditions, tariffs, rules, mechanisms and methodologies to ensure they are proportionate and applied in a non-discriminatory manner.	Yes. ERO has the power to ensure that charges applied by network operators for access to networks are transparent and reflect actual costs incurred.	Yes. ERO has the power to require performance-based components within the tariff methodologies and ensure compliance by using the RPI-X methodology.	Yes. ERO has the power to set a reasonable rate of return on capital. Reducing the rate of return is one of possible measures to penalise a non-performing undertaking.
Portugal	ERSE	Yes	Yes	Yes	Yes
Slovak Republic	URSO/ RONI	Yes	Yes	Yes	No
Slovenia	AGEN-RS	Yes (prior to the consent). After consent is given by AGEN-RS, only an investigation is possible.	Yes	Yes	Yes
Spain	CNE	No. Terms, conditions, tariffs, mechanisms, etc are established by law. If the CNE identifies a particular problem, it can propose to the legislation to change them.	No. CNE base their reports and proposals on transparent and cost reflective principles.	Yes. CNE will look at this indicator [performance] to propose measures in their reports or proposals.	Yes. CNE can suggest reductions in the income of agents in their reports or proposals regarding tariffs or incomes.

TARIFFS					
Country	NRA	Authority to require TSO and DSO to modify / Enforcement of non-discrimination	Monitor network access charges	Power to require performance based components within tariffs methodology	Power to penalize via reduced rate of return
Sweden	STEM	Yes	Yes. The regulatory authority can check the connection costs after complaint by the customer.	Yes. The tariffs are set/should be set with regard to the performance of the company. The performance are reviewed based on the objective prerequisites of the company but also on the subjective prerequisite, the quality of supply.	Yes
Luxembourg	ILR	ILR may advise the Minister of Economic Affaires, who has the power to decide.	ILR may advise the Minister of Economic Affaires, who has the power to decide.	ILR may advise the Minister of Economic Affaires, who has the power to decide.	ILR may advise the Minister of Economic Affaires, who has the power to decide.

TARIFFS				
Country	NRA	Power to remove subsidies	Power to address the needs of vulnerable customers	Other tariff powers
Austria	E-Control	No	Indirectly (no direct influence, because market is liberalised). There is a duty of the company to connect any customer. By setting the network tariffs there is the possibility to take "social" aspects into account (e.g. relationship between fixed charge and variable charge).	Setting ceilings for metering, charges for grid losses and for system services.
Belgium	CREG	No	No	None
Cyprus	CERA	No	Yes	None
Czech Republic	ERO	No	No	None
Denmark	DERA	No. Unless the "subsidy" consists of for instance discriminatory tariffication of networks or "obligation to supply" electricity.	No	Regulation of tariffs for 'obligation to supply'
Estonia	EMI	Yes	No. In some circumstances, concerning switch-off of electricity for non-payment.	
Finland	EMV	No	No	In case of infringement or negligence of obligations, EMV may issue a decision on how the mistake or omission should be mended and may also order a refund to a customer of a fee incorrectly charged from him. As an ultimate measure, EMV may also withdraw the electricity network company's licence.

TARIFFS				
Country	NRA	Power to remove subsidies	Power to address the needs of vulnerable customers	Other tariff powers
				Where the system operator's return exceeds a reasonable amount, EMV shall require the system operator to reduce its transmission service fees by that amount. On the electricity retail market, EMV may require a retailer with a major market position to supply electricity on published terms and prices.
France	CRE	No	No. A governmental decree relates to the special pricing of electricity for poor customers (no social tariff for gas)	CRE has to be consulted by government on sales regulated tariffs applied to non-eligible consumers. CRE gives its opinion on any dispensations allowed by decree concerning tariffs for the uses of natural gas transport and distribution systems and LNG plants, together with any dispensations concerning the commercial conditions for the uses of these systems or plants.
Germany	BNetzA	No	No	None
Great Britain	Ofgem	Yes, to the extent provided for by licences.	Yes. Ofgem has duties under the Electricity and Gas Acts (as amended) to have regard to the interests of customers who are disabled or chronically sick, customers of pensionable age, customers on low incomes and customers living in rural areas. In addition, Ofgem is required to have regard to statutory guidance from Government on social and environmental issues when discharging its functions.	None

TARIFFS				
Country	NRA	Power to remove subsidies	Power to address the needs of vulnerable customers	Other tariff powers
Greece	RAE	No	No	RAE issues an opinion to the Minister of Development regarding the supply prices of suppliers with large market share (more than 70%) in the eligible customers market.
Hungary	HEO	No	No.	Preparation of the official prices of heated water and steam realized directly or indirectly by the licensee of electricity generation for district heating for the population and the preparation of prices of electricity covered by feed-in obligations.
Iceland	OS	Yes	No.	
Ireland	CER	(Electricity and Gas) Yes CER may remove subsidies inconsistent with state programs through the calculation of the tariff.	(Electricity) Yes CER has responsibility for the design, implementation and supervision of consumer protection measures outlined in electricity Directive 2003/EC/54 and gas Directive 2003/55/EC which include measures to protect vulnerable customers. (Gas) Yes The function of the CER with respect to consumer protection is to ensure there are adequate safeguards to protect vulnerable customers (including the elderly and disabled) which shall include measures to help such customers avoid disconnection.	

TARIFFS				
Country	NRA	Power to remove subsidies	Power to address the needs of vulnerable customers	Other tariff powers
Italy	AEEG	No.	Yes, AEEG has issued a consultation document for social tariff for electricity to government; AEEG plans to introduce special tariff solely for economically disadvantaged customers, who will be identified through an indicator of economic circumstances.	
Latvia	PUC	Yes	No	
Lithuania	NCC	Yes	Yes (partly)	
Malta	MRA	MRA has the power to regulate price structure, but the mechanisms are not yet defined in the relevant subsidiary legislation.	MRA is competent for monitoring and reporting to the Minister and proposing measures with respect to safeguards to protect vulnerable customers.	
The Netherlands	Dte	No	Yes	
Norway	NVE	Yes, regarding explicit or implicit subsidies in tariffs/prices decided by the regulated company. No, with regard to subsidies decided by the Parliament/ Government.	No. NVE is not given a separate tariff objective.	
Poland	URE/ERO	No. ERO is not entitled to set and, consequently, to remove any subsidies.	No. As part of tariff fixing and approval exercise, ERO should balance the needs of undertakings and those of customers, including vulnerable groups, while refraining from subsidising any of them. Tariff groups are not customer-oriented and purely welfare activities are not within the powers of the regulator.	Tariff term fixing, setting the maximum share of the fixed fee component of transmission rates, imposing penalties for the use of unauthorised tariffs, granting exemption from obligation to submit tariffs for approval.

TARIFFS				
Country	NRA	Power to remove subsidies	Power to address the needs of vulnerable customers	Other tariff powers
Portugal	ERSE	No	No	
Slovak Republic	URSO/ RONI	No	No	
Slovenia	AGEN-RS	No	No	
Spain	CNE	Yes, by making a proposal to the Ministry or in case of a proposal from the Ministry, CNE has to produce a mandatory report, though not binding.	No. There are no such programs in the national legislation.	
Sweden	STEM	No	No	The regulatory authority monitors and supervises electricity and natural gas connections and tariffs for distribution.
Luxembourg	ILR	ILR may advise the Minister of Economic Affairs, who has the power to decide.	ILR may advise the Minister of Economic Affairs, who has the power to decide.	

3.6. Dispute settlement

DISPUTE SETTLEMENT			
Country	NRA	Scope of dispute settlement authority	Scope of dispute extended to third party access / cross-border disputes
Austria	E-Control	E-Control : Voluntary dispute settlement. E-Control can only give recommendations, which are not compulsory for the parties. E-Control-Commission: Full scope of dispute settlement, including binding decisions.	Yes
Belgium	CREG	Two different bodies exist: Chamber of Disputes (for disputes between grid users and TSO concerning access to the grid) and Service of Mediation and Arbitration (for disputes concerning access to the grid, technical code and tariffs). However a recent law abolishes Chamber of Disputes (not in force yet).	Yes
Cyprus	CERA	Yes. The regulatory authority has the power to settle any dispute between operators and any other stakeholders.	Such authority extends to network access issues only.
Czech Republic	ERO	With respect to dispute settlement ERO has authority in licence issues (between licence holders or licence holder and consumers and/or disagreement on parts of the contract); access issues (access to transmission and distribution network, line pack and gas storage) or cross border issues.	Yes
Denmark	DERA	DERA deals with complaints related to the energy acts – especially on pricing and conditions. Complaints on other contractual issues for household customers are dealt with by the Energy Supplies Complaint Board.	Yes.
Estonia	EMI	Yes. The regulatory authority is the dispute settlement authority concerning all issues in electricity, gas and heat supply.	Yes.
Finland	EMV	Any customer may file a complaint with the EMV. EMV must decide on the dispute within two months, with a possible extension of two months.	Yes

DISPUTE SETTLEMENT			
Country	NRA	Scope of dispute settlement authority	Scope of dispute extended to third party access / cross-border disputes
France	CRE	<p>CRE has the jurisdiction to settle disputes between users and public electricity distribution or transmission system operators, natural gas distribution and transport system operators and operators of LNG installations, if this disputes are linked to network access.</p> <p>The dispute settlement procedure allows effective access to facilities to be ensured. It allows rules governing this access to be defined as well.</p>	Yes, CRE's jurisdiction extends to the settlement of cross-border disputes.
Germany	BNetzA	<p>Yes. Any individual or association of individuals may file a complaint with the Federal Network Agency where their interests are seriously affected by a network operators' conduct, according to the Energy Act. BNetzA must decide on the dispute within two months, with a possible extension of two months.</p>	This competence also covers cross-border disputes under Regulation (EC) No 1228/2003.
Great Britain	Ofgem	<p>The Authority's various dispute settlement responsibilities are generally provided under statute; under licence obligations; or through industry codes.</p> <p>Electricity</p> <p>The Authority has the power to determine disputes on:</p> <ul style="list-style-type: none"> - terms offered by TSOs/DSOs for connection to their respective systems , terms for use of system charges levied by TSOs/DSOs on users of the system, - outage proposals - generator and network outages, - terms offered for use of interconnectors/ charges levied for use of interconnector etc, - various disputes between system operator and the transmission owners, - disputes between market participants. <p>Gas</p> <p>The Authority's has powers to determine disputes such as gas connections disputes including the reasonableness of the charge for a specific scheme; and the reasonableness of the proposed scheme (i.e. the connection design).</p>	This competence covers cross-border disputes.
Greece	RAE	<p>RAE is assigned with dispute settlement authorities. An Arbitration process can, according to the legislation, be set up for the resolution of any dispute between the Greek energy market participants.</p>	<p>Concerning third party access issues, the answer is positive.</p> <p>Concerning cross-border issues the answer is negative.</p>

DISPUTE SETTLEMENT			
Country	NRA	Scope of dispute settlement authority	Scope of dispute extended to third party access / cross-border disputes
Hungary	HEO	(Electricity) No. There are no provisions in the present valid Electricity Act for the arrangement of disputes between licensees. (Gas) Yes. According Gas Act HEO should make a decision in disputes arising between the licensees, referred to its competence.	(Gas) Yes. According to Gas Act HEO should supervise the access to gas transmission and distribution pipelines (including cross border pipelines) and natural gas storage facilities. The Court has the right to change the decision of HEO.
Iceland	OS	OS regulates the compliance to the Electricity Act, and can therefore decide on disputes that rise between companies.	Yes
Ireland	CER	(Electricity) CER establishes a dispute resolution mechanism for customers with unresolved complaints. Any dispute between the TSO or DSO and a person to whom the TSO or the DSO is obliged to make an offer for connection to and use of the transmission system or distribution system will be determined by the Commission. (Gas) CER establishes a dispute resolution mechanism for customers with unresolved complaints.	(Electricity) In the event of cross border disputes, the Commission has jurisdiction if the Transmission System Operator is the system operator which refuses use of or access to the transmission system.
Italy	AEEG	AEEG hears complaints, appeals and reports by individual users and consumers and their associations and, where necessary, requires services providers to modify service conditions accordingly. It handles out-of-court settlements and arbitrates disputes between users or consumers and service providers.	Yes
Latvia	PUC	One of the responsibilities of PUC is to carry out preliminary extrajudicial examination of disputes, except disputes on recovery of debts.	Yes
Lithuania	NCC	The regulator authority solves the disputes as pre-trial institution.	Yes.
Malta	MRA	One of the functions of the Authority is to ensure fair competition in practices, operations and activities. As such the Authority intervenes in disputes between operators when referred to it, either on its own or jointly with other regulators, e.g. Office of Fair Trading.	The Authority may give directions from time to time regarding access to the distribution system. There is no cross-border infrastructure in Malta.

