

**CEER**

**Council of European  
Energy Regulators**



Fostering energy markets, empowering consumers.

# What Regulators Stood for in the Second Half of 2023

**European Policy Unit**

**24 January 2024**

## Second half of 2023 for CEER...

### CUSTOMERS & RETAIL MARKETS

3 publications



### CROSS-SECTORAL

2 publications

### ELECTRICITY

1 publication



### GAS DECARBONISATION

1 publication

The introductory part of this review is dedicated to CEER's main messages for the energy sector during the second half of 2023. These messages are in line with the [overall strategy](#) that guides CEER deliverables and activities throughout the defined period.

## Our main messages for the second half of 2023!



### Customers and Retail Markets

- There is widespread use of metrics in self-assessments, with market concentration and access to independent Price Comparison Tools (PCTs) being common, while metrics related to online historical consumption data are less utilised.
- There are legal limitations on NRAs setting national targets for metrics as well as persistent disparities in retail markets shaped by local/national considerations.
- In the future, there is potential relevance of less-used metrics with the integration of renewable energy sources. NRAs must analyse interdependencies and conduct gap analyses for continuous improvement efforts.
- Future support measures for consumers exist, and household expenditure and income must be taken into consideration.
- Member States must provide detailed definitions and criteria for vulnerable consumers.
- ACER-CEER recommend monitoring the proportion of vulnerable consumers and their experience of energy poverty with targeted support measures proposed in times of crisis.
- Increased tracking and monitoring of consumer contracts, support for market transparency through compliance reviews of comparison tools, and ensuring clear, comprehensible energy bills are essential.
- ACER-CEER recommend targeted consumer information campaigns and regular updates on the best times for energy consumption, along with improved management and monitoring of consumer complaints.
- Suppliers are advised to inform consumers of their monthly consumption and energy expenditure to enhance awareness.
- Providing clear, transparent, and consumer-friendly information empowers consumers to make informed choices when confronted with green offers (GOs), but it is challenging to offer relevant and appropriate information within the grey zone.
- The use of green offers must align with consumer choice, enhancing incentives and transparency.
- There must be a definition of “green” at the European level. Legal provisions, compliance, and oversight in energy disclosure are important to prevent greenwashing and double counting of renewable attributes.



## CROSS-SECTORAL

- While the development of electric mobility is essential to achieve the EU decarbonisation targets, it also has a profound impact on the power system. To accommodate the increasing number of EVs, the network must be sufficiently robust, while the operation of the grid must be managed and optimised, for instance, through smart charging. An adequate regulatory framework must also be in place to address emerging consumer issues.
- NRAs have a role to play in supervising the deployment of charging infrastructure, facilitating the integration of electric mobility in the power system, and encouraging the participation of consumers by ensuring they are empowered and protected.



## Electricity

- National support schemes for renewable energy sources (RES) have been subject to important changes since the adoption of the EU's Renewable Energy Directive in 2009.
- RES support schemes play an important role in the market integration of RES in Europe in line with the energy transition.
- A wide range of instruments are used to promote RES, such as investment grants, feed in tariffs, feed in premiums, and green certificates. The transition towards more competitive elements in the way support levels are being determined is ongoing; major changes observed remain related to the introduction of feed-in-premium schemes and the introduction of tendering procedures, as a means to efficiently determine the level of support.



## Gas

- Tectonic shifts in the gas world have urged stakeholders to start adequately preparing for an accelerated sector transition.
- Tectonic shifts in the gas world have urged stakeholders to start adequately preparing for an accelerated sector transition.
- With the successful delivery of European legislation, efforts will pave the way for the implementation of a future decarbonised gas system which will accommodate new decarbonised sources and prompt the development of a growing hydrogen value chain.
- NRAs will now move to enabling the application of European law in support of a gas system which supports the overarching Green Deal objectives.

## 1 CEER proposals on customers issues

In the second half of 2023, CEER published **3 documents** which relate to customer issues.

