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EU and EnC

Market

Joint European Action for More Affordable, Secure and Sustainable Energy

by Evangelia-Angeliki Gkana (Athens)

On 8 March 2022 the European Commission announced proposals regarding new policies “for more affordable, secure and sustainable energy” aiming to establish a new framework breaking the EU dependency on Russian fossil fuels well before 2030. This Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions focuses on mechanisms to diversify energy supplies, to accelerate the green transition and the production of green energy. Having acknowledged that the current policies are no longer sufficient to tackle the energy problems, such as the rising energy prices hitting energy-poor households and companies, in particular energy-intensive industries, the Commission focuses, first of all, on the urgency of price mitigation and storing gas for next winter.

According to the Directive (EU) 2019/944 on common rules for the internal market for electricity, Member States can take exceptional measures to set retail prices for households and micro-enterprises and, as the implementation of the “general escape clause” of the Stability and Growth Pact (SGP) continues, Member-States can offer temporary relief to the energy prosumers exposed in grave danger. State Aid Rules allow Member States to aid companies facing liquidity needs following the guidelines for rescuing and restructuring non-financial undertakings in difficulty. The funding for these exceptional measures can be found through temporary tax measures on windfall profits.

According to the Commission’s new legislative proposal intending to ensure an annual adequate level of storage, by the 1st October each year the underground gas storage should be filled up at least 90% of its capacity. The increasing of the rebate level to 100% will constitute an important tool for encouraging the market participants to comprehend the importance of this storage.

In order to use smartly the existing infrastructure, a new mechanism is proposed to be set so as to actualize a fair allocation of security of supply costs. This legal proposal includes provisions to tackle ownership risks for gas infrastructure. The Commission’s proposal is the punctual refilling assurance from the Member States of the next winter’s storage.

The Commission concurrently proposes the speeding up the growth of renewable energy sources, which are clean, cheap and reliable, the replacement of gas in heating and power generation, the diversifying gas supplies with more Liquefied Natural Gas (LNG) and pipeline imports, which can replace 60 bcm of Russian gas within the next 12 months. Also, the objective “Fit for 55” aims to the doubling of the EU’s photovoltaic and wind capacities by 2025 and tripling by 2030, and the doubling of biomethane that will lead to the production of 35 billion cubic metres (bcm) per year by 2030. An additional gas storing can be accomplished this year by accelerating the roll out of rooftop solar PV systems by up to 15TWh.

Common Pricing Methodology for Electricity Balancing Markets Amended

by Dimitrios Mitsakos (Athens)

On 25 February 2022, the EU Agency for the Cooperation of Energy Regulations (ACER) issued its decision no. 03/2022 on the amendment to the methodology for pricing balancing energy and cross-zonal capacity used for the exchange of balancing energy or operating the imbalance netting process across the European electricity markets. Pursuant to Article 30 (2) of the Commission Regulation (EU) 2017/2195 (EB Regulation), in case the Transmission System Operators (TSOs) identify that technical price limits are needed for efficient functioning of the market, they may jointly develop, as part of the proposal for the pricing methodology, a proposal for harmonized maximum and minimum balancing energy prices, including bidding and clearing prices, to be applied in all scheduling areas. Taking this into account, the pricing methodology was initially developed by all TSOs in 2019 and it was then approved by ACER in 2020.

In the present decision, the amendment proposed is related to the technical price limit in the balancing timeframe. In general, ACER understands that efficient market functioning is based on free price formation on the basis of demand and supply. However, the introduction of a technical price limit other than the one set out in the current pricing methodology is needed for the efficient functioning of the market. The price limits define the range of bidding and clearing prices of all balancing energy bids (both positive and negative balancing energy). In particular, ACER amended the abovementioned TSOs’ proposal and has lowered the technical price limits from 99,999€/MWh and -99,999 €/MWh to 15,000€/MWh and -15,000€/MWh respectively for the first four (4) years of the European balancing platforms’ operations, until July 2026. The imbalance settlement price is intended to reflect the real-time value of energy which requires that balancing energy prices are true scarcity prices. Finally, ACER has concluded that the amendment is in line with the purpose of the EB Regulation and contribute to market integration, non-discrimination, effective competition and the proper functioning of the market.

Infrastructure

Call for Cross-Border Renewable Energy Projects to Receive CB RES Status

by Kosmas Karanikolas (Athens)

On 4 March 2022, the Commission, acting within the framework of the Connecting Europe Facility (CEF) program and in collaboration with the Climate, Infrastructure and Environment Executive Agency (CINEA) – that is, an organization aimed at supporting stakeholders in realizing the European Green Deal through high-quality program management - launched a further call for proposals, addressed to prospective investors wishing their projects to receive the status of a 'Cross-Border Renewable Energy project' (CB RES status), being thus numbered among the projects listed as eligible for CEF funding (CB RES list). Apart from eligibility for financial support, obtaining of the CB RES status implies further benefits such as higher visibility, increased investor certainty, and stronger support from Member States.

It is noted that CEF program has been established by the Regulation (EU) 2021/1153 and afforded with an overall budget of €33,710,000,000 for a seven-years' period (2021-2027). CEF's funds shall be channeled, inter alia, to projects aimed at the facilitation of cross-border cooperation in the renewable energy field, conducing to the attainment of decarbonization targets, the increasing of European competitiveness, the internal energy market's integration as well as the enhancement of supply's security. In the energy sector, only projects of (a.) 'common interest', within the meaning of art. 14 of Regulation (EU) 347/2013 on guidelines for trans-European energy infrastructure, and (b.) cross-border projects in the renewable energy field, including innovative solutions, as well as storage of renewable energy shall be regarded as eligible to receive financial support from the CEF, while funding may be allocated only to legal entities, including joint ventures, not to natural persons. Notably, since the CEF is implemented by individual work programs, the aforementioned call for proposals has been made in accordance with the Delegated Regulation (EU) 2022/342 which establishes a new 'CEF Energy window' complementing other EU funding tools and lays down specific criteria regarding the selection of the eligible cross-border RES projects.