DISPUTE SETTLEMENT			
Country	NRA	Scope of dispute settlement authority	Scope of dispute extended to third party access / cross-border disputes
The Netherlands	Dte	DTe settles disputes between consumers and network companies or suppliers, as well as disputes between companies. These disputes can cover a wide range of issues.	Yes
Norway	NVE	If a party files a complaint the authority settles the dispute and this ruling set a precedent in future cases.	Yes
Poland	URE/ERO	ERO has the power to decide, upon a party's request, on disputes concerning: <ul style="list-style-type: none"> - refusal to enter into service connection agreement, - purchase contracts, - fuel/electricity transmission or distribution agreements, - natural gas transmission contracts, - gas fuel storage contracts, - natural gas liquefaction contracts, - unjustified discontinuation of gas fuel or electricity supply. 	ERO shall decide on disputes concerning a refusal to enter into a contract for provision of fuel/electricity transmission or distribution services considering the principle of third party access. ERO may, upon a reasoned request of the undertaking, exempt the undertaking from the obligation to provide gas fuel transmission or distribution services. ERO shall consider the undertaking's request taking into account also non-discriminatory access to transit gas transmission pipelines.
Portugal	ERSE	Yes. ERSE has the competency for arbitrate litigation processes.	Yes
Slovak Republic	URSO/ RONI	RONI makes decisions on disputes concerning the obligation to provide access to the system, network, storage, and accumulation of gas, and on disputes concerning provision of ancillary services and system services.	Yes
Slovenia	AGEN-RS	The regulatory authority decides in the disputes, specified by the law, e.g. network access, connection, etc. Complaints can not always meet the criteria for a dispute. The regulator decides in disputes which involve eligible customers, which are all but households until 1 July 2007, when also the households become eligible.	Yes for access
Spain	CNE	The CNE is the body in charge of solving disputes regarding TPA, technical and economical management of the system.	Yes

DISPUTE SETTLEMENT			
Country	NRA	Scope of dispute settlement authority	Scope of dispute extended to third party access / cross-border disputes
Sweden	STEM	The regulatory authority is the first instance for connection cost complaints by customers and also for complaints regarding metering and for some specific compensation to small producers. Other disputes are settled by civil courts.	This authority cover access issues except cross border disputes, they lie with the Government.
Luxembourg	ILR	Refusal or conditions of TPA.	No

3.7. Rule-making authority

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Austria	E-Control	No	Yes	Yes
Belgium	CREG	Indirectly, since grid code gives CREG power to approve TSO's contracts.	No, basically advisory role (but for gas grid code: approval)	Indirectly, since grid code gives CREG power to approve TSO's contracts
Cyprus	CERA	Yes. TSO sets the rules regarding the management and allocation of interconnection capacity and CERA approves them.	Yes. The regulatory authority has a role with respect to the issuance of secondary legislation, including market rules, grid codes and other such technical rules.	Yes. The regulatory authority has a role with respect to identifying metering rules and charges.
Czech Republic	ERO	ERO indirectly controls this issue in term of approving the Grid Code. In the case of disputes concerning the withholding of enough capacity on the relevant interconnector, ERO may intervene and ensure correction.	Yes, ERO publish Decree on organisation of electricity and gas market as well as grid code.	Yes
Denmark	DERA	No	No. Those kind of rules are generally issued by TSO. At present market-actors can complain to the Danish Energy Authority within 4 weeks.	Only charges.
Estonia	EMI	No	Yes. Secondary legislation concerning the price control.	No
Finland	EMV	No	No	No

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
France	CRE	<p>Yes. CRE is the competent authority for access to the network in electricity and gas. This includes management and allocation of interconnection capacity.</p>	<p>Yes. The CRE is the recipient of system managers' and operators' investment programmes: it is notified of all natural gas transport and distribution system development projects carried out by operators together with the status of their investment programme; it approves the annual investment programme drawn up by the public electricity transmission system operator. CRE supervises organisation of the balancing mechanism and gives its approval on rules of presentation for balancing programmes and recommendations as well as on the selection criteria used to evaluate the different recommendations submitted to the public transmission system operator.</p>	<p>Yes. CRE is competent for evaluating the cost linked to metering and invoicing in particular when it sets tariffs for using the public electricity transmission and distribution system. Tariffs for using the public electricity transmission and distribution system are calculated on the basis of all the costs of these systems. These costs include in particular the costs linked to metering and invoicing.</p>

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Germany	BNetzA	Yes. The Federal Network Agency is the competent national authority under Regulation (EC) No 1228/2003, including provisions regarding the management and allocation of interconnection capacity.	Yes. Under the Ordinance on access to electricity networks and the Ordinance on access to gas networks, BNetzA is empowered to issue determinations, in order to implement efficient network access and to foster the objectives of the Energy Act, inter alia, in the areas of balancing regime, standard load profiles, congestion management, metering, standard contracts, change of supplier, capacity trading, identification of available capacities under an entry-exit regime, conditions for gas compatibility services.	Yes. BNetzA may issue determinations on metering.
Great Britain	Ofgem	Yes. The requirements of the Directives and the Regulation regarding interconnectors are being met in GB by issuing licences to participate in the operation of interconnectors. Once the interconnector licences are in place the methodology will need to meet the requirements of the relevant conditions of the interconnector licences. If this were not to be the case, the Authority would expect the affected prospective interconnector users to make Ofgem aware of the situation, which Ofgem would then investigate and take any appropriate action.	No	Yes. Ofgem has the duty to approve and verify meters and to appoint competent and impartial persons as meter examiners to undertake duties related to gas and electricity meters. Ofgem may also be involved in the determination of meter accuracy disputes. Ofgem may be able to enforce the requirement in respect of metering placed on a licensee by making an enforcement order or by imposing a financial penalty on the licensee.

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Greece	RAE	No RAE does not have the power to set or approve rules regarding the management and allocation of interconnection capacity. Such rules are set by the Grid Code as approved by the Minister of Development after the opinion of RAE.	No. The HTSO and the DSO develop the Grid Code and Network Code respectively. These are approved by the Minister of Development, following the opinion of RAE.	No
Hungary	HEO	(Gas) Yes. According to the provisions of Operational and Commercial Regulations . (Electricity) No. According to Electricity Act the Minister of Economy and Transport shall define the detailed rules of electricity transition.	No. HEO does not have any authority for enactment. On the other hand the Office plays active role in the preparation of decrees. (Gas) Yes. According to Gas Act HEO approves the Operational and Commercial Code. (Electricity) According to Electricity Act HEO shall approve the business rules elaborated by the licensees, control the compliance with the content of business rules, control the compliance with the provisions defined in license and approve the regulations of electricity supply which are obligatory for all participants of the electricity system	Yes (Gas). Via the approval of the Operational and Commercial Code, the business conducts rules and their modifications. Yes (Electricity). The regulatory authority plays preparatory and affirmative role.
Iceland	OS	No	No. OS gives opinions to the Ministry that issues or confirms the rules.	Yes. Monitoring function.

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Ireland	CER		<p>(Electricity) Yes The Grid Code in relation to the transmission system and a Distribution Code in relation to the distribution system are subject to the approval of the Commission. A function of the CER is to publish proposals for a system of contracts and other arrangements, including appropriate rights and obligations, for trading in electricity.</p> <p>(Gas) The Commission may direct the holder of a natural gas licence to publish, including publication by electronic means, subject to the approval of the Commission, a code ("code of operations") in respect of all technical design, operational and other requirements relating to connection to and operation of the facilities in respect of which the holder has been granted the licence.</p>	<p>(Electricity) Yes The Commission approves rules for the metering requirements. Metering charges are part of the network standing charge, which is included in the tariff. The tariff is approved by the Commission.</p> <p>(Gas) Metering charges are part of the networks' tariffs. These tariffs are approved by the Commission.</p>
Italy	AEEG	<p>Ministry of Productive Activity has authority under Law no. 239 of August 23, 2004 to adopt a decree setting rules on electricity imports. Pursuant to such a decree, the Authority adopts a decision on electricity imports and allocation of interconnection capacity.</p>	Yes	Yes

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Latvia	PUC	No	Yes, if legal acts authorise to do that. PUC approves the grid code elaborated by TSO's.	No
Lithuania	NCC	No, it controls only.	No.	No.
Malta	MRA	Yes. The Authority is responsible for regulating and securing interconnectivity for the production, transmission and distribution. The DSO is responsible for examining the impacts of developing interconnections with other systems. This is done under the direction of the Authority in view of the possible impact of such interconnections on competition within the market.	No. The Authority is consulted by the Minister for Resources, who may make regulations in respect of any functions of the Authority.	Yes. The Authority is responsible for approving, prior to their entry into force, the methodologies used for the supply of electricity to final consumers and the purchase of electricity.
The Netherlands	Dte	Management and allocation of Interconnection capacity rules are laid down in the grid codes.	DTe approves the grid codes developed by the network companies in collaboration with DTe.	Dte approves the metering codes developed by the network companies in collaboration with Dte.
Norway	NVE	Yes, the interconnection capacity allocation rules are set in the system operation regulation given by NVE.	Yes, the authority to grant licenses pursuant to the Energy Act is largely delegated to NVE, NVE has regulations on tariffs, economic regulation, metering and settlement, regulations of the system responsibility, rationing and quality of supply. NVE also give the concession for the physical market place (Market place concession). NVE shall also approve changes in the grid code.	Yes. NVE has a regulation on metering and settlement, but there are no charges on metering.

