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**COMMISSION OPINION**

**of 24.3.2023**

**under Regulation (EU) 2019/941, on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC, on the Risk-preparedness Plan submitted by the Competent Authority of Greece to the European Commission.**

Only the Greek text is authentic

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### 1. PROCEDURE

Article 10 of Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC<sup>1</sup> (the "Regulation") requires the Competent Authority of each Member State to establish a Risk-Preparedness Plan ("RPP"). In accordance with Article 10(8) of the Regulation, the RPPs have to be updated every four years, unless circumstances require updates that are more frequent. The consultation between Competent Authorities and the Electricity Coordination Group provided for under Article 10(4) of the Regulation has to be carried out before the adoption of the RPP.

The RPP (as well as its updates) need to be based on the regional electricity crisis scenarios identified by ENTSO-E<sup>2</sup> pursuant to Article 6 of the Regulation as well as the national electricity crisis scenarios that each Competent Authority has to identify before the adoption of the RPP pursuant to Article 7 of the Regulation. The electricity crisis scenarios must be identified in relation to system adequacy, system security and fuel security and considering, among others, extreme natural hazards, accidental hazards and consequential hazards, including the consequences of malicious attacks.

The Competent Authority of Greece, the Regulatory Authority for Energy ("RAE") notified to the Commission on 19 July 2022 its final RPP.

After having assessed the RPP, in view of the criteria mentioned in Article 11 of the Regulation and the templates provided for in the Annex to the Regulation, and having consulted the Electricity Coordination Group between 19 July and 10 August 2022, the Commission has the following remarks on the RPP.

### 2. COMMISSION'S ASSESSMENT OF THE RISK-PREPAREDNESS PLAN

The RPP is quite comprehensive in the description of the national framework and measures.

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<sup>1</sup> OJ L 158, 14.6.2019, p. 1–21.

<sup>2</sup> European Network of Transmission System Operators for Electricity.

The RPP contains a brief description of the national electricity crisis scenarios, which is complemented by a study on the identification of the national electricity crisis scenarios for the interconnected system of Greece that describes in detail those scenarios and their impacts, including links with regional scenarios, impacts in terms of EENS<sup>3</sup>/LOLE<sup>4</sup> and past events, as well as specific references to cyber-risks and gas disruptions.

The RPP describes in detail the roles and responsibilities of the different risk and crisis bodies. The RPP clearly identifies the applicable operational procedures and measures during a crisis and the specific measures for each crisis scenario.

Nevertheless, the Commission considers that some elements of the RPP do not fully comply with the requirements of the Regulation.

## **2.1 Risk-Preparedness Plan (RPP)**

### *2.1.1. Missing information on regional and bilateral measures for cooperation and assistance among Member States*

Pursuant to Article 15 of the Regulation, Member States have to cooperate in a spirit of solidarity in order to prevent or manage crises. Where they have the technical ability, Member States have to offer each other assistance by means of regional measures (with Member States within their region) and bilateral measures (with Member States to which they are directly connected but do not belong to the same region). Such regional and bilateral measures must be described in the RPP in accordance with Articles 12 and 15 of the Regulation and point 3(2)(b) of the Annex thereto, as well as the national measures necessary to implement them pursuant Article 11(1)(j) of the Regulation.

The RPP submitted by RAE describes the bilateral operational agreements among Transmission System Operators (TSOs), including the cross-border emergency assistance with the TSOs of Italy and Bulgaria, but there is no reference to concrete regional and bilateral measures agreed as a result of such collaboration. Absent further information, it is unclear whether such agreements would meet the requirements for cooperation and assistance described in Article 15 of the Regulation. Consequently, on its own, it could fall short of the requirements of Article 15 of the Regulation, that require cooperation and assistance for the ultimate purpose of protecting public safety and personal security, going thus beyond the typical technical requirements of inter-operator agreements.

The Commission considers that the Greek RPP has to be amended to include the regional and bilateral measures required by the Regulation, including any necessary technical, legal and financial arrangements, as well as the national measures necessary to implement them.

### *2.1.2. Missing information on some national procedures and measures*

According to Article 11(1)(f) of the Regulation as well as point 3(1)(c) of the Annex thereto, the RPP has to describe measures to mitigate electricity crises, in particular demand-side and

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<sup>3</sup> Expected Energy Not-Served (EENS) as defined in Article 2(2)(e) of the methodology for identifying regional electricity crisis scenarios established in accordance with Article 5 of the Regulation.

<sup>4</sup> Loss of Load Expectation (LOLE) as defined in Article 2(2)(g) of the methodology for identifying regional electricity crisis scenarios established in accordance with Article 5 of the Regulation.

supply-side measures, whilst indicating in which circumstances such measures can be used, especially the trigger of each measure. Moreover, according to Article 11(1)(g) of the Regulation as well as point 3(1)(c) of the Annex thereto, the RPP has to identify possible non-market-based measures to be implemented in electricity crises, specifying the triggers, conditions and procedures for their implementation, and indicating how they comply with the requirements laid down in Article 16 of the Regulation on the compliance with market rules as well as with regional and bilateral measures.

