**КОРЕСПОНДЕНТНА ТАБЕЛА**

**ФОРМУЛАР ЕУ-МК**

**CORRESPONDENCE TABLE**

**FORM EU-MK   
Translated to English**

|  |
| --- |
| **CELEX EU regulation number:** 32019L0944  **Title and number of the Official Journal of the European Union:** DIRECTIVE (EU) 2019/944 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 5 JUNE 2019 ON COMMON RULES FOR THE INTERNAL MARKET IN ELECTRICITY AND AMENDING DIRECTIVE 2012/27/EU  Official Journal of the European Union L 158/125  **Title of the EU regulation in English:** DIRECTIVE (EU) 2019/944 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 5 JUNE 2019 ON COMMON RULES FOR THE INTERNAL MARKET FOR ELECTRICITY AND AMENDING DIRECTIVE 2012/27/EU  Official Journal of the European Union L 158/125  **Измени на прописот на ЕУ: /** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Title of the national legal provisions transposing the EU regulation (abbreviation) | EPP No. of national legal regulations | Is it a draft regulation or an adopted regulation  (if an adopted regulation, fill in the last column) | Number of the Official Gazette of the Republic of North Macedonia (number/year with 4 digits) | Comment |
| 1 | Law on Trade Companies (CL) | 2020.0400.8160 | Adopted regulation | "Official Gazette of the Republic of Macedonia" No. 28/2004, 84/2005, 71/2006, 25/2007, 87/2008, 17/2009, 23/2009, 42/10, 48/10, 8/11, 21/11, 24/11, 166/12, 70/13, 119/13, 120/13, 187/13, 38/14, 41/14, 138/14, 88/15, 192/15, 217/15, 6/16, 30/16, 61/16, 64/18, 120/18, 195/18 and 239/18 and "Official "Official Gazette of the Republic of North Macedonia" No. 290/20, 215/21, 99/22 and 272/24) |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2 | Proposal of the Law on Energy (DEL) | 2019.0400.7894 | Draft regulation |  |  |

Датум на изработка: 20.03.2025

Верзија: 1

Одговорно лице: *Валентина Старделова*

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | 2 | 3 | 4 | 5 | | 6 | 7 | 8 | | 9 | |
| Number of Article | Article | Title of the National Legal Regulation (abbreviation of the National Legal Regulation) | Bроl на Article на нацkоналнkот праcgн пропkс | Article of the National Legal Regulation | | Is it fully compliant (Fully , Partially , Not transposed, not relevant for RNM, discretionary оeрgebа) | If it is not fully compliant, how will it be transposed | Scheduled deadline for fully compliance | | Comment | |
| Article 1 paragraph 1 | This Directive establishes common rules for the generation, transmission, distribution, energy storage and supply of electricity, together with consumer protection provisions, with a view to creating truly integrated competitive, consumer- centred, flexible, fair and transparent electricity markets in the Union. | DEL | Article 1 | This Law regulates the following:  1. objectives and manner of implementing the energy policy; 2. energy activities, the manner and conditions for their performance; 3. rights and obligations of energy customers and energy system users; 4. procedure for determining and fulfilling the obligations for providing public services in the supply of electricity, gas and heat; 5. reliability of energy supply; 6. status, competence and manner of operation of the Energy, Water Services and Municipal Waste Management Services Regulatory Commission of the Republic of North Macedonia (hereinafter referred to as: the Energy Regulatory Commission); 7. conditions and manner of access and connection to energy transmission and distribution systems; 8. construction of energy facilities; 9. markets for electricity, gas, heat, as well as the market for crude oil, oil derivatives and fuels for transport, and 10. other issues in the field of energy. | | Fully compliant |  |  | |  | |
| Article 1  sub paragraph 1.1 | Using the advantages of an integrated market, this Directive aims to ensure affordable, transparent energy prices and costs for consumers, a high degree of security of supply and a smooth transition towards a sustainable low-carbon energy system. It lays down key rules relating to the organisation and functioning of the Union electricity sector, in particular rules on consumer empowerment and protection, on open access to the integrated market, on third-party access to transmission and distribution infrastructure, unbundling requirements, and rules on the independence of regulatory authorities in the Member States. | DEL | Article 2 points 1 and 2 | The objective of this Law is to ensure:  1.reliable, safe and quality energy supply to customers;  2.efficient, competitive and financially sustainable energy sector, based on the principles of non-discrimination, fairness and transparency ensuring a high level of reliability and quality in energy supply; . | | Fully compliant |  |  | |  | |
| Article 1 потparagraph 1.2 | This Directive also sets out modes for Member States, regulatory authorities and transmission system operators to cooperate towards the creation of a fully interconnected internal market for electricity that increases the integration of electricity from renewable sources, free competition and security of supply. |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | |  | |
| Article 2  point 1 | ‘customer’ means a wholesale or final customer of electricity; | DEL | Article 3 point 92 | customer’ means a person who purchases energy for their own needs or for further sale; | | Fully compliant |  |  | |  | |
| Article 2  point 2 | wholesale customer’ means a natural or legal person who purchases electricity for the purpose of resale inside or outside the system where that person is established; | DEL | Article 3 point 93 | ‘wholesale customer’ means a natural or legal person who purchases electricity for the purpose of resale inside or outside the system where that person is established; | | Fully compliant |  |  | |  | |
| Article 2 point 3 | ‘final customer’ means a customer who purchases electricity for own use; | DEL | Article 3 point 90 | final customer’ means a customer who purchases electricity, natural gas or heat for own use; | | Fully compliant |  |  | |  | |
| Article 2 point 4 | ‘household customer’ means a customer who purchases electricity for the customer's own household consumption, excluding commercial or professional activities; | DEL | Article 3 point 44 | household customer’ means a customer who purchases electricity for the customer's own household consumption, excluding commercial or professional activities; | | Fully compliant |  |  | |  | |
| Article 2 point 5 | ‘non-household customer’ means a natural or legal person who purchases electricity that is not for own household use, including producers, industrial customers, small and medium-sized enterprises, businesses and wholesale customers; | DEL | Article 3 point 151 | customer’ means a wholesale buyer or final customer who purchases electricity, natural gas or heat; | | Fully compliant |  |  | |  | |
| Article 2 point 6 | ‘microenterprise’ means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million; | DCL | Article 470 point (4) | (4) A micro trader is considered to be a trader who, in each of the last two fiscal years, or in the first year of operation, has met the following two criteria:   1. The average number of employees, based on hours worked, is up to ten workers; and 2. The gross income earned by the trader from any source does not exceed 50,000 EUR in denar equivalent. | | Fully compliant |  |  | |  | |
| Article 2 point 7 | ‘small enterprise’ means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million; | DCL | Article 470 Point (5) | (5) A **small trader** is considered to be a trader who, in each of the last two fiscal years, or in the first year of operation, has met at least two of the following three criteria:   1. The average number of employees, based on hours worked, is up to 50 workers; and 2. The annual income is less than 2,000,000 EUR in denar equivalent; or 3. The average value (at the beginning and end of the fiscal year) of total assets (in the balance sheet) is less than 2,000,000 EUR in denar equivalent. | | Fully compliant |  |  | |  | |
| Article 2 point 8 | ‘active customer’ means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-generated electricity or participates in flexibility or energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity; | DEL | Article 3  point 5 | active customer’ means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or who sells self-generated electricity or participates in flexibility or energy efficiency schemes, provided that those activities do not constitute its primary registered activity; | | Fully compliant |  |  | |  | |
| Article 2 point 9 | ‘electricity markets’ means markets for electricity, including over-the-counter markets and electricity exchanges, markets for the trading of energy, capacity, balancing and ancillary services in all timeframes, including forward, day-ahead and intraday markets; | DEL | Article 3  point 134 | ‘electricity market’ means a wholesale electricity market, which includes a market for bilateral contracts and organised markets or electricity exchanges, on which energy, power, balancing energy or system services are traded in all timeframes including long-term markets, day-ahead markets and intraday markets; | | Fully compliant |  |  | |  | |
| Article 2 point 10 | ‘market participant’ means market participant as defined in point (25) of Article 2 of Regulation (EU) 2019/943; | DEL | Article 3  point 223 | market participant’ means a person who buys and/or sells, directly or through an intermediary, electricity or gas on one or more markets, including balancing energy and system services markets, who produces electricity or gas, who trades or supplies electricity or gas or who consumes electricity or gas for its own needs, who is engaged in aggregation or who offers energy or gas storage or demand management services or who is an operator of demand response or energy storage services, including by placing trading orders | | Fully compliant |  |  | |  | |
| Article 2 point 11 | ‘citizen energy community’ means a legal entity that: (a) is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises; (b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and (c) may engage in generation, including from renewable sources, distribution, supply, consumption, aggregation, energy storage, energy efficiency services or charging services for electric vehicles or provide other energy services to its members or shareholders; | DEL | Article 3 point 30 | ‘citizen energy community’ means a legal entity that is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, municipalities, the municipalities of the city of Skopje and the city of Skopje (hereinafter referred to as: local self-government units) or legal entities pursuant to the Company Law which share a common connection to the electricity distribution or transmission network; Its primary purpose is to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates. It may engage in generation, including from renewable sources, distribution within the scope of the civil energy community, supply, consumption, aggregation, energy storage, energy efficiency services or charging services for electric vehicles or provide other energy services to its members or shareholders | | Fully compliant |  |  | |  | |
| Article 2 point 12 | ‘supply’ means the sale, including the resale, of electricity to customers; | DEL | Article 3  point 195 | electricity and gas supply’ means the sale, including resale, of electricity and gas to customers | | Fully compliant |  |  | |  | |
| Article 2 point 13 | ‘electricity supply contract’ means a contract for the supply of electricity, but does not include electricity derivatives; |  | Article 3 point 41 | electricity supply contract’ means a contract for the supply of electricity, but does not include electricity derivatives | | Fully compliant |  |  | |  | |
| Article 2 point 14 | ‘electricity derivative’ means a financial instrument specified in point (5), (6) or (7) of Section C of Annex I to Directive 2014/65/EU of the European Parliament and of the Council ( 16 ), electricity; where that instrument relates to electricity; | DEL | Article 3  point 34 | ‘electricity/gas derivatives’ means financial instruments such as options, futures, swaps, forward contracts and other derivative contracts, which can be settled in cash, physically or through recognised clearing houses, in order to protect participants in the organised electricity/gas market from possible price fluctuations | | Fully compliant |  |  | |  | |
| Article 2 point 15 | ‘dynamic electricity price contract’ means an electricity supply contract between a supplier and a final customer that reflects the price variation in the spot markets, including in the day-ahead and intraday markets, at intervals at least equal to the market settlement frequency; | DEL | Article 3  point 42 | dynamic electricity price contract’ means an electricity supply contract between a supplier and a final customer that reflects the price variation in the organized markets, at intervals at least equal to the market settlement frequency | | Fully compliant |  |  | |  | |
| Article 2 Point 16 | ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants engaged in aggregation, for terminating an electricity supply or service contract; |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | |  | |
| Article 2 Point 17 | ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants engaged in aggregation, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants engaged in aggregation or system operators; | DEL | Article 176 paragraphs (5), (6) and (7) | 5) As an exception to paragraph (4) of this Article , the electricity supplier may charge compensation for economic loss if the customer unilaterally and prematurely terminates a supply contract for a specified duration and a fixed price, and the termination has not been not due to a failure to fulfil obligations by the supplier, where the compensation has been foreseen in the contract and the customer was previously informed of the possibility of paying the compensation.  (6) The compensation referred to in paragraph (5) of this Article shall be proportionate and shall not exceed the direct economic loss to the supplier resulting from the termination of the contract, including the costs of investments or services related to the supply, which have already been provided to the customer as part of the supply contract, with the burden of proving the direct economic loss being on the supplier or aggregator, including the costs of any investments or services already provided to the customer as part of the contract. The customer shall be entitled to file a complaint before the Energy Regulatory Commission regarding the calculated compensation referred to in paragraph (5) of this Article .  (7) The conditions of the supply contract relating to the compensation referred to in paragraph (5) of this Article shall be monitored by the Energy Regulatory Commission. The burden of proving the direct economic loss shall be borne by the supplier or market participant | | Fully compliant |  |  | |  | |
| Article 2 point 18 | ‘aggregation’ means a function performed by a natural or legal person who combines multiple customer loads or generated electricity for sale, purchase or auction in any electricity market; | DEL | Article 3 point 3 | ‘aggregation’ means a function performed by a natural or legal person who combines multiple customer loads and/or generated electricity for sale, purchase or auction in any electricity market; | | Fully compliant |  |  | |  | |
| Article 2 Point 19 | ‘independent aggregator’ means a market participant engaged in aggregation who is not affiliated to the customer's supplier; |  |  |  | | Not relevant for RNM |  |  | | Оcаа оeрgebа сg оeнgсуcа на igмlkтg Article кk на GУ | |
| Article 2 point 20 | ‘demand response’ means the change of electricity load by final customers from their normal or current consumption patterns in response to market signals, including in response to time-variable electricity prices or incentive payments, or in response to the acceptance of the final customer's bid to sell demand reduction or increase at a price in an organised market as defined in point (4) of Article 2 of Commission Implementing Regulation (EU) No 1348/2014 ( 17 ), whether alone or through aggregation; | DEL | Article 3 point 220 | demand-side management’ means a change in the demand for electricity or gas by final customers relative to their usual or current demand pattern in response to market signals, including in response to time-varying electricity or gas prices or incentive payments, or in response to the acceptance of an offer by the final customer to reduce or increase their electricity or gas consumption, independently or through aggregation; | | Fully compliant |  |  | |  | |
| Article 2 point 21 | ‘billing information’ means the information provided on a final customer's bill, apart from a request for payment; | DEL | Article  185  paragraph (4) point 2 | (4) The Energy Regulatory Commission shall, in the rules for electricity supply, regulate in more detail the obligations of the supplier in relation to invoices for the electricity consumed, as follows:  2. the manner of preparing the calculation contained in the invoice, especially in cases where the calculation is not prepared in accordance with the actual consumption; | | Fully compliant |  |  | |  | |
| Article 2 point 22 | ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data; | DEL | Article 3 Point 80 | conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data; | | Fully compliant |  |  | |  | |
| Article 2 point 23 | ‘smart metering system’ means an electronic system that is capable of measuring electricity fed into the grid or electricity consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication; | DEL | Article 3 point 140 | ‘smart metering system’ means a digital electronic system that is capable of independent measuring electricity fed into the grid, providing more information than a conventional meter, and that is capable of independent transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication | | Fully compliant |  |  | |  | |
| Article 2 point 24 | ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions; | DEL | Article 3 point 73 | ‘interoperability’ means the ability of energy or communication networks, systems, devices, applications or components to interwork to exchange information with other such facility in order to perform required functions or to provide users with access to the necessary information; | | Fully compliant |  |  | |  | |
| Article 2 point 25 | ‘imbalance settlement period’ means imbalance settlement period as defined in point (15) of Article 2 of Regulation (EU) 2019/943; | DEL | Article 3 point 141 | ‘settlement period’ means the shortest period of time for which the imbalance of the balance responsible parties is calculated; | | Fully compliant |  |  | |  | |
| Article 2 point 26 | ‘near real-time’ means, in the context of smart metering, a short time period, usually down to seconds or up to the imbalance settlement period in the national market; | DEL | Article 3 point 157 | ‘near real-time’ means, in the context of smart metering, a short time period, usually down to seconds or up to the imbalance settlement period in the electricity market; | | Fully compliant |  |  | |  | |
| Article 2 point 27 | ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules; | DEL | Article 3 point 106 | ‘best available techniques’ means the most effective, advanced and practically suitable techniques for providing the basis for complying with the data protection and security regulations; | | Fully compliant |  |  | |  | |
| Article 2 point 28 | ‘distribution’ means the transport of electricity on high-voltage, medium-voltage and low-voltage distribution systems with a view to its delivery to customers, but does not include supply; | DEL | Article 3 point 38 | electricity distribution’ means transmission and delivery of electricity through high-voltage, medium-voltage and low-voltage electricity distribution systems and management of the electricity distribution system in a specific area, not including electricity supply; | | Fully compliant |  |  | |  | |
| Article 2 point 29 | ‘distribution system operator’ means a natural or legal person who is responsible for operating, ensuring the maintenance of and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of electricity; | DEL | Article 3 point 121 | ‘distribution system operator’ means an undertaking which carries out an activity of electricity distribution and manages with the distribution system in the Republic of North Macedonia and is responsible for the operation of the system, its maintenance, development and its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of electricity; | | Fully compliant |  |  | |  | |
| Article 2 point 30 | ‘energy efficiency’ means the ratio of output of performance, service, goods or energy, to input of energy; | DEL | Article 3 point 55 | energy efficiency’ means the ratio of output of performance, service and the input of energy to achieve that output of performance | | Fully compliant |  |  | |  | |
| Article 2 point 31 | ‘energy from renewable sources’ or ‘renewable energy’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas; | DEL | Article 3 point 117 | energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic), geothermal energy, ambient energy, hydropower, biomass, biogas, landfill gas and sewage treatment plant gas, fuel obtained from processed waste and solid fuel obtained by processing waste that meet the criteria for a energy from renewable source; | | Fully compliant |  |  | |  | |
| Article 2 point 32 | ‘distributed generation’ means generating installations connected to the distribution system; | DEL | Article 3 point 36 | distributed generation’ means generation of electricity from power plants connected to an electricity distribution system; | | Fully compliant |  |  | |  | |
| Article 2 point 33 | ‘recharging point’ means an interface that is capable of charging one electric vehicle at a time or exchanging the battery of one electric vehicle at a time; | DEL | Article 3 point 207 | ‘charging station’ means a device for charging one electric vehicle at a given time or replacing the battery of an electric vehicle | | Fully compliant |  |  | |  | |
| Article 2 point 34 | ‘transmission’ means the transport of electricity on the extra high-voltage and high-voltage interconnected system with a view to its delivery to final customers or to distributors, but does not include supply; | DEL | Article 3 point 155 | ‘electricity transmission’ means the transmission of electricity through an electricity transmission system and the management of the electricity system for the purpose of delivery of electricity and does not include the supply of electricity; | | Fully compliant |  |  | |  | |
| Article 2 point 35 | transmission system operator’ means a natural or legal person who is responsible for operating, ensuring the maintenance of and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity; | DEL | Article 3 point 122 | ‘transmission system operator’ means an undertaking that carries out electricity transmission activities, manages the electricity transmission system in the Republic of North Macedonia and is responsible for secure and stable operation of the system, its maintenance, development and interconnection with the electricity systems of neighbouring countries; | | Fully compliant |  |  | |  | |
| Article 2 point 36 | ‘system user’ means a natural or legal person who supplies to, or is supplied by, a transmission system or a distribution system; | DEL | Article 3 point 88 | ‘system user’ means an electricity producer, final customer, storage operator, aggregator, supplier, trader and other system operators | | Fully compliant |  |  | |  | |
| Article 2 point 37 | ‘generation’ means the production of electricity; | DEL | Article 3 point 164 | generation’ means the generation of electricity; | | Fully compliant |  |  | |  | |
| Article 2 point 38 | ‘producer’ means a natural or legal person who generates electricity; | DEL | Article 3 point 166 | ‘electricity producer’ means a person who carries out an energy activity - electricity generation and is registered in the trade register in the Republic of North Macedonia, as well as another legal entity that is registered in the register of other legal entities in the Republic of North Macedonia and produces electricity; | | Fully compliant |  |  | |  | |
| Article 2 point 39 | ‘interconnector’ means equipment used to link electricity systems; | DEL | Article 3 point 72 | ‘interconnector line’ means an electricity line or gas pipeline, including the associated equipment and facilities, by which the electricity transmission system or gas transmission system of the Republic of North Macedonia is connected to the corresponding transmission system of a neighbouring country; | | Fully compliant |  |  | |  | |
| Article 2 point 40 | ‘interconnected system’ means a number of transmission and distribution systems linked together by means of one or more interconnectors; | DEL | Article 3 point 146 | ‘interconnected electricity transmission system’ means a system of two or more electricity transmission and/or electricity distribution systems interconnected by one or more interconnecting lines | | Fully compliant |  |  | |  | |
| Article 2 point 41 | ‘direct line’ means either an electricity line linking an isolated generation site with an isolated customer or an electricity line linking a producer and an electricity supply undertaking to supply directly their own premises, subsidiaries and customers; | DEL | Article 3 point 35 | ‘direct line’ means either an electricity line linking an isolated generation site with an isolated customer or an electricity line linking a producer and an electricity supply undertaking to supply directly their own premises, subsidiaries and customers | | Fully compliant |  |  | |  | |
| Article 2 point 42 | ‘small isolated system’ means any system that had consumption of less than 3 000 GWh in the year 1996, where less than 5 % of annual consumption is obtained through interconnection with other systems; |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the member states of the European Union. | |
| Article 2 point 43 | small connected system’ means any system that had consumption of less than 3 000 GWh in the year 1996, where more than 5 % of annual consumption is obtained through interconnection with other systems |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the member states of the European Union. | |
| Article 2 point 44 | ‘congestion’ means congestion as defined in point (4) of Article 2 of Regulation (EU) 2019/943; | DEL | Article 3 point 66 | ‘congestion’ means a situation in which all requests from market participants to trade between network areas cannot be accommodated because they would significantly affect the physical flows on network elements which cannot accommodate those flows; | | Fully compliant |  |  | |  | |
| Article 2 point 45 | ‘balancing’ means balancing as defined in point (10) of Article 2 of Regulation (EU) 2019/943; | DEL | Article 3 point 11 | ‘balancing’ means all actions and processes, in all timelines, through which transmission system operator ensures, in an ongoing manner, maintenance of the system frequency within a predefined stability range and compliance with the amount of reserves needed with respect to the required quality, i.e. the gas transmission system operator maintains the system balance by changing the flow of gas into or out of the system within predefined stability range, with the exception of activities and processes related to gas taken by system users and gas used for system management; | | Fully compliant |  |  | |  | |
| Article 2 point 46 | ‘balancing energy’ means balancing energy as defined in point (11) of Article 2 of Regulation (EU) 2019/943; | DEL | Article 3 point 13 | balancing energy’ means energy used by transmission system operators to carry out balancing; | | Fully compliant |  |  | |  | |
| Article 2 point 47 | ‘balance responsible party’ means balance responsible party as defined in point (14) of Article 2 of Regulation (EU) 2019/943; | DEL | Article 3 point 15 | balance responsible party’ means an electricity market gas market participant or its chosen representative responsible assuming balance responsibility and submitting physical schedules (nominations) for the balance group in accordance with their mutual contractual obligations, and responsible for imbalances towards the electricity transmission system operator or the gas transmission system operator; | | Fully compliant |  |  | |  | |
| Article 2 point 48 | ‘ancillary service’ means a service necessary for the operation of a transmission or distribution system, including balancing and non-frequency ancillary services, but not including congestion management; | DEL | Article 3 point 149 | ‘electricity ancillary service’ means a service necessary for the operation of a transmission or distribution system, including balancing and non-frequency ancillary services, but not including congestion management | | Fully compliant |  |  | |  | |
| Article 2 point 49 | ‘non-frequency ancillary service’ means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability and island operation capability; |  | Article 3 point 191 | non-frequency ancillary service’ means a service used by a transmission system operator or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, black start capability and island operation capability referring to the electricity transmission system; | | Fully compliant |  |  | |  | |
| Article 2 point 50 | ‘regional coordination centre’ means a regional coordination centre established pursuant to Article 35 of Regulation (EU) 2019/943; | DEL | Article 3 point 176 | Regional Coordination Center’ is a regional body coordinating the activities of electricity transmission system operators in the relevant system operation region | | Fully compliant |  |  | |  | |
| Article 2 point 51 | ‘fully integrated network components’ means network components that are integrated in the transmission or distribution system, including storage facilities, and that are used for the sole purpose of ensuring a secure and reliable operation of the transmission or distribution system, and not for balancing or congestion management; | DEL | Article 3 point 230 | ‘fully integrated network components’ means network components that are integrated in the transmission or distribution system, including storage facilities, and that are used for the sole purpose of ensuring a secure and reliable operation of the transmission or distribution system, and not for balancing or congestion management; | | Fully compliant |  |  | |  | |
| Article 2 point 52 | ‘integrated electricity undertaking’ means a vertically integrated undertaking or a horizontally integrated undertaking; | DEL | Article 3 point 19 k 229 | „vertically integrated undertaking’ means an undertaking (hereinafter referred to as: company) or a group of affiliated undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings performs at least one of the functions of transmission or distribution of electricity/gas, or function with gas and/or liquefied gas storage facilities, and at least one of the functions of generation, supply or trade with electricity and/or gas;  „ horizontally integrated electricity undertaking’ means an electricity undertaking that carries out at least one of the activities of generation, transmission, distribution, or supply of electricity, and carries out another non-electricity activity; | | Fully compliant |  |  | |  | |
| Article 2 point 53 | ‘vertically integrated undertaking’ means an electricity undertaking or a group of electricity undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings performs at least one of the functions of transmission or distribution, and at least one of the functions of generation or supply; | DEL | Article 3 point 19 | vertically integrated undertaking’ means an undertaking (hereinafter referred to as: company) or a group of affiliated undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings performs at least one of the functions of transmission or distribution of electricity/gas, or function with gas and/or liquefied gas storage facilities, and at least one of the functions of generation, supply or trade with electricity and/or gas; | | Fully compliant |  |  | |  | |
| Article 2 point 54 | ‘horizontally integrated undertaking’ means an electricity undertaking performing at least one of the functions of generation for sale, or transmission, or distribution, or supply, and another non-electricity activity; | DEL | Article 3 point 229 | horizontally integrated electricity undertaking’ means an electricity undertaking that carries out at least one of the activities of generation, transmission, distribution, or supply of electricity, and carries out another non-electricity activity; | | Fully compliant |  |  | |  | |
| Article 2 point 55 | ‘related undertaking’ means affiliated undertakings as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council ( 18 ), and undertakings which belong to the same shareholders; | DCL | Член 565 | **Related companies** are legally independent companies that connect and establish mutual relationships such as:   1. A company that has participation, significant participation, majority participation, or majority decision-making rights in another company; 2. Dependent and controlling company; 3. Holding company; 4. Concern companies; 5. Companies with mutual participation; and 6. Companies connected by contracts. | | Fully compliant |  |  | |  | |
| Article 2 point 56 | „‘control’ means rights, contracts or other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:   1. ownership or the right to use all or part of the assets of an undertaking; 2. rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking; |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | |  | |
| Article 2 point 57 | ‘electricity undertaking’ means a natural or legal person who carries out at least one of the following functions: generation, transmission, distribution, aggregation, demand response, energy storage, supply or purchase of electricity, and who is responsible for the commercial, technical or maintenance tasks related to those functions, but does not include final customers; | DEL | Article 3 point 45 | electricity undertaking’ means a natural or legal person who carries out at least one of the following functions: generation, transmission, distribution, aggregation, demand response, energy storage, supply or purchase of electricity, and who is responsible for the commercial, technical or maintenance tasks related to those functions, but does not include final customers | | Fully compliant |  |  | |  | |
| Article 2 point 58 | ‘security’ means both security of supply and provision of electricity, and technical safety; | DEL | Article 3 point 185 | ‘security of electricity or gas supply’ means the ability of the electricity system or gas transmission system to supply customers with electricity or gas, with a clearly defined level of system characteristics and quality of service; | | Fully compliant |  |  | |  | |
| Article 2 point 59 | ‘energy storage’ means, in the electricity system, deferring the final use of electricity to a moment later than when it was generated, or the conversion of electrical energy into a form of energy which can be stored, the storing of such energy, and the subsequent reconversion of such energy into electrical energy or use as another energy carrier; | DEL | Article 3 point 192 | energy storage’ means, in the electricity system, deferring the final use of electricity to a moment later than when it was generated, or the conversion of electrical energy into a form of energy which can be stored, the storing of such energy, and the subsequent reconversion of such energy into electrical energy or use as another energy carrier | | Fully compliant |  |  | |  | |
| Article 2 point 60 | ‘energy storage facility’ means, in the electricity system, a facility where energy storage occurs. | DEL | Article 3 point 194 | ‘electricity storage’ means a plant (system) or facility that enables storage of energy in the electricity system by charging it from the electricity transmission or distribution network or directly from a power plant and its subsequent use as electricity or as another energy carrier; | | Fully compliant |  |  | |  | |