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Poland	URE/ERO	Yes. ERO approves the procedure of setting TTC and TRM values.	ERO approves the codes of transmission and distribution networks in terms of system balancing and network constraint management. It has also the power to approve the procedure of setting TTC and TRM values for system interconnection capacities.	ERO approves the rates of fixed fees covering the cost of readouts of measurement/settlement devices and other similar fees. However, measurement rules are defined by the network code, as prepared by transmission and distribution network operators.
Portugal	ERSE	Yes. ERSE has the power to set or approve rules regarding the management and allocation of interconnection capacity.	Yes. ERSE prepares, issue and update the Code of Access to the Grid and Interconnection and make inspections to ensure that the Network and Interconnection Access Code are complied with.	Yes
Slovak Republic	URSO/ RONI	No. The RONI monitors the adherence to rules of operation of the electricity and gas markets.	Yes. The RONI cooperates in drafting generally binding legal regulations concerning regulation; issues generally binding regulation, approves Operating rules of system and network operators.	Yes. Metering rules are set down in the business code of the respective supplier. The business code of each supplier must be approved by the Regulator.
Slovenia	AGEN-RS	No, system operator develops instructions that must be approved by Government; TSO must adopt rules on interconnections that require Agency approval.	No	No

RULE MAKING AUTHORITY				
Country	NRA	Regarding management and allocation of Interconnection capacity	Regarding secondary legislation including market rules and grid codes	Regarding metering rules and charges
Spain	CNE	No. The CNE has the power to propose to the Ministry of Industry legislation on this. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	No. The CNE has the power to propose to the Ministry of Industry legislation in this. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	No. The CNE has the power to propose to the Ministry of Industry legislation in this. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.
Sweden	STEM	No. The regulatory authority monitors quality of supply and follows the development of transmission capacity.	Yes, the regulatory authority issues secondary legislation on market rules, but generally not technical rules.	No. The regulatory authority is responsible for the secondary legislation regarding metering. The charges for metering are included in the distribution-tariff.
Luxembourg	ILR	According to regulation 1228/2003.	The legislation does not explicitly foresee secondary legislation related to market rules and grid codes. However, the regulator, together with the relevant TSOs and/or DSOs has taken the initiative to set up some rules. This work is still in progress.	The regulator has no competences regarding metering rules. In relation to metering charges, the regulator considers metering as an activity of the network operators and as such as being a part of the TPA- tariffs. Thus, to the opinion of the regulator, metering tariffs have to follow the same procedure than network tariffs and are subject to approval by the minister after advice of the regulator. However, metering is not explicitly referred to in the legislation.

3.8. Quality of service

QUALITY OF SERVICE			
Country	NRA	Role regarding quality of service standards	Power to sanction or intervene in cases of violation of service standards
Austria	E-Control	No. There is no explicit definition for quality of service standards.	Yes. The regulator is a mediator for conflicts between market participants. If it is not possible to find an amicable solution for conflicts within 6 weeks the involved market participants have to go to court.
Belgium	CREG	Indirectly, since grid code gives CREG power to approve TSO's contracts.	Indirectly, since grid code gives CREG power to approve TSO's contracts.
Cyprus	CERA	Yes, the regulatory authority has a role regarding quality of service standards by setting, approving and/or commenting on such standards.	Yes
Czech Republic	ERO	Yes. ERO sets the term for standards' performance and sanction payment in favour of final customer in case of violation of such standards.	Yes
Denmark	DERA	No, but will probably have a role regarding future quality of service standards.	The regulator in Denmark has the empowerment to sanction the distribution companies if they violate quality of service standards.
Estonia	EMI	Yes. The Minister of Economic Affairs and Communications approves the quality standards. The NRA's role is to comment the quality standards and to control the fulfilment of the standards.	Yes
Finland	EMV	Yes. EMV can comment the standards but cannot set them.	Yes. EMV has the power to intervene if the power quality is not acceptable and order the network operator to make corrective measures.
France	CRE	No. The technical aspect of quality of service is treated in an agreement included in the contract between users and public distribution or transmission system operators. An issue in execution of this contract comes under the proceedings of dispute settlement. CRE has no competence for the commercial aspect of the quality of service.	Yes. CRE participates in setting up economic incentive mechanisms encouraging network operators to take quality of service into consideration.

QUALITY OF SERVICE			
Country	NRA	Role regarding quality of service standards	Power to sanction or intervene in cases of violation of service standards
Germany	BNetzA	No	No
Great Britain	Ofgem	<p>Yes. Quality of supply targets are set for each licensee, and, where relevant, efficient costs of achieving these targets are included in the cost assessment.</p> <p>Based upon an assessment of costs and outputs, Ofgem establishes cost allowances and performance targets which form the basis of the price controls and incentive framework.</p>	<p>Yes. The Regulatory Authority may impose sanctions in cases of violations of such service standards to the extent that this constituted a breach of licence conditions or statutory obligations.</p>
Greece	RAE	<p>Not directly.</p> <p>According to the general terms and conditions of the generation license and the supply license, the licensees are obliged to abide by all the secondary legislation regarding activities in the electricity sector.</p> <p>The quality of service standards are included in the above secondary legislation.</p> <p>RAE is responsible for the follow-up and the monitoring of the way the obligations arising from the licences are exercised.</p>	<p>No directly.</p> <p>RAE has the power to impose fines in case of violation of the obligations of a licensee.</p>
Hungary	HEO	<p>Yes. HEO has a role with regard to quality of service standards as it determines the minimum requirements and the expected levels of certain performances of distribution and public supply.</p>	<p>Yes. HEO has the power to sanction or intervene in cases of violations of such service standards.</p>
Iceland	OS	No	Not applicable

QUALITY OF SERVICE			
Country	NRA	Role regarding quality of service standards	Power to sanction or intervene in cases of violation of service standards
Ireland	CER	<p>(Electricity) CER shall have regard to the need to promote the continuity, security and quality of supplies of electricity. Quality of service standards are set within the revenue review process. Incentives for exceeding the set quality standards and penalties for lack of compliance with said standards are incorporated within the revenue formula.</p> <p>(Gas) The function of the CER with respect to consumer protection is to ensure that there is a high standard of protection for all final customers in their dealings with natural gas suppliers and that all final customers are supplied with natural gas of specified quality at reasonable prices. The CER is entitled to give Directions, as it deems necessary, in order to carry out the above functions.</p>	<p>(Electricity) Regarding performance targets, DSO is required to submit an annual report to the CER detailing what quality of service targets were met, what reasons for not meeting targets and recommendations to improving said targets for the future. The CER reviews these reports and decides on an appropriate award for targets met and what targets are required to be met for the next submission.</p> <p>(Gas) The function of the CER with respect to consumer protection is to ensure that there is a high standard of protection for all final customers in their dealings with natural gas suppliers and that all final customers are supplied with natural gas of specified quality at reasonable prices. The CER is entitled to give Directions, as it deems necessary, in order to carry out the above functions.</p>
Italy	AEEG	Yes. AEEG sets overall service standards and automatic refund mechanisms where not met.	Yes. AEEG monitors operation of services, with inspection and data access powers.
Latvia	PUC	Yes. PUC can set the requirements on quality of service.	Yes
Lithuania	NCC	Yes. This entails commenting on such standards.	Yes
Malta	MRA	Yes. The Authority is responsible for establishing minimum quality and security standards and to regulate such measures as may be necessary to ensure public and private safety.	Yes
The Netherlands	Dte	Yes. Standards for quality of service for network companies are laid down in grid codes. There are no set standards for quality concerning suppliers. However, DTe can set requirements on the quality of service.	Yes

QUALITY OF SERVICE			
Country	NRA	Role regarding quality of service standards	Power to sanction or intervene in cases of violation of service standards
Norway	NVE	Yes. This role does entail setting, approving and/or commenting on such standards.	Yes
Poland	URE/ERO	Yes. The regulatory authority does not impose directly quality of service standards. Its role is limited to issuing opinion on Economy Minister's Ordinance defining these standards.	Yes. Penalties for a failure to comply with quality of service standards are specified in the Ordinance issued by Minister of Economy. ERO may intervene solely upon customer's report. In addition, the obligation to conduct operations in accordance with laws (including compliance with standards) is foreseen by the conditions of license issued by ERO.
Portugal	ERSE	Yes. ERSE prepares a proposal for the commercial-type provisions of the Service Quality Code, as well as for their changes and ensure that the Service Quality Code are fully applied.	The Quality of Service Code establishes compensations due to nonfulfilment of the standards.
Slovak Republic	URSO/ RONI	Yes. RONI determines standards of quality of delivered goods and services.	Yes
Slovenia	AGEN-RS	No direct role for AGEN-RS in setting QoS standards. Government, after receiving Agency input, may accept general conditions for the supply and consumption of electricity. The general conditions must contain measures for customer protection. Limited roles for AGEN-RS in network maintenance and the issuing of connection/repair standards: Agency responsible for supervising the time needed for repairs to transmission and distribution networks. A separate entity, the Energy Inspectorate, plays the leading role.	Not directly. AGEN-RS may take this into consideration in setting the next regulatory framework for network charges.

QUALITY OF SERVICE			
Country	NRA	Role regarding quality of service standards	Power to sanction or intervene in cases of violation of service standards
Spain	CNE	<p>Yes. The CNE has the power to propose to the Ministry of Industry legislation in this.</p> <p>When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal.</p> <p>However the report is not binding.</p>	<p>Yes. The CNE can propose measures against those agents breaching the legally established standards.</p>
Sweden	STEM	<p>No, however legislative proposals have been made that would give the regulatory authority a role that would entail supervision of observance of such standards.</p>	<p>Yes. Legislative proposals have been made that would give the regulatory authority a role that would include The Energy Markets Inspectorate supervises violations of the general requirement of the Electricity Act regarding quality of service.</p>
Luxembourg	ILR	No	No

3.9. Congestion management

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
Austria	E-Control	Yes. Regulator has to develop market-rules for congestion management together with market participants in a consensus oriented way.		No	Yes, in line with the grid pricing procedures.
Belgium	CREG	Yes, CREG approves methodology	Yes	Only for gas	No
Cyprus	CERA	Yes, via the approval of market rules.	Yes, via the approval of market rules.	Not applicable	Not applicable
Czech Republic	ERO	Yes. ERO is the competent national authority under Regulation (EC) No 1228/2003, including provisions regarding the management and allocation of interconnection capacity. The ERO publishes Grid Code; the TSO has prepared rules for auctions, which had been discussed with ERO.	Yes. ERO approves Grid Code, which contains the rules.	No.	No. ERO has the right to approve the way how the revenues will be allocated.
Denmark	DERA	No. The Danish Energy Authority (DEA) is competent.	No. The Danish Energy Authority (DEA) is competent.	No. The Danish Energy Authority (DEA) is competent.	Yes. An audited account forms part of the general monitoring and regulation by DERA of tariffs, prices and conditions.
Estonia	EMI	No	No	No	Yes
Finland	EMV	Yes, this role entails commenting such congestion management rules.	EMV comments on rules	Yes	Yes, if needed.

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
France	CRE	Yes. CRE is the competent authority for access to the network in electricity and gas including the management and allocation of interconnection capacity.	Yes. Under Regulation 1228/2003, CRE is the competent authority for access to the network including the management and allocation of interconnection capacity. TSO and DSO must prevent congestion and allocate congested capacity by using market based, non discriminatory and transparent procedure.	Yes. Under Regulation 1228/2003, CRE is the competent authority for access to the network including the management and allocation of interconnection capacity.	Yes. Under Regulation 1228/2003, CRE is the competent authority for access to the network including the management and allocation of interconnection capacity.
Germany	BNetzA	Yes. The Federal Network Agency is the competent national authority under Regulation 1228/2003, including provisions regarding the management and allocation of interconnection capacity.	Yes. BNetzA may issue determinations on congestion management.	No	No
Great Britain	Ofgem	No. TSOs are responsible for managing congestion on their networks. Both gas and electricity system operators are under a statutory obligation to develop and maintain efficient systems, as are gas and electricity distributors. Ofgem would be able to take enforcement action should these obligations be breached.		No. The management of congestion in the electricity market is integrated with the functioning of the wholesale market in that access to the transmission network is financially firm, and the system operator must pay (through the wholesale	There is a revenue allowance for congestion management under the System Operator price control.