The current call is intended to attract applications from projects serving the propulsion of cross-border cooperation between EU Member States in the RES field, the enhancement of RES integration through energy storage facilities, the incentivization of innovative renewables' technologies as well as the materialization of the EU's long term decarbonization strategy. For instance, eligible CB RES projects may concern renewable energy generation from on- and offshore wind farms, photovoltaic parks, use of sustainable biomass, waves' power, geothermal sources or combinations thereof, as well as connection of the generated energy to the grid, its storage or conversion. Eligible CB RES projects may further relate to the electricity sector's coupling with heating and cooling, power-to-gas, storage and transport, the relevant list being non-exhaustive. Eligible projects must (i.) be incorporated in a relevant cooperation agreement / arrangement between Member States or between Member State(s) and third countries, that is they should concern a joint project or support scheme; (ii.) allow for cost savings in the deployment of renewable energy, in comparison to a similar RES project implemented by one of the participating Member States alone and (iii.) yield potential overall benefits that outweigh the costs incurred, in the longer term. Promoters of candidate projects for the CB RES status can participate in the call by applying via EU SURVEY from 4 March until 10 May 2022.

It is reminded that the call in question is the second in turn, as on February 2022, three proposals for cross-border renewable energy projects on diverse fields (wind farms, district heating and green hydrogen), requesting funding of €470,000, have been submitted for consideration. The admissibility and eligibility of the proposals submitted for evaluation in response to the calls of February and March 2022 will be assessed in accordance with the aforesaid criteria and the CB RES list will be compiled during the forthcoming months and then adopted by the Commission by autumn 2022, enabling the funding of the selected projects.

Environment

Breach of Rules of Air Pollution from Thermal Power Plants in 3 Contracting Parties

by Sotiria Bouranta (Athens)

On 23 February 2022 the Energy Community Secretariat announced that it had issued Reasoned Opinions against Bosnia and Herzegovina, Kosovo* and North Macedonia for surpassing their National Emission Reduction Plan (NERP) ceilings for the years 2018 and 2019 and for breaching rules of air pollution from thermal power plants set in the Large Combustion Plants Directive.

NERPs are an instrument to comply with the requirements of the Large Combustion Plants Directive by providing the reduction of sulphur dioxide, nitrogen oxides and dust emissions for the group of plants covered by their scope. The statement of the Secretariat clarified that implementing this piece of the Energy Community environmental acquis is key for the progressive reduction of air pollution the energy sector, which is responsible for severe health and environmental damages in the Contracting Parties. According to the Reasoned Opinion the North Macedonia failed to meet the ceilings for sulfur dioxide and dust, while BiH and Kosovo* failed to meet the ceilings for all three pollutants.

The Contracting Parties concerned have a two-month deadline for a response with the aim to dispel the concerns of the Secretariat prior to a referral to the Ministerial Council.

* The designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Albania

Market

Albania Draft of National Energy and Climate Plan

by *Blerita Topore (Tirana)*

On July 2021 the Ministry of Infrastructure and Energy in implementation of the National Energy Strategy (2018-2030) and the Recommendation 2018/01 / MC-EnC of the Council of Ministers of the Energy Community, issued the final draft of the National Energy and Climate Plan. Among other things, this plan sets the national target of reducing Greenhouse Gases by 2030 in accordance with the NDC.

The NECP covers the period 2021-2030, defining the national objectives for each of the five dimensions of the Energy Union as well as the relevant policies and measures to meet these objectives.

On 17 December 2021, RE NECP 01/2021 the Energy Community Secretariat issued Recommendations on the Draft National Energy and Climate Plan of Albania as follows:

Decarbonisation, a long-term outlook until 2050 in the decarbonisation section of the targets and objectives chapter is not included in the draft NECP. The Secretariat recommends that as part of the long-term outlook to 2050, the final NECP includes additional information on how Albania plans to fulfil the 2050 climate neutrality objective.

Energy Efficiency, the NECP energy efficiency targets are not in line with the targets communicated below National Energy Strategy (-15% compared to base 2030). The Secretariat recommends that the contribution of the energy efficiency target in terms of the absolute level of primary energy consumption in 2030 is clearly indicated in the PKEK. The Secretariat further recommends that Energy Efficiency Obligations and Measures in accordance with Article 7 of the Energy Efficiency Directives have been elaborated in the NECP in more detail than current policy and measure information indicating a target of 1.5% and expected savings of 37 ktoe in 2030.

Energy security - In the policies and measures and in the analytical section in the field of gas it is meant that the main role foreseen for the introduction of natural gas in Albania is to ensure the production of electricity in dry periods when the availability of hydropower plants is low. The Secretariat recommends that for natural gas, the targets and objectives include a clear explanation of what the envisaged role of natural gas in the mix energy is, and a brief explanation why. Targets and objectives in natural gas security of supply is recommended to be limited to the absolutely necessary level of operational security and business continuity, all planned on the basis of a cost-benefit analysis to avoid investments in "overinsurance" of the sector.

Internal Energy Market, the Secretariat recommends that the objectives and targets for the internal dimensions of the energy market are linked to other relevant dimensions such as energy security and decarbonization. The set of objectives regarding the integration of the electricity market is not ambitious.

Energy Poverty, the draft includes some information on the current status of energy poverty, there are no details on the implemented energy and social policies. A reference to existence policies and measures should be included. Moreover, there is no quantification of disposable income, nor the number of households in general.

Research, Innovation and Competitiveness, the only objectives shown relate to the level of annual public expenditure on research and overall innovation (at 2% of GDP by 2022 onwards) and to the objectives for higher education and research.

Electricity

Proposal for the Indicators of the Quality of the Electricity Transmission Service for 2022

by *Blerita Topore (Tirana)*

On 02 December 2021 the Energy Regulatory Entity (ERE), after reviewing the report no. 145/5 prot., dated 26 November 2021, of the Directorate of Market Monitoring and Inspections and the Directorate of Consumer Protection, Performance and Standards, "On the proposal of the Transmission System Operator (TSO), for the Indicators of Standard Quality Criteria of Service Electricity Transmission for 2022", on the basis of the verifications performed, ascertained that the Measurement indicators for the Quality of Supply and the Security Performance of the Transmission Network, presented by TSO, are as follows:

- Frequency Quality (FQ)
- Time Needed to Respond to New Connection Requests

- Voltage Quality (VQ)
- Average Outage Duration Index (SAIDI):

With the Council of Ministers Decision (DCM) no. 584, dated 08 October 2021, "On the Declaration of the State of Emergency in the Supply of Electricity", it was decided to declare a state of emergency in the supply of electricity, the effects of which extend until 15 April 2022.