| Article 3 paragraph 1 | Member States shall ensure that their national law does not unduly hamper cross-border trade in electricity, consumer participation, including through demand response, investments into, in particular, variable and flexible energy generation, energy storage, or the deployment of electromobility or new interconnectors between Member States, and shall ensure that electricity prices reflect actual demand and supply. | DEL | Article 17  Article 58 paragraph (2) point 3  Article 109 paragraph (1) point 1  Article 178 | (1)Security of supply with the appropriate type of energy shall be ensured in particular through:  1. achieving a balance between supply and demand on the market of the relevant type of energy, including possible substitution with another type of energy, another direction of supply and energy storage  2. forecasting the level of expected future need for an appropriate type of energy and the possibilities for meeting the forecasted need with available energy sources and capacities;  ;  3. ensuring an adequate level of energy production and storage capacities by implementing measures to build new and upgrade existing capacities;  4. construction of new ones, upgrading and expanding existing ones and ensuring a high quality and high level of maintenance of the transmission and distribution networks of the appropriate type of energy;  5. implementation of measures for efficient use of energy and for reduction or limitation of consumption, determined by this and other laws  6. improving the level of electricity and gas interconnections;  7. encouraging the implementation of measures to increase the efficiency of energy networks, aggregation and demand-side management ;  8.adopting and monitoring the implementation of measures and activities to ensure cybersecurity of the network and information systems forming an integral part of the energy transmission and distribution systems, as well as of the systems for managing electricity production facilities, in accordance with the provisions of this Law, the national cybersecurity strategy and the action plan of the national cybersecurity strategy, as well as other regulations that provide for measures and activities to ensure cybersecurity;  9.using emergency energy supply services with neighbouring countries and security of supply coordination services from the Regional Coordination Center, and  10. application of emergency measures of a temporary nature in the event of inability to deliver an appropriate type of energy, as determined by this Law.  (2) In order to ensure security of supply, at the request of the Ministry, the Government may adopt a decision imposing a public service obligation on electricity suppliers in the Republic of North Macedonia for a certain period of time to procure electricity from domestic production capacities, whereby the share of procured electricity may not exceed 15% of the total electricity needs consumed in the Republic of North Macedonia during the previous year.    (3) In order to ensure a secure and reliable energy supply, state authorities and providers of regulated energy activities shall, within their rights, obligations and competencies determined by this Law, propose measures to the competent authorities and/or undertake measures for which they are competent.  (4) In order to ensure security of supply in conditions of energy crisis, measures may be taken to supply electricity to customers performing activities of public interest, as well as to other customers, only if they are determined by the relevant regulation referred to in Article 45 of this Law.    ((2) The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  3. enabling the highest possible level of interconnection capacity, including new interconnection lines, with the counter parties of the Energy Community and the Member States of the European Union;  The Energy Regulatory Commission, the electricity transmission system operator, the electricity distribution system operator, the electricity market operator, the organized market operator and NEMO shall ensure that the operation of the electricity markets is carried out in accordance with the following rules:  1. price setting based on demand and supply and prevention of activities that prevent price setting based on demand and supply;  (1) Every electricity customer may, at their own choice, be supplied with electricity from a supplier, in accordance with the conditions set out in this Law and the electricity supply rules.  (2) An electricity customer may have entered into more than one contract for the supply of electricity at the same time, provided that they have separate connection points and metering devices.  (3) A customer participating in the wholesale electricity market may purchase electricity directly from traders or producers of electricity or from an organized electricity market.  (4) A customer participating in the wholesale electricity market may purchase electricity from a producer, supplier or trader of electricity from another country, which has acceded to all valid international treaties in the field of electricity that the Republic of North Macedonia has ratified and applies the rules and regulations adopted in accordance with this Law.  (5) The operator of the relevant system shall interrupt the delivery of electricity to customers who do not have an electricity supply contract or have not arranged their balancing responsibility in accordance with the terms of this Law and the regulations and rules adopted on the basis of this Law, except for households and small customers of electricity supplied by the universal supplier. | | Fully compliant |  |  | |  | |
| Article 3 paragraph 2 | When developing new interconnectors, Member States shall take into account the electricity interconnection targets set out in point (1) of Article 4(d) of Regulation (EU) 2018/1999 | DEL | Article 155 paragraph (2) | 2) The conditions for releasing the maximum available transmission capacity to system users, except for the exceptions from Article 106 of this Law and the exceptions from Article 161 paragraph (6) of this Law, as well as the exemptions from paragraph (12) of this Article , shall be deemed to be met when the available capacity for cross-zonal trade is above the following thresholds:  1. for the borders on which the coordinated net transmission capacity calculation approach is used, the lower limit of available capacity is 70% of the transmission capacity while respecting the operational security limits after deducting the contingency reserve, preferably calculated according to the methodology applied in the coordinated capacity calculation;  2. for the borders where the capacity calculation approach based on energy flows is used, the lower limit of available capacity is the margin determined in the process of calculating the capacity available for flows caused by cross-border exchange, which should be equal to 70% of the transmission capacity while respecting the operational security limits for internal and cross-zonal critical network elements, taking into account the contingency reserve, preferably calculated according to the methodology applied in the coordinated capacity calculation, and  3. for the reliability margins, circular energy flows and internal energy flows of all critical network elements, a maximum of 30% of the transmission capacity may be used. | | Fully compliant |  |  | |  | |
| Article 3 paragraph 3 | Member States shall ensure that no undue barriers exist within the internal market for electricity as regards market entry, operation and exit, without prejudice to the competence that Member States retain in relation to third countries. | DEL | Article 75 | (1) A subsidiary of a foreign entity organized in the Republic of North Macedonia, the founder of which has been issued a license or other appropriate document to perform trade or supply of electricity or gas or represents a NEMO, in a country that is a counterparty to the Energy Community or a Member State of the European Union, may, by applying the principle of reciprocity, perform these activities in the Republic of North Macedonia after being issued with a decision for entry in the registry of foreign entities that may carry out energy activities in the Republic of North Macedonia.  (2) The Energy Regulatory Commission shall establish and keep the registry referred to in paragraph (1) of this Article .  (3) The Energy Regulatory Commission shall make the entry in the registry referred to in paragraph (1) of this Article within 15 days from the date of receipt of the request for entry.  (4) In the procedure for entry in the registry referred to in paragraph (1) of this Article , the Energy Regulatory Commission shall cooperate with the competent authority of the counterparty to the Energy Community or a Member State of the European Union that issued the license for which entry in the registry is requested, as well as with the competent authorities of other countries in which the foreign entity carries out energy activities.  (5) The Energy Regulatory Commission shall submit the decision for entry in the registry referred to in paragraph (1) of this Article to the relevant electricity or gas transmission system operator, as well as to the relevant electricity or gas market operator, and if the decision concerns the entry of a NEMO, to the Government. | | Fully compliant |  |  | |  | |
| Article 3 paragraph 4 | Member States shall ensure a level playing field where electricity undertakings are subject to transparent, propor tionate and non-discriminatory rules, fees and treatment, in particular with respect to balancing responsibility, access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing. | DEL | Article 2 point 2 | The objective of this Law is to ensure  2. efficient, competitive and financially sustainable energy sector, based on the principles of non-discrimination, fairness and transparency ensuring a high level of reliability and quality in energy supply;  . | | Fully compliant |  |  | |  | |
| Article 3 paragraph 5 | Member States shall ensure that market participants from third countries, when operating within the internal market for electricity, comply with applicable Union and national law, including that concerning environmental and safety policy. | DEL | Article 4 paragraphs (2) and (3) | (2) Activities referred to in paragraph (1) of this Article shall be carried out in accordance with this Law, other laws and regulations, as well as the regulations and rules adopted on the basis of this Law and the conditions for performing the activity specified in the issued license for performing the relevant energy activity.  (3) Activities referred to in paragraph (1) of this Article may be carried out by domestic and foreign entities on the basis of a license for performing the relevant energy activity issued by the Energy Regulatory Commission or in another manner determined by this Law. | | Fully compliant |  |  | |  | |
| Article 4 | Member States shall ensure that all customers are free to purchase electricity from the supplier of their choice and shall ensure that all customers are free to have more than one electricity supply contract at the same time, provided that the required connection and metering points are established. | DEL | Article 178 paragraphs (1) and (2) | (1) Every electricity customer may, at their own choice, be supplied with electricity from a supplier, in accordance with the conditions set out in this Law and the electricity supply rules.  (2) An electricity customer may have entered into more than one contract for the supply of electricity at the same time, provided that they have separate connection points and metering devices. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 1 | Suppliers shall be free to determine the price at which they supply electricity to customers. Member States shall take appropriate actions to ensure effective competition between suppliers. | DEL | Article 6 paragraph (1) | (1) Electricity suppliers shall determine the price at which they supply electricity to customers independently. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 2 | Member States shall ensure the protection of energy poor and vulnerable household customers pursuant to Article s 28 and 29 by social policy or by other means than public interventions in the price setting for the supply of electricity. | DEL | Article 11 paragraph (1) point 4 | (1)The energy policy shall ensure:  4.reducing energy poverty and protecting vulnerable customers; | | Fully compliant |  |  | |  | |
| Article 5 paragraph 3 | By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of electricity to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5. | DEL | Article 6 paragraph (2) | (2) As an exception to paragraph (1) of this Article , upon a proposal of the Ministry, and after previous opinion obtained from the ministry competent for matters in the field of social protection, the Government may adopt a decision obliging the universal supplier to supply households falling into the category of vulnerable customers and households affected by energy poverty, at prices lower than the prices determined by applying the regulations and methodologies referred to in Article 61, paragraph (1), item 4 of this Law. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 4 point (а) | 4. Public interventions in the price setting for the supply of electricity shall:  (a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest; | DEL | Article 6 paragraph (4) point 1 | (4) When adopting the decision referred to in paragraph (2) of this Article , the following shall be taken into account:  1. the requirements for ensuring the general economic interest not to be exceeded; | | Fully compliant |  |  | |  | |
| Article 5 paragraph 4 point (b) | (b) be clearly defined, transparent, non-discriminatory and verifiable; | DEL | Article 6 paragraph (4) point 2 | 4) When adopting the decision referred to in paragraph (2) of this Article , the following shall be taken into account:  2. prices to be clearly defined, transparent, non-discriminatory and easily verifiable, with price verification being carried out by the Energy Regulatory Commission | | Fully compliant |  |  | |  | |
| Article 5 paragraph 4 point (c) | (c) guarantee equal access for Union electricity undertakings to customers; | DEL | Article 6 paragraph (4) point 3 | When adopting the decision referred to in paragraph (2) of this Article , the following shall be taken into account:  3. guaranteeing equal access to energy operators by the counter parties of the Energy Community and the European Union’s Member States to customers in the Republic of North Macedonia; | | Fully compliant |  |  | |  | |
| Article 5 paragraph 4 point (d) | (d) be limited in time and proportionate as regards their beneficiaries; | DEL | Article 6 paragraph (4) point 4 | 4) When adopting the decision referred to in paragraph (2) of this Article , the following shall be taken into account:  4. application of prices should be time-limited and appropriate to the user needs; | | Fully compliant |  |  | |  | |
| Article 5 paragraph 4 point (e) | (e) not result in additional costs for market participants in a discriminatory way. | DEL | Article 6 paragraph (4) point 5 | (4) When adopting the decision referred to in paragraph (2) of this Article , the following shall be taken into account  5. additional costs for market participants not to be created in a discriminatory manner | | Fully compliant |  |  | |  | |
| Article 5 paragraph 5 | Any Member State applying public interventions in the price setting for the supply of electricity in accordance with paragraph 3 of this Article shall also comply with point (d) of Article 3(3) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty. | DEL | Article 10 paragraph (2) | (2) The number of vulnerable customers shall be determined based on the criteria referred to in paragraph (1) of this Article . The number of vulnerable customers determins shall be taken into account when determining the measures to reduce energy poverty in the Integrated National Energy and Climate Plan | | Fully compliant |  |  | |  | |
| Article 5 paragraph 6 | For the purpose of a transition period to establish effective competition for electricity supply contracts between suppliers, and to achieve fully effective market-based retail pricing of electricity in accordance with paragraph 1, Member States may apply public interventions in the price setting for the supply of electricity to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3. | DEL | Article 6 paragraph (5) | (5) In order to protect the general economic interest, for the needs of the transition period, in which effective competition for electricity supply contracts between suppliers should be established, and to achieve fully effective market-based retail pricing of electricity, the Government may decide that households that do not fall into the category of vulnerable customers and small customers that, in accordance with the Company Law, fall into the category of micro-traders, shall be supplied by the universal supplier or another supplier at prices lower than the prices determined by applying the regulations and methodologies referred to in Article 61, paragraph (1), item 4 of this Law. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 7 point (а) | Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:  (a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures; . | DEL | Article 6 paragraph (6) point 4 | 6) When adopting the decision referred to in paragraph (5) of this Article , the conditions referred to in paragraph (4) of this Article shall be taken into account, whereby the prices shall:  4. ensure that all price users have the opportunity to choose a competitive market offer and are informed quarterly about the offers and opportunities for savings on the competitive retail electricity market, in particular about dynamic price electricity supply contracts and the use of market-based offers, as well as about the possibility of using smart metering devices and technical assistance for their installation | | Partially compliant | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 5 paragraph 7 point (b) | (b) be set using a methodology that ensures non-discriminatory treatment of suppliers; | DEL | Article 6 paragraph (6) point 1 | (6) When adopting the decision referred to in paragraph (5) of this Article , the conditions referred to in paragraph (4) of this Article shall be taken into account, whereby the prices shall:  1.be defined based on a methodology developed by the Energy Regulatory Commission ensuring non-discriminatory treatment for all suppliers | | Fully compliant |  |  | |  | |
| Article 5 paragraph 7 point (c) | (c) be set at a price that is above cost, at a level where effective price competition can occur | DEL | Article 6 paragraph (6) point 2 | (6) When adopting the decision referred to in paragraph (5) of this Article , the conditions referred to in paragraph (4) of this Article shall be taken into account, whereby the prices shall:    2. be defined above the cost of electricity on the electricity market in order to enable effective competition | | Fully compliant |  |  | |  | |
| Article 5 paragraph 7 (d) | (d) be designed to minimise any negative impact on the wholesale electricity market; | DEL | Article 6 paragraph (6) point 3 | (6) When adopting the decision referred to in paragraph (5) of this Article , the conditions referred to in paragraph (4) of this Article shall be taken into account, whereby the prices shall:    3. not cause negative impact on the wholesale electricity market; | | Fully compliant |  |  | |  | |
| Article 5 paragraph 7 (e) | (e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, in particular of dynamic electricity price contracts, and shall ensure that they are provided with assistance to switch to a market-based offer; | DEL | Article 6 paragraph (6) point 4 | (6) When adopting the decision referred to in paragraph (5) of this Article , the conditions referred to in paragraph (4) of this Article shall be taken into account, whereby the prices shall:    4. ensure that all price users have the opportunity to choose a competitive market offer and are informed quarterly about the offers and opportunities for savings on the competitive retail electricity market, in particular about dynamic price electricity supply contracts and the use of market-based offers, as well as about the possibility of using smart metering devices and technical assistance for their installation | | Fully compliant |  |  | |  | |
| Article 5 paragraph 7 (f) | (f) ensure that, pursuant to Article s 19 and 21, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance; | DEL | Article 6 paragraph (8) | (8) The users determined by the decision referred to in paragraphs (2) and (5) of this Article who are not covered by the decision referred to in Article 186 paragraph (2) of this Law, shall be informed about the possibility of installing smart metering devices, and the necessary technical assistance shall be provided by the operator of the relevant electricity system, and the costs of installing smart metering devices shall not exceed the costs specified in Article 188 paragraph (3) of this Law. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 7 (g) | (g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices. | DEL | Article 6 paragraph (6) point 5 | 6) When adopting the decision referred to in paragraph (5) of this Article , the conditions referred to in paragraph (4) of this Article shall be taken into account, whereby the prices shall:  5. not lead to cross-subsidization between customers who are supplied at market prices and customers who are supplied at prices determined in accordance with paragraph (2) of this Article .  . | | Fully compliant |  |  | |  | |
| Article 5 paragraph 8 | Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined. | DEL | Article 6 paragraph (10) | (10) The Government shall notify the Energy Community Secretariat of the measures contained in the decisions referred to in paragraphs (2) and (5) of this Article , within one month of the adoption of the decision, stating in the notification the reasons for adopting the decision and the measures’ impact on competition in the electricity market, the manner of determining prices, the duration of the measures, the scope of customers and the number of customers from the household category to which the measures apply. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 9 | By 1 January 2022 and 1 January 2025, Member States shall submit reports to the Commission on the implemen tation of this Article , the necessity and proportionality of public interventions under this Article , and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Mem ber States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers. | DEL | Article 300 | (1) The Government shall, within two months from the date of entry into force of this Law and by 1 January 2028 at the latest, submit reports to the Energy Community Secretariat on the necessity and proportionality of public interventions and on the assessment of progress towards achieving effective competition among suppliers and the transition to market-based pricing.  (2) Regarding the regulated prices referred to in Article 6 paragraph (2) of this Law, the Government shall, by 31 December 2028, submit a report to the Energy Community Secretariat on compliance with the conditions set out in Article 6 paragraph (6) of this Law, including the alignment of suppliers required to apply such interventions, and the impact of regulated prices on the financial condition of suppliers. | | Fully compliant |  |  | |  | |
| Article 5 paragraph 10 | By 31 December 2025, the Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of electricity, together with or followed by a legislative proposal, if appropriate. That legislative proposal may include an end date for regulated prices. |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the European Commission | |
| Article 6 paragraph 1 | Member States shall ensure the implementation of a system of third-party access to the transmission and distribution systems based on published tariffs, applicable to all customers and applied objectively and without dis crimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved in accordance with Article 59 prior to their entry into force and that those tariffs, and the methodologies — where only methodologies are approved — are published prior to their entry into force. | DEL | Article 102 paragraph (1) | 1)Energy or gas transmission i.e. distribution system operator, as well as the heat distribution operator, for the purpose of using its capacity, as well as for the use of other services it provides, shall be obliged to provide existing and new system users with access to the relevant network, in accordance with the relevant network rules and supply rules, with fair and non-discriminatory application of the prices and tariffs determined in accordance with Article 61 of this Law. | | Fully compliant |  |  | |  | |
| Article 6  paragraph 2 | The transmission or distribution system operator may refuse access where it lacks the necessary capacity. Duly substantiated reasons shall be given for such refusal, in particular having regard to Article 9, and based on objective and technically and economically justified criteria. Member States or, where Member States have so provided, the regulatory authorities of those Member States, shall ensure that those criteria are consistently applied and that the system user who has been refused access can make use of a dispute settlement procedure. The regulatory authorities shall also ensure, where appropriate and when refusal of access takes place, that the transmission system operator or distribution system operator provides relevant information on measures that would be necessary to reinforce the network. Such information shall be provided in all cases when access for recharging points has been denied. The party requesting such information may be charged a reasonable fee reflecting the cost of providing such information. | DEL | Article 103 | (1) The operators referred to in Article 102, paragraph (1) of this Law may adopt a decision to deny access only in the following cases:  1. when no transmission or distribution capacity is required and there is a capacity shortage in the heat distribution system due to other supplies of waste heat, heat from renewable sources or heat produced by high-efficiency cogeneration, or  2. when providing access to a specific user may jeopardize the security of energy supply in the Republic of North Macedonia.  (2) The operator who has denied access in accordance with paragraph (1) of this Article shall be obliged to deliver the decision on the denial to the entity who requested access in writing, and shall be obliged to state in the rationale of the decision the reasons for the denial, which must be based on technically and economically justified criteria, determined in the network rules for transmission, i.e. distribution of the relevant system.  (3) The entity whose access to the system has been denied by the decision referred to in paragraph (1) of this Article or who is dissatisfied with the conditions for access to the system may submit an objection to the Energy Regulatory Commission within 15 days of the delivery of the decision.  (4) Upon request of the entity who has been denied access to the system, the relevant operator shall be obliged to provide them with the necessary information on the measures that need to be taken to improve the conditions in the system, which would enable access, and may charge a fee for providing the information in an amount previously approved by the Energy Regulatory Commission. | | Fully compliant |  |  | |  | |
| Article 6  paragraph 3 | This Article shall also apply to citizen energy communities that manage distribution networks. | DEL | Article 183  paragraph (2) | (2) The citizen energy community shall perform energy activities in accordance with this Law and the rules and regulations adopted on the basis of this Law and the licenses issued, whereby by becoming a member of the citizen energy community, customers shall not lose their rights and obligations regarding access to the network and electricity supply, which they have as households or active customers. | | Fully compliant |  |  | |  | |
| Article 7 paragraph 1 point (а) | 1. Member States shall take the measures necessary to enable:  (а) all producers and electricity supply undertakings established within their territory to supply their own premises, subsidiaries and customers through a direct line, without being subject to disproportionate administrative procedures or costs; | DEL | Article 98 paragraph (1) | (1) Any electricity producer or supplier, as well as any biomethane producer, hydrogen producer or gas supplier established in the Republic of North Macedonia may supply its premises, subsidiaries or customers through direct lines (hereinafter: direct line). | | Fully compliant |  |  | |  | |
| Article 7 paragraph 1 point (b) | (b) all customers within their territory, individually or jointly, to be supplied through a direct line by producers and electricity supply undertakings. | DEL | Article 98 paragraph (2) | 2) Electricity or gas customers, individually or together, may be supplied through a direct line from an electricity producer or supplier, a biomethane producer, a hydrogen producer or a gas supplier. | | Fully compliant |  |  | |  | |
| Article 7 paragraph 2 | 2. Member States shall lay down the criteria for the grant of authorisations for the construction of direct lines in their territory. Those criteria shall be objective and non-discriminatory. | DEL | Article 98 paragraph (3) | (3) Direct line shall be built on the basis of a construction approval issued by the Government, which shall determine the rights and obligations of the approval holder | | Fully compliant |  |  | |  | |
| Article 8 paragraph 1 | For the construction of new generating capacity, Member States shall adopt an authorisation procedure, which shall be conducted in accordance with objective, transparent and non-discriminatory criteria. | DEL | Article 88 paragraph (1) | (1) The Ministry shall issue an approval for construction of electric power plants in the following cases:  1. for construction of electric power plants for generation of electricity with an installed capacity equal to or greater than 1 MW and for highly efficient combined cycle plants, plants for production of synthetic fuels using electricity, plants for production of hydrogen using electricity, as well as for electricity storage facilities, for which a procedure for allocation of land under long-term lease or sale of construction land in state ownership shall be being implemented;  2. for construction of electric power plants for generation of electricity with an installed capacity equal to or greater than 1 MW and for highly efficient combined cycle plants, plants for production of synthetic fuels using electricity, plants for production of hydrogen using electricity, and electricity storage facilities, the construction of which shall be carried out on privately owned land, based on a previously submitted application by an investor;  3. for construction of energy facilities for generation of electricity and for highly efficient combined cycle plants, plants for production of synthetic fuels using electricity, plants for production of hydrogen using electricity and electricity storage facilities for which a procedure has been carried out and a contract for establishment of a public-private partnership has been awarded;  4. for construction of energy facilities for generation of electricity, plants for production of synthetic fuels using electricity, plants for production of hydrogen using electricity and electricity storage facilities for which a procedure has been carried out and a concession for goods of general interest has been awarded, and  5. for construction of an energy facility for generation of electricity and a highly efficient combined cycle plant generting electricity and heat, plants for production of synthetic fuels using electricity, plants for production of hydrogen using electricity and electricity storage facilities for which a special law regulating the implementation of the investment for its construction has been adopted. | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 point (а) | 2. Member States shall lay down the criteria for the grant of authorisations for the construction of generating capacity in their territory. In determining appropriate criteria, Member States shall consider:  (а) the safety and security of the electricity system, installations and associated equipment; | DEL | Article 90 paragraph (1) points 1  and 2 | (1) When preparing the annual plan for construction of energy facilities, adopting the decision to implement the procedure and prepare documentation pursuant to Article 88 paragraph (1) item 1 of this Law, as well as adopting the decision to issue an approval pursuant to Article 88 paragraph (1) items 2, 3 and 4 of this Law, the following criteria for granting an approval for construction of an energy facility for generation of electricity and a highly efficient combined cycle heat and power plant shall be taken into account:  1. security of supply with an appropriate type of energy;  2. safety and security of the power system, facilities and appropriate equipment; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 , point (b) | (b) the protection of public health and safety; | DEL | Article 90 paragraph (1) point 5 | 5. protection of public health and safety; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 point (c) | (c) the protection of the environment; | DEL | Article 90 paragraph (1) point 6 | 6. protection of the environment; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 point (d) | (d) land use and siting; | DEL | Article 90 paragraph (1) point 7 | 7. use of land and locations; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (e) | (e) the use of public ground; | DEL | Article 90 paragraph (1) point 8 | 8. use of public areas; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (f) | (f) energy efficiency; | DEL | Article 90 paragraph (1) point 9 | 9. energy efficiency; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (g) | (g) the nature of the primary sources; | DEL | Article 90 paragraph (1) point 10 | 10. type of primary energy; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (h) | (h) the characteristics particular to the applicant, such as technical, economic and financial capabilities; | DEL | Article 90 paragraph (1) point 11 | 11. technical, financial and economic capacity of the investor; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (i) | (i) compliance with measures adopted pursuant to Article 9; | DEL | Article 90 paragraph (1) point 12 | 12. compliance with the measures adopted in accordance with public service obligations, in particular with regard to the quality and continuity of electricity supply | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (j) | (j) the contribution of generating capacity to meeting the overall Union target of at least a 32 % share of energy from renewable sources in the Union's gross final consumption of energy in 2030 referred to in Article 3(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council ( 19 ); | DEL | Article 90 paragraph (1) point 14 | 14. the contribution of the energy generation facility to the share of energy produced from energy from renewable sources in the total gross final energy consumption in accordance with the decision on determining the national mandatory targets in accordance with the law regulating energy from renewable sources | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (k) | (k) the contribution of generating capacity to reducing emissions; and | DEL | Article  90 paragraph (1) point 13 | 13. the contribution of the energy generation facility to the reduction of greenhouse gas emissions; | | Fully compliant |  |  | |  | |
| Article 8 paragraph 2 (l) | (l) the alternatives to the construction of new generating capacity, such as demand response solutions and energy storage. | DEL | Article 90 paragraph (1) point 15 | alternative to construction of a new energy facility through construction and use of electricity storage and demand-side management. | | Fully compliant |  |  | |  | |