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
				<p>market) to constrain generators on or off in order to manage network congestion. Similar arrangements operate in respect of entry congestion on the gas transmission system. TSOs are therefore incentivised to manage congestion.</p>	
Greece	RAE	<p>Yes. The Regulator decides the details for implementation of the Grid Code in which, in case of congestion in the interconnectors, a procedure for the application of auctioning is provided. Furthermore the regulator supervises the implementation of such mechanisms.</p>	Yes	<p>No. In the event of congestion occurring to the System, the HTSO will endeavor to resolve this congestion through the rescheduling of Generators, taking into account the daily offers submitted and the need to safeguard the System continuity.</p>	<p>No. RAE does not maintain an audited account of any revenues collected pursuant to congestion management mechanisms.</p>

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
Hungary	HEO	(Electricity) Yes Congestion management is included in the scope of activity of system operator. The system operator can launch a tender for network development with the agreement of the Office. Yes. (Gas)	Yes. Approving the Grid and Commercial Code containing the rules of auctions.	(Gas) Yes (Electricity) If the network development is not successful, then – on HEO's initiative - the system operator shall manage the network development.	(Gas) Yes The HEO shall have right to extract a part of auction revenues of cross border turnover.
Iceland	OS	No. According to the Energy Act, the TSO is responsible for congestion management. OS however has a monitoring function.	Yes. The authority should approve the rules of the TSO for congestion management.	Yes. The TSO shall lay down rules for the congestion management which are to be approved by the authority. In the case of a complaint the authority should deal with this.	No
Ireland	CER	(Electricity) CER comments on congestion management procedures. (Gas) CER has a role regarding congestion management as it may from time to time give directions to the holder of a natural gas licence in respect of the matters to be specified in its code of operations, and its review and revision.	Yes	(Electricity) CER has no explicit power to require that transmission and distribution participants correct any congestion management difficulties. However, CER does play a role with regard to approving the CAPEX of the regulated bodies. (Gas) CER has a role regarding congestion management as	(Electricity) No (Gas) Not applicable

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
				it may from time to time give directions to the holder of a natural gas licence in respect of the matters to be specified in its code of operations, and its review and revision.	
Italy	AEEG	Yes. AEEG defines dispatching conditions. AEEG has issued provisions regulating allocation of instruments (congestion cover charges).	Yes	Yes. AEEG cooperates with TSO to require corrections. AEEG has developed future instruments that enable hedging of temporal and special price risk caused by congestions between catchment areas & on interconnections.	Yes
Latvia	PUC	No. TSO is responsible for congestion management.	Yes. PUC approves the secondary legislation.	No	No
Lithuania	NCC	Yes	NCC controls or comments.	Yes	Yes
Malta	MRA	Yes. MRA is responsible for securing and regulating development and maintenance of efficient systems in order to satisfy, as economically as possible, all reasonable demands for resource provision.	Not applicable	Not applicable	Not applicable

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
The Netherlands	Dte	DTe is responsible for approving the general rules and procedures for congestion management.	Yes	No	The revenues the TSO receives from congestion management (auction) are ring-fenced.
Norway	NVE	Yes. NVE regulates the system operator and the day-ahead – market. NVE works out the paramount requirements in the Regulations relating to power system operation for the system operator regarding congestion management.		Yes. NVE has the authority to require that transmission and distribution participants correct any congestion difficulties, but normally does not instruct participant about this.	No. The revenues due to congestions must be taken inside the system operator's income cap. The SO has no extra income due to congestions.
Poland	URE/ERO	Yes. In accordance with the amended Electricity Law, the regulatory authority is competent for approving rules governing the balancing and congestion management.	In accordance with the amended Electricity Law, the regulatory authority is competent for approving rules governing the balancing and congestion management.	No. ERO does not have the power to require that transmission and distribution participants correct any congestion difficulties.	No. Prior to the approval of the TSO's tariff, the regulatory authority is analysing the costs incurred on the congestion management. The provisions of tariff ordinance allow for transferring such costs to the quality component of the transmission fee.
Portugal	ERSE	Yes, ERSE approves the congestion management mechanisms that are stated in the Manual Procedures of the System Manager.	Yes, ERSE approves the rules that are stated in the Manual Procedures of the System Manager.	No	No

CONGESTION MANAGEMENT					
Country	NRA	Role regarding congestion management	Setting, approving and/or commenting on rules	Power to correct congestion difficulties	Maintain audited account of the congestion revenues
Slovak Republic	URSO/ RONI	Yes. RONI monitors and assess measures adopted to address prevention of national system and network congestion and to resolve national system and network congestion and imposes new measures to resolve such conditions. RONI monitors compliance with rules for balancing of imbalance of the system and in networks pursuant to Regulation (EC) No. 1228/2003.	Yes	Yes. It imposes new measures to resolve such positions.	Yes. RONI maintains an audited account of any revenues collected pursuant to congestion management mechanisms.
Slovenia	AGEN-RS	Yes, AGEN-RS approves the congestion management rules.	Yes, AGEN-RS approves the congestion management rules.	No	No
Spain	CNE	Yes - CNE has the power to propose to the Ministry of Industry legislation in this. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	CNE is commenting on such rules.	Yes. CNE can propose measures requiring that transmission and distribution participants correct any congestion difficulties.	No
Sweden	STEM	Yes	STEM is commenting on such rules.	Not applicable	No
Luxembourg	ILR	No	No	No	No

3.10. Connection and repairs

CONNECTIONS / REPAIRS			
Country	NRA	Power to monitor connections/repairs	Power to sanction
Austria	E-Control	No	No
Belgium	CREG	No	No
Cyprus	CERA	The CERA is empowered to monitor the time taken by TSOs and DSOs to make connections and repairs.	No
Czech Republic	ERO	Yes. ERO does not have the power to intervene if necessary if the time taken is too lengthy, but in case of customer complains, there could be imposed a fine in co-operation with State Energy Inspection.	Yes
Denmark	DERA	No	No
Estonia	EMI	Yes	Yes
Finland	EMV	Not directly. This could be included as a part of pricing methodology (target encouraging improvement of the efficiency).	No. EMV may indirectly give sanctions in form of lower return.
France	CRE	Yes. CRE can use the procedure of settlement of dispute for set the time taken to by TSO's and DSO's to make connections and repairs.	CRE can impose sanctions in the event of non-compliance with its dispute settlement decisions.
Germany	BNetzA	Yes. BNetzA is empowered to monitor the time taken by TSOs and DSOs to make connections and repairs. No further powers explicitly foreseen in the Energy Act.	No
Great Britain	Ofgem	Yes. The regulatory authority has the power to investigate complaints and to make legally binding decisions in the case of disputes. The regulatory authority can require works to be undertaken within certain timescales.	Yes. The regulatory authority can impose a financial penalty upon a licensed sector participant where it finds the sector participant to be in contravention of the Competition Act, Gas Act, Electricity Act or licences issued by the regulatory authority.

CONNECTIONS / REPAIRS			
Country	NRA	Power to monitor connections/repairs	Power to sanction
Greece	RAE	Yes. According to the Grid Code, any user has the right to ask the Regulator's opinion in case he considers that the time taken by sector participants to make connections and repairs is too long.	Yes. RAE has the power to intervene if necessary if the time taken is too lengthy; this includes the power to sanction sector participants.
Hungary	HEO	Yes	Yes.
Iceland	OS	No, but OS monitors this indirectly.	Yes, daily sanctions, if the companies do not comply to law and regulation.
Ireland	CER	Yes. (Electricity and Gas) The Commission shall monitor the time taken by the TSO and the DSO to make connections and repairs.	Yes, within the TSO and DSO revenue review process.
Italy	AEEG	Yes	Yes. AEEG has the power to intervene if necessary if the time taken is too lengthy. This includes the power to sanction sector participants.
Latvia	PUC	Yes	Yes
Lithuania	NCC	Yes	Yes
Malta	MRA	Yes	Yes
The Netherlands	Dte	Yes. DTe monitors the time taken by DSO and TSO to repair.	Yes
Norway	NVE	Yes, according to the regulations relating to power system operation.	Yes
Poland	URE/ERO	Yes. ERO may not order the undertaking to expedite the construction of connection.	No ERO powers to sanction sector participants.
Portugal	ERSE	Yes. The forms and terms are foreseen in the Commercial Relations Code (RRC).	No. ERSE has the power to intervene if necessary if the time taken is too lengthy. This intervention does not include the power to sanction sector participants.
Slovak Republic	URSO/ RONI	Yes	No. RONI does not have the power to intervene and to sanction.
Slovenia	AGEN-RS	Yes	Yes

CONNECTIONS / REPAIRS			
Country	NRA	Power to monitor connections/repairs	Power to sanction
Spain	CNE	<p>Yes, the CNE has the power to monitor the time taken by sector participants to make connections and repairs by means of inspections.</p> <p>The CNE can propose measures to the Ministry where the time taken for connections/repairs is too lengthy.</p>	<p>Yes. The CNE can propose measures to the Ministry to sanction sector participants.</p>
Sweden	STEM	<p>Yes. According to the electricity Act a concessionary is obliged to connect a participant on fair conditions. The EMI is obliged to try complaints from participants in this matter. A decision shall normally be given within 2 months. EMI can decide that the conditions are not fair. Even though time has never been a problem, time must be regarded as part of the conditions for connection.</p>	<p>Yes. EMI can impose a penalty of a fine. In case of extreme failure of fulfilling obligations, the network can be subject to compulsory administration.</p>
Luxembourg	ILR	No	No

3.11. Unbundling

UNBUNDLING			
Country	NRA	Establish guidelines on separate accounts	Establish rules regarding allocation of costs
Austria	E-Control	No. There is no legal competence allowing the setting of binding rules concerning separation of accounts. According to § 10 Energy Regulatory Authorities Act, E-Control Corp. must supervise the unbundling process regarding electricity and gas grid operators. Note: It must be taken into account that a current draft amendment to the Electricity Act contains similar competences for the provincial governments.	No
Belgium	CREG	Yes	Yes, via approval of tariffs
Cyprus	CERA	No	No
Czech Republic	ERO	ERO publishes secondary legislation including rules on separate accounts.	Yes.
Denmark	DERA	Yes	Yes
Estonia	EMI	Yes	Yes
Finland	EMV	Yes, EMV can issue recommendations on how separate accounts should be drawn up for unbundled entities, but those are not legally binding. EMV may issue further regulations on publishing unbundled financial statements and economic indicators depicting the network operator's operations.	Yes, recommendations that are not legally binding.
France	CRE	Yes, following a public consultation, guidelines for operators on accounting unbundling were issued by the CRE.	Yes CRE can take decisions on accounting separation principles. The operators have obligation to release unbundled accounts for each business. All inter-company operation between a regulated business and a competitive business is ruled through agreements whose fairness and implementation are scrutinized by CRE.
Germany	BNetzA	No	No

UNBUNDLING			
Country	NRA	Establish guidelines on separate accounts	Establish rules regarding allocation of costs
Great Britain	Ofgem		
Greece	RAE	Yes but only for accounting unbundling.	Yes but only for accounting unbundling.
Hungary	HEO	No. The electricity sector has a relevant guideline, but it's not an obligation, only a recommendation. The gas sector doesn't have such directive, that would specify unbundling.	No
Iceland	OS	Yes, the authority has laid down some guidelines or working rules for separation of accounts.	Yes. The companies shall propose allocation rules for separating accounts and OS shall agree to the rules.
Ireland	CER	Yes Note: (Electricity) The CER regulates accounts submissions under conditions of Transmission System Owner Licence, Transmission System Operator License and Distribution System Operator Licence. These conditions ensure separate accounting and reporting arrangements, in a form approved by the CER. (Gas) The CER regulates accounts submissions under conditions of the gas transmission licence and the gas distribution licence. These conditions state that the licensee shall draw up in consultation with the Commission, publish and implement in a form approved by the Commission , guidelines governing the format and content of regulatory accounting information and the basis on which it is prepared. These conditions ensure separate accounting and reporting arrangements, in a form approved by the CER.	
Italy	AEEG	Yes.	Yes
Latvia	PUC	Yes	Yes
Lithuania	NCC	Yes	Yes

UNBUNDLING			
Country	NRA	Establish guidelines on separate accounts	Establish rules regarding allocation of costs
Malta	MRA	No. The Authority is responsible for monitoring the functioning of the market and in particular for the effective unbundling of accounts.	No.
The Netherlands	Dte	Yes: legal obligation. Furthermore Regulatory Accounting Rules from the regulator (RAR). Note: Future legislation on full ownership unbundling by 2008 (in Parliament at the moment).	Yes: legal obligation to follow at arms length principle. Furthermore Regulatory Accounting Rules from the regulator.
Norway	NVE	Yes	Yes
Poland	URE/ERO	No.	No.
Portugal	ERSE	Yes	No. The criteria of the allocation costs are proposed by companies and accepted or not by ERSE.
Slovak Republic	URSO/ RONI	Yes	No
Slovenia	AGEN-RS	No, but entities providing more than one energy related activity must adopt rules regarding separate accounting; the Agency must approve these rules.	No
Spain	CNE	No. Rather than guidelines, they are part of the legal framework. CNE has the power to propose to the Ministry of Industry legislation regarding unbundled accounts. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.	No. Rather than guidelines, they are part of the legal framework. CNE has the power to propose to the Ministry of Industry legislation regarding unbundled accounts. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However the report is not binding.