Regarding the above, since the proposal of TSO, for quality indicators is intended to enter into force on 01 January 2022, taking into account the current state of emergency supply of electricity, financial effects / application of sanctions for Metering Indicators for Quality of Supply and Performance of Transmission Network Security for 2022, will be treated according to the definitions in point 4, article 90, of law no. 43/2015, "On the Electricity Sector", as amended.

For all the above, the ERE decided:

1. Approval of the Indicators of Standard Criteria for Quality of Electricity Transmission Service for 2022, according to the table attached to this decision.
2. TSO to report to ERE every 3 (three) months on the progress of the implementation of Supply Quality Measurement Indicators and Transmission Network Security Performance for the year 2022.
3. The Directorate of Consumer Protection, Performance and Standards to notify the stakeholders about the decision of the ERE.

RES

Completion of the Installation of a Photovoltaic Plant in HPP Vau i Dejes

by Blerta Topore (Tirana)

In December 2021 the installation of a photovoltaic plant at the Vau i Dejes hydropower plant (HPP) has been completed, a project which diversifies the sources of energy production in this HPP by increasing production capacities. The panels are placed in the part of the dam of HPP without bringing any risk for its damage, but increasing the energy efficiency because in addition to hydropower production, energy will also be produced through the panels. This plant will produce about 7.000 MWh / year, equal to the average annual electricity consumption of 1900 households.

It has been announced that Vau i Dejës will be turned into an integrated energy park for the production of green resources by developing other projects in the same HPP, such as the installation of navigable panels in its basin and the installation of wind generators.

Energy Efficiency

Agreement for the Implementation of the "Municipal Project with Intelligent Energy"

by Blerta Topore (Tirana)

In November 2021 the Albanian and Swiss Governments signed a cooperation agreement on the implementation of the "Municipalities with Intelligent Energy Project" (SEMP) aiming to bring better energy management at the national and local levels. Specifically, the agreement was signed by the Albanian Minister of Infrastructure and Energy and the Swiss Ambassador in Tirana, in order to establish new energy management models in at least four municipalities in Albania. The project funded by the Swiss State Secretariat for Economic Affairs SECO has a budget of 5.3 million Swiss francs - approximately 4.8 million euros.

Currently municipalities have not established a framework for energy management. Therefore, the project will work to create capacities for more intelligent energy management with the Energy Efficiency Agency and the municipalities of Shkodra, Korca, Berat and Përmet, which were selected for the pilot phase after a three-step process. A wider involvement of other municipalities is being prepared in the meantime. SEMP will also introduce the European Energy Award model which is the standard for assisting municipalities across Europe in terms of energy efficiency, renewable energy, and sustainable mobility.

The above municipalities will be supported with integrated energy plans and will also be rewarded for good performance with investment funds and further assistance. Some infrastructure investments - quick profit projects - will serve as demonstrations of energy efficiency and will include public lighting, buildings and transportation. The main result expected is the increase in the ability of municipalities to plan and manage energy more efficiently. Approximately 270,000 citizens will benefit from improved public lighting and reduced energy costs.

BULGARIA

Market

The Moratorium on Electricity, Heating and Water Prices will not be Extended

by Apostolos Christakoudis (Sofia)

On 9 March 2022, the Bulgarian Minister of Finances Mr. Asen Vassilev announced at a briefing that the moratorium on electricity, heating, and water prices will not be extended after 31 March 2022. The moratorium was imposed in December 2021 by decision of the Bulgarian Parliament due to the record high electricity prices on the Independent Bulgarian Electricity Exchange and the expected adjustments in the prices on the regulated market applicable to household customers.

The Minister announced that the Energy and Water Regulatory Commission prepared a price decision, which will enter into force, following the expiry of the moratorium. This solution, according to preliminary information, will not lead to an increase in electricity prices.

BOSNIA AND HERZEGOVINA

Environment

Thermal Power Plants Tuzla 4 and Kakanj 5

by Monja Novakovic (Belgrade)

On 24 March 2022 House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, one of the two Entities of Bosnia and Herzegovina ("House of Peoples") made a conclusion on to repeal the previously adopted opt-out regime for thermal power plants ("TTPs") Tuzla 4 and Kakanj 5 by which these two TTPs supposed to be closed until the end of 2023, having in mind they have already reached their hours limits (20,000 hours) prescribed by Ministerial Council. By reaching the mentioned conclusion, the work of the mentioned TTPs Tuzla 4 and Kakanj 5, has been extended for another 5 years i.e. until the end 2028.

According to public comments of several Bosnian environmental specialist, from the point of view of environmental protection, it is considered that such a decision can have a negative impact on the life and health of humans and animals, as well as on the plant world, having in mind that thermal power plants in Bosnia and Herzegovina already emit almost ten times more sulfur dioxide than allowed. In addition to the impact on the environment, such decision also raises the question of potential material damage.

Further, in the Energy Community Secretariat's opinion, from a legal point of view, such conclusion of the House of People, may constitute a breach of Bosnia and Herzegovina's obligations under the Energy Community Treaty.

GREECE

Electricity

Derogations from Regulation (EU) 2019/943 and Directive (EU) 2019/944 for the Island of Crete

by Viktoria Chatzara (Athens)

On 21 February 2022 the European Commission issued its Decision (EU) 2022/258 (published on 23 February 2022 in OJ L 42) granting the derogations from the provisions of Regulation (EU) 2019/943 and Directive (EU) 2019/944 for the island of Crete, following a relevant request submitted by the Hellenic Republic. Namely, the request was owing to the fact that the island of Crete, operating until 3 July 2021 as an autonomous power system, has not yet been completely interconnected with the Greek mainland power system and, thus, the Greek power market. Phase I of the interconnection project, in the course of which west Crete was interconnected with Peloponnese, entered into commercial period from 1 November 2021, while Phase II referring to the interconnection of central Crete with the Attica region is expected to be operational until 2023. In the meantime, producers and suppliers on the island of Crete do not submit any bids in the Greek market, while the wholesale clearing price for electricity in Crete is calculated on a monthly basis, based on the variable and total costs of the conventional power units.