| Article 8 paragraph 3 | Member States shall ensure that specific, simplified and streamlined authorisation procedures exist for small decentralised and/or distributed generation, which take into account their limited size and potential impact. | DEL | Article 88 paragraph (2) | (2) The approval referred to in paragraph (1) of this Article shall not be required for construction of energy facilities for generation of electricity if:  1. the installed capacity of the energy facility is less than 1 MW and the construction is carried out on privately owned land;  2. the energy generated by the energy facility is used exclusively for the needs of the investor or  3. the construction involves expansion of an existing energy facility for generation of electricity, whereby the installed capacity of the energy facility is within the installed capacity from item 1 of this paragraph | | Fully compliant |  |  | |  | |
| Article 8 потparagraph 3.1 | Member States may set guidelines for that specific authorisation procedure. Regulatory authorities or other competent national authorities, including planning authorities, shall review those guidelines and may recommend amendments thereto. | DEL | Article 87 paragraph (1) | (1) Upon a proposal from the Ministry, the Government shall adopt an Annual Plan for Construction of Energy Facilities for Generation of electricity and Thermal Energy and Storage of Electricity (hereinafter referred to as: Annual Plan for Construction of Energy Facilities). | | Fully compliant |  |  | |  | |
| Article 8 потparagraph 3.2 | Where Member States have established particular land use permit procedures applying to major new infrastructure projects in generation capacity, Member States shall, where appropriate, include the construction of new generation capacity within the scope of those procedures and shall implement them in a non-discriminatory manner and within an appropriate time frame. |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the member states of the European Union | |
| Article 8 paragraph 4 | 4. The authorisation procedures and criteria shall be made public. Applicants shall be informed of the reasons for any refusal to grant an authorisation. Those reasons shall be objective, non-discriminatory, well-founded and duly substantiated. Appeal procedures shall be made available to applicants. | DEL | Article 87 paragraph (11) and  Article 88 paragraph (13) | (11) In case of high interest in investments in certain regions, the first-come, first-served rule shall be followed, by submitting an application electronically through a publicly available platform or through the National Portal for e-services in accordance with the regulations in the field of electronic governance and electronic services, as well as in the field of electronic documents, electronic identification and confidential services.  (13) In the procedures for granting approval, the Law on General Administrative Procedure, as well as the regulations in the field of electronic governance and electronic services, as well as in the field of electronic documents, electronic identification and trusted services, shall apply accordingly. | | Fully compliant |  |  | |  | |
| Article 9 paragraph 1 | 1. Without prejudice to paragraph 2, Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that electricity undertakings operate in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market for electricity, and shall not discriminate between those undertakings as regards either rights or obligations. | DEL | Article 4 paragraph (4) | (4) Entities carrying out the energy activities referred to in paragraph (1), items 1 to 10 of this Article , shall be obliged to provide a public service when performing the activity in a manner and under conditions determined by this Law (hereinafter referred to as: regulated energy activities | | Fully compliant |  |  | |  | |
| Article 9 paragraph 2 | 2.Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on undertakings operating in the electricity sector, in the general economic interest, public service obligations which may relate to security, including the security of supply, regularity, quality and price of supplies and environmental protection, including energy efficiency, energy from renewable sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory and verifiable, and shall guarantee equality of access for electricity undertakings of the Union to national consumers. Public service obligations which concern the price setting for the supply of electricity shall comply with the requirements set out in Article 5 of this Directive. | DEL | Article 7 paragraphs (1), (2) and (3) | (1) Upon a proposal of the Ministry or the local self-government units and upon a previous opinion received from the Energy Regulatory Commission and an opinion or decision of the Commission for Protection of Competition, the Government may adopt a decision imposing an obligation on an entity carrying out an unregulated energy activity to provide a public service within a certain period of time.  (2) The purpose of the public service is to provide:  1. security, including security of supply;  2. regularity, quality and price of supply;  3. efficient and cost-effective use of natural resources intended for energy generation;  4. improvement in energy efficiency;  5. greater use of energy from renewable sources or  6. environmental protection and climate change mitigation.  (3) The decision referred to in paragraph (1) of this Article , must clearly define the public service obligation, in non-discriminatory manner, to be easily verifiable and to guarantee equal access of customers to the public service, not to distort the competition on the market in the Republic of North Macedonia, in the region and in the European Union, except to the extent necessary for the achievement of the general economic interest, as well as to determine the financial, technical and personnel requirements that must be met by the provider of the unregulated energy activity on which the public service obligation is imposed | | Fully compliant |  |  | |  | |
| Article 9 paragraph 3 | 3. Where financial compensation, other forms of compensation and exclusive rights which a Member State grants for the fulfilment of the obligations set out in paragraph 2 of this Article or for the provision of universal service as set out in Article 27 are provided, this shall be done in a non-discriminatory and transparent way. | DEL | Article 7 paragraph (6) | (6) The entity carrying out energy activity on which the obligation to provide a public service has been imposed by the decision referred to in paragraph (1) of this Article shall be granted with compensation for the provision of a service of general economic interest in a transparent and non-discriminatory manner in accordance with the state aid regulations, which shall compensate the entity carrying out energy activity for its losses, taking into account the opinion or decision of the Commission for Protection of Competition. | | Fully compliant |  |  | |  | |
| Article 9 paragraph 4 | 4. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil universal service and public service obligations, including consumer protection and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from this Directive. They shall subsequently inform the Commission every two years of any changes to those measures, whether or not they require a derogation from this Directive. | DEL | Article 7 paragraph (5) | (5) The Ministry shall immediately notify the Energy Community Secretariat of the decision referred to in paragraph (1) of this Article , as well as of the possible impacts on the operation of the electricity or gas market, and shall notify it every two years of the need to extend the obligation to provide a public service. | | Fully compliant |  |  | |  | |
| Article 9 paragraph 5 | 5. Member States may decide not to apply Article s 6, 7 and 8 of this Directive insofar as their application would obstruct, in law or in fact, the performance of the obligations imposed on electricity undertakings in the general economic interest and insofar as the development of trade would not be affected to such an extent as would be contrary to the interests of the Union. The interests of the Union include, inter alia, competition with regard to customers in accordance with Article 106 TFEU and this Directive | DEL | Article 90 paragraph (1)    Article 98 paragraph (8)  Article 102 paragraph (4) | 1) When preparing the annual plan for construction of energy facilities, adopting the decision to implement the procedure and prepare documentation pursuant to Article 88 paragraph (1) item 1 of this Law, as well as adopting the decision to issue an approval pursuant to Article 88 paragraph (1) items 2, 3 and 4 of this Law, the following criteria for granting an approval for construction of an energy facility for generation of electricity and a highly efficient combined cycle heat and power plant shall be taken into account:  1. security of supply with an appropriate type of energy;  2. safety and security of the power system, facilities and appropriate equipment;  3. policies and measures from the Strategy, the Integrated National Energy and Climate Plan as well as the resource adequacy assessment in the Republic of North Macedonia, the Annual Plan for Construction of Energy Facilities and the municipal energy plans;  4. capacity and energy needs for balancing;  5. protection of public health and safety;  6. protection of the environment;  7. use of land and locations;  8. use of public areas;  9. energy efficiency;  10. type of primary energy;  11. technical, financial and economic capacity of the investor;  12. compliance with the measures adopted in accordance with public service obligations, in particular with regard to the quality and continuity of electricity supply;  13. the contribution of the energy dgнgратkон facility to the reduction of greenhouse gas emissions;  14. the contribution of the energy generation facility to the share of energy produced from energy from renewable sources in the total gross final energy consumption in accordance with the decision on determining the national mandatory targets in accordance with the law regulating energy from renewable sources, and  15. alternative to construction of a new energy facility through construction and use of electricity storage and demand-side management.  (8) The Government may dismiss a request for approval for construction of a direct line if the granting of such approval would negatively affect the performance of the public service obligations under this Law. The decision to dismiss must contain a detailed reasoning.  (4) In the event of a lack of transmission or distribution capacity or in order to ensure security of supply or safety of the relevant system, the operators referred to in paragraph (1) of this Article shall take measures that may restrict access to the users referred to in paragraph (2) of this Article, in accordance with the relevant network rules | | Fully compliant |  |  | |  | |
| Article 10 paragraph 1 | 1. Member States shall ensure that all final customers are entitled to have their electricity provided by a supplier, subject to the supplier's agreement, regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State. | DEL | Article 75 paragraph (1)  Article 178 paragraphs (1), (3) and (4) | (1) A subsidiary of a foreign entity organized in the Republic of North Macedonia, the founder of which has been issued a license or other appropriate document to perform trade or supply of electricity or gas or represents a NEMO, in a country that is a counterparty to the Energy Community or a Member State of the European Union, may, by applying the principle of reciprocity, perform these activities in the Republic of North Macedonia after being issued with a decision for entry in the registry of foreign entities that may carry out energy activities in the Republic of North Macedonia.  ((1) Every electricity customer may, at their own choice, be supplied with electricity from a supplier, in accordance with the conditions set out in this Law and the electricity supply rules.    (3) A customer participating in the wholesale electricity market may purchase electricity directly from traders or producers of electricity or from an organized electricity market.  (4) A customer participating in the wholesale electricity market may purchase electricity from a producer, supplier or trader of electricity from another country, which has acceded to all valid international treaties in the field of electricity that the Republic of North Macedonia has ratified and applies the rules and regulations adopted in accordance with this Law. | | Fully compliant |  |  | |  | |
| Article 10 paragraph 2 | 2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council ( ) and Council Directive 93/13/EEC ( 21 ), Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article . | DEL | Article 178 paragraph (5) | (5) The operator of the relevant system shall interrupt the delivery of electricity to customers who do not have an electricity supply contract or have not arranged their balancing responsibility in accordance with the terms of this Law and the regulations and rules adopted on the basis of this Law, except for households and small customers of electricity supplied by the universal supplier. | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (а) | Final customers shall have the right to a contract with their supplier that specifies:  (a) the identity and address of the supplier; | DEL | Article 64 paragraph (1) | (1) The Energy Regulatory Commission shall adopt special rules for the supply of electricity, heat and gas. | | Partially compliant | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 10 paragraph 3 point (b) | (b) the services provided, the service quality levels offered, as well as the time for the initial connection; | DEL | Article 175 paragraph (3)point 2 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  2.standard conditions for provision and the manner of use of the services | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (c) | (c) the types of maintenance service offered; | DEL | Article 175 paragraph (3) point 2 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  2.standard conditions for provision and the manner of use of the services | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (d) | (d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained; | DEL | Article 175 paragraph (3) point 1 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  1. applicable electricity prices; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (e) | (e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted; | DEL | Article 175 paragraph (3) point 7 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  7. any change in the conditions of the supply contract, including increase in the price, at least 15 days before the commencement of their application, including the right to terminate the contract if the customer does not accept the new conditions offered in the notification | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (f) | (f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing; | DEL | Article 175 paragraph (3) point 5 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  5. possibility of resolving complaints, including the possibility of out-of-court settlement of disputes and the obligation to return and/or compensate funds when justified; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (g) | (g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 26; | DEL | Article 175 paragraph (3) point 5 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  5. possibility of resolving complaints, including the possibility of out-of-court settlement of disputes and the obligation to return and/or compensate funds when justified; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 3 point (h) | (h) information relating to consumer rights, including information on complaint handling and all of the information referred to in this paragraph, that is clearly communicated on the bill or the electricity undertaking's web site. | DEL | Article 175 paragraph (1) | (1) The universal electricity supplier shall be obliged to establish a single contact centre, which is staffed and technically equipped and through which it shall provide its customers in a timely manner, in a transparent and non-discriminatory manner, without payment of compensation, with all necessary information regarding their rights and obligations, the application of applicable regulations and the methods of handling complaints and resolving disputes, in accordance with the supply rules referred to in Article 64 of this Law. | | Fully compliant |  |  | |  | |
| Article 10 потparagraph 3.1 | Conditions shall be fair and well known in advance. In any case, this information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this paragraph shall also be provided prior to the conclusion of the contract. | DEL | Article 175 paragraph (1) | (1) The universal electricity supplier shall be obliged to establish a single contact centre, which is staffed and technically equipped and through which it shall provide its customers in a timely manner, in a transparent and non-discriminatory manner, without payment of compensation, with all necessary information regarding their rights and obligations, the application of applicable regulations and the methods of handling complaints and resolving disputes, in accordance with the supply rules referred to in Article 64 of this Law. | | Fully compliant |  |  | |  | |
| Article 10 потparagraph 3.2 | Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. | DEL | Article 179 paragraph (3) | (3) The general conditions offered by suppliers to customers and the provisions regulating the rights and obligations of customers in supply contracts shall be fair, transparent, clear, precise and shall not contain additional requirements that may hinder the exercise of customer rights, and suppliers shall be obliged to make them available to customers before entering into the supply contract. | | Fully compliant |  |  | |  | |
| Article 10 paragraph 4 | 4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customers, in a transparent and comprehensible manner, directly of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, at an appropriate time no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier. | DEL | Article 175 paragraph (3) point 7 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  7. any change in the conditions of the supply contract, including increase in the price, at least 15 days before the commencement of their application, including the right to terminate the contract if the customer does not accept the new conditions offered in the notification; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 5 | 5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of electricity services. | DEL | Article 175 paragraph (3) points 1 and 2 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  1. applicable electricity prices;  2. standard conditions for provision and the manner of use of the services; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 6 | 6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in line with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council ( 22 ). | DEL | Article 175 paragraph (3) point 3 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  3. different payment methods that prevent discrimination between customers; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 7 | 7. Pursuant to paragraph 6, household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems. | DEL | Article 175 paragraph (3) point 3 | (3) The information referred to in paragraphs (1) and (2) of this Article shall be governed by the supply rules and shall in particular refer to:  3. different payment methods that prevent discrimination between customers; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 8 | 8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods. | DEL | Article 179 paragraph (3) | The general conditions offered by suppliers to customers and the provisions regulating the rights and obligations of customers in supply contracts shall be fair, transparent, clear, precise and shall not contain additional requirements that may hinder the exercise of customer rights, and suppliers shall be obliged to make them available to customers before entering into the supply contract. | | Fully compliant |  |  | |  | |
| Article 10 paragraph 9 | 9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner. | DEL | Article 173 paragraph (5) points 5 and 11 | (5) The electricity supplier shall be obliged, in accordance with this Law and the regulations and rules adopted on the basis of this Law, to:  5. provide services to its customers with the quality set out in the rules for electricity supply  11. establish procedures for efficient resolution of complaints by its customers within 60 days from the date of filing the complaint, including the possibility of out-of-court dispute resolution and an obligation to return and/or compensate funds when justified | | Partially compliant | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 10 paragraph 10 | 10. When accessing universal service under the provisions adopted by Member States pursuant to Article 27, final customers shall be informed about their rights regarding universal service. | DEL | Article 8 paragraph (11) point 2 | (11) In addition to the obligations referred to in paragraph (10) of this Article , the universal supplier shall be obliged to:  2. inform customers on and publish on its website the rights and conditions under which customers may be supplied by the universal supplier, the prices for electricity supply and the procedure for exercising the right to change supplier; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 11 | 11. Suppliers shall provide household customers with adequate information on alternative measures to disconnection sufficiently in advance of any planned disconnection. Such alternative measures may refer to sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and not constitute an extra cost to the customers facing disconnection. | DEL | Article 173 paragraph (5) point 8 | (5) The electricity supplier shall be obliged, in accordance with this Law and the regulations and rules adopted on the basis of this Law, to:  8. enable customers to receive regular and accurate notifications of actual electricity consumption and costs, so that customers can manage their own consumption; | | Fully compliant |  |  | |  | |
| Article 10 paragraph 12 | 12. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place. | DEL | Article 173 paragraph (5) point 10 | (5) The electricity supplier shall be obliged, in accordance with this Law and the regulations and rules adopted on the basis of this Law, to:  10. ensure that, in the event of any change of electricity supplier, the customer receives final closure of the account within six weeks of the date of change of the supplier | | Fully compliant |  |  | |  | |
| Article 11 paragraph 1 | 1. Member States shall ensure that the national regulatory framework enables suppliers to offer dynamic electricity price contracts. Member States shall ensure that final customers who have a smart meter installed can request to conclude a dynamic electricity price contract with at least one supplier and with every supplier that has more than 200 000 final customers. | DEL | Article 180 paragraphs (1) and (3) | (1) Electricity suppliers, with the exception of the universal supplier, shall be entitled to enter into dynamic electricity supply contracts with customers.  (3) At the request of a customer who has installed smart metering systems, a supplier with more than 200,000 customers shall be obliged to enter into a dynamic electricity supply contract. | | Fully compliant |  |  | |  | |
| Article 11 paragraph 2 | 2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities, costs and risks of such dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed. Regulatory authorities shall monitor the market developments and assess the risks that the new products and services may entail and deal with abusive practices. | DEL | Article 180 paragraph (2) | (2) Suppliers shall inform customers about the possibilities, costs and risks of dynamic electricity supply contracts, as well as about the need to install smart metering systems | | Fully compliant |  |  | |  | |
| Article 11 paragraph 3 | 3. Suppliers shall obtain each final customer's consent before that customer is switched to a dynamic electricity price contract. | DEL | Article 180 paragraph (5) | (5) The supplier shall obtain consent of the customer before amending or entering into an annex to the supply contract with a dynamic electricity supply contract. | | Fully compliant |  |  | |  | |
| Article 11 paragraph 4 | 4. For at least a ten-year period after dynamic electricity price contracts become available, Member States or their regulatory authorities shall monitor, and shall publish an annual report on the main developments of such contracts, including market offers and the impact on consumers' bills, and specifically the level of price volatility. | DEL | Article 180 paragraph (6) | (6) The Energy Regulatory Commission shall monitor the application of dynamic electricity supply contracts, the offers of these contracts on the market, as well as their impact on customer bills and the level of price volatility, for at least 10 years from their availability, and shall publish the findings in the report referred to in Article 72 of this Law. | | Fully compliant |  |  | |  | |
| Article 12 paragraph 1 | 1. Switching supplier or market participant engaged in aggregation shall be carried out within the shortest possible time. Member States shall ensure that a customer wishing to switch suppliers or market participants engaged in aggregation, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By no later than 2026, the technical process of switching supplier shall take no longer than 24 hours and shall be possible on any working day. | DEL | Article 176  paragraphs (1), (2) and (3) | (1) Every customer shall be entitled to change their supplier.  (2) The change of supplier shall be made at the request of the customer.  (3) Electricity suppliers and operators of the relevant systems shall enable the procedure for changing supplier to be carried out within 48 hours of receipt of the request for change, in a non-discriminatory manner in terms of costs and actions and in a procedure prescribed by the electricity supply rules | | Fully compliant |  |  | |  | |
| Article 12 paragraph 2 | 2. Member States shall ensure that at least household customers and small enterprises are not charged any switching- related fees. | DEL | Article 176  paragraph (4) | (4) Households and small customers shall be entitled to change supplier without any costs. | | Fully compliant |  |  | |  | |
| Article 12 paragraph 3 | 3. By way of derogation from paragraph 2, Member States may permit suppliers or market participants engaged in aggregation to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price electricity supply contracts before their maturity, provided that such fees are part of a contract that the customer has voluntarily entered into and that such fees are clearly communicated to the customer before the contract is entered into. Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant engaged in aggregation resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the contract. The burden of proving the direct economic loss shall be on the supplier or market participant engaged in aggregation, and the permissibility of contract termination fees shall be monitored by the regulatory authority, or by an other competent national authority. | DEL | Article 176  paragraphs (5), (6) and (7) | (5) As an exception to paragraph (4) of this Article, the electricity supplier may charge compensation for economic loss if the customer unilaterally and prematurely terminates a supply contract for a specified duration and a fixed price, and the termination has not been not due to a failure to fulfil obligations by the supplier, where the compensation has been foreseen in the contract and the customer was previously informed of the possibility of paying the compensation.  (6) The compensation referred to in paragraph (5) of this Article shall be proportionate and shall not exceed the direct economic loss to the supplier resulting from the termination of the contract, including the costs of investments or services related to the supply, which have already been provided to the customer as part of the supply contract, with the burden of proving the direct economic loss being on the supplier or aggregator, including the costs of any investments or services already provided to the customer as part of the contract. The customer shall be entitled to file a complaint before the Energy Regulatory Commission regarding the calculated compensation referred to in paragraph (5) of this Article.  (7) The conditions of the supply contract relating to the compensation referred to in paragraph (5) of this Article shall be monitored by the Energy Regulatory Commission. The burden of proving the direct economic loss shall be borne by the supplier or market participant. | | Fully compliant |  |  | |  | |
| Article 12 paragraph 4 | 4. Member States shall ensure that the right to switch supplier or market participants engaged in aggregation is granted to customers in a non-discriminatory manner as regards cost, effort and time. | DEL | Article 176 paragraph (3) | (3) Electricity suppliers and operators of the relevant systems shall enable the procedure for changing supplier to be carried out within 48 hours of receipt of the request for change, in a non-discriminatory manner in terms of costs and actions and in a procedure prescribed by the electricity supply rules. | | Fully compliant |  |  | |  | |
| Article 12 paragraph 5 | 5. Household customers shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, while providing a framework that ensures the utmost consumer protection to avoid any abusive practices. | DEL | Article 176 paragraph (8) | (8) Households shall be entitled to participate in schemes for collective switching of supplier. | | Fully compliant |  |  | |  | |
| Article 13 paragraph 1 | Member States shall ensure that all customers are free to purchase and sell electricity services, including aggregation, other than supply, independently from their electricity supply contract and from an electricity undertaking of their choice. | DEL | Article 181  paragraph (1) | (1) End customers participating in the electricity market, active customers, electricity producers and operators of electricity storage facilities connected to the electricity transmission or distribution network, who meet the technical and other conditions specified in the rules for the balancing energy market and the relevant network rules, may, at their own discretion, enter into an aggregation contract with an energy activity provider acting as an aggregator:  1. regardless of whether it is a contracting party to a valid electricity supply contract, contract for purchase of generated or stored electricity or another aggregation contract, and  2. without prior consent from the existing electricity supplier or aggregator. | | Fully compliant |  |  | |  | |
| Article 13 paragraph 2 | 2. Member States shall ensure that, where a final customer wishes to conclude an aggregation contract, the final customer is entitled to do so without the consent of the final customer's electricity undertakings. Member States shall ensure that market participants engaged in aggregation fully inform customers of the terms and conditions of the contracts that they offer to them. | DEL | Article 181  paragraph (1) point 2 and paragraph (2) | 2. without prior consent from the existing electricity supplier or aggregator.  (2) Before entering into the aggregation contract, the aggregator shall provide the person referred to in paragraph (1) of this Article with all necessary information on the terms of the offered contract. | | Fully compliant |  |  | |  | |
| Article 13 paragraph 3 | 3. Member States shall ensure that final customers are entitled to receive all relevant demand response data or data on supplied and sold electricity free of charge at least once every billing period if requested by the customer. | DEL | Article 181  Paragraph (3) | (3) During the execution of the aggregation contract entered into, at least once in each billing period, and/or upon request of the person referred to in paragraph (1) of this Article , in a non-discriminatory manner and without compensation:  1. the aggregator shall provide unhindered access to the data necessary for generation management, demand-side management or electricity storage management, and  2. the operator of the relevant electricity system shall provide unhindered access to the data on its energy and capacity delivered, i.e. off-taken | | Fully compliant |  |  | |  | |
| Article 13 paragraph 4 | 4. Member States shall ensure that the rights referred to in paragraphs 2 and 3 are granted to final customers in a non-discriminatory manner as regards cost, effort or time. In particular, Member States shall ensure that customers are not subject to discriminatory technical and administrative requirements, procedures or charges by their supplier on the basis of whether they have a contract with a market participant engaged in aggregation. | DEL | Article 181  paragraph (4) | (4) The electricity supplier shall not impose discriminatory technical and administrative requirements, conditions, procedures or additional fees on the final customer who has entered into an aggregation contract, nor shall it impede the aggregation contract. | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 | 1. Member States shall ensure that at least household customers, and microenterprises with an expected yearly consumption of below 100 000 kWh, have access, free of charge, to at least one tool comparing the offers of suppliers, including offers for dynamic electricity price contracts. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements: | DEL | Article 63 paragraph (1) | (1) The Energy Regulatory Commission shall establishe and maintain a web-based electricity price comparison platform that is accessible via the Internet and that gives electricity customers from the household and small customers category, who, in accordance with the Company Law, are classified as micro-traders with an expected annual electricity consumption of less than 100,000 kWh, the opportunity to have direct access at any time and free of charge to clear, comprehensive and up-to-date information on electricity prices, duration of the supply contract, billing, including the conditions for entering into electricity supply contracts with a dynamic price, as well as other services related to the supply of electricity, in order to compare offers from different suppliers and to facilitate their choice of supplier, for which purpose the supplier shall enter an offer on the platform containing the following elements:  1.electricity prices by voltage level and intraday and/or intrayear delivery period, for each category of customers;  2. duration of supply contracts;  3. brief information on certain commercial features of the offer;  4. procedures for changing supplier applied by the supplier;  5. rights and obligations of customers;  6. ways to save energy, and  7. other services related to the supply of electricity | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (а) | (a) they shall be independent from market participants and ensure that electricity undertakings are given equal treatment in search results; | DEL | Article 63 paragraph (3) point 1 | (3) When establishing and maintaining the platform referred to in paragraph (1) of this Article , the Energy Regulatory Commission shall ensure:  1. independence of the platform from the interests of market participants, i.e. establishment and maintenance of the platform shall not be financed or otherwise materially supported by electricity market participants; | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (b) | (b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed; | DEL | Article 63 paragraph (1) | 1.electricity prices by voltage level and intraday and/or intrayear delivery period, for each category of customers;  2. duration of supply contracts;  3. brief information on certain commercial features of the offer;  4. procedures for changing supplier applied by the supplier;  5. rights and obligations of customers;  6. ways to save energy, and  7. other services related to the supply of electricity | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (c) | (c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them; | DEL | Article 63 paragraph (3) point 3 | (3) When establishing and maintaining the platform referred to in paragraph (1) of this Article , the Energy Regulatory Commission shall ensure:  3. publication of clear and fair criteria on which the comparison should be based, including the services offered by suppliers; | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (d) | (d) they shall use plain and unambiguous language; | DEL | Article 63 paragraph (3) point 4 | 4. accurate and up-to-date information expressed in a clear and unambiguous manner indicating the moment of the last update of the information; | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (e) | (e) they shall provide accurate and up-to-date information and state the time of the last update; | DEL | Article 63 paragraph (3) point 4 | 4. accurate and up-to-date information expressed in a clear and unambiguous manner indicating the moment of the last update of the information; | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (f) | (f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust; | DEL | Article 63 paragraph (3) point 5 | 5. published information shall be accessible to persons with disabilities; | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (g) | (g) they shall provide an effective procedure for reporting incorrect information on published offers; and | DEL | Article 63 paragraph (3) point 6 | 6. an effective procedure for reporting incorrect information on published offers, and | | Fully compliant |  |  | |  | |