### **CEER Roadmap to 2025 Well-Functioning Retail Energy Markets: 2022 Self-Assessment Status Report<sup>1</sup>**

In 2015, the Council of European Energy Regulators (CEER) developed a strategic high-level position paper outlining a framework for key characteristics of well-functioning retail energy markets.

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*NRAs are also encouraged to maintain an ongoing dialogue with national policy makers and consumer protection authorities on well-functioning energy retail markets. As in many countries, the responsibility is split between different public bodies, it is important for these to cooperate and adequately coordinate their efforts, given that a well-functioning retail market is in the interest of all parties.*

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Since then, CEER published three self-assessment status reports on the annual activities of the Roadmap carried out by NRAs in 2018, 2019 and 2020 respectively. This document is an updated fourth edition of the status report for 2021. Along with previous editions, it describes the national progress on establishing “competitive, reliable and innovative retail energy markets that benefit consumers by 2025”.

- The result of the review shows that all metrics are used in the self-assessment of national markets.
- However, they are still used to differing degrees within each country and across countries, with the metric on “market concentration” and “availability of access to independent and verified PCTs” being the most commonly used metrics, and the metric on the “percentage of consumers having access to online historical consumption data” being the least used.
- In addition, a few countries are undertaking the analysis of each key property individually.
- Not all NRAs can legally set national targets for individual metrics with respect to the gap-analysis examined in the report.
- Retail markets still differ significantly between countries, each country has its own local/national circumstances to consider when assessing retail market functioning.
- NRAs are also encouraged to maintain an ongoing dialogue with national policy makers and consumer protection authorities on well-functioning energy retail markets. As in many countries, the responsibility is split between different public bodies, it is important for these to cooperate and adequately coordinate their efforts, given that a well-functioning retail market is in the interest of all parties.
- CEER believes that ongoing and future changes in European energy markets, such as the integration of renewable energy sources into the energy system, may lead to a greater relevance, in the future, of some of the less-used metrics today.
- CEER encourages all NRAs to analyse the interdependencies of metrics and their mutual impacts, as well as to perform gap-analyses for key properties.

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<sup>1</sup> [CEER Roadmap to 2025 Well-Functioning Retail Energy Markets: 2022 Self-Assessment Status Report](#)

## ACER/CEER Energy Retail and Consumer Protection 2023 Market Monitoring Report<sup>2</sup>

ACER and CEER Market Monitoring Report outlines the state of play of the retail energy market and consumer protection in the European Union and the Energy Community Contracting Parties ('EnC Contracting Parties') in 2022.

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*ACER and CEER again recommend that NRAs, Member States, energy suppliers, and network operators should regularly inform energy consumers of when the best time may be to consume energy with the aim of levelling the demand curve which can reduce prices for all consumers.*

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Support measures could be targeted in the future:

- Member States and appropriate public bodies should consider the household expenditure on electricity and gas, and household income.
- To enable such targeted support, Member States should provide detailed definitions and criteria for both vulnerable consumers in line with Directive 2019/944.
- Member States and competent bodies should track and closely monitor the proportion of energy consumers defined as vulnerable and experiencing energy poverty. Broad support measures applied to all energy consumers may not be required in the event of a future crisis.
- Where a Member State decides that support is required, such support should not impede the formation of market prices and should ensure an incentive to reduce demand whilst the crisis lasts.

More tracking and monitoring are needed on the uptake by consumers of different types of contracts

- ACER and CEER recommend that all NRAs track and monitor the uptake of all retail energy contracts (fixed, flexible, dynamic) in their retail energy markets.
- Greater visibility on the contracts chosen by consumers can help to understand how suppliers follow the trends and developments in the market next to consumers' preferences.

Market transparency should be supported by the use of independent, market-wide comparison tools

- Comparison tools continue to not meet fully the requirements set out in Article 14 of Directive 2019/944.
- As such, ACER and CEER again recommend that NRAs review the compliance of the independent, market-wide comparison tools in their Member State. The features of publicly operated comparison tools should also be reviewed and fully comply with the requirements.
- NRAs and Member States should ensure the promotion of the public or trust marked comparison tools and set targets for consumer utilisation so that consumers become more aware of these tools and hence, be more informed about the alternative energy offers available to them.