In order to facilitate the transition, and particularly the issue of operation of the electricity day-ahead, intraday and balancing market in Crete, a "hybrid model" was proposed, under which the interconnector between Crete and the mainland system will be treated as a balance responsible party, acting mostly as a virtual electricity general unit from Crete's perspective, and a virtual load from mainland's perspective. Such flow could be reversed in case of high generation from renewables in Crete. Furthermore, the Greek electricity power exchange will be submitting price-taking electricity bids on behalf of Cretan market parties in the Greek electricity

day-ahead and intraday wholesale market, according to ex ante forecasts. The Commission considered that Crete qualifies as a small connected system justifying certain derogations, and also that substantial problems for the operation of the electricity system therein have been duly demonstrated. Taking all the information submitted into account the Commission granted a derogation from the provisions of Art. 6, 7(1), 8(1) and (4), 9, 10 and 11 of Regulation (EU) 2019/943 and Art. 40(4) to (7) of Directive (EU) 2019/944 as regards Crete, until 31 December 2023 or the completion of Phase II of the interconnection between Crete and mainland Greece, whichever comes first. Following the issuance of the above described EU Commission Decision, the Ministerial Decision No. ΥΠΕΝ/ΔΑΠΕΕΚ/16507/816/2022 (GG Issue B' 986/04.03.2022) was issued, regulating certain matters concerning the Agreements for the Sale of Electricity under applicable Greek law, the electricity sale and purchase agreements, and the Contracts for Operational Support of Crete stations, as of the date the interconnection of Phase I is considered to have taken place.

Transitional Financing due to Increased Electricity Prices

by *Andriani Kantilieraki (Athens)*

On 11 March 2022, the ministerial decision of the Minister of Environment ΥΠΕΝ/ΔΑΠΕΕΚ/24031/1214, regarding the financing of the Energy Transition Fund (the Fund) was published in the Government Gazette (B' 1101/2022).

In more detail, the Fund, was established by virtue of article 61 paragraph 1 of law 4839/2021 for the transitional funding of electricity and natural gas bills to consumers. According to the aforementioned article, the administrator of the Fund is the "Administrator for Renewable Energy Sources and Origin Guarantees S.A." (DAPEEP S.A.), whereas its funding could derive from the state's budget and from the Special Fund for RES and CHP (high-efficiency combined heat and power cogeneration) specified in article 143 of law 4001/2011, provided that a Ministerial Decision will be issued to this effect. The goal of the Fund is to provide aid to the consumers for the electricity bills. The amount due for the consumers will be transferred to their accounts and translate as a discount from the electricity suppliers. The same principle applies to natural gas consumers as well (with the exception of electricity producers), who may also benefit from the operations of the Fund (according to paragraph 4 of the same article). Part of the Funds resources may also be used for heat funding in accordance with the provisions of article 79 of law 4756/2020. Further eligibility criteria will have to be outlined by Ministerial Decisions.

In light of the above provisions, ministerial decision ΥΠΕΝ/ΔΑΠΕΕΚ/24031/1214, stipulates that the Fund will be funded by the Special Fund for RES and CHP with the amount of EUR 780.000.000, whereas the administrator of the Fund is held responsible for the gradual transfer of the aforementioned amount, which must be completed by 30 May 2022.

Amendments to the Electricity Balancing Code

by *Maria Ioannou (Athens)*

On 4 March 2022, the decision nr. 185/2022 of the Energy Regulator (RAE) was published (OJ B' 985). By virtue of this, RAE amended the electricity balancing code which regulates the participants' access to the energy balancing market and under which the Independent Transmission Operator (IPTO) operates that market. The amendments concern, among others, the obligations of the Providers of Balancing Services, and the clearing of balancing and deviation energy.

Oil and Gas

Public Consultation Regarding Gas TYNDP and UGS Framework Pricing Regulation

by *Mira Todorovic Symeonides (Athens)*

On 28 February 2022, Regulatory Authority for Energy (RAE) launched a public consultation regarding two interrelated documents: a) the Draft Natural Gas System Ten Years Development Plan for the years 2022-2031; and b) the Framework Pricing Regulation for the Underground Gas Storage facility (UGS) to be developed in the area of South Kavala. The duration of the consultation has, due to an increased interest of the market participants, been extended two times and will expire on 11 April 2022.

These documents are of high significance for the development of the gas and generally energy sector in Greece, having in mind particularly the EU policy regarding the natural gas (including the European Green Deal as well as the Hydrogen and decarbonised gas market package) but also the recent developments (such as Commission's proposal to amend the Regulation (EU) 2017/1938 on security of gas supply and Regulation (EC) 715/2009) on conditions for access to natural gas transmission network). According to the Greek National Plan for Energy and Climate, natural gas is considered as intermediate fuel, for the transition to the model of low emissions. Greece plans to support the increase of the natural gas final consumptions until 2030 and its complete replacement with RES fuels and hydrogen by 2050.

Contrary to the above, proposed documents propose ambitious development of the natural gas transmission system and require significant investments in pipelines, new floating LNG terminals and the UGS, while at the same time new gas-fired electricity production plants are being planned and built. On the other hand, the proposed LNG and UGS projects are significant for the security of energy supply in Greece, but will need sufficient pipelines capacities to be adequately exploited. Subsequently, all the above and other parameters should be carefully weighed and the input of the stakeholders is thus essential.

The Draft TYNDP proposes the budget of €830 million for its implementation, out of which €183 million are new projects (not approved in the 2021-2030 TYNDP).