| Article 14 paragraph 1 point (h) | (h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison. | DEL | Article 63 paragraph (3) point 7 | 7. protection of personal data of customers using the platform. | | Fully compliant |  |  | |  | |
| Article 14 потparagraph 1.1 | Member States shall ensure that at least one tool covers the entire market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of electricity offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results. | DEL |  |  | | Not transposed | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 14 paragraph 2 | 2. The tools referred to in paragraph 1 may be operated by any entity, including private companies and public authorities or bodies. | DEL | Article 63 paragraph (1) | (1) The Energy Regulatory Commission shall establish and maintain a web-based electricity price comparison platform that is accessible via the Internet and that gives electricity customers from the household and small customers category, who, in accordance with the Company Law, are classified as micro-traders with an expected annual electricity consumption of less than 100,000 kWh, the opportunity to have direct access at any time and free of charge to clear, comprehensive and up-to-date information on electricity prices, duration of the supply contract, billing, including the conditions for entering into electricity supply contracts with a dynamic price, as well as other services related to the supply of electricity, in order to compare offers from different suppliers and to facilitate their choice of supplier, for which purpose the supplier shall enter an offer on the platform containing the following elements:  1. electricity prices by voltage level and intraday and/or intrayear delivery period, for each category of customers;  2. duration of supply contracts;  3. brief information on certain commercial features of the offer;  4. procedures for changing supplier applied by the supplier;  5. rights and obligations of customers;  6. ways to save energy, and  7. other services related to the supply of electricity. | | Fully compliant |  |  | |  | |
| Article 14 paragraph 3 | 3. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet the requirements set out in paragraph 1. That authority shall be independent of any market participants and comparison tool operators. |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 14 paragraph 4 | 4. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers. | DEL | Article 63 paragraph (1) point 7 | (1) The Energy Regulatory Commission shall establish and maintain a web-based electricity price comparison platform that is accessible via the Internet and that gives electricity customers from the household and small customers category, who, in accordance with the Company Law, are classified as micro-traders with an expected annual electricity consumption of less than 100,000 kWh, the opportunity to have direct access at any time and free of charge to clear, comprehensive and up-to-date information on electricity prices, duration of the supply contract, billing, including the conditions for entering into electricity supply contracts with a dynamic price, as well as other services related to the supply of electricity, in order to compare offers from different suppliers and to facilitate their choice of supplier, for which purpose the supplier shall enter an offer on the platform containing the following elements:  7. other services related to the supply of electricity. | | Fully compliant |  |  | |  | |
| Article 14 paragraph 5 | 5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis. |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the member states of the European Union | |
| Article 14 paragraph 6 | 6. By way of derogation from paragraphs 3 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1. |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the member states of the European Union | |
| Article 15  paragraph 1 | 1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective. | DEL | Article 182  paragraph (1) | (1) An active customer shall not be subject to disproportionate or discriminatory technical and administrative requirements, procedures and fees for access and connection to the grid, as well as for participation in the electricity market. | | Fully compliant |  |  | |  | |
| Article 15  paragraph 2 point (а) | 2. Member States shall ensure that active customers are:  (a) entitled to operate either directly or through aggregation; | DEL | Article 182  paragraph (2) points 1 and 2 | (2) An active customer shall be entitled to:  1. sell the generated electricity to its supplier with the supply contract entered into with it contains provisions for purchase of electricity generated;  2. sell the generated electricity on the wholesale electricity market, as follows:  2.1. directly, if the installed capacity of the plant is above the threshold determined by the rules for registration ofparticipation in the electricity market and regulation of the bilateral contracts market, or  2.2. indirectly through an aggregator or supplier, or  2.3. to sell the electricity from its own generation, including through electricity purchase contracts; | | Fully compliant |  |  | |  | |
| Article 15  paragraph 2 point (b) | (b) entitled to sell self-generated electricity, including through power purchase agreements; | DEL | Article 182  paragraph (2) point 2  Sub point 2.1. | (2) An active customer shall be entitled to:  1. sell the generated electricity to its supplier with the supply contract entered into with it contains provisions for purchase of electricity generated;  2. sell the generated electricity on the wholesale electricity market, as follows:  2.1. directly, if the installed capacity of the plant is above the threshold determined by the rules for registration ofparticipation in the electricity market and regulation of the bilateral contracts market, or | | Fully compliant |  |  | |  | |
| Article 15  paragraph 2 point (c) | (c) entitled to participate in flexibility schemes and energy efficiency schemes; | DEL | Article 182  paragraph (2) point 3 | 2. An active customer shall be entitled to :  3. participate in mechanisms for ensuring system flexibility and energy efficiency schemes | | Fully compliant |  |  | |  | |
| Article 15  paragraph 2 point (d) | (d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer; | DEL | Article 182  paragraph (3) | (3) The active customer may authorize a third party for installation, maintenance and operation of electricity generation plant, including data processing, whereby the third party shall not be considered an active customer. | | Fully compliant |  |  | |  | |
| Article 15  paragraph 2 point (e) | (e) subject to cost-reflective, transparent and non-discriminatory network charges that account separately for the electricity fed into the grid and the electricity consumed from the grid, in accordance with Article 59(9) of this Directive and Article 18 of Regulation (EU) 2019/943, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system; | DEL | Article 182  paragraph (4) | (4) The active customer shall pay a fee for use of the network, determined in a transparent and non-discriminatory manner, to the operator of the relevant system, for the electricity taken from the network. | | Fully compliant |  |  | |  | |
| Article 15 paragraph 2 point (f) | (f) financially responsible for the imbalances they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing responsibility in accordance with Article 5 of Regulation (EU) 2019/943. | DEL | Article 182  paragraph (5) | (5) The active customer directly participating in the electricity market shall previously regulate its balancing responsibility. | | Fully compliant |  |  | |  | |
| Article 15  paragraph 3 | 3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified. | DEL | Article 182  paragraph (1) | (1) An active customer shall not be subject to disproportionate or discriminatory technical and administrative requirements, procedures and fees for access and connection to the grid, as well as for participation in the electricity market. | | Fully compliant |  |  | |  | |
| Article 15  paragraph 4 | 4. Member States that have existing schemes that do not account separately for the electricity fed into the grid and the electricity consumed from the grid, shall not grant new rights under such schemes after 31 December 2023. In any event, customers subject to existing schemes shall have the possibility at any time to opt for a new scheme that accounts separately for the electricity fed into the grid and the electricity consumed from the grid as the basis for calculating network charges. |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | |  | |
| Article 15 paragraph 5 point (а) | (a) have the right to a grid connection within a reasonable time after the request, provided that all necessary conditions, such as balancing responsibility and adequate metering, are fulfilled; | DEL | Article 182  paragraph (6) point 1 | (6) The active customer owning an energy storage facility:  1. shall be entitled to connection to the network within a reasonable period of time after the request, if it meets the conditions prescribed by the regulations and rules adopted on the basis of this Law; | | Fully compliant |  |  | |  | |
| Article 15  paragraph 5 point (b) | (b) are not subject to any double charges, including network charges, for stored electricity remaining within their premises or when providing flexibility services to system operators; | DEL | Article 182  Paragraph (6) point 2 | (6) The active customer owning an energy storage facility:  2. shall not be subject to double fees for electricity stored that it uses for its own needs or for the provision of flexibility services to the electricity system operators; | | Fully compliant |  |  | |  | |
| Article 15  paragraph 5 point (c) | (c) are not subject to disproportionate licensing requirements or fees; | DEL | Article 182  paragraph (6) point 3 | (6) The active customer owning an energy storage facility:  3. shall not be required to obtain a license for an electricity storage operator and shall not be subject to disproportionate licensing requirements or fees; | | Fully compliant |  |  | |  | |
| Article 15  paragraph 5 point (d) | (d) are allowed to provide several services simultaneously, if technically feasible. | DEL | Article 182  paragraph (6) point 4 | (6) The active customer owning an energy storage facility:  4. may participate in the balancing energy market where it may provide multiple services simultaneously, if technically feasible. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 1 point (а) | 1. Member States shall provide an enabling regulatory framework for citizen energy communities ensuring that:  (a) participation in a citizen energy community is open and voluntary; | DEL | Article 3 point 30 | 1. Certain terms used in this Law shall have the following meaning: 2. Citizen energy community’ means a legal entity that is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, municipalities, the municipalities of the city of Skopje and the city of Skopje (hereinafter referred to as: local self-government units) or legal entities pursuant to the Company Law which share a common connection to the electricity distribution or transmission network; Its primary purpose is to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates. It may engage in generation, including from renewable sources, distribution within the scope of the civil energy community, supply, consumption, aggregation, energy storage, energy efficiency services or charging services for electric vehicles or provide other energy services to its members or shareholders; | | Fully compliant |  |  | |  | |
| Article 16  paragraph 1 point (b) | (b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 12 applies | DEL | Article 183 paragraph (3) | When a member of a citizen energy community joins or leaves a citizen energy community, the provisions on changing suppliers under Article 176 of this Law shall apply accordingly. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 1 point (c) | (c) members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers; | DEL | Article 183 paragraph (2) | The citizen energy community shall perform energy activities in accordance with this Law and the rules and regulations adopted on the basis of this Law and the licenses issued, whereby by becoming a member of the citizen energy community, customers shall not lose their rights and obligations regarding access to the network and electricity supply, which they have as households or active customers. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 1 point (d) | (d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate electricity transfers within citizen energy communities; | DEL | Article 183 paragraph (4) point 3 | (4) The relevant rules adopted on the basis of this Law shall contain provisions regulating the manner of exercising the rights and obligations of citizen energy communities in relation to:  3. the possibility of facilitated delivery of electricity to and from the community through the electricity distribution system, for which the electricity distribution system operator shall be granted fair compensation. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 1 point (e) | (e) citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to registration and licensing, and to transparent, non-discriminatory and cost- reflective network charges in accordance with Article 18 of Regulation (EU) 2019/943, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system. | DEL | Article 183 paragraph (5) point 1 and paragraph (10) | (5) The rules adopted on the basis of this Law regulating the manner of exercising the rights and obligations of the citizen energy communities shall ensure that the citizen energy community:  1. is treated in a non-discriminatory and proportionate manner with regard to its rights and obligations as a final customer, producer, supplier, distribution system operator, energy storage facility operator, demand response service provider or aggregator;  (10) The following shall apply to the metering points of the members of the citizen energy community connected to networks that are not owned or operated by the community:  1. special metering that registers the electricity delivered and taken into or from the network, and  2. electricity transmission and distribution tariffs adopted by the Energy Regulatory Commission. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 2 point (а) | 2. Member States may provide in the enabling regulatory framework that citizen energy communities:  (a) are open to cross-border participation; | DEL | Article 183 paragraph (4) point 1 | 4) The relevant rules adopted on the basis of this Law shall contain provisions regulating the manner of exercising the rights and obligations of citizen energy communities in relation to:  1. participation in the electricity markets;  2. possibility of being owners or becoming operators of closed electricity distribution systems and of independently managing them under the conditions and in accordance with the provisions of paragraph (11) of this Article , and | | Fully compliant |  |  | |  | |
| Article 16  paragraph 2 point (b) | (b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article ; | DEL | Article 183 paragraph (4) point 2 | 2. possibility of being owners or becoming operators of closed electricity distribution systems and of independently managing them under the conditions and in accordance with the provisions of paragraph (11) of this Article , and | | Fully compliant |  |  | |  | |
| Article 16  paragraph 2 point (c) | (c) are subject to the exemptions provided for in Article 38(2). | DEL | Article 183 paragraph (11) | The Energy Regulatory Commission may grant the electricity distribution network owned or operated by the citizen energy community the status of a closed electricity distribution system, or grant the citizen energy community the status of an operator of a closed electricity distribution system in accordance with the provisions of this Law, whereby the regulations and rules governing the rights and obligations of a closed electricity distribution system shall apply. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 3 point (а) | 3. Member States shall ensure that citizen energy communities:  (a) are able to access all electricity markets, either directly or through aggregation, in a non-discriminatory manner; | DEL | Article  183 paragraph (4) point 1 | (4) The relevant rules adopted on the basis of this Law shall contain provisions regulating the manner of exercising the rights and obligations of citizen energy communities in relation to:  1. participation in the electricity markets; | | Fully compliant |  |  | |  | |
| Article 16  paragraph 3 point (b) | (b) are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers, distribution system operators or market participants engaged in aggregation; | DEL | Article 183 Paragraph (5) point 1 | (5) The rules adopted on the basis of this Law regulating the manner of exercising the rights and obligations of the citizen energy communities shall ensure that the citizen energy community:  1. is treated in a non-discriminatory and proportionate manner with regard to its rights and obligations as a final customer, producer, supplier, distribution system operator, energy storage facility operator, demand response service provider or aggregator; | | Fully compliant |  |  | |  | |
| Article 16  paragraph 3 point (c) | (c) are financially responsible for the imbalances they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing responsibility in accordance with Article 5 of Regulation (EU) 2019/943; | DEL | Article 183 Paragraph (5) point 3 | (5) The rules adopted on the basis of this Law regulating the manner of exercising the rights and obligations of the citizen energy communities shall ensure that the citizen energy community:  1. is treated in a non-discriminatory and proportionate manner with regard to its rights and obligations as a final customer, producer, supplier, distribution system operator, energy storage facility operator, demand response service provider or aggregator;  3. regulates balancing responsibility. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 3 point (d) | (d) with regard to consumption of self-generated electricity, citizen energy communities are treated like active customers in accordance with point (e) of Article 15(2); | DEL | Article 183 paragraph (5) point 2 | (5) The rules adopted on the basis of this Law regulating the manner of exercising the rights and obligations of the citizen energy communities shall ensure that the citizen energy community:  2. is treated as an active customer in accordance with Article 181 paragraph (3) of this Law, with regard to the consumption of electricity generated by the community's generation facilities, | | Fully compliant |  |  | |  | |
| Article 16  paragraph 3 point (e) | (e) are entitled to arrange within the citizen energy community the sharing of electricity that is produced by the production units owned by the community, subject to other requirements laid down in this Article and subject to the community members retaining their rights and obligations as final customers. | DEL | Article 183 paragraph (6) | (6) The citizen energy community shall be entitled to distribute the electricity generated by the community's generation facilities among its members in accordance with the mutually agreed obligations. | | Fully compliant |  |  | |  | |
| Article 16  потparagraph 3.1 | For the purposes of point (e) of the first subparagraph, where electricity is shared, this shall be without prejudice to applicable network charges, tariffs and levies, in accordance with a transparent cost-benefit analysis of distributed energy resources developed by the competent national authority. | DEL | Article 183  paragraph (13) | (13) If the Energy Regulatory Commission has exempted the citizen energy community from the obligation to approve tariffs for electricity distribution in accordance with Article 171 paragraph (4) item 2 of this Law, the tariff for the members of the community shall be set by the community on the basis of a previously conducted analysis of the costs and benefits of distributing electricity. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 4 | 4. Member States may decide to grant citizen energy communities the right to manage distribution networks in their area of operation and establish the relevant procedures, without prejudice to Chapter IV or to other rules and regulations applying to distribution system operators. If such a right is granted, Member States shall ensure that citizen energy communities: | DEL | Article 183  paragraph (11) | (11) The Energy Regulatory Commission may grant the electricity distribution network owned or operated by the citizen energy community the status of a closed electricity distribution system, or grant the citizen energy community the status of an operator of a closed electricity distribution system in accordance with the provisions of this Law, whereby the regulations and rules governing the rights and obligations of a closed electricity distribution system shall apply. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 4 point (а) | (a) are entitled to conclude an agreement on the operation of their network with the relevant distribution system operator or transmission system operator to which their network is connected; | DEL | Article 183  Paragraph (12) | (12) Tariffs determined by the Energy Regulatory Commission shall apply to members of the citizen energy community connected to the distribution network operated by the community. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 4 point (b) | (b) are subject to appropriate network charges at the connection points between their network and the distribution network outside the citizen energy community and that such network charges account separately for the electricity fed into the distribution network and the electricity consumed from the distribution network outside the citizen energy community in accordance with Article 59(7); | DEL | Article 183  paragraph (10), points 1 and 2 | (10) The following shall apply to the metering points of the members of the citizen energy community connected to networks that are not owned or operated by the community:  1. special metering that registers the electricity delivered and taken into or from the network, and  2. electricity transmission and distribution tariffs adopted by the Energy Regulatory Commission. | | Fully compliant |  |  | |  | |
| Article 16  paragraph 4 point (c) | (c) do not discriminate or harm customers who remain connected to the distribution system. |  | Article 183  paragraph (3) | (3) When a member of a citizen energy community joins or leaves a citizen energy community, the provisions on changing suppliers under Article 176 of this Law shall apply accordingly. | | Fully compliant . |  |  | |  | |
| Article 17  paragraph 1 | 1. Member States shall allow and foster participation of demand response through aggregation. Member States shall allow final customers, including those offering demand response through aggregation, to participate alongside producers in a non-discriminatory manner in all electricity markets. | DEL | Article 184  paragraph (1) | (1) An final customer connected to the electricity transmission or distribution network that meets the technical conditions and requirements for demand-side management, set out in the balancing energy market rules, may sell demand-side management services to all electricity markets, independently or through an aggregator, under non-discriminatory conditions as well as producers, in accordance with the rules governing the relevant electricity market. | | Fully compliant |  |  | |  | |
| Article 17  paragraph 2 | 2. Member States shall ensure that transmission system operators and distribution system operators, when procuring ancillary services, treat market participants engaged in the aggregation of demand response in a non-discriminatory manner alongside producers on the basis of their technical capabilities. | DEL | Article 184  Paragraph (4) | (4) When procuring system services, the electricity transmission system operator and the electricity distribution system operator shall not discriminate, provided that the technical requirements are met, regardless of whether the services offered are provided by an final customer or by an aggregator as a demand-side management service or by electricity generation or storage or by other technology. | | Fully compliant |  |  | |  | |
| Article 17  paragraph 3 point (а) | 3. Member States shall ensure that their relevant regulatory framework contains at least the following elements:  (a) the right for each market participant engaged in aggregation, including independent aggregators, to enter electricity markets without the consent of other market participants; | DEL | Article 184  paragraph (2) | (2) An aggregator that has entered into an aggregation contract with an final customer may sell demand-side management services independently of other market participants. | | Fully compliant |  |  | |  | |
| Article 17  paragraph 3 point (b) | (b) non-discriminatory and transparent rules that clearly assign roles and responsibilities to all electricity undertakings and customers; | DEL | Article 184  paragraph (6) point 1 | (6) The Energy Regulatory Commission, based on the technical requirements for participation established and referred to in paragraph (5) of this Article , shall adopt rules for demand-side management, which shall in particular regulate:  1. rights and obligations of final customers and aggregators, including independent aggregators, offering demand-side management services and other market participants in relation to the supply, purchase and activation of demand-side management services; | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 17  paragraph 3 point (c) | (c) non-discriminatory and transparent rules and procedures for the exchange of data between market participants engaged in aggregation and other electricity undertakings that ensure easy access to data on equal and non-discrimi natory terms while fully protecting commercially sensitive information and customers' personal data; | DEL | Article 184  paragraph (6) point 2 | (6) The Energy Regulatory Commission, based on the technical requirements for participation established and referred to in paragraph (5) of this Article , shall adopt rules for demand-side management, which shall in particular regulate :  2. procedures for exchange of information between the entities referred to in item 1 of this paragraph, as well as for protection of commercially sensitive information and personal customer data; and | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 17  paragraph 3 point (d) | (d) an obligation on market participants engaged in aggregation to be financially responsible for the imbalances that they cause in the electricity system; to that extent they shall be balance responsible parties or shall delegate their balancing responsibility in accordance with Article 5 of Regulation (EU) 2019/943; | DEL | Article 184  paragraph (6) point 3 | (6) The Energy Regulatory Commission, based on the technical requirements for participation established and referred to in paragraph (5) of this Article , shall adopt rules for demand-side management, which shall in particular regulate:  3. distribution of balancing responsibility between final customers offering demand-side management services through aggregation and the aggregator. | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 17  paragraph 3 point (e) | provision for final customers who have a contract with independent aggregators not to be subject to undue payments, penalties or other undue contractual restrictions by their suppliers; | DEL | Article 184  paragraph (7) | (7) The supplier whose final customer offers demand-side management services independently or through independent aggregators may not impose additional restrictions, fees, contractual penalties and other restrictions in the supply contract with the final customer. | | Fully compliant |  |  | |  | |
| Article 17  paragraph 3 point (f) | (f) a conflict resolution mechanism between market participants engaged in aggregation and other market participants, including responsibility for imbalances. | DEL | Article 73 paragraph (5) | (5) The Energy Regulatory Commission shall decide in proceedings for resolving disputes arising out of the execution of contracts between entities carrying out an unregulated energy activities, as well as between entities carrying out an unregulated energy activities and customers participating in the wholesale energy markets, when the contracting parties have agreed to this. | | Fully compliant |  |  | |  | |
| Article 17  paragraph 4 | Member States may require electricity undertakings or participating final customers to pay financial compensation to other market participants or to the market participants' balance responsible parties, if those market participants or balance responsible parties are directly affected by demand response activation. Such financial compensation shall not create a barrier to market entry for market participants engaged in aggregation or a barrier to flexibility. In such cases, the financial compensation shall be strictly limited to covering the resulting costs incurred by the suppliers of partici pating customers or the suppliers' balance responsible parties during the activation of demand response. The method for calculating compensation may take account of the benefits brought about by the independent aggregators to other market participants and, where it does so, the aggregators or participating customers may be required to contribute to such compensation but only where and to the extent that the benefits to all suppliers, customers and their balance responsible parties do not exceed the direct costs incurred. The calculation method shall be subject to approval by the regulatory authority or by another competent national authority. | DEL | Article 184 paragraphs (8) and (9) | (8) As an exception to paragraph (7) of this Article , the Energy Regulatory Commission may adopt a decision to determine a monetary compensation that the final customer or the aggregator offering demand management services shall pay to its supplier or its balance responsible party, if the activation of the service creates additional costs for them.  (9) The decision referred to in paragraph (8) of this Article shall take into account:  1. that only the costs directly arising from the activation of the demand-side management service and its duration shall be compensated;  2. that the amount of the compensation shall not constitute an obstacle to the market participation of the final customer or the aggregator or to the application of other flexibility measures in the electricity transmission or distribution system, and  3. the benefits that other market participants derive from the application of the demand-side management service, whereby the compensation shall cover the difference between the costs and benefits calculated cumulatively for all market participants | | Fully compliant |  |  | |  | |
| Article 17  paragraph 5 | 5. Member States shall ensure that regulatory authorities or, where their national legal system so requires, transmission system operators and distribution system operators, acting in close cooperation with market participants and final customers, establish the technical requirements for participation of demand response in all electricity markets on the basis of the technical characteristics of those markets and the capabilities of demand response. Such requirements shall cover participation involving aggregated loads. | DEL | Article 184 paragraph (5) | (5) The Energy Regulatory Commission, in cooperation with the electricity transmission system operator, the electricity distribution system operator and the electricity market operator and after prior consultations with significant market participants and final customers, shall determine the technical requirements for participation of demand-side management service providers in the electricity market, depending on the characteristics of the market and the technical capabilities of the service provider. | | Fully compliant |  |  | |  | |
| Article 18 paragraph 1 | 1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user- friendly and presented in a manner that facilitates comparison by final customers. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption. | DEL | Article 185 paragraph (1) | (1) The electricity supplier, based on the meterings of electricity consumed performed by the relevant system operator, shall invoice its customers for the electricity delivered at the agreed price, in particular including in the invoice:  1. fee for electricity consumed, excluding value added tax;  2. fee for use of the electricity distribution and/or transmission system, if a contract has been entered into with the relevant system operator, excluding value added tax;  3. fee for electricity from energy from renewable sources generated by preferential producers using feed-in tariffs, excluding value added tax;  4. fee for use of the electricity market, excluding value added tax;  5. the tax rate at which value added tax is calculated in accordance with the law for the relevant turnover specified in items 1 to 4 of this paragraph, and  6. the amount of value added tax calculated for each turnover specified in items 1 to 4 of this paragraph. | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 18 paragraph 2 | 2. Member States shall ensure that final customers receive all their bills and billing information free of charge. | DEL | Article 185  paragraph (3) | (3) The electricity supplier may not charge the customer a fee for preparing and submitting the invoice for the electricity consumed, as well as for the information contained in the invoice | | Fully compliant |  |  | |  | |
| Article 18 paragraph 3 | 3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and are offered flexible arrangements for the actual payment of the bills.. | DEL | Article 185  paragraph (4) point 3 | (4) The Energy Regulatory Commission shall, in the rules for electricity supply, regulate in more detail the obligations of the supplier in relation to invoices for the electricity consumed, as follows:    3. the manner of submitting and paying the invoice; | | Fully compliant |  |  | |  | |
| Article 18 paragraph 4 | If the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place. | DEL | Article 185  paragraph (4) point 4 | (4) The Energy Regulatory Commission shall, in the rules for electricity supply, regulate in more detail the obligations of the supplier in relation to invoices for the electricity consumed, as follows:    4. providing information regarding changes in electricity prices and the commencement of the application of the changed prices. | | Fully compliant |  |  | |  | |