Consumers should receive complete and clear bills that are easy to understand

- ACER and CEER reiterate that energy bills continue to not meet fully the criteria as set out in Directive 2019/944.
- Suppliers should without delay undertake a review of the bills being issued to energy consumers in their markets and take steps to ensure compliance.

Targeted consumer information campaigns should help consumers to engage with rapidly evolving market situations

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<sup>2</sup> [ACER/CEER Energy Retail and Consumer Protection 2023 Market Monitoring Report](#)

- ACER and CEER again recommend that NRAs, Member States, energy suppliers, and network operators should regularly inform energy consumers of when the best time may be to consume energy with the aim of levelling the demand curve which can reduce prices for all consumers.

Increasing number of consumer complaints could be better managed with increased monitoring of these complaints as the latter shed light on the needed improvements

- ACER and NRAs will work together to explore common ways to define, register, categorise and monitor complaints, taking account of the NRAs' duties as outlined in Directive 2019/944.

Suppliers to inform consumers of their monthly consumption and energy expenditure on a monthly basis to enhance consumer awareness

- Annual billing, while permitted under Directive 2019/944, may not represent an adequate level of consumer service and provision of information.
- At a minimum, suppliers should offer to provide monthly consumption data to consumers (which could be estimated based on previous consumption data) to inform them of both their consumption and energy expenditure.
- Regulators recall that frequent, accurate, billing can potentially incentivise consumers to reduce their demand in response to needed price signals.
- Meanwhile, averaged billing periods may be helpful for consumers who want to avoid receiving heftier bills during periods of high prices.

## **CEER Guidelines of Good Practice for Trustworthy Information on Green Offers and Consumer Protection Against Misleading Marketing (“Greenwashing”)<sup>3</sup>**

In the context of the Renewable Energy Directive and the European Commission's legislative proposal for a Directive on "Empowering the consumer for the green transition," CEER has updated

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*What lies behind the definition of “green” should be defined at European level. Having green energy products backed by Green Offers (GOs) is a first step towards informing consumers about green offers.*

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its advice on customer information on sources of electricity (published in 2015). This should enable customers to make a well-informed choice about their energy supply, based on reliable and consistent information they can trust.

- Most of the issues lie in the grey zone of providing the consumer with relevant and appropriate information in a clear, transparent and consumer-friendly way, so as to allow them to make their decision.
- CEER considers that the use of granular GOs should rely on consumer choice and may increase incentives and transparency in the GO system. Any introduction of granular GOs should be made consistent with the legal framework and adapt the disclosure timeframe to be of effective added value for consumers.
- What lies behind the definition of “green” should be defined at European level. Having green energy products backed by GOs is a first step towards informing consumers about green offers.

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<sup>3</sup> [CEER Guidelines of Good Practice for Trustworthy Information on Green Offers and Consumer Protection Against Misleading Marketing \(“Greenwashing”\)](#)

- It is important to ensure that legal provisions on energy disclosure are clarified, fully implemented and enforced by the appropriate authorities.
- In addition to compliance with the requirements for supplier mix disclosure on energy bills, careful oversight is needed on the issuing and trading of GOs.
- Too many certification schemes on energy production and consumption in the EU can raise the risk of double counting of renewable attributes and create confusion for energy consumers; this sense of confusion can increase the feeling of greenwashing.

## 2 CEER proposals on cross-sectoral issues

Since August 2023, CEER published **2 documents** which are cross-sectoral, targeting the electricity, gas and consumer sectors.

### **CEER Report Electric Vehicles: Network Management and Consumer Protection<sup>4</sup>**

This report presents an overview of the development of electric mobility and the main issues for national regulators, with a view to deploying charging infrastructure in CEER member countries, integrating electric mobility into energy systems, and taking account of consumer concerns. At the same time, it sets out several courses of action for national regulators to ensure the sustained

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*NRAs may look to adapt existing regulation or introduce new rules to ensure appropriate consumer protection in the EV market, including cost and billing transparency when charging at home or in public.*

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development of electric mobility, in line with European objectives, as highlighted in the Alternative Fuel Infrastructure Regulation (AFIR).