In June 2020, the competitive procedure for the concession regarding the construction and operation of the UGS was initiated. The law provides that part of the investment and operation costs may be covered, during the UGS operation, through levies collected from the Greek natural gas market on the basis of a methodology to be regulated in the UGS Pricing Regulation. The exact percentage of such covering coverage is determined by RAE at the proposal of the UGS Operator. Before selection of the concessionaire, RAE should (according to the Ministerial decision 26579/675/10.03.2020) issue an UGS Framework Pricing Regulations providing the basic principles and guidance for the methodology regulating the required the Operator's income and pricing of UGS users, in order for the participants in the competitive procedure to adjust their offers accordingly. RAE's initial proposal, provided in the Draft Framework Pricing Regulation, regarding the way of covering part of the investment and operation costs of the Concessionaire up to a maximum of 50% is: a) either by imposing a special gas storage levy to the Greek natural gas market calculated on the basis of the estimated consumption of natural gas by the Transmission System users; or b) from income of the UGS Operator from the UGS users to obliged by law to store natural gas in order to secure available gas in case of crises in supply. Furthermore, RAE informed that there will be a need for an additional investment in the transmission system installations ranging from €300-700 million in order to ensure firm capacity and uninterrupted operation of UGS.

Commencement of the Operation of the Natural Gas Trading Platform at HEnEx

by Konstantinos Ntallas (Athens)

On 21 March 2022 the natural gas trading platform (Platform) commenced its operation on the Hellenic Energy Exchange (HEnEx).

Pursuant to Article 19 of Law 4425/2016, the HEnEx was authorized to manage Gas Markets whose operation required approval by the Regulatory Authority for Energy (RAE). Moreover, according to Article 10 of the European Regulation 312/2014, the Hellenic Gas Transmission System Operator (DESFA), is obliged to carry out gas transactions for the purpose of balancing the National Gas Transmission System in a Gas Trading Platform that meets certain criteria. As reflected in the RAE 2020 Progress Report, a cooperation between the Ministry of Energy, HEnEx, DESFA and RAE had been initiated to formulate the framework for the operation of the organized short-term gas market through a gas trading hub.

Following recommendations from the relevant Operators, RAE adopted ten decisions defining the secondary framework for the operation of the Natural Gas Trading Platform by HEnEx. The most important of these decisions were n. 60/2022 on the approval of the operation of natural gas markets by HEnEx, n. 61/2022 on the approval of the gas trading platform, n. 88/2022 on the approval of EnExClear as clearing house and n. 89/2022 on the approval of the Regulation for the clearing of the transactions in the natural gas trading platform. On 10 March 2022, RAE announced the completion of the institutional framework for its launch.

DESFA shall have the right to access the Trading Platform, provided that it acquires the status of Participant, for the purpose of buying or selling quantities of Natural Gas in the context of Balancing Operations in the National Gas Transmission System. The product traded on the Trading Platform is a short-term daily product that pertains to the current gas day, up to the next three (3) days.

Infrastructure

Approval of the Natural Gas TYNDP for the Period 2021-2030

by Sofia Getimi (Athens)

On 9 February 2022, the Regulatory Authority for Energy (RAE) uploaded on its website, its decision n. 116/2021 of dated 21.01. January 2021 for the approval of the National Natural Gas System's (NNGS) Development Plan for the period 2021-2030. The Development Plan includes projects whose construction is scheduled to begin within the aforementioned ten-year period as well as the Planned Projects, whose construction has not been yet completed and includes information about the construction method, the estimated budget, the time schedule of the implementation as well as the way of financing of the relevant investments. Moreover, the Development Program includes a separate reference to projects whose implementation is scheduled to commence within the next three years.

The Development Plan was listed for public consultation during the period from 14.07. July 2020 until - 04.08. August 2020 and the final proposal was submitted to RAE for approval, taking into account the results of the public consultation. The Hellenic Gas Transmission System Operator (DESFA) S.A. has included projects of a total investment of around € 540 million in the ten-year Development Plan. The Program has a strongly developmental character. The proposed New Projects proposed concern National Natural Gas System (NNGS) expansion projects in new areas as well as projects aiming to increase the capacity and security of supply of NNGS and development projects aiming to improve, modernize and maintain the NNGS.

More specifically, the Development Program entails an extension of the NNGS to Western Macedonia and Patras, as well as the creation of new outlets in the Peloponnese in order to serve the new distribution networks in the cities of Corinth, Tripoli and Megalopolis. The new projects of the NNGS extension also contribute to the achievement of the objectives of the National Energy Planning for decarbonisation.

The new high-pressure pipeline to in West Macedonia, is one of the largest development projects of the Development Program, aiming to supply natural gas to new areas and ensure access to new users. The pipeline will start from the existing Line Valve Station (LVS) at Trikala Imathias and will have a length of about 130km. The budget of the project is estimated at €110 million. A further benefit of the project is the connection of the NNGS with an area where production of hydrogen is planned (White Dragon project), which in turn will initiate actions for the future adaptation of the NNGS to carry hydrogen (first as blend with natural gas).

The project of the new high-pressure pipeline to Patras and the Industrial Area (VIPE) of Patras is of an estimated budget of €85 million. The preliminary design of the project consists of a 140-km high pressure pipeline, which will end up to Megalopolis and will include two metering and regulating stations. Future extensions of the pipeline are also possible for an extension of the supply to other cities of that region such as Pyrgos and Agrinio.

The new projects in Western Macedonia and Patras are expected to be completed by the end of 2023 and 2025 respectively and are expected to contribute to decarbonization and provide further economic benefits to the local communities.

Approval of the Electricity TYNDP for 2021-2030

by Niki Nisotaki (Athens)

On 29 July 2021, the Greek Energy Regulatory Authority (RAE) issued the decision no. 611/2021 (Official Journal, B'410/03.02.2022) on the approval of the 10 years (2021-2030) Hellenic Electricity Transmission System (System) Development Plan.

The electricity transmission system ten years national development plan (TYNDP) identifies the main transmission infrastructure to be built or upgraded over the next ten years and contains all the investments already included in previous plans. Pursuant to article 14 of Law No. 4001/2011 the plan is subject to evaluation and approval by RAE, following a public consultation.

The above RAE decision aims to impose effective measures to ensure the adequacy of the System and security of supply. In more detail, the approved TYNDP regulates the completion of Phase D of the Cyclades Interconnection to the System in the second half of 2023 and the completion of Phase B of Crete-Attica Interconnection in the first half of 2023, while implementation of Koumoundourou HVC reconstruction during 2023 is also regulated. Moreover, pursuant to the decision of RAE, projects for Crete system reinforcement will be assessed within the context of the TYNDP. As regards Peloponnese system, RAE requires from the System Operator intensive actions for the completion of the extension of 400kV system in Peloponnese project. On the matter of Northern Sporades and Eastern Magnesia supply reinforcement, RAE decides on the completion of the project into the first semester of 2022. In addition, interconnection of the Dodecanese and of the North Aegean Islands should be within the second half of 2029, while the decision does not approve new projects for the installation of fiber optic network. The new project of strengthening the 400 kV system in Evia which concerns the variation of a double underground cable section is also rejected.