| Article 18 paragraph 5 | 5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills. | DEL | Article 185  paragraph (5) | (5) When drafting the rules referred to in paragraph (4) of this Article , the Energy Regulatory Commission shall consult the authorized bodies for protection of collective interests and rights of customers, as well as with customer organizations when considering changes in the requirements for the content of invoices. | | Fully compliant |  |  | |  | |
| Article 18 paragraph 6 | 6. Member States shall ensure that bills and billing information fulfil the minimum requirements set out in Annex I. | DEL | Article 185  paragraph (4) | (4) The Energy Regulatory Commission shall, in the rules for electricity supply, regulate in more detail the obligations of the supplier in relation to invoices for the electricity consumed, as follows:  1. the information contained in the invoice and the manner of its presentation;  2. the manner of preparing the calculation contained in the invoice, especially in cases where the calculation is not prepared in accordance with the actual consumption;  3. the manner of submitting and paying the invoice; and  4. providing information regarding changes in electricity prices and the commencement of the application of the changed prices. | | Partially compliant | will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | | . | |
| Article 19  paragraph 1 | In order to promote energy efficiency and to empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and other market participants optimise the use of electricity, inter alia, by providing energy management services, developing innovative pricing formulas, and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules. | DEL | Article 186 paragraph (1) | (1) In order to actively participate in the electricity market, promote energy efficiency and optimize the use of electricity, the electricity transmission and distribution system operators shall be obliged to conduct a technical and economic analysis of all costs and benefits for the market, as well as to increase energy efficiency from the introduction of smart metering systems, and to submit it to the Energy Regulatory Commission. | | Fully compliant |  |  | |  | |
| Article 19  paragraph 2 | Member States shall ensure the deployment in their territories of smart metering systems that assist the active par ticipation of customers in the electricity market. Such deployment may be subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II. | DEL | Article 186 paragraphs (1), (2), (3) and (4) | (1) In order to actively participate in the electricity market, promote energy efficiency and optimize the use of electricity, the electricity transmission and distribution system operators shall be obliged to conduct a technical and economic analysis of all costs and benefits for the market, as well as to increase energy efficiency from the introduction of smart metering systems, and to submit it to the Energy Regulatory Commission.  (2) If the analysis referred to in paragraph (1) of this Article shows that the introduction of smart metering systems is justified, the Energy Regulatory Commission shall propose to the Government to adopt a decision on the introduction of smart metering systems in the Republic of North Macedonia.  (3) The Energy Regulatory Commission shall submit the analysis referred to in paragraph (1) of this Article to the Energy Community Secretariat.  (4) When performing the analysis referred to in paragraph (1) of this Article , the electricity transmission and distribution system operators shall take into account:  1. the economically viable model for introduction of smart metering systems by the relevant electricity system operator;  2. the time frame with dynamics for introduction of smart metering systems;  3. the methodology for the analysis of costs and benefits and the minimum technical functions of smart metering systems applied in the European Union, and  4. the best available techniques for ensuring the highest level of cyber security and data protection. | | Fully compliant |  |  | |  | |
| Article 19  paragraph 3 | Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be deployed in their territories, in accordance with Article 20 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for electricity. | DEL | Article 186 paragraph (6) | (6) If the Government adopts a decision to introduce smart metering systems, the decision shall also determine the dynamics for introduction of smart metering devices for the following 10 years, whereby within seven years from the adoption of the decision, 80% of customers should have smart metering devices installed. | | Fully compliant |  |  | |  | |
| Article 19  paragraph 4 | Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers. | DEL | Article 186 paragraphs (7) and (8) | (7) The Energy Regulatory Commission shall monitor the dynamics of the smart metering system establishmet and report on it in its annual reports.  (8) If the Government adopts a decision to introduce a smart metering system, the Energy Regulatory Commission shall take into account the costs of introducing smart metering systems as justified when setting the tariffs for electricity transmission and distribution and when approving the development plans of the relevant electricity system operators. | | Fully compliant |  |  | |  | |
| Article 19  paragraph 5 | Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that this assessment is revised at least every four years, or more frequently, in response to significant changes in the underlying assumptions and in response to techno logical and market developments. Member States shall notify to the Commission the outcome of their updated cost- benefit assessment as it becomes available. | DEL | Article 186 paragraph (5) | (5) If, based on the analysis referred to in paragraph (1) of this Article , it is determined that the introduction of smart metering systems is unjustified, the Energy Regulatory Commission shall, every four years, and more frequently if necessary, oblige the electricity transmission and distribution system operators to review the existing analysis and shall notify the Government and the Energy Community Secretariat of the results. | | Fully compliant |  |  | |  | |
| Article 19  paragraph 6 | The provisions in this Directive concerning smart metering systems shall apply to future installations and to instal lations that replace older smart meters. Smart metering systems that have already been installed, or for which the ‘start of works’ began, before 4 July 2019, may remain in operation over their lifetime but, in the case of smart metering systems that do not meet the requirements of Article 20 and Annex II, shall not remain in operation after 5 July 2031. | DEL | Article 186 paragraph (6) | (6) If the Government adopts a decision to introduce smart metering systems, the decision shall also determine the dynamics for introduction of smart metering devices for the following 10 years, whereby within seven years from the adoption of the decision, 80% of customers should have smart metering devices installed. | | Fully compliant |  |  | |  | |
| Article 19  поeparagraph 6.1 | For the purpose of this paragraph, ‘start of works’ means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies are not considered as start of works. For take-overs, ‘start of works’ means the moment of acquiring the assets directly linked to the acquired establishment. |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | |  | |
| Article 20 paragraph 1 | Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 19(2), or where smart metering systems are systematically deployed after 4 July 2019, Member States shall deploy smart metering systems in accordance with European standards, Annex II and the following requirements: | DEL | Article 186 paragraph (2) | (2) If the analysis referred to in paragraph (1) of this Article shows that the introduction of smart metering systems is justified, the Energy Regulatory Commission shall propose to the Government to adopt a decision on the introduction of smart metering systems in the Republic of North Macedonia. | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (а) | (a) the smart metering systems shall accurately measure actual electricity consumption and shall be capable of providing to final customers information on actual time of use. Validated historical consumption data shall be made easily and securely available and visualised to final customers on request and at no additional cost. Non-validated near real-time consumption data shall also be made easily and securely available to final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, demand response and other services; | DEL | Article 187 paragraph (1)  points 1, 3 and 4 | (1) The smart metering system should meet the following requirements::  1. to accurately meter the actual consumption of electricity and for the final customer to have view into their electricity consumption on a daily basis;  3. to provide the final customer, i.e. the active customer, with simple and secure access to confirmed historical consumption data through a standardized interface at no additional cost  4. to provide simple and secure access to the final customer, i.e. the active customer, to unconfirmed consumption data on a daily basis by registering values ​​every 15 minutes, through remote access in order to enable support for automated energy efficiency programmes, demand-side management and other services, as well as interoperability at no additional cost; | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (b) | (b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard of the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality; | DEL | Article 187 paragraph (1)  point 5 | (1) The smart metering system should meet the following requirements:  5. the security of smart metering systems and data communication is in accordance with cybersecurity rules, as well as with the available techniques for ensuring cybersecurity, commensurating with the costs, | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (c) | (c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules; | DEL | Article 187 paragraph (1)  point 6 | (1) The smart metering system should meet the following requirements:  6. protection of personal and business data of final customers in accordance with data protection regulations. | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (d) | (d) meter operators shall ensure that the meters of active customers who feed electricity into the grid can account for electricity fed into the grid from the active customers' premises; | DEL | Article 187 paragraph (1)  point 2 | (1) The smart metering system should meet the following requirements:  2. to enable metering and calculation of electricity that the final customer has taken from the network, i.e. the electricity that the active customer has taken from the network and delivered to the network, in the calculation interval for calculating deviations in accordance with the rules for the balancing energy market; | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (e) | (e) if final customers request it, data on the electricity they fed into the grid and their electricity consumption data shall be made available to them, in accordance with the implementing acts adopted pursuant to Article 24, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis; | DEL | Article 187 paragraph (3) | (3) At the request of the final customer, the relevant electricity system operator shall make available to the customer or a third party acting on their behalf, via remote access, the data on the electricity they have supplied to the network and the data on the electricity consumed, in an easily understandable form, which allows them to make comparisons under the same conditions. | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (f) | (f) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules; | DEL | Article 187 paragraph (2) | (2) Before the installation of smart metering systems or during the installation, the relevant electricity system operator shall provide the final customer with appropriate instructions and information, in particular with regard to all the possibilities of the smart metering system with regard to the management of the reading and monitoring of energy flows in each direction, as well as with regard to the processing of personal data in accordance with the regulations governing the protection of personal data. | | Fully compliant |  |  | |  | |
| Article 20 paragraph 1 point (g) | (g) smart metering systems shall enable final customers to be metered and settled at the same time resolution as the imbalance settlement period in the national market. | DEL | Article 187 paragraph (1) point 2 | (1) The smart metering system should meet the following requirements:  2. to enable metering and calculation of electricity that the final customer has taken from the network, i.e. the electricity that the active customer has taken from the network and delivered to the network, in the calculation interval for calculating deviations in accordance with the rules for the balancing energy market; | | Fully compliant |  |  | |  | |
| Article 20 subparagraph 1.1 | For the purposes of point (e) of the first subparagraph, it shall be possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules. | DEL | Article 187 paragraph (4) | (4) The customer, in accordance with paragraph (3) of this Article , may download their metering data or transfer them to another party at no additional costs and in accordance with the right to data portability regulated by law. | | Fully compliant |  |  | |  | |
| Article 21 paragraph 1 | Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 19(2) and where smart metering systems are not systematically deployed, Member States shall ensure that every final customer is entitled on request, while bearing the associated costs, to have installed or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that: | DEL | Article 188 paragraph (1) and paragraph (2) point 3 | (1) If, in accordance with the analysis referred to in Article 186 of this Law, it is determined that the introduction of smart metering systems is unjustified, the relevant electricity system operator shall be obliged, at the request of the final customer or at the request of the supplier with the consent of the final customer, to install smart metering systems that meet the technical requirements set out in Article 187 of this Law.  (2) In the offer for installation of smart metering systems, the relevant electricity system operator shall provide the applicant with precise information on:  3. the costs borne by the applicant. | | Fully compliant |  |  | |  | |
| Article 21 paragraph 1 points (а) and (b) | (a) is equipped, where technically feasible, with the functionalities referred to in Article 20, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;  (b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems in near real-time. | DEL | Article 188 paragraph (1) | (1) If, in accordance with the analysis referred to in Article 186 of this Law, it is determined that the introduction of smart metering systems is unjustified, the relevant electricity system operator shall be obliged, at the request of the final customer or at the request of the supplier with the consent of the final customer, to install smart metering systems that meet the technical requirements set out in Article 187 of this Law. | | Fully compliant |  |  | |  | |
| Article 21 paragraph 2 | In the context of a customer request for a smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall: | DEL | Article 188 paragraph (2) | (2) In the offer for installation of smart metering systems, the relevant electricity system operator shall provide the applicant with precise information on: | | Fully compliant |  |  | |  | |
| Article 21 paragraph 2 point (а) subpoint (i) | ((a) ensure that the offer to the final customer requesting the installation of a smart meter explicitly states and clearly describes:  (i) the functions and interoperability that can be supported by the smart meter and the services that are feasible as well as the benefits that can be realistically attained by having that smart meter at that moment in time; | DEL | Article 188 paragraph (2) points 1 and 2 | (2) In the offer for installation of smart metering systems, the relevant electricity system operator shall provide the applicant with precise information on:  1. the functions and interoperability supported by the smart metering device;  2. the available services and benefits that can be delivered by using the smart metering device, and | | Fully compliant |  |  | |  | |
| Article 21 paragraph 2 point (а) subpoint (ii) | (ii) any associated costs to be borne by the final customer; | DEL | Article 188 paragraph (2) point 3 | (2) In the offer for installation of smart metering systems, the relevant electricity system operator shall provide the applicant with precise information on:  3. the costs borne by the applicant. | | Fully compliant |  |  | |  | |
| Article 21 paragraph 2 point (b) | (b) ensure that it is installed within a reasonable time, no later than four months after the customer's request; | DEL | Article 188 paragraph (4) | (4) The relevant electricity system operator shall be obliged to install the smart metering device within a reasonable period of time, but no later than four months from the date of submission of the request referred to in paragraph (1) of this Article . | | Fully compliant |  |  | |  | |
| Article 21 paragraph 2 point (c) | (c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades. | DEL | Article 188 paragraph (5) | (5) The relevant electricity system operator shall be obliged to update the offer of smart metering systems and the possibilities for upgrading the installed smart metering devices at least every two years in accordance with the latest technological developments. | | Fully compliant |  |  | |  | |
| Article 22 paragraph 1 | Where final customers do not have smart meters, Member States shall ensure that final customers are provided with individual conventional meters that accurately measure their actual consumption. | DEL | Article 189 paragraph (1) | (1) If, in accordance with the analysis referred to in Article 186 of this Law, it is determined that the introduction of smart metering systems is unjustified, the relevant electricity system operator shall be obliged, at the request of the final customer or at the request of the supplier with the consent of the final customer, to install smart metering systems that meet the technical requirements set out in Article 187 of this Law. | | Fully compliant |  |  | |  | |
| Article 22 paragraph 2 | Member States shall ensure that final customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface. | DEL | Article 189 paragraph (2) | (2) In the offer for installation of smart metering systems, the relevant electricity system operator shall provide the applicant with precise information on: | | Fully compliant |  |  | |  | |
| Article 23 paragraph 1 | When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, demand response and other services. | DEL | Article 190 paragraphs (1) and (2) | (1) Data management shall ensure efficient and secure access to data and effective data exchange, as well as data protection and security.  (2) The electricity system operator shall regulate in the relevant network rules the issues related to the management, processing, exchange and access to metering data and final customer consumption data, as well as data required in the procedure for changing supplier and data required for demand-side management, in accordance with this Law and the data protection regulations | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 23 paragraph 2 | Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security. | DEL | Article 190 paragraph (1) | (1) Data management shall ensure efficient and secure access to data and effective data exchange, as well as data protection and security | | Fully compliant |  |  | |  | |
| Article 23 потparagraph 2.1 | Independently of the data management model applied in each Member State, the parties responsible for data management shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously. Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available. | DEL | Article 190 paragraph (3) | (3) The electricity system operator shall be obliged to provide access to the data referred to in paragraph (2) of this Article in a simple and non-discriminatory manner and under equal conditions to market participants who have a business interest in using them. | | Fully compliant |  |  | |  | |
| Article 23 paragraph 3 | The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law. | DEL | Article 190 paragraph (2) | (2) The electricity system operator shall regulate in the relevant network rules the issues related to the management, processing, exchange and access to metering data and final customer consumption data, as well as data required in the procedure for changing supplier and data required for demand-side management, in accordance with this Law and the data protection regulations. | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 23 потparagraph 3.1 | The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679. | DEL | Article 190 paragraph (2) | (2) The electricity system operator shall regulate in the relevant network rules the issues related to the management, processing, exchange and access to metering data and final customer consumption data, as well as data required in the procedure for changing supplier and data required for demand-side management, in accordance with this Law and the data protection regulations. | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 23  paragraph 4 | Member States or, where a Member State has so provided, the designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive. |  |  |  | | Not transposed | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | |  | |
| Article 23 subparagraph 4.1 | Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who are to be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive. | DEL | Article 190 paragraph (4) | (4) The compliance officer in the relevant electricity system operator shall monitor the application of the conditions for access to data referred to in paragraph (3) of this Article and shall notify the Energy Regulatory Commission of any deviation. | | Fully compliant |  |  | |  | |
| Article 23 subparagraph 4.2 | Member States may appoint compliance officers or bodies referred to in point (d) of Article 35(2) of this Directive to fulfil the obligations under this paragraph. | DEL | Article 190 paragraph (4) | (4) The compliance officer in the relevant electricity system operator shall monitor the application of the conditions for access to data referred to in paragraph (3) of this Article and shall notify the Energy Regulatory Commission of any deviation. | | Fully compliant |  |  | |  | |
| Article 23 paragraph 5 | No additional costs shall be charged to final customers for access to their data or for a request to make their data available. | DEL | Article 190 paragraph (5) | (5) The electricity system operator shall be obliged to provide the final customer with access to the data referred to in paragraph (2) of this Article free of charge or, upon request, to make them available to a third party. | | Fully compliant |  |  | |  | |
| Article 23 потparagraph 5.1 | Member States shall be responsible for setting the relevant charges for access to data by eligible parties. | DEL | Article 190 paragraph (6) | (6) The electricity system operator, upon prior approval by the Energy Regulatory Commission, shall determine a fee for access to the data referred to in paragraph (2) of this Article for market participants who have a business interest in using them. | | Fully compliant |  |  | |  | |
| Article 23 subparagraph 5.2 | Member States or, where a Member State has so provided, the designated competent authorities shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified. | DEL | Article 190 paragraph (6) | (6) The electricity system operator, upon prior approval by the Energy Regulatory Commission, shall determine a fee for access to the data referred to in paragraph (2) of this Article for market participants who have a business interest in using them. | | Fully compliant |  |  | |  | |
| Article 24 paragraph 1 | In order to promote competition in the retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union. | DEL | Article 190  paragraph (7) | (7) In order to promote competition in the retail electricity market and avoid excessive administrative costs for market participants, full interoperability of energy services within the Energy Community and the application of the procedures for access to data referred to in this Article shall be ensured. | | Fully compliant |  |  | |  | |
| Article 24 paragraph 2 | The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 23(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 68(2). |  |  |  | | Not relevant for RNM. |  |  | | This paragraph applies to the member states of the European Union | |
| Article 24 paragraph 3 | Member States shall ensure that electricity undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices. |  |  |  | | Not relevant for RNM. |  |  | | This paragraph applies to the member states of the European Union | |
| Article 25 | Member States shall ensure the provision of single points of contact, to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points. | DEL | Article 175 paragraph (1) | (1) The universal electricity supplier shall be obliged to establish a single contact centre, which is staffed and technically equipped and through which it shall provide its customers in a timely manner, in a transparent and non-discriminatory manner, without payment of compensation, with all necessary information regarding their rights and obligations, the application of applicable regulations and the methods of handling complaints and resolving disputes, in accordance with the supply rules referred to in Article 64 of this Law | | Fully compliant |  |  | |  | |
| Article 26 paragraphs 1, 2 and 3 | (1)Member States shall ensure that final customers have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council ( 23 ), such out-of-court dispute settlement mechanisms shall comply with the quality requirements of Directive 2013/11/EU and shall provide, where warranted, for systems of reimbursement and compensation.  (2)Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or bundled with, any product or service falling under the scope of this Directive.  (3)The participation of electricity undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State demonstrates to the Commission that other mechanisms are equally effective. | DEL | Article 55 paragraph (2) point 23,  Article 73 paragraph (8)  Article 173 paragraph (5) point 11 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article, the Energy Regulatory Commission shall monitor, in particular:    23.quality of services provided by energy service providers, including the manner in which complaints from customers are handled;    (8) The Energy Regulatory Commission shall adopt rules for deciding upon complaints and resolving disputes, which shall regulate the proceedings, the amount and the manner of covering the costs in the proceedings.    (5) The electricity supplier shall be obliged, in accordance with this Law and the regulations and rules adopted on the basis of this Law, to:  11. establish procedures for efficient resolution of complaints by its customers within 60 days from the date of filing the complaint, including the possibility of out-of-court dispute resolution and an obligation to return and/or compensate funds when justified; | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 27 paragraph 1 | Member States shall ensure that all household customers, and, where Member States deem it to be appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their territory at competitive, easily and clearly comparable, transparent and non-discriminatory prices. To ensure the provision of universal service, Member States may appoint a supplier of last resort. Member States shall impose on distribution system operators an obligation to connect customers to their network under terms, conditions and tariffs set in accordance with the procedure laid down in Article 59(7). This Directive does not prevent Member States from strengthening the market position of the household customers and small and medium-sized non-household customers by promoting the possibilities for the voluntary aggregation of representation for that class of customers. | DEL | Article 8  paragraphs (10), (11), (12) and (13) | (10) When supplying customers referred to in paragraph (1) of this Article , the universal supplier shall be obliged to ensure adequate quality of supply and to apply reasonable, clear, easily comparable, transparent and non-discriminatory prices for electricity established by the regulation adopted pursuant to Article 61 paragraph (1) item 4 of this Law.  (11) In addition to the obligations referred to in paragraph (10) of this Article , the universal supplier shall be obliged to:  1. supply vulnerable customers and customers in remote areas, in accordance with the measures contained in the programme referred to in Article 10, paragraph (4) of this Law;  2. inform customers on and publish on its website the rights and conditions under which customers may be supplied by the universal supplier, the prices for electricity supply and the procedure for exercising the right to change supplier;  3. inform customers about changes in supply conditions and the price of electricity and  4. implement an electricity procurement procedures in accordance with the rules for electricity procurement for the universal supplier adopted by the Energy Regulatory Commission.  (12) Energy Regulatory Commission shall, every two years, conduct an analysis of the electricity prices at which the universal supplier supplies households and small customers. Energy Regulatory Commission shall submit the analysis report to the Commission for Protection of Competition, the Customer Protection Council and the Energy Community Secretariat.  (13) Customers referred to in paragraph (11) item 1 of this Article may be supplied with electricity from another supplier, in addition to the universal supplier. | | Fully compliant |  |  | |  | |
| Article 27 paragraph 2 | Paragraph 1 shall be implemented in a transparent and non-discriminatory way, and shall not impede the free choice of supplier provided for in Article 4. | DEL | Article 8 paragraphs (2), (4), (5) and (9) | (2) The universal supplier shall be chosen for a period of five years.  .  Upon a proposal of the Ministry and taking into account the analysis referred to in paragraph (3) of this Article, the Government shall adopt a decision to implement a procedure for choosing a universal supplier. The regulations governing the procurement of public services shall be applied appropriately in the procedure.  (5) The decision referred to in paragraph (4) of this Article shall determine:  1. criteria from paragraph (3) of this Article and  2. deadline for adopting a decision to choose the most favorable bidder or to discontinue the procedure.    (9) The chosen, i.e. designated universal supplier shall at the same time be a supplier of last resort. | | Fully compliant |  |  | |  | |
| Article 28 paragraph 1 | Member States shall take appropriate measures to protect customers and shall ensure, in particular, that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty and, inter alia, to the prohibition of disconnection of electricity to such customers in critical times. The concept of vulnerable customers may include income levels, the share of energy expenditure of disposable income, the energy efficiency of homes, critical dependence on electrical equipment for health reasons, age or other criteria. Member States shall ensure that rights and obligations linked to vulnerable customers are applied. In particular, they shall take measures to protect customers in remote areas. They shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms. | DEL | Article 10 paragraphs (3), (7) and (8) | (3) The protection of vulnerable customers shall be ensured through financial and non-financial measures determined and granted in accordance with this or another law, whereby:  1. the financial measures consist of granting direct compensation beyond the supply price for ensuring minimum energy needs for the purpose of:  1.1. home heating or  1.2. covering part of the energy costs in certain periods of the year or  1.3. replacement of existing and procurement of new energy-efficient devices and equipment intended for lighting, heating, cooling and provision of sanitary hot water or  1.4. procurement of products and services to improve the energy performance of buildings or  1.5. connection to energy networks;  2. non-financial measures consist of:  2.1. enabling access of the vulnerable customer's devices to energy networks necessary to meet minimum energy needs, including a ban on disconnecting the vulnerable customer from the relevant energy network in accordance with the supply rules and  2.2. providing advice and information to customers on the procedures and costs of accessing energy networks.  (7) The rules governing energy distribution, energy supply and handling of complaints adopted or approved by the Energy Regulatory Commission shall establish special measures and procedures for protection and promotion of the rights of vulnerable customers with regard to the connection of the vulnerable customer's facility to energy networks, the terms and conditions of supply contracts and the handling of complaints.  (8) The Ombudsman of the Republic of North Macedonia shall protect the rights and interests of electricity, gas and heat customers in a manner and procedure established by law. | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 28 paragraph 2 | Member States shall take appropriate measures, such as providing benefits by means of their social security systems to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, to address energy poverty where identified pursuant to point (d) of Article 3(3) of Regulation (EU) 2018/1999, including in the broader context of poverty. Such measures shall not impede the effective opening of the market set out in Article 4 or market functioning and shall be notified to the Commission, where relevant, in accordance with Article 9(4). Such notifications may also include measures taken within the general social security system. | DEL | Article 10 paragraphs (4), (5) and (6) | (4) By 31 December of the current year, upon a proposal of the Ministry, and upon a previous opinion received from the Energy Regulatory Commission, the Government shall adopt an annual programme on protection of vulnerable energy customers for the following year. The programme shall be prepared by the Ministry in cooperation with the ministry competent for social protection and shall, *inter alia*, determine:  1. customers who fall into the category of vulnerable customers, including a precise determination of the state of energy poverty;  2. measures to be taken to protect vulnerable energy customers, including energy consumption subsidies intended for households not provided for by the energy consumption subsidy programme in accordance with social protection regulations;  3. measures for energy saving and improving energy efficiency;  4. the manner of implementing the measures and the competent authorities responsible for their implementation;  5. measures taken by energy distribution system operators;  6. measures to be taken by the supplier with an obligation to provide a public service, i.e. universal service in the supply of energy and  7. the funds and sources of financing necessary.  (5) The measures from the programme referred to in paragraph (4) of this Article must not distort competition and hinder the efficient operation of the electricity, gas and heat markets and must not lead to cross-subsidization between certain categories of customers.  (6) The Government shall report every two years to the Energy Community Secretariat on the implementation of the measures from the programme referred to in paragraph (4) of this Article . | | Fully compliant |  |  | |  | |