The Greek RPP includes some measures that presumably are non-market-based measures, such as load shedding under point 3.1.1 or a minimum offer price for power production units with natural gas fuel under point 3.1.2.4. Nevertheless, the RPP has to further specify the triggers, conditions and procedures for the implementation of these measures and how they comply with the requirements laid down in Article 16 of the Regulation and with the regional and bilateral measures adopted under Article 12 of the Regulation. The RPP also refers under section 3.1.1 to an automatic disconnection of interconnectors when frequency drops below certain thresholds, but it is unclear how disconnecting these lines would help safeguard the power system. Furthermore, the RPP mentions a requirement for hydro pumping units to stop withdrawing electricity in case of a gas shortage propagating to the electricity system, but it is unclear why such a requirement only applies to hydro storage, and not to all electricity storage technologies

The Commission takes the view that the RPP submitted by RAE has to be amended to include further information on the above-mentioned measures. Regarding the disconnection of interconnectors, and absent the above-mentioned justification, the measure should be reconsidered as it could distort competition between domestic and foreign consumers. The Commission also reminds RAE that if the scheme in section 3.1.2.4 (to provide financial support for power plants to switch fuel in case of a gas shortage) involves State Aid, it would need to be notified to the Commission.

### *2.1.3. Other missing items*

The Regulation also requires that:

- The RPP describes the definition of an electricity crisis as determined by the Member State, pursuant to Article 2(9) of the Regulation. According to Article 2(9) of the Regulation, an electricity crisis means a present or imminent situation in which there is a significant electricity shortage, as determined by the Member States and described in their risk-preparedness plans, or in which it is impossible to supply electricity to customers.
- The RPP describes the region to which the Member State belongs (Annex to the Regulation) and which serves as a basis, among others, for the cooperation and assistance among Member States. The region is defined by Article 2(1)(16) of the Regulation as a group of Member States whose TSOs share the same regional coordination centre. Additionally, the RPP has to describe the mechanisms in place for cooperation and for coordinating actions, before and during the electricity crisis, with other Member States outside the region as well as with third countries within the relevant synchronous area, pursuant to point 3(2)(c) of the Annex to the Regulation.
- The RPP provides a framework for manual load shedding, specifying which categories of electricity users are entitled to receive special protection, pursuant to Article 11(1)(h) of the Regulation as well as point 3(1)(d) of the Annex thereto.

- The RPP describes the mechanisms used to inform the public about electricity crises, pursuant to Article 11(1)(i) of the Regulation as well as point 3(1)(e) of the Annex thereto.
- The competent authorities test periodically the effectiveness of the procedures developed in the RPPs for preventing electricity crises, with the involvement of relevant stakeholders and including the mechanisms to share information and cooperate, and carry out biennial simulations of electricity crises, pursuant to Article 12(3) of the Regulation as well as point 6 of the Annex thereto.

The Greek RPP includes a detailed definition of electricity crises provided under point 1.3. However, some of the criteria mentioned therein (e.g. violation of N-1 standard, or economic impacts and leakage of personal data due to a cyber-incident) may not represent a present or imminent situation in which there is a significant electricity shortage or in which it is impossible to supply electricity to customers, as indicated in Article 2(9) of the Regulation. These elements have to be clarified pursuant to Article 2(9) of the Regulation.

The RPP submitted by RAE describes the region as the Member States from the Southeast Europe System Operation Region instead of the Member States whose TSOs share the same regional coordination centre. The definition of region for the purpose of implementing the Regulation should be therefore clarified, also taking into account the end of the transitional provision pursuant Article 22 of the Regulation.

Furthermore, the Greek RPP describes the protection scheme of international interconnection 3.1.1 and the development of international electricity interconnections 3.1.3., but it does not describe the mechanisms in place for cooperation and coordination, before and during the electricity crisis, with other Member States outside of the region as well as with third countries within the relevant synchronous area.

The Greek RPP describes under point 3.1.1 the load shedding schemes, including the automatic, semi-automatic, manual and rotational load shedding. The RPP specifies that the system operator makes no distinction between consumers but that it determines a list of consumers with supply priority and consumers who are not subjected to load shedding according to the national regulation, including some examples. However, the RPP does not specify how the TSOs and distribution system operators are to decrease consumption. The RPP could also explain further how the criterion was established and how it addresses the objective of economic efficiency<sup>5</sup>.

The Greek RPP does not contain information on the mechanisms to inform the public about electricity crises.

The RPP submitted by RAE states that emergency tests are performed every 2 years in order to evaluate the effectiveness of the RPP, including a planned emergency test at the third quarter of 2024 and cyber-specific exercises. However, the RPP does not include any references to biennial regional real time response simulations of electricity crises, including the procedures agreed and the actors involved.