UNBUNDLING			
Country	NRA	Establish guidelines on separate accounts	Establish rules regarding allocation of costs
Sweden	STEM	<p>Yes, according to Swedish accountancy rules issued by the Energy markets Inspectorate.</p> <p>Note: Energy companies must, regardless of legal form or ownership structure, prepare an annual statement of accounts following the rules and regulations of the Swedish Annual Accounts Act and the Swedish Bookkeeping Act.</p> <p>Energy companies also must prepare the accounts in accordance with the Swedish Electricity Law, Ordinance Concerning Regulation of Electricity Networks.</p> <p>The way the company is administrated must be in accordance with the Swedish Companies Act.</p>	<p>No separate guidelines concerning for example cost allocation has been issued.</p>
Luxembourg	ILR	No	No

UNBUNDLING			
Country	NRA	Establish guidelines for compliance review and reporting	Power to mandate changes in accounting practices
Austria	E-Control	No	Yes
Belgium	CREG	Yes	No
Cyprus	CERA	No	No
Czech Republic	ERO	Yes, foreseen in the Energy Act.	Yes, but only in reporting for the ERO regulation needs.
Denmark	DERA	Yes	Yes
Estonia	EMI	Yes	Yes
Finland	EMV	Yes, recommendations that are not legally binding.	Yes
France	CRE	Yes CRE can audit account to ensure that cost are allocated correctly.	Yes CRE uses its rights of investigation and application of sanctions for ensuring that separate accountancy principles are applied correctly.
Germany	BNetzA	No	No
Great Britain	Ofgem		
Greece	RAE	No	No
Hungary	HEO	No. The law fixes the obligation of companies to make a compliance program and review. This program is approved and reviews are checked by the HEO.	Yes, where the regulatory authority determines that the sector participants are not sufficiently unbundled.
Iceland	OS	No	Yes
Ireland	CER		
Italy	AEEG	Yes	Yes
Latvia	PUC	Yes	No
Lithuania	NCC	Yes	Yes
Malta	MRA	No	Indirectly through the Minister.
The Netherlands	Dte	The RAR require an accountants approval on cost allocation. Furthermore the Acts require a financial statement with the annual report that no cross subsidies have taken place.	The Regulator can give binding orders (with or without a financial penalty).
Norway	NVE	Yes	Yes

UNBUNDLING			
Country	NRA	Establish guidelines for compliance review and reporting	Power to mandate changes in accounting practices
Poland	URE/ERO	No	No If accounting books are kept contrary to the practices specified by EL, ERO may refuse to approve the tariff of such undertaking. In addition, ERO may impose a fine on a market player or on the manager of that market player, if accounting books are kept contrary to accounting practices prescribed by the laws.
Portugal	ERSE	Yes	Yes
Slovak Republic	URSO/ RONI	Yes RONI does have the duty to draw up guidelines for compliance review, but not for reporting of the unbundling process, because the respective entity is obliged to prepare a report about the fulfilment of the measures adopted under the compliance programme.	No
Slovenia	AGEN-RS	No	No
Spain	CNE	No Rather than guidelines, they are part of the legal framework. CNE has the power to propose to the Ministry of Industry legislation regarding unbundled accounts. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However, the report is not binding.	No Rather than guidelines, they are part of the legal framework. CNE has the power to propose to the Ministry of Industry legislation regarding unbundled accounts. When the Ministry of Industry drafts the legislation in this area they must submit the proposal to the regulator as the CNE must mandatory produce a report on the proposal. However, the report is not binding.
Sweden	STEM	Yes, according to Swedish accountancy rules issued by the Energy Markets Inspectorate.	No
Luxembourg	ILR	No	No

3.12. Investment planning

INVESTMENT PLANNING		
Country	NRA	Role regarding investment planning & cost recovery
Austria	E-Control	E-Control Commission only has powers to set tariffs.
Belgium	CREG	CREG gives advice on TSO investment plan.
Cyprus	CERA	CERA ensures that system development and generation plant development is adequate to support the electricity needs.
Czech Republic	ERO	ERO receives future investments plans from regulated companies; the regulatory formula includes the predicted movement of the assets in the future. The amount of the investments depend on the regulated companies, there is no influence from ERO.
Denmark	DERA	DERA has no role with respect to company investment planning. Cost recovery aspects are part of income cap regulation, which is dealt with by DERA – including possibility for increased income caps related to certain investments necessary for security of supply.
Estonia	EMI	EMI approves the investment programs.
Finland	EMV	EMV collects data on grid investments ex-post. EMV does not approve investment plans.
France	CRE	CRE approves the transmission system operator's annual investment plan and gives an opinion on the multi annual grid development plan.
Germany	BNetzA	The Federal Network Agency is the competent national authority under Regulation (EC) No 1228/2003, including provisions regarding investment planning and cost recovery.
Great Britain	Ofgem	In July 2001, Department of Trade and Industry (DTI) and OFGEM set up the Joint Energy Security of Supply working group (JESS) to assess risks to Britain's future gas and electricity supplies.
Greece	RAE	Domestically, the role of RAE is to provide opinion on the 5-year transmission investment plan at least every two years. The plan is approved by the Minister of Development. Generation investment planning is not applied except for the non interconnected islands for which RAE provides opinion to the Minister of Development. Regionally, none.
Hungary	HEO	The price revision for distributors shall be implemented every 4 years in case of distributors and every year in case of transmission, with simultaneous inclusion of justified development expenses in the prices. It is necessary to submit to the HEO a comprehensive network development plan every two years on investments of the transmission network. The elaboration of the development plans are coordinated by MAVIR, however, it is the HEO that submits it for authorisation to the Ministry of Economy and Transport.

INVESTMENT PLANNING		
Country	NRA	Role regarding investment planning & cost recovery
Iceland	OS	The investment decisions of distribution companies are not subject to regulatory intervention. However depreciation of assets is a part of the income cap of companies which is set by OS. Construction of new transmission lines at 66 kV or higher which belong to the transmission company is a subject to a permit from the Ministry of Industry and Commerce.
Ireland	CER	(Electricity) CER collects an array of information from the network operators for the purposes of calculating allowed revenues and network tariffs. This process commences with the system operators submitting their proposed revenue requirements to the CER. The CER then reviews the information provided and decides on the allowed revenues for the operators based on a number of criteria, namely based on benchmarking data. In 2001 the CER approved a significant five-year network investment programme for the electricity networks. (Gas) Investment planning and cost recovery are regulated by CER through tariff and revenue reviews.
Italy	AEEG	AEEG sets tariffs and methodology taking into account cost recovery; AEEG is not responsible for approving investment plans but may give opinion to Ministry.
Latvia	PUC	PUC sets tariffs taking into account respective costs.
Lithuania	NCC	NCC approves investment projects.
Malta	MRA	MRA is responsible for securing and regulating the development and maintenance of efficient systems in order to satisfy, as economically as possible, all reasonable demands for the provision of resources. The Authority is responsible for advising the Minister when a tender for new generation capacity is required.
The Netherlands	Dte	Dte uses yardstick regulation to set the tariffs for the distribution companies. Dte does not decide on individual investments of the companies, except for substantial investment proposals by companies. Dte decides whether these proposals should lead to increased tariffs.
Norway	NVE	NVE has worked out a regulation on energy planning where network owners has to prepare and publish a yearly document about the energy system in their area and possible measures to develop it. In today's regime, cost recovery will be granted for an efficient investment over time when the costs of the investment is reflected through the income cap that the company get from NVE.
Poland	URE/ERO	ERO agrees with network utilities development plans, as required for satisfaction of existing and future demand for gas fuels or energy. ERO defines in tariff approval reasonable return on capital employed in operations subject to licensing (including capital investments specified in the agreed development plans).
Portugal	ERSE	ERSE issues opinions on the National Transmission Grid (RNT) investment plans and allows the investments to enter into the RAB for tariff purposes.

INVESTMENT PLANNING		
Country	NRA	Role regarding investment planning & cost recovery
Slovak Republic	URSO/ RONI	The method of performance of price regulation may be determined by the RONI as determination of the scope of justified costs that can be included in the price; the scope of justified costs must reflect the scope of necessary investment to ensure long-term operating capability of the system and network.
Slovenia	AGEN-RS	No. Every 2 years system operators (transmission and distribution) must prepare development plans for their networks with a 10-year outlook, these plans are subject of Ministry's approval.
Spain	CNE	Advisory role
Sweden	STEM	STEM does not directly intrude or force network companies to invest and build power lines, although the authority exists. However, in the performance assessment model, the regulatory authority's model for assessing reasonable tariffs, companies can only increase their tariffs by improving quality. Indirectly the quality deduction set by the Inspectorate works as an incentive to increase investments and improve quality.
Luxembourg	ILR	None

3.13. Cross-border exchanges

CROSS BORDER EXCHANGES			
Country	NRA	Power to approve operational and planning standards with respect to cross-border exchanges	Power to give exemptions
Austria	E-Control	Not yet	No
Belgium	CREG	No	No
Cyprus	CERA	Not applicable	Not applicable
Czech Republic	ERO	Yes	Yes. ERO is responsible to monitor compliance with obligations under Regulation 1228/2003, which provides for a possibility of exemption from TPA rules in the event of new interconnectors.(gas sector)
Denmark	DERA	No, competence of DEA	No, competence of DEA
Estonia	EMI	No, but the NRA has the right to check the calculation made by the company.	Yes
Finland	EMV	No, EMV has supervisory role according to Regulation 1228/2003.	Yes
France	CRE	Yes, CRE approves the rules of allocation or cross borders capacity.	Yes, CRE grants temporary dispensations to regulations governing rights of access to systems to companies who are authorised gas suppliers, who request any such dispensation and who meet all the necessary requirements.
Germany	BNetzA	No	Yes. The Federal Network Agency may upon request, exempt new gas infrastructures, i.e. interconnectors between Member States, LNG and storage facilities or significant increases of capacity in existing infrastructures and modifications of such infrastructures which enable the development of new sources of gas supply, from regulated access under certain conditions, according to the Energy Act.
Great Britain	Ofgem	Yes, Ofgem has power to approve operational and planning standards including schemes for the calculation of total transfer capacity.	Yes
Greece	RAE	Yes.	No.