| Article 29 paragraph 1 | When assessing the number of households in energy poverty pursuant to point (d) of Article 3(3) of Regulation (EU) 2018/1999, Member States shall establish and publish a set of criteria, which may include low income, high expenditure of disposable income on energy and poor energy efficiency. | DEL | Article 10 paragraph (1) point 1 | (1) Vulnerable energy customer is a customer from the household category:  1. which is in a state of energy poverty, i.e. the household's inaccessibility to basic energy services that provide acceptable standards of living and health, including adequate heating, hot water, cooling, lighting and energy to power household appliances and the inability to implement energy efficiency measures due to low income, as well as the high share of energy costs in the total household income; | | Fully compliant |  |  | |  | |
| Article 29 paragraph 2 | The Commission shall provide guidance on the definition of ‘significant number of households in energy poverty’ in this context and in the context of Article 5(5), starting from the premise that any proportion of households in energy poverty can be considered to be significant. | DEL | Article 10 paragraph (2) | (2) The number of vulnerable customers shall be determined based on the criteria referred to in paragraph (1) of this Article . The number of vulnerable customers determins shall be taken into account when determining the measures to reduce energy poverty in the Integrated National Energy and Climate Plan. | | Fully compliant |  |  | |  | |
| Article 30 | Member States shall designate or shall require undertakings that own or are responsible for distribution systems to designate one or more distribution system operators for a period of time to be determined by the Member States, having regard to considerations of efficiency and economic balance. | DEL | Article 162 paragraph (1) | (1) The electricity distribution system operator or the vertically integrated undertaking that is the founder of the electricity distribution system operator on the territory of the Republic of North Macedonia shall be the owner of the electricity distribution network consisting of substations, line infrastructure facilities - transmission lines, facilities and assets that serve to the performance of the energy activity of electricity distribution. | | Fully compliant |  |  | |  | |
| Article 31 paragraph 1 | The distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of electricity, for operating, maintaining and developing under economic conditions a secure, reliable and efficient electricity distribution system in its area with due regard for the environment and energy efficiency. | DEL | Article 164 paragraph (1) point 2 | (1) The electricity distribution system operator, in accordance with this Law and the regulations and rules adopted on the basis of this Law, shall be obliged to:  2. ensure long-term ability of the system to meet justified demands for electricity distribution; | | Fully compliant |  |  | |  | |
| Article 31 paragraph 2 | In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings. | DEL | Article 163 paragraph (4) point 3 | (4) If the electricity distribution system operator is part of a vertically integrated electricity undertaking:    3. the electricity distribution system operator may not use the advantages of its vertical integration to distort competition, and in particular may not create confusion in its communication and use of its name as to the separate identity of the supply undertaking that is part of the vertically integrated electricity undertaking. | | Fully compliant |  |  | |  | |
| Article 31 paragraph 3 | The distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system. | DEL | Article 164 paragraph (1) point 6 | (1) The electricity distribution system operator, in accordance with this Law and the regulations and rules adopted on the basis of this Law, shall be obliged to:    6. provide the users of the electricity distribution system with the information they need to access the electricity distribution system it manages in a timely manner; | | Fully compliant |  |  | |  | |
| Article 31 paragraph 4 | A Member State may require the distribution system operator, when dispatching generating installations, to give priority to generating installations using renewable sources or using high-efficiency cogeneration, in accordance with Article 12 of Regulation (EU) 2019/943. | DEL | Article 164 paragraph (1) point 12 | (1) The electricity distribution system operator, in accordance with this Law and the regulations and rules adopted on the basis of this Law, shall be obliged to:    12. give priority to electricity generated from energy from renewable sources or high-efficiency combined cycle plants in accordance with Article 104 paragraph (2) of this Law when delivering electricity; | | Fully compliant |  |  | |  | |
| Article 31 paragraph 5 | Each distribution system operator shall act as a neutral market facilitator in procuring the energy it uses to cover energy losses in its system in accordance with transparent, non-discriminatory and market-based procedures, where it has such a function. | DEL | Article 164 paragraph (1) point 17 | (1) The electricity distribution system operator, in accordance with this Law and the regulations and rules adopted on the basis of this Law, shall be obliged to:    17. procure system services and electricity to cover losses in the electricity distribution network under market conditions in a transparent, non-discriminatory and competitive manner in accordance with the rules for procurement of electricity, which it shall prepare and adopt after prior approval by the Energy Regulatory Commission; | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. | |  | |
| Article 31 paragraph 6 | Where a distribution system operator is responsible for the procurement of products and services necessary for the efficient, reliable and secure operation of the distribution system, rules adopted by the distribution system operator for that purpose shall be objective, transparent and non-discriminatory, and shall be developed in coordination with transmission system operators and other relevant market participants. The terms and conditions, including rules and tariffs, where applicable, for the provision of such products and services to distribution system operators shall be established in accordance with Article 59(7) in a non-discriminatory and cost-reflective way and shall be published. | DEL | Article 164 paragraph (6) | (6) The electricity distribution system operator shall cooperate with the electricity transmission system operator and the electricity market operator in order to ensure participation of market participants connected to the electricity distribution network. The provision of balancing services by balancing service providers connected to the electricity distribution system shall be carried out in cooperation with the electricity transmission system operator, in accordance with the balancing energy market rules. | | Fully compliant |  |  | |  | |
| Article 31 paragraph 7 | In performing the tasks referred to in paragraph 6, the distribution system operator shall procure the non- frequency ancillary services needed for its system in accordance with transparent, non-discriminatory and market-based procedures, unless the regulatory authority has assessed that the market-based provision of non-frequency ancillary services is economically not efficient and has granted a derogation. The obligation to procure non-frequency ancillary services does not apply to fully integrated network components. | DEL | Article 164 paragraph (1) point 17 | 17. procure system services and electricity to cover losses in the electricity distribution network under market conditions in a transparent, non-discriminatory and competitive manner in accordance with the rules for procurement of electricity, which it shall prepare and adopt after prior approval by the Energy Regulatory Commission; | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | It will be fully compliant by adopting another legal regulation in the field of energy | |  | |
| Article 31 paragraph 8 | The procurement of the products and services referred to in paragraph 6 shall ensure the effective participation of all qualified market participants, including market participants offering energy from renewable sources, market participants engaged in demand response, operators of energy storage facilities and market participants engaged in aggregation, in particular by requiring regulatory authorities and distribution system operators in close cooperation with all market participants, as well as transmission system operators, to establish the technical requirements for participation in those markets on the basis of the technical characteristics of those markets and the capabilities of all market participants. | DEL | Article 164 paragraph (1) point 17 | 17. procure system services and electricity to cover losses in the electricity distribution network under market conditions in a transparent, non-discriminatory and competitive manner in accordance with the rules for procurement of electricity, which it shall prepare and adopt after prior approval by the Energy Regulatory Commission; | | Partially compliant | It will be fully compliant by adopting another legal regulation in the field of energy | It will be fully compliant by adopting another legal regulation in the field of energy | |  | |
| Article 31 paragraph 9 | Distribution system operators shall cooperate with transmission system operators for the effective participation of market participants connected to their grid in retail, wholesale and balancing markets. Delivery of balancing services stemming from resources located in the distribution system shall be agreed with the relevant transmission system operator in accordance with Article 57 of Regulation (EU) 2019/943 and Article 182 of Commission Regulation (EU) 2017/1485 ( 24 ). | DEL | Article 162 paragraph (10) | (10) Distribution system operators shall cooperate with the transmission system operator in the planning and operation of their networks, in particular by exchanging the necessary information and data concerning the operation of generation capacities and demand response, day-to-day operations and long-term planning of network investments, in order to ensure economic, safe and secure development and operation of their networks and coordinated access to resources, such as distributed generation, energy storage or demand response that can support their specific needs. | | Fully compliant |  |  | |  | |
| Article 31 paragraph 10 | Member States or their designated competent authorities may allow distribution system operators to perform activities other than those provided for in this Directive and in Regulation (EU) 2019/943, where such activities are necessary for the distribution system operators to fulfil their obligations under this Directive or Regulation (EU) 2019/943, provided that the regulatory authority has assessed the necessity of such a derogation. This paragraph shall be without prejudice to the right of the distribution system operators to own, develop, manage or operate networks other than electricity networks where the Member State or the designated competent authority has granted such a right. | DEL | Article 164 paragraph (7) | (7) The Energy Regulatory Commission may allow the electricity distribution system operator to carry out activities other than those specified in this Law, if such activities enable the electricity distribution system operator to fulfil the obligations specified in this Law or a regulation adopted on the basis of this Law. The Energy Regulatory Commission may allow the electricity distribution system operator to own, develop and operate other networks, other than the electricity distribution network. | | Fully compliant |  |  | |  | |
| Article 32 paragraph 1 | Member States shall provide the necessary regulatory framework to allow and provide incentives to distribution system operators to procure flexibility services, including congestion management in their areas, in order to improve efficiencies in the operation and development of the distribution system. In particular, the regulatory framework shall ensure that distribution system operators are able to procure such services from providers of distributed generation, demand response or energy storage and shall promote the uptake of energy efficiency measures, where such services cost-effectively alleviate the need to upgrade or replace electricity capacity and support the efficient and secure operation of the distribution system. Distribution system operators shall procure such services in accordance with transparent, non-discriminatory and market-based procedures unless the regulatory authorities have established that the procurement of such services is not economically efficient or that such procurement would lead to severe market distortions or to higher congestion. | DEL | Article 166 paragraph (7) | (7) In accordance with the methodology establishing electricity distribution tariffs referred to in Article 61 paragraph (1) item 1 of this Law, the electricity distribution system operator shall be reimbursed for the costs associated with the procurement of flexibility services, including the costs of the necessary information and communication technologies and infrastructure costs. | | Fully compliant |  |  | |  | |
| Article 32 paragraph 2 | Distribution system operators, subject to approval by the regulatory authority, or the regulatory authority itself, shall, in a transparent and participatory process that includes all relevant system users and transmission system operators, establish the specifications for the flexibility services procured and, where appropriate, standardised market products for such services at least at national level. The specifications shall ensure the effective and non-discriminatory participation of all market participants, including market participants offering energy from renewable sources, market participants engaged in demand response, operators of energy storage facilities and market participants engaged in aggregation. Distribution system operators shall exchange all necessary information and shall coordinate with transmission system operators in order to ensure the optimal utilisation of resources, to ensure the secure and efficient operation of the system and to facilitate market development. Distribution system operators shall be adequately remunerated for the procurement of such services to allow them to recover at least their reasonable corresponding costs, including the necessary information and communication technology expenses and infrastructure costs. | DEL | Article 166  Paragraphs (4), (5), (6)  and (7) | (4) The electricity distribution system operator, upon prior approval by the Energy Regulatory Commission in a transparent process with participation of system users and the electricity transmission system operator, shall establish a list of specifications for flexibility services procured on the market as standardized service packages on the electricity markets in the Republic of North Macedonia and in the region and publish it on its website.  (5) The electricity distribution system operator shall be obliged to ensure equal conditions for the offers of energy and services referred to in paragraph (3) of this Article .  (6) When procuring and activating flexibility services for the needs of the electricity distribution system, the electricity distribution system operator and the electricity transmission system operator shall exchange all necessary information and coordinate for the purpose of optimal use of resources for the provision of flexibility services, safe and efficient operation of the system and facilitating the development of the electricity market and the flexibility services market.  (7) In accordance with the methodology establishing electricity distribution tariffs referred to in Article 61 paragraph (1) item 1 of this Law, the electricity distribution system operator shall be reimbursed for the costs associated with the procurement of flexibility services, including the costs of the necessary information and communication technologies and infrastructure costs. | | Fully compliant |  |  | |  | |
| Article 32 paragraph 3 | The development of a distribution system shall be based on a transparent network development plan that the distribution system operator shall publish at least every two years and shall submit to the regulatory authority. The network development plan shall provide transparency on the medium and long-term flexibility services needed, and shall set out the planned investments for the next five-to-ten years, with particular emphasis on the main distribution infrastructure which is required in order to connect new generation capacity and new loads, including recharging points for electric vehicles. The network development plan shall also include the use of demand response, energy efficiency, energy storage facilities or other resources that the distribution system operator is to use as an alternative to system expansion. | DEL | Article 166 Paragraph (1) | (1) The electricity distribution system operator shall, in the five-year system development plan, based on a cost-benefit analysis, present in a clear and simple manner:  1. the needs for use of flexibility services, including demand-side management, aggregation, congestion management and electricity storage;  2. the taking of energy efficiency measures to improve the efficiency of the electricity distribution system management and development, and  3. how and to what extent the use of the measures referred to in item 2 of this paragraph reduces or postpones the need for upgrading or maintenance of the electricity distribution system | | Fully compliant |  |  | |  | |
| Article 32 paragraph 4 | The distribution system operator shall consult all relevant system users and the relevant transmission system operators on the network development plan. The distribution system operator shall publish the results of the consultation process along with the network development plan, and submit the results of the consultation and the network development plan to the regulatory authority. The regulatory authority may request amendments to the plan. | DEL | Article 165  paragraph (4) | (4) After completing the harmonization procedure referred to in paragraph (3) of this Article , the electricity distribution system operator shall conduct consultations regarding the system development plan with the electricity distribution network users and with the electricity transmission system operator and shall submit the plan, together with the results of the consultations, no later than 15 November for approval to the Energy Regulatory Commission. During the approval procedure, the Energy Regulatory Commission may request amenments to the submitted plan. The electricity distribution system operator shall adopt the approved plan and publishes it on its website. | | Fully compliant |  | . | |  | |
| Article 32 paragraph 5 | Member States may decide not to apply the obligation set out in paragraph 3 to integrated electricity undertakings which serve less than 100 000 connected customers or which serve small isolated systems. |  |  |  | | Not relevant for RNM |  |  | | This paragraph applies to the member states of the European Union | |
| Article 33 paragraph 1 | Without prejudice to Directive 2014/94/EU of the European Parliament and of the Council ( 25 ), Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid. | DEL | Article 169 paragraphs (6) and (7) | (6) The electricity distribution system operator shall cooperate on a non-discriminatory basis with any person who owns, develops or operates electric vehicle charging stations, including their connection to the grid.  (7) The electricity distribution system operator shall coordinate with the electricity transmission system operator in determining the locations of charging stations with a capacity equal to or higher than 50 kW | | Fully compliant |  |  | |  | |
| Article 33 paragraph 2 | Distribution system operators shall not own, develop, manage or operate recharging points for electric vehicles, except where distribution system operators own private recharging points solely for their own use. | DEL | Article 169 paragraph (1) | (1) The electricity distribution system operator shall not be entitled to own, develop or operate an electric vehicle charging station, unless the station is owned by it and used exclusively for its own needs. | | Fully compliant |  |  | |  | |
| Article 33 paragraph 3 | By way of derogation from paragraph 2, Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles, provided that all of the following conditions are fulfilled:  (а) other parties, following an open, transparent and non-discriminatory tendering procedure that is subject to review and approval by the regulatory authority, have not been awarded a right to own, develop, manage or operate recharging points for electric vehicles, or could not deliver those services at a reasonable cost and in a timely manner;  (b) the regulatory authority has carried out an ex ante review of the conditions of the tendering procedure under point (a) and has granted its approval;  (c) the distribution system operator operates the recharging points on the basis of third-party access in accordance with Article 6 and does not discriminate between system users or classes of system users, and in particular in favour of its related undertakings.  The regulatory authority may draw up guidelines or procurement clauses to help distribution system operators ensure a fair tendering procedure. | DEL | Article 169 paragraphs (2) and (3) | (2) As an exception to paragraph (1) of this Article , the Ministry may, by decision, permit an electricity distribution system operator to own, develop or operate electric vehicle charging stations, if the following conditions are met:  1. The Energy Regulatory Commission has approved the conditions contained in the tender documentation for tender procedure for selection of a person who owns, develops or operates electric vehicle charging stations, carried out by the electricity distribution system operator;  2. following an open, transparent and non-discriminatory tender procedure organised by the electricity distribution system operator, no participant has been granted the right to own, develop, use or operate electric vehicle charging stations, i.e. the participants in the procedure have offered prices less favourable than the prices on competitive markets in the region, and  3. the electricity distribution system operator operates the charging stations in accordance with the provisions on third-party access of this Law and does not discriminate against the users of the system in favour of its affiliated undertakings.  (3) The Energy Regulatory Commission shall prepare guidelines for preparation and implementation of the tender procedure. | Fully compliant | |  |  |  | |
| Article 33 paragraph 4 | Where Member States have implemented the conditions set out in paragraph 3, Member States or their designated competent authorities shall perform, at regular intervals or at least every five years, a public consultation in order to re- assess the potential interest of other parties in owning, developing, operating or managing recharging points for electric vehicles. Where the public consultation indicates that other parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out, subject to the successful completion of the tendering procedure referred to in point (a) of paragraph 3. As part of the conditions of that procedure, regulatory authorities may allow the distribution system operator to recover the residual value of its investment in recharging infrastructure. | DEL | Article 169 paragraph (4) | (4) If the electricity distribution system operator has been granted a permit to own, develop or operate electric vehicle charging stations in accordance with paragraph (2) of this Article, the Ministry shall, periodically or at most every five years, conduct a public consultation to determine the potential interest of other entities in owning, developing or operating electric vehicle charging stations. | Fully compliant | |  |  |  | |
| Article 34 | Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms, in accordance with the relevant data protection rules. In Member States where smart metering systems have been deployed in accordance with Article 19 and where distribution system operators are involved in data management, the compliance programmes referred to in point (d) of Article 35(2) shall include specific measures in order to exclude dis criminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) or (3), Member States shall take all necessary measures to ensure that vertically integrated undertakings do not have privileged access to data for the conduct of their supply activities. | DEL | Article 190 | (1) Data management shall ensure efficient and secure access to data and effective data exchange, as well as data protection and security.  (2) The electricity system operator shall regulate in the relevant network rules the issues related to the management, processing, exchange and access to metering data and final customer consumption data, as well as data required in the procedure for changing supplier and data required for demand-side management, in accordance with this Law and the data protection regulations.  (3) The electricity system operator shall be obliged to provide access to the data referred to in paragraph (2) of this Article in a simple and non-discriminatory manner and under equal conditions to market participants who have a business interest in using them.  (4) The compliance officer in the relevant electricity system operator shall monitor the application of the conditions for access to data referred to in paragraph (3) of this Article and shall notify the Energy Regulatory Commission of any deviation.  (5) The electricity system operator shall be obliged to provide the final customer with access to the data referred to in paragraph (2) of this Article free of charge or, upon request, to make them available to a third party.  (6) The electricity system operator, upon prior approval by the Energy Regulatory Commission, shall determine a fee for access to the data referred to in paragraph (2) of this Article for market participants who have a business interest in using them.  (7) In order to promote competition in the retail electricity market and avoid excessive administrative costs for market participants, full interoperability of energy services within the Energy Community and the application of the procedures for access to data referred to in this Article shall be ensured. | Fully compliant | |  |  |  | |
| Article 35 paragraph 1 | Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision-making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system operator from the vertically integrated undertaking. | DEL | Article 163  paragraph (2) | (2) If the electricity distribution system operator is part of a vertically integrated electricity undertaking, in terms of its legal personality, organization and decision-making, it must be independent and act independently of the other activities, referred to in paragraph (1) of this Article, of the vertically integrated electricity undertaking that are not related to electricity distribution. The electricity distribution system operator shall not be obliged to separate the ownership of the assets of the distribution system from the vertically integrated electricity undertaking. | Fully compliant | |  |  |  | |
| Article 35 paragraph 2 | In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply: | DEL | Article 163 paragraph (3) | (3) In order to ensure independence of the electricity distribution system operator and the fulfilment of the obligation to provide a public service in a non-discriminatory, fair and transparent manner, the electricity distribution system operator shall ensure that: | Fully compliant | |  |  |  | |
| Article 35 paragraph 2 point (а) | (a) the persons responsible for the management of the distribution system operator must not participate in company structures of the integrated electricity undertaking responsible, directly or indirectly, for the day-to-day operation of the generation, transmission or supply of electricity; | DEL | Article 163 paragraph (3) point 1 | (3) In order to ensure independence of the electricity distribution system operator and the fulfilment of the obligation to provide a public service in a non-discriminatory, fair and transparent manner, the electricity distribution system operator shall ensure that:  1. entities participating in the management and administration of the electricity distribution system operator cannot participate in the management and executive structures of legal entities performing activities of generation, transmission, trade, supply, storage of electricity and organization and/or management of the electricity market; | Fully compliant | |  |  |  | |
| Article 35 paragraph 2 point (b) | (b) appropriate measures must be taken to ensure that the professional interests of the persons responsible for the management of the distribution system operator are taken into account in a manner that ensures that they are capable of acting independently; | DEL | Article 163 paragraph 3 point 2 | (3) In order to ensure independence of the electricity distribution system operator and the fulfilment of the obligation to provide a public service in a non-discriminatory, fair and transparent manner, the electricity distribution system operator shall ensure that:  …  2. the entities participating in the management and administration of the electricity distribution system operator shall be independent in their work and decision-making from the vertically integrated undertaking, and | Fully compliant | |  |  |  | |
| Article 35 paragraph 2 point (c) | (c) the distribution system operator must have effective decision-making rights, independent from the integrated electricity undertaking, with respect to assets necessary to operate, maintain or develop the network. In order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, physical and financial resources. This should not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 59(7), in a subsidiary are protected. In particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary. It shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of distribution lines, that do not exceed the terms of the approved financial plan, or any equivalent instrument; and | DEL | Article 163 paragraph 3 point 3 | (3) In order to ensure independence of the electricity distribution system operator and the fulfilment of the obligation to provide a public service in a non-discriminatory, fair and transparent manner, the electricity distribution system operator shall ensure that:  …  3. the decision-making of the electricity distribution system operator regarding the means necessary for operation, maintenance and development of the system shall be independent of the interests of the vertically integrated electricity undertaking to which it belongs, for which the electricity distribution system operator shall have at its disposal the necessary human, technical, financial and material resources | Fully compliant | |  |  |  | |
| Article 35 paragraph 2 point (d) | (d) the distribution system operator must establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet that objective. An annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator, to the regulatory authority referred to in Article 57(1) and shall be published. The compliance officer of the distribution system operator shall be fully independent and shall have access to all the necessary information of the distribution system operator and any affiliated undertaking to fulfil its task. | DEL | Article 163 paragraph (5) | (5) The electricity distribution system operator, regardless of the organizational form, upon prior approval by the Energy Regulatory Commission, shall appoint a compliance officer and adopt a compliance programme determining the measures to be taken to prevent discrimination of electricity distribution system users on any grounds, determining the obligations of employees in the programme implementation and determining the manner of monitoring the compliance of the electricity distribution system operator's operations with the programme. | Fully compliant | |  |  |  | |
| Article 35 paragraph 3 | Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion with respect to the separate identity of the supply branch of the vertically integrated undertaking. | DEL | Article 163 paragraph (4) point 3 | (4) If the electricity distribution system operator is part of a vertically integrated electricity undertaking:    3. the electricity distribution system operator may not use the advantages of its vertical integration to distort competition, and in particular may not create confusion in its communication and use of its name as to the separate identity of the supply undertaking that is part of the vertically integrated electricity undertaking. | Fully compliant | |  |  |  | |
| Article 35 paragraph 4 | Member States may decide not to apply paragraphs 1, 2 and 3 to integrated electricity undertakings which serve less than 100 000 connected customers, or serving small isolated systems. | DEL | Article 163 paragraph (8) | (8) As an exception to paragraph (1) of this Article , an undertaking carrying out the activity of electricity distribution may also carry out the activity of electricity supply if less than 100,000 customers are connected to its electricity distribution system. | Fully compliant | |  |  |  | |
| Article 36  Paragraph 1 | Distribution system operators shall not own, develop, manage or operate energy storage facilities. | DEL | Article 131 paragraph (1) | (1) The electricity transmission or distribution system operator shall cooperate on a non-discriminatory basis with any entity who owns, develops or operates an energy storage facility and connects them to the grid. | Fully compliant | |  |  |  | |
| Article 36  Paragraph 2 | By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate energy storage facilities, where they are fully integrated network components and the regulatory authority has granted its approval, or where all of the following conditions are fulfilled: | DEL | Article 131 paragraphs (2) and (3) | (2) The electricity transmission or distribution system operator shall not have the right to own, develop, use or operate an energy storage facility.  (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:  1. other parties, following an open, transparent and non-discriminatory tender procedure, subject to review and approval by the Energy Regulatory Commission, have not been granted the right to own, develop, manage or operate such facilities or are unable to provide services in a timely manner and at a reasonable price;  2. the energy storage or the corresponding system services are necessary for the operator for efficient, reliable and secure operation of the electricity transmission or distribution system, and  3. The Energy Regulatory Commission has assessed the necessity of such an exception and has assessed the tender procedure, including the conditions of the tender procedure, and has granted its approval. The Energy Regulatory Commission may develop guidelines or procurement clauses to assist distribution system operators in ensuring a fair tender procedure. | Fully compliant | |  |  |  | |
| Article 36  Paragraph 2 point (а) | (a) other parties, following an open, transparent and non-discriminatory tendering procedure that is subject to review and approval by the regulatory authority, have not been awarded a right to own, develop, manage or operate such facilities, or could not deliver those services at a reasonable cost and in a timely manner; | DEL | Article 131 paragraph (3) point 1 and 2 | 1. other parties, following an open, transparent and non-discriminatory tender procedure, subject to review and approval by the Energy Regulatory Commission, have not been granted the right to own, develop, manage or operate such facilities or are unable to provide services in a timely manner and at a reasonable price;  2. the energy storage or the corresponding system services are necessary for the operator for efficient, reliable and secure operation of the electricity transmission or distribution system, and | Fully compliant | |  |  |  | |