As regards international projects, interconnections with Italy, Turkey, Albania and upgrading of the existing interconnection with North Macedonia will be subject to examination for inclusion to the TYNDP, upon conduct of a cost-benefit analysis. The obligation for submission of cost-benefit analysis applies also to projects included in ENTSO-E TYNDP proposed by "thirds"-project promoters. The projects of Cyclades, Crete, Dodecanese and North Aegean Islands should also be subject to cost-benefit study so as to be approved as of Major Importance.

Incentives to Attract Energy Investments in the New Greek Development Law

by Dimitrios Mitsakos (Athens)

On 4 February 2022, Law 4887/2022 was published in the Official Journal (A'16/04.02.2022) containing incentives aimed at promoting digital and green transition, innovation, but also at supporting less-favored regions, as well as regions which are affected by the de-lignification process. An additional aim is to accelerate the process of integrating investment projects into the established State aid schemes within the meaning of Article 107 of the Treaty on the Functioning of the EU. According to the above law, expenditure on high-efficiency cogeneration is eligible as well as costs for the production of energy from renewable sources.

The provisions on "Green Transition – Environmental Business Upgrade" are considered particularly important for attracting green investments. This scheme covers not only those investment projects which have as their object the protection of the environment, but also other existing business activities, provided that they carry out expenditure on energy efficiency and environmental protection measures. Green investment projects, which are supported up to the amount of ten (10) million Euros, complementary to the eligible regional aid costs, may also be included in projects for high-efficiency cogeneration from renewable sources but also for projects for the production of renewable energy. As regards the aid for the production of energy from renewable sources, this category includes the costs of autoproduction of electricity and/or production of heat/cooling from RES, for own use, for investments projects for electricity generation from small hydroelectric projects, for investment projects for heat/cooling production from RES, for investment projects for the production of sustainable biofuels which are not based on edible plants and are not subject to an obligation of supply or mixing, as well as for hybrid RES stations. In this case, the aid intensity is set at 30% or 45% of the eligible costs, depending on how they are calculated. Costs in cases of self-production of electricity and/or heat/cooling production for own use by RES, are supported up to 20% of the total assisted regional aid costs.

Furthermore, the provisions on “Fair Development Transition” aimed at promoting the investment projects carried out in the areas of the Territorial Plans of Fair Transition, in order to enable these regions to address the social, labor, economic and environmental impacts of the transition towards a climate-neutral economy and achieve balanced and sustainable development. In addition, as regards the aim of provisions on “Entrepreneurship360 is the strengthening of all investment projects, the implementation of which entails a significant benefit of business initiatives and the national economy in general. The incentive effect of the grant is 80% of the ceiling of the Regional Aid Charter. The beneficiaries of this aid are the same investment entities as those of the “Green Transition – Environmental Business Upgrade” scheme, and the aid intensity varies, however, depending on the type of the incentive and the size of the business. Finally, the provisions of Article 138 of Law 4887/2022 is of particular importance for RES projects, because those projects will be integrated into the legislative framework for investment strategies, and in particular for Exceptional Investment Funds without the minimum budget line of seventy-five (75) million Euros, as it was initially applicable.

To conclude, the New Greek Development Law 4887/2022 aims at faster integration and start of investment projects by extending the application of direct evaluation to more schemes. In addition, specific timetables are established in the evaluation and certification of the completion of investment projects, aiming at recovering business confidence. The assessment of investment projects will now be carried out by the Directorate-General for Private Investment for projects over one (1) million Euros, and will be competed either within 30 days, where a direct assessment is applied, or within 45 days from the end of the deadline for applying for inclusion in the scheme, where a comparative assessment is applied.

State aid

€1.4 Billion Scheme for RES Development on NII Approved (SA 58482)

by Mira Todorovic Symeonides (Athens)

On 21 December 2021, the Commission announced its approval of the €1.4 billion scheme for the development of RES in the Greek non-interconnected islands (NII). The Scheme should promote RES in the 29 autonomous non-interconnected systems, covering a total of 47 islands. The support is intended for the electricity produced from hybrid power stations producing and storing energy from wind and/or solar plants, while the total capacity covered is estimated to be 264 MWs of new RES until the end of 2026. It should be noted that, currently, the electricity in the NII is produced mostly with diesel and oil (around 80%), while the storage is necessary due to the saturated grids on throughout the islands. In the majority of the islands, the aid beneficiaries will be selected on the basis of a competitive bidding procedure, while in the island of Crete, due to the urgent need to increase the RES capacity, the support (Feed-in-Premiums) will be awarded to the most advanced projects.

Aid for the RRF Pumped Hydro Plant Amfilochia Approved (SA. 57473)

by Mira Todorovic Symeonides (Athens)

On 20 December 2021 the Commission approved and on 18 March 2022 published in the EU Official Journal (JOCE C/124/2022) its decision regarding the Greek individual state aid for the RRF Public Hydro Plant in Amfilochia. The Project involves the construction and operation of a pumped hydro storage (PHS) unit to be located in Amfilochia, in Western Greece. The Project comprises of two pumped storage facilities, the Agios Georgios and the Pyrgos PHS plants, both sharing the existing Kastraki lake as a lower reservoir, with total installed capacity of electricity generation 680 MW, 730 MW of pumping and the total storage capacity 3,973.7 MWh. The construction works should start in 2022 while the project is expected to be operational as from 2025. The Project has already received its electricity generation license, environmental approvals and the definitive terms for the connection to the System.

There should be certain legislative amendments and measures (in primary and secondary legislation) in order to implement the Project and grant the above approved aid, including: a) the amendments of the Energy Law (4001/2011) or introducing a new one which would regulate granting of state aid for electricity storage plants upon the approval of the EU Commission; ministerial decision dealing with main elements of the aid (up-front grant and monitoring and certification mechanism); RAE decision providing for the methodology for determining of the amount of the approved annual support; and the amendments of the Electricity Market Regulation and System Codes to implement all necessary details.