CROSS BORDER EXCHANGES			
Country	NRA	Power to approve operational and planning standards with respect to cross-border exchanges	Power to give exemptions
Hungary	HEO	(Electricity) Yes. HEO plays an active role in the preparation of decree on cross border turnover. (Gas) HEO approves the Grid and Commercial Code containing operational and planning standards. HEO approves the methodology for calculation of available capacities.	(Electricity) There are no exceptions according to the Electricity Act. (Gas) No. According to Gas Act HEO has the power to recommend the Minister to give exemption. The Minister is to decide.
Iceland	OS	No, there are no cross border exchanges.	No
Ireland	CER	(Electricity) Yes, The Commission has the power to approve planning criteria and the methodology for the calculation of the total transfer capacity. (Gas) Yes. The Transmission/Distribution System Standards shall be subject to the approval of the Commission.	Yes. The CER in collaboration with the Department of Communications, Marine and Natural Resources would rule if an exemption were permissible.
Italy	AEEG	No. AEEG has limited power. AEEG is authorized to identify by decree conditions for import that apply when available transmission insufficient.	Yes
Latvia	PUC	No	No
Lithuania	NCC	No	Yes (partly)
Malta	MRA	Not applicable	Not applicable
The Netherlands	Dte	DTe has extended the Grid Code with a scheme on the basis of which the TSO can determine how much cross-border transmission capacity is available.	No
Norway	NVE	Yes, NVE shall approve the grid code between the Nordic TSOs.	In general no, the exemption must be given by the Government.
Poland	URE/ERO	Yes. ERO is responsible to monitor compliance with obligations under Regulation 1228/2003. According to that Regulation, operational and planning standards for the calculation of total transfer capacity are subject to approval by regulatory authority.	Yes. ERO is responsible to monitor compliance with obligations under Regulation 1228/2003, which provides for a possibility of exemption from TPA rules in the event of new interconnectors.
Portugal	ERSE	Yes	No. Not foreseen the existence of this kind of investment.

CROSS BORDER EXCHANGES			
Country	NRA	Power to approve operational and planning standards with respect to cross-border exchanges	Power to give exemptions
Slovak Republic	URSO/ RONI	No	Yes
Slovenia	AGEN-RS	Yes. Ministry permits cross-border interconnections; Agency role includes details on the allocation of cross-border capacities in its annual report to the Government.	No
Spain	CNE	No	No
Sweden	STEM	No	No
Luxembourg	ILR	Yes, according to Regulation 1228/2003.	Yes, according to Regulation 1228/2003.

3.14. Market dominance

MARKET DOMINANCE			
Country	NRA	Responsibility for compiling information on market dominance	Cooperation with NCA
Austria	E-Control	Yes	Yes. Cooperation related to merger cases in electricity and gas markets and to observation of the market developments; E-Control cooperates with Bundeswettbewerbsbehörde (Competition authority).
Belgium	CREG	No	Until recently, working together with NCA is one of CREG's official legal tasks. However, this task is being removed due to a recent law (not in force yet).
Cyprus	CERA	Yes. CERA is competent for compiling information on market dominance, predatory and anti-competitive behaviour.	Not applicable
Czech Republic	ERO	No. The Office for the Protection of Competition is competent.	Partial cooperation. The competition authority asks the ERO for written opinion on cases.
Denmark	DERA	No. The Danish Competition Authority is competent.	No
Estonia	EMI	No	Yes. If such cases will occur, the competition authority will ask the opinion of the NRA.
Finland	EMV	No. The Finnish Competition Authority is competent for the competitive parts of the electricity and natural gas market.	Yes, The Finnish Competition Authority will ask for a statement from the EMV.
France	CRE	Yes. CRE must ensure that the market rules and practices allow for healthy competition, in the interest of consumers. Thus, CRE ensures that economic or technical barriers to entry, market power abuse, agreements between suppliers or generators and manipulation of the wholesale markets do not occur. To fulfil this mission, CRE must receive regularly or on request data regarding transactions made on the French market from all the market players. CRE uses its rights of investigation and application of sanctions for ensuring that separate accountancy principles are applied correctly and avoid any cross subsidisation, discriminatory situation or barrier to free competition.	Yes. CRE's powers are exercised in close co-operation with the Competition Council (Conseil de la concurrence), which in particular gives its opinion prior to putting any new principles of accountancy into application, and which may be referred to by the President of the Commission at any time. Moreover, the Competition Council must give to CRE the opportunity to provide comments before taking decision in the electricity and gas areas.

MARKET DOMINANCE			
Country	NRA	Responsibility for compiling information on market dominance	Cooperation with NCA
		Moreover, in accordance with the law of 13 July 2005, CRE has the power to monitor transactions made on electricity and gas market organised and the cross border exchange. Regarding competition law issues, cooperation exists between the CRE and the Competition Council	
Germany	BNetzA	<p>Yes. BNetzA is empowered to monitor the level of transparency and competition, according to the Energy Act.</p> <p>BNetzA and the Federal Cartel Office (FCO) may exchange relevant information, including operational and business secrets to the extent required for fulfilling their respective duties.</p>	<p>Yes. Regarding network regulation, BNetzA must consult the FCO (and State Cartel Offices, in specific cases) before taking a decision.</p> <p>The FCO (and State Cartel Offices, in specific cases) must consult BNetzA in areas where no exclusive competence is granted to BNetzA. Regarding Mergers and acquisitions, the FCO consult BNetzA where it has opened main examination proceedings.</p> <p>BNetzA must seek the FCO's agreement where it seeks to remedy misconduct by operators in relation to unbundling (with regard to the treatment of joint ventures under the de-minimis rule), decides on derogations in relation to take-or-pay commitments, on exemptions of new gas infrastructures or new interconnectors from regulated access, and decides on any deviation from cost-orientation requirements as a consequence of existing or potential network competition under § 24 Energy Act.</p> <p>BNetzA and the FCO must work towards a uniform interpretation of the Energy Act that preserves coherence with the Act against restraints of competition.</p>

MARKET DOMINANCE			
Country	NRA	Responsibility for compiling information on market dominance	Cooperation with NCA
Great Britain	Ofgem	<p>No.</p> <p>The Office of Fair Trading (OFT) has responsibilities for the enforcement of competition law in the UK, under the provisions of the Competition Act 1998 and the Enterprise Act 2002.</p> <p>Ofgem has concurrent powers to apply and enforce Articles 81 and 82 of the EC Treaty as well as the Chapter I and II prohibitions of CA98 in the gas and electricity sectors.</p>	<p>Ofgem is a National Competition Authority.</p> <p>The Office of Fair Trading (OFT) has responsibilities for the enforcement of competition law in the UK, under the provisions of the Competition Act 1998 (CA98) and the Enterprise Act 2002. Ofgem has concurrent powers to apply and enforce Articles 81 and 82 of the EC Treaty as well as the Chapter I and II prohibitions of CA98 in the gas and electricity sectors.</p>
Greece	RAE	<p>RAE has no decisive competences in these matters, but only a consultative role.</p> <p>RAE's role is to observe the operation of all sectors of the energy market and propose to the competent bodies the necessary measures required for observance of competition rules and consumer protection.</p>	<p>Yes.</p> <p>RAE co-operates with the Greek Competition Authority to exchange information.</p>
Hungary	HEO	<p>No.</p> <p>HEO is not responsible for the acquisition of information (Electricity and Gas)</p>	<p>(Electricity) Yes, HEO cooperates with the Office of Economic Competition. (Gas) Yes, HEO shall have right to cooperate with the Hungarian Competition Authority and can request its opinion with regard to different mergers.</p>
Iceland	OS	<p>No.</p> <p>The Competition Authority is competent.</p>	<p>Yes.</p> <p>OS shall consult with the Competition Authority on the regulation of the operation and tariffs of transmission system operators and distribution system operators, as applicable.</p>

MARKET DOMINANCE			
Country	NRA	Responsibility for compiling information on market dominance	Cooperation with NCA
Ireland	CER	<p>(Electricity) Yes. With respect to the specific issues of market surveillance and the regulation of the behaviours of the incumbent generation company, the CER has issued a direction to the incumbent generator, stipulating how it is to behave in bidding into the market; the CER monitors this behaviour on an on-going basis and the CER is about to issue a licence to the incumbent which will furthermore require them to act in a certain manner, with the inclusion of conditions to specifically address the issue of behaviours (and the prevention of anti-competitive behaviours).</p> <p>(Gas) Yes. The Commission shall monitor the activities of a holder of a natural gas licence to ensure that the holder complies with all the terms and conditions of the licence (one of these conditions prohibits anti-competitive behavior).</p>	<p>Yes. CER and the Competition Authority have put in place a co-operation agreement. This agreement governs the relations between the two bodies, it provides for the exchange of information and allows each party to forbear to act where it considers the other is investigating or exercising its powers in a certain matter.</p>
Italy	AEEG	<p>Yes. Based on Decree of Ministry of Productive Activities of Dec 2003, AEEG now monitors trading in the power exchange based on of indices designed to detect exercise of market power by the incumbent.</p>	<p>Yes. Through advisory activities, information sharing; published a common report on energy market.</p>
Latvia	PUC	<p>No. The Competition Authority is competent.</p>	<p>Yes. The cooperation in specific cases, such as discriminating some part of consumers.</p>
Lithuania	NCC	<p>Yes, mainly in price setting.</p>	<p>Yes, but no such cases yet.</p>
Malta	MRA	<p>Yes. MRA is responsible for compiling periodic reports to the Commission on market dominance, predatory and anticompetitive behaviour.</p>	<p>Yes Discussions with the Office for Fair Competition are being held. There are also plans for developing a memorandum of understanding between the two authorities.</p>
The Netherlands	Dte	<p>Yes Dte provides the Minister of economics with periodical reports on market dominance issues.</p>	<p>Yes Mergers are the sole responsibility of NCA.</p>

MARKET DOMINANCE			
Country	NRA	Responsibility for compiling information on market dominance	Cooperation with NCA
Norway	NVE	No NVE holds much information required to study anti-competitive behaviour. While the Competition Authority is competent, the Competition Authority and NVE have a formal co-operation agreement covering such issues and a common supervision group has been set up.	Yes, the authorities cooperate in merger cases in the electricity sector.
Poland	URE/ERO	Yes ERO is gathering information and prepares (in cooperation with the Minister in charge of State Treasury and Chairman of the Office for Protection of Competition and Consumers) a report on the abuse of dominant position by power utilities and their behaviour which is incompatible with the rules of competition on the electricity market. The report includes information about ownership structure changes in power utilities, measures intended to ensure necessary diversity of market players, to encourage competition and promote interconnections with foreign systems.	Yes The scope of cooperation between the regulatory authority and the Chairman of the Office for Protection of Competition and Consumers is limited to sharing information. The Chairman of the Office for Protection of Competition and Consumer is not required to seek the opinion of regulatory authority before making any decisions concerning, among other things, mergers in the gas and electricity sectors.
Portugal	ERSE	Yes ERSE compiles information about anti-competitive behaviour and sent it to the Competition Authority.	Yes ERSE must give an opinion on mergers and acquisitions.
Slovak Republic	URSO/ RONI	Yes RONI monitors the level of market transparency achieved and the economic competition in the electricity and gas markets.	Not by law, only informal meetings on specific cases.
Slovenia	AGEN-RS	AGEN-RS reports on market dominance in its annual reports. The competition Protection Office may take measures.	No formal cooperation with the Competition Protection Office (which forms part of the Ministry of the Economy).
Spain	CNE	Yes	Yes. For example when the CNE detects a potential antitrust practice it will open a proceeding and will submit it to the NCA.
Sweden	STEM	No The Swedish Competition Authority is competent.	The regulatory authority and/or the Swedish Competition Authority make contact if and when occasion occurs for exchanging information.
Luxembourg	ILR	No explicit ILR responsibility	Not applicable