| Article 36  Paragraph 2 point (b) | (b) such facilities are necessary for the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system and the facilities are not used to buy or sell electricity in the electricity markets; and | DEL | Article 131 paragraph (3) point 3 | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:    3. The Energy Regulatory Commission has assessed the necessity of such an exception and has assessed the tender procedure, including the conditions of the tender procedure, and has granted its approval. The Energy Regulatory Commission may develop guidelines or procurement clauses to assist distribution system operators in ensuring a fair tender procedure | Fully compliant | |  |  |  | |
| Article 36  paragraph 2 point (c) | (c) the regulatory authority has assessed the necessity of such a derogation and has carried out an assessment of the tendering procedure, including the conditions of the tendering procedure, and has granted its approval. | DEL | Article 131 paragraph (3) point 3 | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:  3. The Energy Regulatory Commission has assessed the necessity of such an exception and has assessed the tender procedure, including the conditions of the tender procedure, and has granted its approval. The Energy Regulatory Commission may develop guidelines or procurement clauses to assist distribution system operators in ensuring a fair tender procedure. | Fully compliant | |  |  |  | |
| Article 36  Paragraph 2.1 | The regulatory authority may draw up guidelines or procurement clauses to help distribution system operators ensure a fair tendering procedure. | DEL | Article 131 paragraph (3) | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met: | Fully compliant | |  |  |  | |
| Article 36  Paragraph 3 | The regulatory authorities shall perform, at regular intervals or at least every five years, a public consultation on the existing energy storage facilities in order to assess the potential availability and interest in investing in such facilities. Where the public consultation, as assessed by the regulatory authority, indicates that third parties are able to own, develop, operate or manage such facilities in a cost-effective manner, the regulatory authority shall ensure that the distribution system operators' activities in this regard are phased out within 18 months. As part of the conditions of that procedure, regulatory authorities may allow the distribution system operators to receive reasonable compensation, in particular to recover the residual value of their investment in the energy storage facilities. | DEL | Article 131 paragraphs (5) and (6) | (5) The Energy Regulatory Commission shall, every five years, and more frequently if necessary, conduct a public consultation on existing energy storage facilities in order to assess the potential availability and interest in investing in such facilities and the interest of other entities to invest in energy storage facilities.  (6) If the public consultation referred to in paragraph (5) of this Article determines that there is a possibility for third parties to own, use or manage the necessary energy storage facilities in a financially viable manner, the Energy Regulatory Commission shall adopt a decision requiring the electricity transmission or distribution system operator to gradually cease activities related to development of storage facilities within a period of 18 months. The Energy Regulatory Commission shall recognize the invested funds and compensate the estimated value of the energy storage facilities in accordance with the price and tariff setting methodology for regulated energy activities referred to in Article 54 of this Law. | Fully compliant | |  |  |  | |
| Article 36  paragraph 4 point (а) | Paragraph 3 shall not apply to fully integrated network components or for the usual depreciation period of new battery storage facilities with a final investment decision until 4 July 2019, provided that such battery storage facilities are:  (a) connected to the grid at the latest two years thereafter; | DEL | Article 306 point 1 | The provision of Article 131 paragraph (6) of this Law shall not apply to energy storage facilities that are fully integrated network components or for the typical depreciation period of new storage facilities for which a final investment decision has been made no later than 31 December 2025, provided that the storage facilities:  1. shall be connected to the grid within two years of the final investment decision, but no later than 31 December 2025; | Fully compliant | |  |  |  | |
| Article 36  paragraph 4 point (b) | (b) integrated into the distribution system; | DEL | Article 306 point 2 | The provision of Article 131 paragraph (6) of this Law shall not apply to energy storage facilities that are fully integrated network components or for the typical depreciation period of new storage facilities for which a final investment decision has been made no later than 31 December 2025, provided that the storage facilities:  2. shall be integrated into the electricity transmission or electricity distribution system; | Fully compliant | |  |  |  | |
| Article 36  paragraph 4 point (c) | (c) used only for the reactive instantaneous restoration of network security in the case of network contingencies where such restoration measure starts immediately and ends when regular re-dispatch can solve the issue; and | DEL | Article 306  point 3 | The provision of Article 131 paragraph (6) of this Law shall not apply to energy storage facilities that are fully integrated network components or for the typical depreciation period of new storage facilities for which a final investment decision has been made no later than 31 December 2023, provided that the storage facilities:  3. shall be used exclusively for immediate restoration of network security in the event of unforeseen incidents on the grid, where such restoration begins immediately and ends once normal redispatching can resolve the issue; | Fully compliant | |  |  |  | |
| Article 36  paragraph 4 point (d) | (d) not used to buy or sell electricity in the electricity markets, including balancing. | DEL | Article 306  point 4 | The provision of Article 131 paragraph (6) of this Law shall not apply to energy storage facilities that are fully integrated network components or for the typical depreciation period of new storage facilities for which a final investment decision has been made no later than 31 December 2025, provided that the storage facilities:  4. shall not be used to buy or sell electricity on markets, including the balancing energy market. | Fully compliant | |  |  |  | |
| Article 37 | Without prejudice to Article 55 or another legal requirement to disclose information, the distribution system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. | DEL | Article 266 | (1) Entities carrying out an energy activity shall be obliged to ensure and guarantee the confidentiality of business data and information received from users in the course of carrying out the activity in accordance with the law, except for information:  1. available to the public;  2. for which there is a written consent for disclosure given by the user, and  3. which the entity carrying out the energy activity is obliged to provide in accordance with the obligations set out in the license, a decision of a competent court or at the request of a state authority.  (2) Entities carrying out an energy activity shall not misuse business secrets and information received in the course of carrying out the activity for the purpose of obtaining business benefit for themselves and/or third parties. | Fully compliant | |  |  |  | |
| Article 38 paragraph 1 | Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes electricity within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if: | DEL | Article 171 paragraph (1) | (1) The Energy Regulatory Commission may grant the status of a closed electricity distribution system to a system in which electricity is distributed within a geographically limited area in which industrial production, electricity generation, commercial activities or shared services are carried out, and electricity is not supplied to households, if: | Fully compliant | |  |  |  | |
| Article 38 paragraph 1 point (а) | (a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or | DEL | Article 171 paragraph (1) point 1 | 1. due to special technical or safety reasons, the activities or generation process of the users of that network are integrated; | Fully compliant | |  |  |  | |
| Article 38 paragraph 1 point (b) | (b) that system distributes electricity primarily to the owner or operator of the system or their related undertakings. | DEL | Article 171 paragraph (1) point 2 | 2. electricity is distributed through the system primarily to the owner or operator of the system or its affiliated undertakings, | Fully compliant | |  |  |  | |
| Article 38 paragraph 2 point (а) | Closed distribution systems shall be considered to be distribution systems for the purposes of this Directive. Member States may provide for regulatory authorities to exempt the operator of a closed distribution system from:  (a) the requirement under Article 31(5) and (7) to procure the energy it uses to cover energy losses and the non- frequency ancillary services in its system in accordance with transparent, non-discriminatory and market-based procedures; | DEL | Article 171 paragraph (4) point 1 | (4) The Energy Regulatory Commission may exempt the closed electricity distribution system operator from the obligations for:  1. procurement of system services and electricity to cover electricity losses according to procedures based on the principles of transparency, non-discrimination and competition; | Fully compliant | |  |  |  | |
| Article 38 paragraph 2 point (b) | (b) the requirement under Article 6(1) that tariffs, or the methodologies underlying their calculation, are approved in accordance with Article 59(1) prior to their entry into force; | DEL | Article 171 paragraph (4) point 2 | (4) The Energy Regulatory Commission may exempt the closed electricity distribution system operator from the obligations for:  2. approval of tariffs, as well as methodologies on the basis of which tariffs are set, before their entry into force; | Fully compliant | |  |  |  | |
| Article 38 paragraph 2 point (c) | (c) the requirements under Article 32(1) to procure flexibility services and under Article 32(3) to develop the operator's system on the basis of network development plans; | DEL | Article 171 paragraph (4) point 3 | (4) The Energy Regulatory Commission may exempt the closed electricity distribution system operator from the obligations for:  3. procurement of flexibility services in accordance with Article 166 of this Law; | Fully compliant | |  |  |  | |
| Article 38 paragraph 2 point (d) | (d) the requirement under Article 33(2) not to own, develop, manage or operate recharging points for electric vehicles; and | DEL | Article 171 paragraph (4) point 4 | (4) The Energy Regulatory Commission may exempt the closed electricity distribution system operator from the obligations for:  4. not to own, develop or operate electricity storage facilities, and/or | Fully compliant | |  |  |  | |
| Article 38 paragraph 2 point (e) | (e) the requirement under Article 36(1) not to own, develop, manage or operate energy storage facilities. | DEL | Article 171 paragraph (4) point 5 | (4) The Energy Regulatory Commission may exempt the closed electricity distribution system operator from the obligations for:  5. not to own, develop or operate electric vehicle charging stations. | Fully compliant | |  |  |  | |
| Article 38 paragraph 3 | Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 59(1) upon request by a user of the closed distribution system. | DEL | Article 171 paragraph (5) | (5) Where an exemption from paragraph (4) of this Article has been granted, the user of the closed electricity distribution system may request the Energy Regulatory Commission to review and approve the tariffs or methodologies on which the calculation of the applied tariffs is based. | Fully compliant | |  |  |  | |
| Article 38 paragraph 4 | Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted. | DEL | Article 171 paragraph (6) | (6) The exemption from paragraph (4) of this Article shall apply where the closed distribution system is occasionally used by a small number of households in the area of ​​the closed system, despite the fact that a member of the household is employed or otherwise engaged by the owner of the closed distribution system. | Fully compliant | |  |  |  | |
| Article 39 | Article 35(1) shall not prevent the operation of a combined transmission and distribution system operator, provided that the operator complies with Article 43(1), Article s 44 and 45, or Section 3 of Chapter VI, or that the operator falls under Article 66(3). |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. |  | |
| Article 40 paragraph 1 point (а) | Each transmission system operator shall be responsible for:  (a) ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity, operating, maintaining and developing under economic conditions secure, reliable and efficient transmission system with due regard to the environment, in close cooperation with neighbouring transmission system operators and distribution system operators; | DEL | Article 132 paragraph 1 point 1 | In accordance with the obligations established by this Law, the rules and regulations adopted on the basis of this Law, as well as the obligations undertaken with the ratified international treaties and the obligations arising out of the membership in ENTSO – E, the electricity transmission system operator in the Republic of North Macedonia shall in a fair, transparent and non-discriminatory manner and with economical, efficient and sustainable use of the electricity transmission network and interconnectors:  1. ensure reliable and secure transmission of electricity for the needs of the system users on the territory of the Republic of North Macedonia and the users of other electricity transmission systems that have access to the system through interconnectors; | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (b) | (b) ensuring adequate means to meet its obligations; | DEL | Article 140 paragraph (1) point 3 | (1) The electricity transmission system operator shall be obliged to:    3. to have at all times available material, technical and human resources, as well as financial funds necessary to fulfill its obligations | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (c) | (c) contributing to security of supply through adequate transmission capacity and system reliability; | DEL | Article 140 paragraph (1) point 5 | (1) The electricity transmission system operator shall be obliged to:    5. to accept and ensure cross-zonal flows of electricity through the electricity transmission network of the Republic of North Macedonia within the available transmission capacity; | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (d) | (d) managing electricity flows on the system, taking into account exchanges with other interconnected systems. To that end, the transmission system operator shall be responsible for ensuring a secure, reliable and efficient electricity system and, in that context, for ensuring the availability of all necessary ancillary services, including those provided by demand response and energy storage facilities, insofar as such availability is independent from any other transmission systems with which its system is interconnected; | DEL | Article 132 paragraph 1 point 2 | In accordance with the obligations established by this Law, the rules and regulations adopted on the basis of this Law, as well as the obligations undertaken with the ratified international treaties and the obligations arising out of the membership in ENTSO – E, the electricity transmission system operator in the Republic of North Macedonia shall in a fair, transparent and non-discriminatory manner and with economical, efficient and sustainable use of the electricity transmission network and interconnectors  2. manage, maintain and develop the electricity transmission system, enable connection of users to the electricity transmission system and grant them the right to use the electricity transmission capacities, and | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (e) | (e) providing to the operator of other systems with which its system is interconnected sufficient information to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system; | DEL | Article 140 paragraph (1) point 4 | (1) The electricity transmission system operator shall be obliged to:    4. to enter into contracts with the operators of the neighbouring electricity transmission systems to which it is connected in order to ensure reliable, safe and high-quality electricity transmission and data exchange for the purpose of optimal management of the electricity transmission network and use of interconnection facilities; | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (f) | (f) ensuring non-discrimination as between system users or classes of system users, particularly in favour of its related undertakings; | DEL | Article 132 paragraph 1 points 1,2 and 3 | In accordance with the obligations established by this Law, the rules and regulations adopted on the basis of this Law, as well as the obligations undertaken with the ratified international treaties and the obligations arising out of the membership in ENTSO – E, the electricity transmission system operator in the Republic of North Macedonia shall in a fair, transparent and non-discriminatory manner and with economical, efficient and sustainable use of the electricity transmission network and interconnectors:  1. ensure reliable and secure transmission of electricity for the needs of the system users on the territory of the Republic of North Macedonia and the users of other electricity transmission systems that have access to the system through interconnectors;  2. manage, maintain and develop the electricity transmission system, enable connection of users to the electricity transmission system and grant them the right to use the electricity transmission capacities, and  3. establishe cooperation with the electricity transmission system operators within one or more geographical areas covered by the established system of regional cooperation structures, provide support in the operation and management of the Regional Coordination Center in whose operation it participates and implements the agreed measures and the guidelines and recommendations received from ACER or ENTSO-E. | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (e) | (g) providing system users with the information they need for efficient access to the system; | DEL | Article 140 paragraph (1) point 2 | (1) The electricity transmission system operator shall be obliged to:    2. to publish on its website or otherwise provide all information necessary for access, as well as tariffs for electricity transmission, and to provide access to the electricity transmission system to all users; | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (h) | (h) collecting congestion rents and payments under the inter-transmission system operator compensation mechanism, in accordance with Article 49 of Regulation (EU) 2019/943, granting and managing third-party access and giving reasoned explanations when it denies such access, which shall be monitored by the regulatory authorities; in carrying out their tasks under this Article transmission system operators shall primarily facilitate market integration; | DEL | Article 159 paragraph (1) | (1) The electricity transmission system operator shall apply the mechanism for mutual compensation of costs incurred in maintaining cross-border electricity flows through the transmission network, whereby:  1. it shall collect fee for the costs of maintaining cross-border electricity flows through the transmission system of the Republic of North Macedonia from the electricity transmission system operators from which the flows originated and from the electricity transmission system operators where the flows ended, and  2. it shall pay fee to the electricity transmission system operators for the costs of maintaining cross-border electricity flows that originated or ended in the electricity transmission system of the Republic of North Macedonia. | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (i) | (i)procuring ancillary services to ensure operational security; | DEL | Article 140 paragraph (1) point 22 | (1) The electricity transmission system operator shall be obliged to:  22. to procure system services that are not used for frequency regulation and services for balancing the electricity transmission system in accordance with Article 147 of this Law; | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (j) | (j) adopting a framework for cooperation and coordination between the regional coordination centres; | DEL | Article 132 paragraph 1 point 3  Article 161  paragraph (1) | In accordance with the obligations established by this Law, the rules and regulations adopted on the basis of this Law, as well as the obligations undertaken with the ratified international treaties and the obligations arising out of the membership in ENTSO – E, the electricity transmission system operator in the Republic of North Macedonia shall in a fair, transparent and non-discriminatory manner and with economical, efficient and sustainable use of the electricity transmission network and interconnectors:  3. establishe cooperation with the electricity transmission system operators within one or more geographical areas covered by the established system of regional cooperation structures, provide support in the operation and management of the Regional Coordination Center in whose operation it participates and implements the agreed measures and the guidelines and recommendations received from ACER or ENTSO-E.  (1) The electricity transmission system operator shall cooperate with the Regional Coordination Centre of the coordinated system management region to which its control area belongs in accordance with the act regulating the establishment of the Regional Coordination Centre and, if necessary, for individual issues, with the regional coordination centres of other regions for which it has entered into bilateral contracts | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (k) | (k) participating in the establishment of the European and national resource adequacy assessments pursuant to Chapter IV of Regulation (EU) 2019/943; | DEL | Article 142 paragraph 1 point 3 | (1) The electricity transmission system operator shall be obliged to coordinate the management of the system and the allocation of cross-zonal transmission capacities with the electricity transmission system operators referred to in Article 141 paragraph (1) of this Law participating in the regional cooperation bodies established by the ratified international treaties, and in particular to:  3. coordinate the management of the system with the operators from the coordinated management region of the electricity transmission systems, and in particular the assessment and use of corrective actions necessary to ensure security and cost-efficiency of the interconnected electricity transmission systems’ operation, the assessment of the reasource adequacy in the region and the use of mechanisms for coordinated access to mutually available mechanisms for balancing the system, and | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (l) | (l) the digitalisation of transmission systems; | DEL | Article 140 paragraph 1 point 12 | 12. to ensure digitalization of the electricity transmission system and application of smart grids, smart metering systems and efficient collection of data from the system in real time; | Fully compliant | |  |  |  | |
| Article 40 paragraph 1 point (m) | (m) data management, including the development of data management systems, cybersecurity and data protection, subject to the applicable rules, and without prejudice to the competence of other authorities. | DEL | Article  190 paragraphs (1) and (2) | (1) Data management shall ensure efficient and secure access to data and effective data exchange, as well as data protection and security.  (2) The electricity system operator shall regulate in the relevant network rules the issues related to the management, processing, exchange and access to metering data and final customer consumption data, as well as data required in the procedure for changing supplier and data required for demand-side management, in accordance with this Law and the data protection regulations. | Partially compliant | | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 40 paragraph 2 | Member States may provide that one or several responsibilities listed in paragraph 1 of this Article be assigned to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, and fulfil the requirements provided for in Article 43, but shall not be required to own the transmission system it is responsible for. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 40 paragraph 2.1 | The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43. This shall be without prejudice to the possibility for transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model where that delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 40 paragraph 3 | In performing the tasks referred to in paragraph 1, transmission system operators shall take into account the recommendations issued by the regional coordination centres. | DEL | Article 161 paragraph (4) | (4) The electricity transmission system operator shall provide the Regional Coordination Centre with all information necessary for the performance of its tasks and shall receive from the Regional Coordination Centre all information and recommendations necessary for the performance of coordinated activities in the region. | Fully compliant | |  |  |  | |
| Article 40 paragraph 4 | In performing the task referred to in point (i) of paragraph 1, transmission system operators shall procure balancing services subject to the following:  (a) transparent, non-discriminatory and market-based procedures;  (b) the participation of all qualified electricity undertakings and market participants, including market participants offering energy from renewable sources, market participants engaged in demand response, operators of energy storage facilities and market participants engaged in aggregation.  For the purpose of point (b) of the first subparagraph, regulatory authorities and transmission system operators shall, in close cooperation with all market participants, establish technical requirements for participation in those markets, on the basis of the technical characteristics of those markets. | DEL | Article 147 paragraphs (1) and (6) | (1) The electricity transmission system operator shall procure energy, capacity and system services in a transparent, competitive and non-discriminatory procedure for:  1. covering losses in the transmission network;  2. managing congestion in the transmission network;  3. balancing the transmission system;  4. providing system services that are not used for frequency regulation or reserves and  5. own needs.  (6) The electricity transmission system operator shall, through a transparent process with participation of system users, electricity distribution system operators and service providers, establish a list of specifications for system services procured on the market, previously approved by the Energy Regulatory Commission, and publish it on its website. According to the specifications, the electricity transmission system operator shall, as an integral part of the balancing energy market rules, define standardized service packages for each category of system services and for all qualified market participants, including those offering energy or services referred to in paragraph (7) of this Article . | Fully compliant | |  |  |  | |
| Article 40 paragraph 5 | Paragraph 4 shall apply to the provision of non-frequency ancillary services by transmission system operators, unless the regulatory authority has assessed that the market-based provision of non-frequency ancillary services is economically not efficient and has granted a derogation. In particular, the regulatory framework shall ensure that transmission system operators are able to procure such services from providers of demand response or energy storage and shall promote the uptake of energy efficiency measures, where such services cost-effectively alleviate the need to upgrade or replace electricity capacity and support the efficient and secure operation of the transmission system. | DEL | Article 147 paragraphs  (1) and (7) | (1) The electricity transmission system operator shall procure energy, capacity and system services in a transparent, competitive and non-discriminatory procedure for:  1. covering losses in the transmission network;  2. managing congestion in the transmission network;  3. balancing the transmission system;  4. providing system services that are not used for frequency regulation or reserves and  5. own needs.  (7) The electricity transmission system operator shall be obliged to enable all generating plants and all electricity suppliers that have the necessary degree of adaptability for market participation, that are cost-effective, sustainable, contribute to the efficient and secure operation of the system and enable reduction of consumption and of the need to upgrade or replace generation capacities, to participate in the balancing energy market by ensuring equal conditions for:  1. energy from renewable sources;  2. energy obtained through aggregation;  3. demand response services;  4. services or energy from energy storage, or  5. services from energy efficiency measures. | Fully compliant | |  |  |  | |
| Article 40 paragraph 6 | Transmission system operators, subject to approval by the regulatory authority, or the regulatory authority itself, shall, in a transparent and participatory process that includes all relevant system users and the distribution system operators, establish the specifications for the non-frequency ancillary services procured and, where appropriate, standardised market products for such services at least at national level. The specifications shall ensure the effective and non-discriminatory participation of all market participants, including market participants offering energy from renewable sources, market participants engaged in demand response, operators of energy storage facilities and market participants engaged in aggregation. Transmission system operators shall exchange all necessary information and shall coordinate with distribution system operators in order to ensure the optimal utilisation of resources, to ensure the secure and efficient operation of the system and to facilitate market development. Transmission system operators shall be adequately remunerated for the procurement of such services to allow them to recover at least the reasonable corresponding costs, including the necessary information and communication technology expenses and infrastructure costs. | DEL | Article 147 paragraph (6) | (6) The electricity transmission system operator shall, through a transparent process with participation of system users, electricity distribution system operators and service providers, establish a list of specifications for system services procured on the market, previously approved by the Energy Regulatory Commission, and publish it on its website. According to the specifications, the electricity transmission system operator shall, as an integral part of the balancing energy market rules, define standardized service packages for each category of system services and for all qualified market participants, including those offering energy or services referred to in paragraph (7) of this Article . | Fully compliant | |  |  |  | |
| Article 40 paragraph 7 | The obligation to procure non-frequency ancillary services referred to in paragraph 5 does not apply to fully integrated network components. | DEL | Article 147 paragraph (5) | (5) The obligation to procure system services shall not apply to fully integrated network components of the electricity transmission system. | Fully compliant | |  |  |  | |
| Article 40 paragraph 8 | Member States or their designated competent authorities may allow transmission system operators to perform activities other than those provided for in this Directive and in Regulation (EU) 2019/943 where such activities are necessary for the transmission system operators to fulfil their obligations under this Directive or Regulation (EU) 2019/943, provided that the regulatory authority has assessed the necessity of such a derogation. This paragraph shall be without prejudice to the right of the transmission system operators to own, develop, manage or operate networks other than electricity networks where the Member State or the designated competent authority has granted such a right. | DEL | Article 149 | (1) The electricity transmission system operator may sell the excess electricity it has purchased in accordance with Article 140 paragraph (1) items 22 and 24 of this Law, on the organized electricity market or on the balancing energy market and shall be obliged to notify the Energy Regulatory Commission of each such sale.  (2) The electricity transmission system operator may, by an approval of the Energy Regulatory Commission, generate revenue from granting use of the transmission infrastructure in accordance with Article 262 of this Law.  (3) When granting use under paragraph (2) of this Article, the electricity transmission system operator shall ensure that the use of the network by third parties does not affect the safety, security and efficiency of operations, while meeting all security requirements, including cybersecurity standards.  (4) The electricity transmission system operator shall keep the revenues generated in accordance with paragraphs (1) and (2) of this Article in a separate account and shall notify the Energy Regulatory Commission thereof.  (5) When determining the electricity transmission tariff, the Energy Regulatory Commission shall take into account the revenues generated by the electricity transmission system operator in accordance with paragraphs (1) and (2) of this Article.  (6) The electricity transmission system operator may, upon prior approval by the Energy Regulatory Commission, use the revenues generated in accordance with paragraph (2) of this Article for implementation of projects from the plan referred to in Article 150 of this Law. | Fully compliant | |  |  |  | |
| Article 41 paragraph 1 | Without prejudice to Article 55 or another legal duty to disclose information, each transmission system operator and each transmission system owner shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular it shall not disclose any commercially sensitive information to the remaining parts of the undertaking, unless such disclosure is necessary for carrying out a business transaction. In order to ensure the full respect of the rules on information unbundling, Member States shall ensure that the transmission system owner and the remaining part of the undertaking do not use joint services, such as joint legal services, apart from purely administrative or IT functions. | DEL | Article 160 paragraph (3) | (3) The electricity transmission system users and the electricity market participants shall, upon request by the electricity transmission system operator, be obliged to submit all data necessary for fulfilment of the obligation referred to in paragraph (2) of this Article . The electricity transmission system operator shall be obliged to ensure protection of the submitted business-sensitive data | Fully compliant | |  |  |  | |
| Article 41 paragraph 2 | Transmission system operators shall not, in the context of sales or purchases of electricity by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system. | DEL | Article 259 paragraph (1) | (1) The operators of the electricity and gas transmission and distribution systems, the operators of the heat distribution systems, as well as the operators of the relevant energy markets shall be obliged to maintain the confidentiality of commercially sensitive information obtained in the course of their activities and to prevent its disclosure. | Fully compliant | |  |  |  | |