The beneficiary of the state aid is the promoter of the Project, Terna Energy S.A. subsidiary of the group GEK Terna. Besides operating the Project, GEK Terna group will also participate in the construction phase with up to 40% of the project investment costs. The total investment costs for the Project are estimated at around €500-700 million.

The measure consists in an investment grant (amounting to €250 million to be funded through the EU Recovery and Resilience Fund) and the annual support which will be provided from the special account for storage projects in Greece – the Storage Support Account. This account will be used to finance both the Amfilochia PHS Project and as well as the envisaged battery electricity storage scheme. The Account will be funded by means of a mandatory levy, which will be imposed (through a legislative measure) upon electricity suppliers, who could pass those costs on to their customers. The Greek authorities explained that the discounted value of the aid, including the investment grant and the annual support, amounts to €250-500 million. The mechanisms preventing

overcompensation include adjustment of the annual support; market incentive mechanism; and adjustment in case of CAPEX increase.

RES

Extension of Several Important Deadlines, Prolongation of Granted Reference Prices

by Maria Ioannou (Athens)

On 5 March 2022, new Law 4903/2022 was enacted. By virtue of the new law, several important amendments were introduced that concern the RES market.

Indicatively, in case no (complete) application for final connection offer is submitted to the competent Grid Operator until 15.4.2022, regarding:

- already issued RES production licenses or producer certificates or certificates for special projects;
- RES production licenses or producer certificates or certificates for special projects which will be issued by 15.4.2022;
- pending applications for the issuance of RES production licenses or producer certificates or certificates for special projects,

then, the deadline for the submission of the bank guarantee to RAE is extended up to 15.4.2022 (instead of 28.3.2022). This is a prerequisite not only for the issued licensing to remain in force but also for the examination by RAE of the relevant pending applications, which shall be subsequently rejected.

The IPTO and the HEDNO will inform the applicants via online announcements of the completeness of their submitted applications. In case of a joint application for the final connection offer, the completeness of the request is examined separately per plant.

Also by virtue of the same law, the deadline for the request for the return of the fees paid to RAE for the issuance of the Producer Certificate have been extended up to 15.3.2022. Upon the irrevocable submission of such request, the Producer Certificate and any subsequent license shall cease to be in force. It is to be noted, that the categories of the project holders that are obligated to submit such bank guarantee are also affected: namely, holders of RES projects with a maximum production capacity above 0.5 MW are obligated to submit such bank guarantee, whereas operators of offshore wind parks are exempted from such obligation.

Furthermore, and in a nutshell, the new law envisages rather small amendments regarding the conclusion of PPAs for projects participating in auctions that are held from 1.1.2021 onwards. These amendments come into force on 28.2.2022.

Also, specific deadlines are extended, as provided in detail in article 56 of the new law, regarding:

- the further payment of reference prices for specific RES plants;
- the postponement of the application of the reference prices provided in Ministerial Decision ΥΠΕΝ/ΔΑΠΕΕΚ/30971/1190/26.3.2020 (OJ B' 1045/2020);
- the validity period of certain final connection offers;
- the deadline for the commencement of the trial operation of RES plants that participate in auctions;
- the validity period of installation licenses for certain hybrid stations on Non-Interconnected Islands.
- the validity period of the final connection offers for biofuel as well as high-efficiency cogeneration stations (under the condition of submission to the competent Operator of an additional letter of guarantee, calculated at 100.000€/MW); and
- the deadline for the conclusion of the agreements on operational aid for PV solar stations operated by Energy Communities.

Last but not least, amendments were made regarding the characteristics of the RES stations that receive operational aid according to the Table of article 4 of the Law 4414/2016, as well as certain such reference prices.

Regulation of the Pilot RES Project on Astipalaia Island

by Mira Todorovic Symeonides, (Athens)

On 21 February 2022, the Minister of Environment and Energy issued a Decision no. 14090/679 Special framework for the implementation and operation of the Special Pilot Project on the island of Astipalaia, in compliance with article 151 of the law 4495/2017 (OJ B' 772/2022). The Decision determines the technical characteristics of the project, its licensing procedure and the competitive procedure for the selection of the RES producer.

The Astipalaia project will be the first of the three RES Pilot projects on the small non-interconnected islands of Greece. The Project will consist of a new RES production unit, with storage, and will apply the measures of management of production and demand of the NII system related to the network for electrical vehicles charging. This hybrid project will be developed in two phases: a) the system to be developed during the A phase should cover 50% of the islands demands for electricity (calculating also the already installed RES capacities) as well as the priority of covering of the demand for the electricity vehicle charging; it should consist of a PV solar

plant with the minimum capacity of 3 MW and the electricity storage system with the minimum capacity of 7.2 MWh ; and b) the capacities to be increased in order to cover at least 80% of the annual electricity demands of the island. After finalization of the second phase the thermal production plants shall be closed, under the condition that the smooth and uninterrupted electricity supply has been secured by the Project.

The bidder selected in the competitive procedure shall, during the A phase, obtain from the Regulatory Authority for Energy (RAE) the producer's certificate. The competitive procedure should be organized by RAE within 6 months from publishing of this Decision. The applications for participation in the competitive procedures submitted to RAE shall also contain an application for issuing of the producer's certificate with all the accompanying documents. Subsequently the RES producer should obtain the environmental terms approval, connection to the network, installation, operation and construction license. The second phase (phase B) shall be initiated 2 years after the commencement after passing of 2 years from the beginning of the plant's operation of the plant, under the condition that the A phase has been fully implemented and incorporated in the local electricity network.

The selected bidder i.e. RES producer shall receive the state aid as Feed in Tariff (fixed price) proposed in the competitive procedures. Such price shall be the same for both the electricity from production and from the storage system and shall not be amended for the whole duration of the subsidy.

Environment

Impact of Draft National Marine Spatial Strategy on Energy Industry

by Maria Ioannou (Athens)

On 17 February 2022, public consultation on the proposed comprehensive marine spatial strategy for Greece was concluded. The declared aim of the draft strategy is the adoption of a comprehensive marine management policy by year 2050 which will allow for the structured development of otherwise conflicting marine activities (e.g. tourism, offshore RES, fisheries) and respective investments. This will help achieve the reduction of anticipated conflicts of marine uses, the enhanced use of marine resources (including the offshore renewable energy potential) and the creation of synergies, also enhancing the protection of the marine environment and biodiversity and therefore enhancing resilience.