3.15. Environment

NRA ENVIRONMENT COMPETENCIES			
Country	NRA	Renewable energy incentive schemes	Disclosure mechanisms
Austria	E-Control	Yes Support to Ministry of Economic Affairs on Regulations for feed-in tariffs and surcharges for financing the support scheme Financial handling of the support tariff for CHP	Yes
Belgium	CREG	As such this is a regional competence, but CREG is obliged to accept influence of regional decisions on tariffs (mainly surcharges).	
Cyprus	CERA	No	No
Czech Republic	ERO	Yes ERO each year sets feed-in tariffs for electricity from RES	No ERO supervision so far
Denmark	DERA	No	No
Estonia	EMI	No	No
Finland	EMV	No	No
France	CRE	No	No
Germany	BNetzA	Yes BNetzA to supervise the vertical compensation scheme for the feeding-in of electricity generated from RES, determination of the remuneration paid for avoided network charges; and determination of network upgrade cost caused by the connection of renewable energy plants (which may be network tariffs).	No explicit supervisory competence for BNetzA.
Great Britain	Ofgem	Yes Ofgem responsible for administering aspects of the Government's programme that promotes the use of lower carbon generation technologies: - renewables Obligation, - aspects of the Climate Change Levy exemptions for renewables and CHP (cogeneration), - residual functions under the previous mechanism for supporting renewable generation, - the Non-Fossil Fuel Obligation and Scottish Renewable Obligation, and - renewable Energy Guarantees of Origin.	Yes Fuel mix disclosure implemented by government by inserting a new condition in the standard electricity supply licence, which is administered by Ofgem.
Greece	RAE	No	No

NRA ENVIRONMENT COMPETENCIES			
Country	NRA	Renewable energy incentive schemes	Disclosure mechanisms
Hungary	HEO	Yes HEO determines and certifies sources and quantity of mandatory RES-E feed-in. HEO advises Minister of Economy on feed-in prices for RES-E. Following the introduction of green certificates, HEO to certify the plant capacity.	No HEO supervision, but annual publication of amount of subsidies.
Iceland	OS	No	No
Ireland	CER	No However, advisory role on RES to the Department for Communication, Marine and Natural Resources	Yes. Implementation of disclosure mechanism including review of supply licence conditions.
Italy	AEEG	No	No
Latvia	PUC	No	No
Lithuania	NCC	No	No
Malta	MRA	Yes	No
The Netherlands	Dte	No	No
Norway	NVE	Yes NVE plans, implements and governs electricity certificate system); also involved in RES R&D funding; advising Ministry on RES legislation.	No
Poland	URE/ERO	Yes Certificates of origin implementation issued and supervised by ERO, including penalties.	No
Portugal	ERSE	Yes ERSE is responsible for incorporating RES surplus cost into tariffs to be paid by consumers.	No
Slovak Republic	URSO/ RONI	No	No
Slovenia	AGEN-RS	No	No
Spain	CNE	Yes In addition to being an advisor to the Ministry for new legislation in this area, CNE also responsible for settlement of the premiums to be paid to the RES producers.	Yes
Sweden	STEM	No (Swedish Energy Agency is competent).	No
Luxembourg	ILR	Yes Management of compensation fund for RES and cogeneration.	No

NRA ENVIRONMENT COMPETENCIES				
Country	NRA	Emissions trading	Energy efficiency	Other
Austria	E-Control	No	No	No
Belgium	CREG	No	As such this is a regional competence, but CREG is obliged to accept influence of regional decisions on tariffs (mainly surcharges).	CREG is competent for support schemes for off-shore renewable energies.
Cyprus	CERA	No	No	No
Czech Republic	ERO	No	No	No
Denmark	DERA	No	No	DERA has general powers to order amendments of tariff-structures with a negative environmental impact.
Estonia	EMI	No	No	No
Finland	EMV	Yes EMV is responsible for issuing and supervising emissions licences, establishing, maintaining and developing the national emissions trading register and approving the verifiers for emissions trading.	No	No
France	CRE	No	No	No
Germany	BNetzA	No	No	No
Great Britain	Ofgem	No	Yes Ofgem administers, on behalf of government, the energy efficiency commitment, which requires electricity and gas suppliers to achieve an energy savings target in domestic households.	No
Greece	RAE	No	No	No
Hungary	HEO	No HEO powers, but advice to Government on NAP and to Environment Minister on quota for new electricity licensees.	No	No
Iceland	OS	No	No	No

NRA ENVIRONMENT COMPETENCIES				
Country	NRA	Emissions trading	Energy efficiency	Other
Ireland	CER	No. Environmental Protection Agency competence; in 2004 CER assisted in developing the NAP (again for 2008-12 period).	Yes. CER to encourage the efficient use and production of electricity.	No
Italy	AEEG	No	Yes, two ministerial decrees of 2004 are being implemented by AEEG.	No
Latvia	PUC	No	No	No
Lithuania	NCC	No	No	No
Malta	MRA	No	Yes	No
The Netherlands	Dte	No	No	No
Norway	NVE	No	Yes NVE plans, implements and governs different energy efficiency mechanism.	NVE gives licences for new generation capacity and new transmission capacity. In this work all relevant environmental aspects are included.
Poland	URE/ERO	No	No (information only)	No
Portugal	ERSE	No	No	National climate change plan gave ERSE responsibilities on demand side management and incentives to reduce network losses. Taking into account this plan, ERSE changed the existing incentives for DSM and reducing network losses. ERSE approves the transmission grid planning and the new renewable generation is an important driver in this planning.
Slovak Republic	URSO/ RONI	No	No	No
Slovenia	AGEN-RS	No	No	No
Spain	CNE	No	No	No
Sweden	STEM	No	No	No
Luxembourg	ILR	No	No	No

Annex

IEB TF Questionnaire for CEER Regulatory Benchmark distributed on 12 July 2005

CEER IEB TF
Regulatory Benchmarking Questionnaire
Final Version
05-07-05

I. LEGAL STATUS

A. LEGISLATION

1. What primary and secondary legislation address the national electricity and gas market and other energy issues?
Please focus on legislation transposing and implementing the Electricity Directive 2003/54/EC, the Gas Directive 2003/55/EC and Regulation (EC) 1228/2003 on conditions for access to the network for cross-border exchanges in electricity.
Please provide a website reference or other available reference where such legislation is available in English.
2. In the event that such legislation only exists in part, please provide a list of any applicable drafts, and their approval status.
3. Does the law provide for a regulatory authority? When was the regulatory authority established?

B. STRUCTURE

1. What is the legal status of the regulatory authority (e.g., corporation, agency, governmental body)?
2. Is there one regulatory authority that covers the entirety of the energy sector?

- a. If yes: Please describe the areas addressed by the regulatory authority (e.g., electricity, oil, gas, heat, etc.).
- b. If no:
 - i. Please describe how many regulatory authorities exist in the energy sector and the fields covered by each.
 - ii. Is there a regional division of the regulatory authorities?
3. Does the regulatory authority's competence cover other network industry sectors as well?
4. Are there bodies, other than the regulatory authority, that make regulatory decisions or amend, assist or are otherwise involved in the regulatory decision-making process?

II. INDEPENDENCE

A. LEGAL INDEPENDENCE

1. Is the regulatory authority a separate legal entity from the ministries of the energy sector or other government bodies?
 - a. If no: What is the relationship?

B. FINANCIAL INDEPENDENCE

1. Is the budget process or methodology established in the law or elsewhere?
2. Does the regulatory authority have its own budget, separate from the central budget?
 - a. If yes:
 - i. Where do funds for the budget of the regulatory authority come from?
 - ii. Does any governmental body (e.g., Council of Ministers, Ministries, Parliament) have any say with respect to the manner in which these funds are used?
 - iii. Must the regulatory authority seek approval for the budget?
 - iv. In practice, has the amount requested by the regulatory authority been provided to the regulatory authority?
 - b. If no:
 - i. What is the process for obtaining funds from the central budget?
 - iii. Is the regulatory authority subject to constraints arising from the central budget?
3. Does the regulatory authority have the power to set sector participant fees to meet budgetary needs?
 - a. If yes:
 - i. How are the fees set?
 - ii. Are there any (legal) constraints on how these fees are set?

4. Are annual audits of the budget conducted?
 - a. If yes:
 - i. Are the scope and terms of the audits described in law?
 - ii. What is the process for conducting audits?
 - iii. What is the role of governmental bodies and industry in conducting such audits?

C. FUNCTIONAL INDEPENDENCE

1. Does the Ministry for the sector or other governmental body have the authority to approve, reject or change regulatory decisions?
 - a. If yes:
 - i. Which governmental body has authority, and over which decisions?
 - ii. Do different bodies have different authorities?
 - iii. Has any such authority been used in practice?
2. With respect to appeals:
 - a. Is there a mechanism in place for parties to appeal a regulatory decision? To what body or bodies is a decision appealed, e.g. courts, ministerial bodies or tribunals appointed by the ministry. Please state the number of instances to which regulatory decisions can be appealed.
 - b. What is the timeframe for the filing of an appeal?
 - c. Are appeals always dealt with by one appeal body or is there local jurisdiction?
 - d. Does the regulatory authority's decision remain in effect pending appeal?
 - e. What is the scope of review during the appeal? Is the appeal limited to errors of fact or procedure only? Does the appeal body have the competence to replace the NRA's decision with a decision of its own?
 - f. How many regulatory decisions have been appealed in practice and how many decision have been accepted without appeal?

D. PROCEDURES FOR APPOINTMENT AND REMOVAL

1. Who appoints the regulators of the regulatory authority?
 - a. Is there any difference between the appointment process for Chairman, Vice-Chairman and other regulators?

NB. By "regulators" we mean members of the regulatory authority's board; the term is also equivalent to "commissioners." Persons working for the regulatory authority who are not on its board are referred to as "staff members."

2. What are the criteria for appointment of regulators?

3. Are there restrictions on the number of regulators that have previously worked in the electricity and gas industry?
2. Other than experience requirements, what are the grounds for appointment (e.g., citizenship, age, etc.)?
3. Who removes the regulators of the regulatory authority?
 - a. Is there any difference between the removal process for Chairman, Vice-Chairman and other regulators?
4. Is revocation of appointment of a regulator or removal only for cause?
 - a. If yes: Does the law clearly define grounds for cause and what are those grounds?
 - b. If no: What is the basis for removal?

E. MANDATE

2. What are the terms of the regulators and are these defined in law?
 - a. Are the terms the same for the Chairman, the Vice-Chairman or any other such leading position?
3. Are initial terms of the regulators staggered? (i.e. regulators' terms of office are scheduled so that not all members of a body are selected at the same time).
4. Is the reappointment of regulators possible under the law?
 - a. If yes:
 - i. How many consecutive terms may a regulator serve?
 - ii. Is the rule the same for the Chairman, Vice-Chairman or any other such leading position?
5. In practice, has the term of one or more regulators ever been renewed?
 - a. If yes: In how many instances?

F. ETHICAL CRITERIA

1. Does the regulatory authority have a Code of Ethics / Conduct?
 - a. If yes:
 - i. To whom does it apply? Does it apply equally to regulators and officers or other staff members of the regulatory authority?
 - ii. What are the areas covered, e.g. what are the specific restrictions imposed to prevent corruption?
2. Are regulators and/or their family members prohibited from having employment relationships with electricity and gas sector participants while holding their positions?
 - a. If yes:
 - i. Does the same restriction apply to staff members?
 - ii. What is the scope of the prohibition and what are the consequences of failure to comply?