The Commission takes the view that the RPP submitted by RAE has to be amended to include the missing information indicated above. Moreover, and given the current exceptional circumstances, the Commission recommends that RAE accelerates any calendar for the mandatory tests on the effectiveness of the procedures developed in its RPP. These tests

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<sup>5</sup> Article 11.6.b of the emergency and restoration network code (OJ L 312, 28.11.2017, p. 54–85) establishes that the measures contained in the system defense plan have to be economically efficient

should be carried out as soon as possible and with a focus on next winters. They should cover regional and national measures and communication and coordination protocols, in cooperation with neighbouring countries within the region. These tests should help improve the existing measures and the mechanisms for cooperation and communication, and identify additional national and regional measures (the latter preferably jointly with regional partners).

## 2.2 Other comments

Apart from the substantive remarks presented above, the Commission would like to draw the attention of RAE to some other elements of the submitted RPP, which do not raise legal concerns in terms of their compatibility with the elements mentioned in Article 13(2)(a) to (f) of the Regulation, but which may provide useful guidance to the Competent Authority for future amendments of the RPP.

- The Commission welcomes the willingness to conduct a distinct study to determine the crisis scenarios for the electricity supply of Non-Interconnected Islands (NIIs), and encourages RAE to include in the RPP the scenarios and potential procedures and measures applicable to the NIIs.
- The complementary study on the identification of the national electricity crisis scenarios for the interconnected system of Greece should be translated into English and more information contained therein should be added to the summary in the RPP within the limits of sensitive information.
- The RPP refers to preventive or mitigating measures that could have an impact on greenhouse gas (GHG) emissions (e.g. Special Compensation Mechanism for Units with Alternative Fuel). The Commission reminds RAE that such measures should be listed in the RPP if they exist. In such case, the Commission also recommends that the risk/impact on GHG emissions is quantified and assessed to determine the alignment of the RPP with the climate neutrality goal.
- Table 16 in Annex 2 should be amended to add a reference in step 4 to information sharing by the CSIRT<sup>6</sup> with the CSIRTs network, where relevant for supporting the coordinated management of large-scale cybersecurity incidents and crises at operational level and to ensure the regular exchange of relevant information among Member States and Union institutions, bodies and agencies. Also Table 17 in Annex 2 should include a reference to CyCLONe<sup>7</sup> in step 4c.
- Regarding the financial support described in section 3.1.2.4 for the operation of units with alternative fuel, the RPP could clarify how the duration of such measures was set (limited to 36-24 hours).
- The colours in Figure 3 on the risk assessment of crisis scenarios and in Table 9 on risk levels could be harmonised. In addition, it would improve the reading if all acronyms should be clarified (e.g. WG) and to include in Figure 4 the Crisis Management Group for Electricity (CMGELEC).

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<sup>6</sup> Cyber Security Incident Response Team

<sup>7</sup> Cyber Crisis Liaison Organisation Network

### 3. CONCLUSION

Based on the above assessment, and in view of Article 13(2)(c) of the Regulation, the Commission concludes that some elements of the RPP submitted by RAE do not comply with certain provisions of this Regulation.

The Commission requests RAE to amend the RPP taking duly into consideration all the concerns expressed by the Commission in the present opinion and notify the amended RPP to the Commission within three months of receipt of this opinion, pursuant to Article 13(3) of the Regulation. In view of the circumstances following Russia's invasion of Ukraine, the Commission recommends to prioritise the test on the effectiveness of the procedures developed in the RPP referred to in section 2.1.3 and the missing information on regional and bilateral measures for cooperation and assistance among Member States described in section 2.1.1. The Commission urges RAE to describe and assess the actions to reduce gas consumption in the power sector, as called upon in the Communication "Save gas for a safe winter",<sup>8</sup> while ensuring security of electricity supply. Furthermore, the Commission urges Greece to take into consideration the Council Recommendation on a Union-wide coordinated approach to strengthen the resilience of critical infrastructure in the EU, as adopted by the Council on 8 December 2022<sup>9</sup>, and, in particular, the results of the stress tests of critical infrastructure foreseen therein.

The Commission's assessment expressed in this opinion is without prejudice to any position it may take *vis-à-vis* Greece as regards the compatibility of national measures with EU law, including in the context of infringement proceedings and the enforcement of European Union competition rules, including State aid rules.

The Commission will publish this opinion. The Commission does not consider the information contained herein to be confidential, in particular as it relates to the RPP, which is publicly available. RAE is invited to inform the Commission within five working days following receipt of the opinion whether it considers that it contains commercially sensitive information, the confidentiality of which is to be preserved.

Done at Brussels, 24.3.2023

*For the Commission*  
*Kadri SIMSON*  
*Member of the Commission*

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<sup>8</sup> COM(2022) 360 final.

<sup>9</sup> OJ C 20, 20.1.2023, p. 1–11.