The proposed strategy forms part of the legal framework concerning the marine spatial planning as set out in Law 4546/2018, which transposed Directive 2014/89 and extends to all marine areas including the continental shelf and the Exclusive Economic Zone. It takes into account already existing instruments such as the Communications from the EU Commission on the potential of using the ocean energy in European seas and oceans; and on the potential of offshore renewable energy for a climate neutral future; as well as the 2019 National Energy and Climate Plan (NECP) -a road map which has already integrated offshore wind parks as well as floating photovoltaics and wave energy into the 2030 energy mix- and the Long Term Strategy for 2050.

More concretely, the proposed strategy forms part, together with the onshore spatial strategy, of the comprehensive national spatial strategy delineated in law 4759/2020. Although the proposed marine spatial strategy is mainly a policy guideline for the designation and use of the marine areas of Greece, some of its provisions may also have a binding (normative) effect.

With regard to the RES potential of the marine areas, the draft strategy proposes the criteria and guidelines for the identification and designation of the most appropriate marine areas for:

- the imminent development of floating wind turbines;
- the medium term development of wave energy and algae biofuel systems, as well as floating PVs;
- the development of hybrid RES on islands that will not be connected to the national grid and the use of renewable energy to power water desalination factories on such islands;
- the laying of submarine cables;
- the laying of two natural gas pipelines within the Greek waters; and
- the oil and gas exploration activities, which are not ex ante banned but will need to take heed of the protection afforded to environmentally sensitive areas.

It is to be noted that any subsequent decision of the Minister of Energy and Environment approving the mapping out of the marine areas on which the individual Marine Spatial Plans will be carried out, will need to take into account the guidelines set forth in the strategy, once adopted, such as that marine areas in which commercial or industrial activities conflict intensely with one another or overlap with environmentally sensitive areas, are to be treated and managed as one Marine Area. Also, that synergies between activities such as offshore wind parks and aquacultures, are to be sought.

The draft strategy also includes a proposal for the organized monitoring, at a country level, of collected geospatial data, which will allow for their more effective use.

Despite any shortcomings the proposed strategy may have, e.g. contradictory provisions regarding its application or not also for onshore coastal areas, its implementation is not only a state obligation in conformity with the EU law, but also a step closer to

Greece having a comprehensive strategy regarding the spatial allocation of marine activities. However, it still remains to be seen whether there will be any last-minute changes in light of the current circumstances in Europe, e.g. concerning the guidelines on the allocation of the oil and gas exploration activities.

The proposed strategy will be ratified by the Council of Ministers and then announced in the Parliament.

MONTENEGRO

RES

Ministry of Capital Investments Announced the RES Regulatory Reform

by Vuk Stankovic (Belgrade)

On 3 March 2022 the Ministry of Capital Investments of Montenegro announced the introduction of auctions within a wide-ranging program for increasing the share of solar power plants and wind farms in the overall country's energy mix. The program is supported by European Bank for Reconstruction and Development (EBRD) which will finance and supervise entire project. Foremost goal of the program is to create the modern and sustainable support scheme for wind and solar resources, all in line with obligations from the Energy Community Treaty. Pursuant to the Ministry, the program shall consist of: (i) revision of the renewable energy legislation in order to simplify the framework for competitive generation of electricity from renewable sources (ii) creation of the appropriate support mechanism, and (iii) launching the market auctions. According to the Ministry the first step is preparation of a new Law on Renewable Energy Sources, which will be developed as part of cooperation with the EBRD. The law will define the rules for providing support to renewable energy projects, and the transition mechanisms until the establishment of the day-ahead market. This shall empower competitive bidding under a market-based scheme and result in installation of new generation facilities at competitive prices while achieving market integration goals.

ROMANIA

Market

Compensation Scheme for the Consumption of Electricity and Natural Gas

by Roxana Tureac – Radu (Bucharest)

Government Emergency Ordinance (GEO) no 27/2022 was published in the Romanian Official Gazette no 274/22.03.2022 capping the prices on the electric energy and natural gas during 1 April 2022 and 31 March 2023 for both household consumers and non-household consumers.

The supporting measures for household consumers are mainly the following:

Electric energy:

0,68 lei/ kWh, VAT included, will be the maximum price paid by a household consumer, in case the monthly average consumption in 2021 was less or equal to 100 kWh;

0,8 lei/ kWh, VAT included, will be the maximum price paid by a household consumer, in case the monthly average consumption in 2021 was between 100 kWh – 300 kWh;

In case the price / kWh agreed between parties by contract is lower than the one limited by the Romanian state, then, the lower price will be enforced.

1.2. Natural gas:

0,31 lei/kWh, VAT included, will be the maximum charged price starting 1st of April 2022.

The supporting measures for non-household consumers:

Electric energy:

1 leu/ kWh, VAT included, will be the maximum paid price;

Natural gas:

0,37 lei/ kWh, VAT included, will be the maximum paid price by the non-household consumers, in case their consumption in 2021 at the consumption place is of maximum 50.000 MWh and also the same price will be paid by the thermic energy producers that supply other non-household consumers.

The big non-household consumers are exempted from the above presented measures since they will benefit from a preferential scheme according to their membership industry.

SERBIA

Electricity

Compliance Program on Non-discriminatory Behavior of Electricity DSO Approved

by Aleksandar Mladenovic (Belgrade)

On 31 January 2021 the Energy Agency of the Republic of Serbia approved the Compliance Program for Provision of Non-Discriminatory Behavior of Electricity Distribution System Operator "Elektrodistribucija Srbije" in line with its obligation established under the Energy Law.

The given Program includes measures in order to prevent discriminatory behavior, method for monitoring these measures and obligations of employees to reach the defined goals so as to provide the independence and transparency of the DSO operations.

The Agency is in charge of observing the implementation of the Program and also has the right to ask for its amendments.

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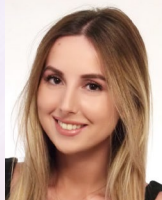
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