#### Main findings:

- The report found that when it comes to supervising the deployment of charging infrastructure, the regulatory framework for network operators and the methods used to calculate network tariffs will have to meet the requirements of the transition to electric mobility, including equity and sufficient network capacity, to ensure that these players contribute fully and rationally to the development of electromobility.
- To facilitate the integration of electric mobility in the power system, proper incentives should be given to optimise the location and the connection of charging infrastructure, as well as to charge at the best possible time regarding the system costs.
- Widespread simple time-of-use tariffs and charging management will be the key tools.
- Regulators should monitor the impact of EV charging on the system and the participation on flexibility markets without barriers for electric vehicles.
- Regulators have a role to play in encouraging consumer participation in electromobility and ensuring consumer empowerment and continued protection.
- NRAs may look to adapt existing regulation or introduce new rules to ensure appropriate consumer protection in the EV market, including cost and billing transparency when charging at home or in public.
- NRAs may also consider facilitating better access to information on public charging, including location and pricing.

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<sup>4</sup> [CEER Report Electric Vehicles: Network Management and Consumer Protection](#)



- NRAs can monitor emerging issues, including the areas of interoperability, data and e-roaming.

## CEER International Strategy 2023 update<sup>5</sup>

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*CEER will continue to enhance and deepen its integration with its neighbourhood on security of supply as well as on the legal and regulatory framework.*

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This document is the latest update to the CEER international strategy published in 2013. CEER will support the European Union's ambitions through three strategic objectives, namely welcoming and stimulating dialogue with international partners; promoting high standards of regulation for independent regulators across the globe; and contributing to the energy transition. It builds on CEER's values which include having a peer-to-peer approach; being actively involved in European and international decarbonisation efforts; as well as empowering consumers for the energy transition.

- While pursuing its current efforts and further engaging in dialogue with strategic regions, CEER aims to become a natural link to Europe for non-EU regulators while enhancing relations with regulatory associations. Within this aim, CEER considers regional cooperation as a particular priority.
- CEER will continue to enhance and deepen its integration with its neighbourhood on security of supply as well as on the legal and regulatory framework.
- CEER will pursue and strengthen links with Eastern Europe and the Caucasus Region as well as with the Mediterranean region to promote a collective understanding of energy and regulatory issues.
- CEER intends to provide assistance and guidance to interested countries in the earliest stages of the process to establish a regulatory body. This would mean aiding with the primary legislation under which the regulator is constituted, the composition of governing bodies, the initial regulatory framework, and the processes.
- Furthermore, CEER wants to further develop its relationships with international organisations to exchange information and ideas on regulatory aspects with organisations engaged in the promotion of sustainable energy such as the Organisation for Economic Co-operation and Development (OECD), the International Energy Agency (IEA), and the International Renewable Energy Agency (IRENA).
- Finally, CEER intends to enhance dialogue with universities and academic organisations focusing on energy regulation.

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<sup>5</sup> [CEER International Strategy 2023 update](#)

### 3 CEER proposals on electricity regulatory issues

In the second half of 2023, CEER published **1 document** which relates to electricity issues.

#### **Status Review of Renewable Support Schemes in Europe for 2020 and 2021<sup>6</sup>**

This issue presents the latest update to the regular CEER Status Reviews of Renewable Energy Support Schemes. The purpose of these CEER Status Review publications is to collect comparable data on support for Renewable Energy Sources (RES) in Europe in order to provide policymakers, regulators and industry participants with information on support schemes for electricity from RES.