3. Are regulators and/or their family members prohibited from having ownership relationships with electricity and gas sector participants, including share ownership, while holding their positions?
 - a. If yes:
 - i. Does the same restriction apply to staff members?
 - ii. What is the scope of the prohibition and what are the consequences of failure to comply?
4. Is there a period of time after the regulator leaves his or her position during which the regulator may not be employed by an energy undertaking?
 - a. If yes:
 - i. Does the same restriction apply to staff members?
 - ii. Please describe the applicable length of time required.
 - iii. What are the consequences of failure to comply?
5. Is there a period of time after the regulator leaves his or her position during which the regulator may not have ownership interest in the energy undertaking?
 - a. If yes:
 - i. Does the same restriction apply to staff members?
 - ii. Please describe the applicable length of time required.
 - iii. What are the consequences of failure to comply?

Please provide figures on the annual rate of fluctuation between NRA and the industry.

6. Are there other restrictions on actions based on concerns regarding conflicts of interest or ethics?
 - a. If yes: Please describe.
 - b. If no: Please describe any proposals or areas of concern for which restrictions are contemplated.

G. EMPLOYMENT POWERS

1. With respect to recruitment of staff members:
 - a. What are the recruitment criteria?
 - b. What is the procedure for recruitment (e.g., through recruitment agents, public tendering, etc.)?
2. What body or person has the final decision-making authority to select and recruit staff members?
3. What body or person has the final decision-making authority to remove staff members or to set penalties and incentives?

III. COMPETENCIES

A. INFORMATION ACCESS

1. Does the regulatory authority have full access to financial information from sector participants?
 - a. Does the regulatory authority have full access to financial information from sector participants?
 - a. If yes: What is the process (including timing, procedures, range of data available) by which the regulatory authority may obtain such information?
 - b. If no: State the reasons given by sector participants for not providing information, e.g. treatment of confidential business secrets and whether there were any lawsuits.
2. Does the regulatory authority have full access to technical information from sector participants?
 - a. If yes: What is the process (including timing, procedures, range of data available) by which the regulatory authority may obtain such information?
 - b. If no: State the reasons given by sector participants for not providing information, e.g. treatment of confidential business secrets and whether there were any lawsuits.?

B. SECURITY OF SUPPLY

1. Does the regulatory authority participate in the monitoring of medium and long-term supply/demand balance on the national market?
 - a. If yes: How?
 - b. If no: What body has such authority?
 - c. If shared authority: What bodies have such authority?
2. Does the regulatory authority participate in the monitoring of expected future demand and envisaged additional capacity?
 - a. If yes: How?
 - b. If no: What body has such authority?
 - c. If shared authority: What bodies have such authority?
3. Does the regulatory authority participate in the monitoring of quality and level of maintenance of the networks?
 - a. If yes: How?
 - b. If no: What body has such authority?
 - c. If shared authority: What bodies have such authority?

4. Does the regulatory authority participate in the implementation of measures to cover peak demand and to address any shortfalls of one or more suppliers?
 - a. If yes: How?
 - b. If no: What body has such authority?
 - c. If shared authority: What bodies have such authority?
5. Where tendering exists as an option for new generating capacity, does the regulatory authority organize, monitor and/or control the tendering procedure for generation?
 - a. If yes: Please explain whether the regulatory authority has one or more of these responsibilities
 - b. If no: Please describe which body or bodies has such responsibilities.

C. MARKET OPENING AND MARKET MONITORING

1. What is the current national timetable for market opening?
2. Where applicable, what is the role of the regulatory authority (e.g., approval, proposal, commenting on proposals, etc.) in identifying the timetable of market opening?
3. With respect to tariffs:
 - a. Does the regulatory authority have the power to issue secondary legislation in the area of tariffs?
 - i. If yes: What is its role in this respect (e.g., issuing, approving, or commenting on secondary legislation) in the area of tariffs?
 - b. Is the regulatory authority responsible, ex-ante, for fixing and approving transmission and distribution network tariffs or for fixing and approving methodologies used to calculate transmission and distribution network access tariffs?
 - c. Is the regulatory authority responsible, ex-ante, for fixing and approving methodologies used to calculate balancing and ancillary services?
 - d. Does the regulatory authority have a role with respect to setting connection costs?
 - e. Does the regulatory authority have the power to require transmission and distribution system operators to modify terms and conditions, tariffs, rules, mechanisms and methodologies to ensure they are proportionate and applied in a non-discriminatory manner?
 - f. Does the regulatory authority have the power to ensure that charges applied by network operators for access to networks are transparent and reflect actual costs incurred?
 - g. Does the regulatory authority have the power to require performance-based components within the tariff methodologies, for instance taking account of the relative efficiency of an individual network operator?
 - h. Does the regulatory authority have the power to penalize a non-performing undertaking via reduced rate of return?

- i. Does the regulatory authority have the power to remove subsidies inconsistent with state programs?
 - j. Does the regulatory authority have the power to address the needs of vulnerable populations?
 - k. What other tariff powers belong to the regulatory authority?
4. With respect to licenses:
 - a. Does the regulatory authority have the power to issue licenses?
 - b. Does the regulatory authority have the power to issue secondary legislation in the area of licensing, and to determine the terms and conditions of licenses?
 - c. Does the regulatory authority have the power to review and monitor licenses and compliance with license conditions?
 - d. Does the regulatory authority have the power to modify licenses?
 - e. Does the regulatory authority have the power to impose a fine on licensees for infractions and/or have the power to report infractions?
5. With respect to dispute settlement authority:
 - a. What is the scope of the regulatory authority's dispute settlement authority?
 - b. Does such authority extend to access issues, including third party access, and cross border disputes?
6. With respect to rule-making authority:
 - a. Does the regulatory authority have the power to set or approve rules regarding the management and allocation of interconnection capacity?
 - b. Does the regulatory authority have a role with respect to the issuance of secondary legislation, including market rules, grid codes and other such technical rules?
 - c. Does the regulatory authority have a role with respect to identifying metering rules and charges?
7. With respect to quality of service:
 - a. Does the regulatory authority have a role regarding quality of service standards?
 - i. If yes: Does this role entail setting, approving and/or commenting on such standards?
 - b. Does the regulatory authority have the power to sanction or intervene in cases of violations of such service standards?
8. With respect to congestion:
 - a. Does the regulatory authority have a role regarding congestion management?
 - i. If yes: Does this role entail setting, approving and/or commenting on such rules?
 - b. Does the regulatory authority have the power to require that transmission and distribution participants correct any congestion difficulties?

- c. Does the regulatory authority maintain an audited account of any revenues collected pursuant to congestion management mechanisms?
9. With respect to connection and repairs:
- a. Does the regulatory authority have the power to monitor the time taken by sector participants to make connections and repairs?
 - b. Does the regulatory authority have the power to intervene if necessary if the time taken is too lengthy?
 - c. Does such intervention include the power to sanction sector participants?
10. With respect to unbundling:
- a. Does the regulatory authority establish guidelines on how separate accounts should be drawn up for unbundled entities?
 - b. Does the regulatory authority have the duty to establish rules regarding the allocation of costs resulting from the unbundling process?
 - c. Does the regulatory authority have the duty to draw up guidelines for compliance review and reporting of the unbundling process?
 - d. Does the regulatory authority have the power to mandate changes in accounting practices where the regulatory authority determines that the sector participants are not sufficiently unbundled?
11. What is the regulatory authority's role with respect to investment planning and cost recovery, domestically and regionally?
12. With respect to cross-border exchanges:
- a. Does the regulatory authority have the power to approve operational and planning standards including schemes for the calculation of total transfer capacity?
 - b. Does the regulatory authority have the power to give an exemption to the normal rules of third party access for new investment?
13. With respect to market dominance, does the regulatory authority have responsibility for compiling information on market dominance, predatory and anti-competitive behavior?
14. With respect to antitrust or merger cases in the electricity and gas sectors, , does the regulatory authority cooperate with the antitrust/competition authority? If yes, please, briefly describe this cooperation.

D. IMPACT OF THE ENERGY SECTOR ON THE ENVIRONMENT

1. Does the regulatory authority have any authority on issues related to the impact of the energy sector on the environment (e.g., renewable energy incentive schemes, renewable energy disclosure mechanisms, emissions trading, energy efficiency)?

IV. INTERNAL ORGANIZATION, RESOURCES, CAPACITY

1. How many regulators does the regulatory authority have?
2. How many staff members does the regulatory authority have? Where the regulatory authority covers sectors other than electricity and gas, please provide a breakdown of staff.
3. How are salaries for the regulators established? How do salaries for the regulators compare with those of civil servants, government officials and industry executives?
4. How are salaries for the staff members established? How do salaries for the staff members compare with those for civil servants, government officials and industry employees?
5. What is the annual budget (in Euros) for the regulatory authority in 2004 and 2005?
 - a. What percentage of this budget is devoted to salaries?
 - b. What percentage of this budget is devoted to IT technology?
 - c. Where the regulatory authority covers sectors other than electricity and gas, please provide a breakdown of the annual budget.
 - d. Is the budget sufficient for the regulatory authority to meet its projected spending?

V. PROCEDURES FOR CORE REGULATORY ACTIVITIES

1. With respect to governance and participation:
 - a. What is the permitted scope of public participation during the decision-making process of the regulatory authority?
 - b. In practice, has public participation occurred? Please state the average number of interested parties participating.
 - c. Where problems are encountered during the implementation phase, is there a mechanism by which the regulatory authority seeks or receives input from sector participants?
2. With respect to complaint mechanisms:
 - a. May any interested party bring to the regulatory authority a complaint against a transmission or distribution system operator on issues related to non-discrimination, effective competition, efficient functioning of the market, transmission and distribution tariffs, and provision of balancing services?
3. With respect to hearings processes?
 - a. Does the regulatory authority conduct hearings on complaints?
 - b. Are the hearings open and public?
 - c. Is public participation permitted? Under what conditions?
 - d. By what mechanism is information made available to the public? (For example, are websites, official journals or other means of communication accessible to the public utilised?)

4. With respect to confidentiality of information:
 - a. Are there rules to protect confidential information?
 - b. What body or person decides whether information is confidential?
 - c. How is confidential information treated in relation to the hearing process?
5. How are the voting procedures of the regulatory board structured (e.g., majority, unanimity, quorum, etc.)?
 - a. Is there a procedure to avoid deadlock (e.g., does one regulator have a deciding vote, etc.)?

VI. ENFORCEMENT

1. Does the regulatory authority have the power to sanction sector participants and is such authority described in regulation? Specifically, can the regulatory authority:
 - a. Issue a public letter to the chief executive of the undertaking condemning violations by the undertaking?
 - b. Publish comparative reports demonstrating insufficient performance by the network company concerned?
 - c. Recommend or impose fines against sector participants for failure to comply with license requirements and secondary legislation?
 - d. Skim off additional proceeds obtained as a result of violations?
 - e. Revise tariffs or reduce rates of return in response to violations?
 - f. Revoke, suspend or modify licenses?

VII. ACCOUNTABILITY

1. With respect to annual reports:
 - a. Does the regulatory authority issue annual reports?
 - b. If yes:
 - i. What body receives the reports and does law mandate this?
 - ii. Are the annual reports published? Please provide a website reference or other available reference where such reports are available in English.

Does the annual report provide information on the financial situation of the NRA and on the use it has made of public funds?
2. Is the regulatory authority required to appear before a parliamentary committee or a government body to report on activities?
 - a. If yes: How often?
3. Does the regulatory authority have an advisory council?
 - a. If yes: How is its composition determined?
4. With respect to publication:
 - a. Where, if at all, are the regulatory authority's decisions published? Please provide a website reference or other available reference where such decisions are available in English.
 - b. Is the regulatory authority required to support its decisions by facts, analysis and reasoned conclusions?

5. With respect to public communication, does the regulatory authority have a communications strategy? (e.g., use of a press office, press releases, etc.)