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*Across Europe, the transition towards support schemes allowing for more market integration of RES and more competitive elements in the way support levels are being determined is still ongoing.*

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- A wide range of instruments are used to promote RES, such as investment grants, FiT, FiP, and GCs.
- Across Europe, the transition towards support schemes allowing for more market integration of RES and more competitive elements in the way support levels are being determined is still ongoing.
- It is not uncommon that RES plants have the same financial responsibility as conventional plants for electricity balancing, at least above a certain threshold of capacity installed.
- No changes can be observed to other central features such as the nature of funding (mostly via non-tax levies).
- The proportion of gross electricity produced receiving RES support differs widely from one country to another ranging from 3.6% in Slovenia to 42.8% in Ireland, with a weighted average across countries of approximately 23% in 2020. This is an increase from a weighted average of around 19% in 2018.
- In terms of support costs, there are wide differences across technologies and across countries. The weighted average support for RES, on top of the wholesale price, decreased from 109 €/MWh in 2020 to 83 €/MWh in 2021. In 2019, it ranged from a minimum of 1.87 €/MWh (in Sweden) to a maximum of 215.31 €/MWh (in the Netherlands).

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<sup>6</sup> [CEER Status Review of Renewable Support Schemes in Europe for 2020 and 2021](#)

## 4 CEER proposals on gas regulatory issues

Since August 2023, CEER published **1 document** which relates to gas issues.

### ACER-CEER Annual Report on European Gas Market Trends and Price Drivers Volume<sup>7</sup>

This report examines the drivers that led to the unprecedented price rise in European gas markets in the summer of 2022.

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*Members States, Transmission System Operators, and industry associations to closely monitor risk preparedness to ensure an effective and swift response in case new market shocks materialise.*

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#### Main recommendations:

- Member States to maintain political commitments to reduce gas consumption.
- NRAs to evaluate the efficiency of the demand reduction measures implemented in 2022 and share findings with political decision makers.
- Member States to primarily direct financial support to promoting demand savings and efficiency investments, instead of subsidizing final supply costs.
- Members States, Transmission System Operators, and industry associations to closely monitor risk preparedness to ensure an effective and swift response in case new market shocks materialise.
- Neighbouring Transmission System Operators to extensively coordinate and jointly maximise the availability of firm and interruptible capacities.
- Neighbouring NRAs to extensively coordinate and remove any regulatory obstacles that prevent an optimal use of the existing network.
- Transmission System Operators to carefully consider the need of investment where physical bottlenecks remain after the operational optimisation of the existing network.
- NRAs to carefully assess the appropriateness of the investments that remove structural bottlenecks, while mitigating the potential of future asset stranding. Congestion revenues may be used to finance such network investment.
- Regulatory authorities to overall promote transparent access regimes to LNG infrastructure, not to endanger the EU gas market integration and competition levels.
- Competent authorities to thoroughly monitor LNG import capacity concentration and use, to prevent potential capacity hoarding.

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<sup>7</sup> [ACER-CEER Annual Report on European Gas Market Trends and Price Drivers Volume](#)

## About CEER

The Council of European Energy Regulators (CEER) is the voice of Europe's national energy regulators. CEER's members and observers comprise 39 national energy regulatory authorities (NRAs) from across Europe.

CEER is legally established as a not-for-profit association under Belgian law, with a small Secretariat based in Brussels to assist the organisation.

CEER supports its NRA members/observers in their responsibilities, sharing experience and developing regulatory capacity and best practices. It does so by facilitating expert working group meetings, hosting workshops and events, supporting the development and publication of regulatory papers, and through an in-house Training Academy. Through CEER, European NRAs cooperate and develop common position papers, advice and forward-thinking recommendations to improve the electricity and gas markets for the benefit of consumers and businesses.

In terms of policy, CEER actively promotes an investment friendly, harmonised regulatory environment and the consistent application of existing EU legislation. A key objective of CEER is to facilitate the creation of a single, competitive, efficient and sustainable Internal Energy Market in Europe that works in the consumer interest.

Specifically, CEER deals with a range of energy regulatory issues including wholesale and retail markets; consumer issues; distribution networks; smart grids; flexibility; sustainability; and international cooperation.

More information is available at [www.ceer.eu](http://www.ceer.eu).

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