| Article 41 paragraph 3 | Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to preserving the confidentiality of commercially sensitive information. | DEL | Article 160 paragraph (2) point 3 | (2) The electricity transmission system operator shall publish on its website:    3. aggregate data and forecasts for the electricity system in order to ensure conditions for transparency in the electricity market, which in particular shall include data on:  3.1. forecasted and realized demand, availability and realized utilization of electricity generation facilities, as well as on the availability and realized utilization of electricity networks and interconnections;  3.2. needs and availability of balancing and reserve capacity services, as well as data with an assessment of the availability of system adaptability mechanisms, including energy storage and demand-side management, and  3.3. availability and realized utilization of small generation plants, especially generation plants using renewable energy sources grouped by technology. | Fully compliant | |  |  |  | |
| Article 42 paragraph 1 | The transmission system operator shall establish and publish transparent and efficient procedures for non-discrimi natory connection of new generating installations and energy storage facilities to the transmission system. Those procedures shall be subject to approval by the regulatory authorities. | DEL | Article 99 paragraph (1)  Article 54 paragraph (1) point 2 sub point 2.1 | (1) Operators of transmission systems and electricity or gas distribution systems and heat distribution systems shall be obliged to enable connection to the relevant system to:  1. customers, producers and operators of electricity storage facilities that are connected to the electricity transmission or distribution system on the territory of the Republic of North Macedonia, and  2. gas or heat energy customers and users of the gas transmission system or gas or heat distribution systems in the area where the service is provided.  2. Approve:  2.1. network rules for transmission and distribution of the appropriate type of energy adopted by the relevant energy transmission and distribution system operators, which include methodologies for calculating connection fees; | Fully compliant | |  |  |  | |
| Article 42 paragraph 2 | The transmission system operator shall not be entitled to refuse the connection of a new generating installation or energy storage facility on the grounds of possible future limitations to available network capacities, such as congestion in distant parts of the transmission system. The transmission system operator shall supply necessary information. | DEL | Article 99 paragraph (10) | (10) The electricity transmission and/or electricity distribution system operator shall not be entitled to refuse the connection of a new electricity producer or energy storage operator for whom an approval for construction of an electric power facility has been issued. | Fully compliant | |  |  |  | |
| Article 42 paragraph 2.1 | The first subparagraph shall be without prejudice to the possibility for transmission system operators to limit the guaranteed connection capacity or to offer connections subject to operational limitations, in order to ensure economic efficiency regarding new generating installations or energy storage facilities, provided that such limitations have been approved by the regulatory authority. The regulatory authority shall ensure that any limitations in guaranteed connection capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the generating installation or energy storage facility bears the costs related to ensuring unlimited connection, no limitation shall apply. | DEL | Article 99 paragraph (12) | (12) As an exception to paragraph (11) of this Article, in order to ensure economic efficiency in relation to new electricity production or storage capacities, and upon prior approval by the Energy Regulatory Commission, the operator of the electricity transmission and/or electricity distribution system may:  1. limit the available capacity for connection, or  2. offer connection with operational restrictions. | Fully compliant | |  |  |  | |
| Article 42 paragraph 3 | The transmission system operator shall not be entitled to refuse a new connection point, on the ground that it would lead to additional costs resulting from the necessary capacity increase of system elements in the close-up range to the connection point. | DEL |  |  | Fully compliant | |  |  |  | |
| Article 43 paragraph 1 point а | Member States shall ensure that:  (a) each undertaking which owns a transmission system acts as a transmission system operator; | DEL | Article 133 paragraph (1) point 1 | (1) The electricity transmission system operator shall be a joint-stock company that:  1. is owner of the electricity transmission network consisting of substations, line infrastructure facilities and other plants, facilities and assets that are in function of managing the electricity transmission system and the transmission of electricity; | Fully compliant | |  |  |  | |
| Article 43 paragraph 1 point b | (b) the same person or persons are not entitled either:  (i) directly or indirectly to exercise control over an undertaking performing any of the functions of generation or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; or  (ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of generation or supply; | DEL | Article 133 paragraph (2) point 1 and 2 | (2) In order to ensure independence of the electricity transmission system operator within the meaning of paragraph (1) item 4 of this Article , the same entity or entities shall not be entitled to simultaneously:  1. participate directly or indirectly in the management and administration of an undertaking engaged in generation, storage, supply or trade in electricity and at the same time to directly or indirectly manage or exercise another right at the transmission system operator;  2. participate directly or indirectly in the management and administration of the electricity transmission system operator and at the same time to directly or indirectly manage or exercise another right in an undertaking engaged in generation, storage, supply or trade in electricity; | Fully compliant | |  |  |  | |
| Article 43 paragraph 1 point c | (c) the same person or persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of generation or supply; and | DEL | Article 133 paragraph (2) point 3 | (2) In order to ensure independence of the electricity transmission system operator within the meaning of paragraph (1) item 4 of this Article , the same entity or entities shall not be entitled to simultaneously:  3. appoint members of the supervisory body and the management body of the electricity transmission system operator and at the same time to directly or indirectly manage or exercise another right in un undertaking carrying out activities of generation, storage, supply or trade in electricity, and | Fully compliant | |  |  |  | |
| Article 43 paragraph 1 point d | (d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of generation or supply and a transmission system operator or a transmission system. | DEL | Article 133 paragraph (2) point 4 | (2) In order to ensure independence of the electricity transmission system operator within the meaning of paragraph (1) item 4 of this Article , the same entity or entities shall not be entitled to simultaneously:  4. be a member of supervisory body, management body or any of the bodies legally representing the electricity transmission system operator and at the same time to be a member of an appropriate authority or body in an undertaking carrying out activities of generation, storage, supply or trade in electricity | Fully compliant | |  |  |  | |
| Article 43 paragraph 2 | 2. The rights referred to in points (b) and (c) of paragraph 1 shall include, in particular:  (b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or  (c) the holding of a majority share. | DEL | Article 133 paragraph (3) | (3) The restrictions referred to in paragraph (2) of this Article shall, in particular, apply to:  1. exercise of voting rights;  2. selection and appointment of members of the supervisory body and the management body, and/or  3. possession of a majority share. | Fully compliant | |  |  |  | |
| Article 43 paragraph 3 | For the purpose of point (b) of paragraph 1, the notion ‘undertaking performing any of the functions of generation or supply’ shall include ‘undertaking performing any of the functions of production and supply’ within the meaning of Directive 2009/73/EC, and the terms ‘transmission system operator’ and ‘transmission system’ shall include ‘transmission system operator’ and ‘transmission system’ within the meaning of that Directive | DEL | Article 133 paragraph (7) | (7) An undertaking that carries out the activity of generation, storage, supply or trade in electricity referred to in paragraph (2) of this Article:  1. shall also be considered an undertaking that carries out any of the activities of generation, storage, supply or trade in gas;  2. shall not be considered a customer directly or indirectly participating in the management of undertakings that carry out any of the activities of generation, storage and/or supply of electricity, if:  - on an average annual level it is a net customer of electricity taking into account its participation in the electricity generated by the undertakings in which it participates in their management, and  - the value of the electricity it sells to third parties is insignificant in relation to its other business activities. | Fully compliant | |  |  |  | |
| Article 43 paragraph 4 | The obligation set out in point (a) of paragraph 1 shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 44 as an independent system operator or as an independent transmission operator for the purposes of Section 3. |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. | . | |
| Article 43 paragraph 5 | For the implementation of this Article , where the person referred to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of generation or supply on the other, shall be deemed not to be the same person or persons. | DEL | Article 133 paragraph (5) | (5) If two entities which are state authorities or bodies of a local self-government unit or other state authorities established in accordance with the Constitution of the Republic of North Macedonia or by law, one of whom exercises control over the transmission system operator and the other exercises control over an undertaking carrying out activities of generation, storage, supply or trade in electricity, it shall be deemed that they are not the same entity referred to in paragraph (2) of this Article. | Fully compliant | |  |  |  | |
| Article 43 paragraph 6 | Member States shall ensure that neither commercially sensitive information referred to in Article 41 held by transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the functions of generation and supply. | DEL | Article 133 paragraph (6) | (6) The transmission system operator and its employees may not transfer commercially sensitive information in their possession to undertakings for distribution, generation, storage, supply or trade in electricity. | Fully compliant | |  |  |  | |
| Article 43 paragraph 7 | Where on 3 September 2009, the transmission system belongs to a vertically integrated undertaking a Member State may decide not to apply paragraph 1. In such case, the Member State concerned shall either:  (a) designate an independent system operator in accordance with Article 44;  or (b) comply with Section 3. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 43 paragraph 8 | Where, on 3 September 2009, the transmission system belongs to a vertically integrated undertaking and there are arrangements in place which guarantee more effective independence of the transmission system operator than Section 3, a Member State may decide not to apply paragraph 1. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 43 paragraph 9 | Before an undertaking is approved and designated as a transmission system operator under paragraph 8 of this Article , it shall be certified in accordance with the procedures laid down in Article 52(4), (5), and (6) of this Directive and in Article 51 of Regulation (EU) 2019/943, pursuant to which the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than Section 3 of this Chapter. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 43 paragraph 10 | Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 43 paragraph 11 | Undertakings performing any of the functions of generation or supply shall not in any event be able to directly or indirectly take control over or exercise any right over unbundled transmission system operators in Member States which apply paragraph 1. | DEL | Article 133 paragraph (4) | (4) The transmission system operator may not hold licenses and may not be involved in the activities of distribution, generation, storage, supply or trade in electricity, as well as a license for organizing and managing the electricity market. | Fully compliant | |  |  | . | |
| Article 44 | Undertakings performing any of the functions of generation or supply shall not in any event be able to directly or indirectly take control over or exercise any right over unbundled transmission system operators in Member States which apply paragraph 1.  2. The Member State may approve and designate an independent system operator provided that:  (а) the candidate operator has demonstrated that it complies with the requirements laid down in points (b), (c) and (d) of Article 43(1);  (b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 40;  (c) the candidate operator has undertaken to comply with a ten-year network development plan monitored by the regulatory authority;  (d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5. To that end, it shall provide all the draft contractual arrangements with the candidate operator and any other relevant entity; and  (e) the candidate operator has demonstrated its ability to comply with its obligations under Regulation (EU) 2019/943, including the cooperation of transmission system operators at European and regional level.  3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 53 and paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 52 of this Directive and Article 51 of Regulation (EU) 2019/943 or in Article 53 of this Directive shall be applicable.  4. Each independent system operator shall be responsible for granting and managing third-party access, including the collection of access charges, congestion charges, and payments under the inter-transmission system operator compensation mechanism in accordance with Article 49 of Regulation (EU) 2019/943, as well as for operating, maintaining and developing the transmission system, and for ensuring the long-term ability of the system to meet reasonable demand through investment planning. When developing the transmission system, the independent system operator shall be responsible for planning (including authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Section. The transmission system owner shall not be responsible for granting and managing third- party access, nor for investment planning.  5. Where an independent system operator has been designated, the transmission system owner shall:  (а) provide all the relevant cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;  (b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator. The relevant financing arrangements shall be subject to approval by the regulatory authority. Prior to such approval, the regulatory authority shall consult the transmission system owner together with the other interested parties;  ((c) provide for the coverage of liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator; and  (d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.  6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5. | DEL |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 45  paragraph 1 | A transmission system owner, where an independent system operator has been appointed, which is part of a vertically integrated undertaking shall be independent at least in terms of its legal form, organisation and decision- making from other activities not relating to transmission. | DEL |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 5  paragraph 2  points (а),(b) and (c) | In order to ensure the independence of the transmission system owner referred to in paragraph 1, the following minimum criteria shall apply:   1. persons responsible for the management of the transmission system owner shall not participate in company structures of the integrated electricity undertaking responsible, directly or indirectly, for the day-to-day operation of the generation, distribution and supply of electricity; 2. appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system owner are taken into account in a manner that ensures that they are capable of acting independently; and 3. the transmission system owner shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. An annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published. |  |  |  |  | |  |  |  | |
| Article 46 | 2. The activity of electricity transmission shall include at least the following tasks in addition to those listed in Article 40:  (a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;  (b) the representation of the transmission system operator within the ENTSO for Electricity;  (c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;  (d) the collection of all the transmission system related charges including access charges, energy for losses and ancillary services charges; (e) the operation, maintenance and development of a secure, efficient and economic transmission system; (f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;  (g) the setting up of appropriate joint ventures, including with one or more transmission system operators, power exchanges, and the other relevant actors pursuing the objectives to develop the creation of regional markets or to facilitate the liberalisation process; and  (h) all corporate services, including legal services, accountancy and IT services.  3. Transmission system operators shall be organised in a legal form as referred to in Annex I to Directive (EU) 2017/1132 of the European Parliament and of the Council ( 26 ). 4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion with respect to the separate identity of the vertically integrated undertaking or any part thereof.  5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking nor use the same consultants or external contractors for IT systems or equipment, and security access systems.  6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof. | DEL |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 47 | 1. Without prejudice to the decisions of the Supervisory Body under Article 49, the transmission system operator shall have: (a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system; and (b) the power to raise money on the capital market in particular through borrowing and capital increase.  2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.  3. Subsidiaries of the vertically integrated undertaking performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or other financial benefits from that subsidiary.  4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in accordance with this Section. The vertically integrated undertaking shall not determine, directly or indirectly, the competitive behaviour of the transmission system operator in relation to the day-to-day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.  5. In fulfilling their tasks in Article 40 and Article 46(2) of this Directive, and in complying with obligations set out in Article s 16, 18, 19 and 50 of Regulation (EU) 2019/943, transmission system operators shall not discriminate against different persons or entities and shall not restrict, distort or prevent competition in generation or supply. 6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.  7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.  8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in point (d) of Article 46(1), available for future investment projects and/or for the replacement of existing assets.  9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in this Chapter and shall not require the transmission system operator to seek permission from the vertically integrated undertaking in fulfilling those obligations.  10. An undertaking which has been certified by the regulatory authority as being in accordance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 52 of this Directive and Article 51 of Regulation (EU) 2019/943 or in Article 53 of this Directive shall apply. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 48 | 5. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall hold no interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.  6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management and/or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.  7. After termination of their term of office in the transmission system operator, the persons responsible for its management and/or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.  8. Paragraph 3 shall apply to the majority of the persons responsible for the management and/or members of the administrative bodies of the transmission system operator.  The persons responsible for the management and/or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall have exercised no management or other relevant activity in the vertically integrated undertaking for a period of at least six months before their appointment.  The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 49 | 1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day-to-day activities of the transmission system operator and management of the network, and to activities necessary for the preparation of the ten- year network development plan developed pursuant to Article 51.  2. The Supervisory Body shall be composed of members representing the vertically integrated undertaking, members representing third-party shareholders and, where the relevant national law so provides, members representing other interested parties such as employees of the transmission system operator. 3. The first subparagraph of Article 48(2) and Article 48(3) to (7) shall apply to at least half of the members of the Supervisory Body minus one. Point (b) of the second subparagraph of Article 48(2) shall apply to all the members of the Supervisory Body. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 50  Paragraph 1 | Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to approval by the regulatory authority. Without prejudice to the powers of the regulatory authority, compliance with the programme shall be independently monitored by a compliance officer. | DEL | Article 135 Article 136 | Regardless of the organizational form, and upon prior approval by the Energy Regulatory Commission, the transmission system operator shall adopt a compliance programme determining the measures to be taken to prevent discrimination of users of the transmission system on any grounds, determining the obligations of the employees in the implementation of the programme and determining the manner for monitoring the compliance of the transmission system operator's operations with the obligations established by this Law and the programme.  (1) The implementation of the programme referred to in Article 135 of this Law shall be monitored by a compliance officer.  (2) The compliance officer referred to in paragraph (1) of this Article shall be appointed by the supervisory authority of the transmission system operator, upon prior approval by the Energy Regulatory Commission.  (3) The Energy Regulatory Commission shall not approve appointment of the proposed compliance officer if it determines that they do not meet the requirements for independence or expertise referred to in this Article.  (4) The supervisory authority of the transmission system operator may, upon prior approval or upon request by the Energy Regulatory Commission, dismiss the compliance officer for breach of the requirements for independence or expertise, or for failure to fulfil the obligations of the compliance programme referred to in Article 135 of this Law.  (5) The Energy Regulatory Commission shall approve the conditions governing the term of office and employment of the compliance officer, including the duration of their term of office or employment, in order to ensure independence, as well as all necessary conditions for exercising their powers and performing of their duties.  (6) During their terms of office, the compliance officer may not perform any other professional activity, nor have any interest or business relationship, directly or indirectly, with undertakings in the energy sector or with their partners or shareholders.  (7) The transmission system operator shall be obliged to provide the compliance officer with all data and information necessary for exercising their powers and, upon their request, to provide them with access to all areas and premises in which they perform their activities.  (8) The Compliance Officer shall be obliged to:  1. monitor the implementation of the compliance programme and prepare an annual report on the measures taken for its implementation, which they shall submit to the Energy Regulatory Commission;  2. submit reports to the supervisory authority and make recommendations regarding the compliance programme and its implementation, and  3. notify the Energy Regulatory Commission of significant violations in the implementation of the compliance programme.  (9) The Compliance Officer shall submit to the Energy Regulatory Commission the proposed investment plan and the proposed decisions for individual investments in the electricity transmission system, at the same time as the management body of the electricity transmission system operator submits the decisions to the supervisory authority.  (10) The management body, the supervisory body and the management of the transmission system operator shall be obliged to invite the compliance officer to attend all scheduled meetings and to provide them with all necessary materials, in particular when deciding on:  1. conditions related to the services for access to and use of the transmission system relating to prices for use, allocation of transmission capacity and congestion management;  2. projects related to management, maintenance and development of the transmission system, including investments in interconnectors, and  3. purchase or sale of electricity and system services necessary for the operation of the transmission system, including system balancing services. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 2 | The compliance officer shall be appointed by the Supervisory Body, subject to approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 48(2) to (8) shall apply to the compliance officer. | DEL | Article 136 paragraphs (2) and (3) | (2) The compliance officer referred to in paragraph (1) of this Article shall be appointed by the supervisory authority of the transmission system operator, upon prior approval by the Energy Regulatory Commission.  (3) The Energy Regulatory Commission shall not approve appointment of the proposed compliance officer if it determines that they do not meet the requirements for independence or expertise referred to in this Article. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 3 point (а) | The compliance officer shall be in charge of:  (а) monitoring the implementation of the compliance programme; | DEL | Article 136 paragraph (8) point 1 | (8) The Compliance Officer shall be obliged to:  1. monitor the implementation of the compliance programme and prepare an annual report on the measures taken for its implementation, which they shall submit to the Energy Regulatory Commission; | Fully compliant | |  |  |  | |
| Article 50  Paragraph 3 point (b) | (b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority; | DEL | Article 136 paragraph (8) point 1 | (8) The Compliance Officer shall be obliged to:  1. monitor the implementation of the compliance programme and prepare an annual report on the measures taken for its implementation, which they shall submit to the Energy Regulatory Commission; | Fully compliant | |  |  |  | |
| Article 50  Paragraph 3 point (c) | (c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implemen tation; | DEL | Article 136 paragraph (8) point 2 | (8) The Compliance Officer shall be obliged to:    2. submit reports to the supervisory authority and make recommendations regarding the compliance programme and its implementation, and | Fully compliant | |  |  |  | |
| Article 50  Paragraph 3 point (d) | (d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance programme; and | DEL | Article 136 paragraph (8) point 3 | (8) The Compliance Officer shall be obliged to:    3. notify the Energy Regulatory Commission of significant violations in the implementation of the compliance programme. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 3 point (e) | (e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 50  Paragraph 4 | The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management and/or the competent administrative body of the transmission system operator submits them to the Supervisory Body. | DEL | Article 136 paragraph (9) | (9) The Compliance Officer shall submit to the Energy Regulatory Commission the proposed investment plan and the proposed decisions for individual investments in the electricity transmission system, at the same time as the management body of the electricity transmission system operator submits the decisions to the supervisory authority. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 5 | Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51. | DEL | Article 136 paragraph (8) point 3 | 3. notify the Energy Regulatory Commission of significant violations in the implementation of the compliance programme. | Partially compliant | | It will be fully compliant by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 50  Paragraph 6 | The conditions governing the mandate or the employment conditions of the compliance officer, including the duration of its mandate, shall be subject to approval by the regulatory authority. Those conditions shall ensure the independence of the compliance officer, including by providing all the resources necessary for fulfilling the compliance officer's duties. During his or her mandate, the compliance officer shall have no other professional position, responsi bility or interest, directly or indirectly, in or with any part of the vertically integrated undertaking or with its controlling shareholders. | DEL | Article 136 paragraphs (5) and (6) | (5) The Energy Regulatory Commission shall approve the conditions governing the term of office and employment of the compliance officer, including the duration of their term of office or employment, in order to ensure independence, as well as all necessary conditions for exercising their powers and performing of their duties.  (6) During their terms of office, the compliance officer may not perform any other professional activity, nor have any interest or business relationship, directly or indirectly, with undertakings in the energy sector or with their partners or shareholders. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 6 | The conditions governing the mandate or the employment conditions of the compliance officer, including the duration of its mandate, shall be subject to approval by the regulatory authority. Those conditions shall ensure the independence of the compliance officer, including by providing all the resources necessary for fulfilling the compliance officer's duties. During his or her mandate, the compliance officer shall have no other professional position, responsi bility or interest, directly or indirectly, in or with any part of the vertically integrated undertaking or with its controlling shareholders. | DEL | Article 136 paragraph (6) | (6) During their terms of office, the compliance officer may not perform any other professional activity, nor have any interest or business relationship, directly or indirectly, with undertakings in the energy sector or with their partners or shareholders. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 7 | The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator. | DEL | Article 136 paragraph (8) | (8) The Compliance Officer shall be obliged to:  1. monitor the implementation of the compliance programme and prepare an annual report on the measures taken for its implementation, which they shall submit to the Energy Regulatory Commission;  2. submit reports to the supervisory authority and make recommendations regarding the compliance programme and its implementation, and  3. notify the Energy Regulatory Commission of significant violations in the implementation of the compliance programme. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 8 | The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:  (a)conditions for access to the network, as laid down in Regulation (EU) 2019/943, in particular regarding tariffs, third- party access services, capacity allocation and congestion management, transparency, ancillary services and secondary markets;  (b) projects undertaken in order to operate, maintain and develop the transmission system, including interconnection and connection investments;  (c) energy purchases or sales necessary for the operation of the transmission system | DEL | Article 136 paragraph (10) | (10) The management body, the supervisory body and the management of the transmission system operator shall be obliged to invite the compliance officer to attend all scheduled meetings and to provide them with all necessary materials, in particular when deciding on:  1. conditions related to the services for access to and use of the transmission system relating to prices for use, allocation of transmission capacity and congestion management;  2. projects related to management, maintenance and development of the transmission system, including investments in interconnectors, and  3. purchase or sale of electricity and system services necessary for the operation of the transmission system, including system balancing services. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 9 | The compliance officer shall monitor the compliance of the transmission system operator with Article 41. | DEL | Article 135 | Regardless of the organizational form, and upon prior approval by the Energy Regulatory Commission, the transmission system operator shall adopt a compliance programme determining the measures to be taken to prevent discrimination of users of the transmission system on any grounds, determining the obligations of the employees in the implementation of the programme and determining the manner for monitoring the compliance of the transmission system operator's operations with the obligations established by this Law and the programme. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 10 | The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task. | DEL | Article 136 paragraph (7) | (7) The transmission system operator shall be obliged to provide the compliance officer with all data and information necessary for exercising their powers and, upon their request, to provide them with access to all areas and premises in which they perform their activities. | Fully compliant | |  |  |  | |
| Article  50  Paragraph 11 | The compliance officer shall have access to the offices of the transmission system operator without prior announcement. | DEL | Article 136 paragraph (7) | (7) The transmission system operator shall be obliged to provide the compliance officer with all data and information necessary for exercising their powers and, upon their request, to provide them with access to all areas and premises in which they perform their activities. | Fully compliant | |  |  |  | |
| Article 50  Paragraph 12 | After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority. | DEL | Article 136 paragraph (4) | (4) The supervisory authority of the transmission system operator may, upon prior approval or upon request by the Energy Regulatory Commission, dismiss the compliance officer for breach of the requirements for independence or expertise, or for failure to fulfil the obligations of the compliance programme referred to in Article 135 of this Law. | Fully compliant | |  |  |  | |
| Article 51 paragraph 1 | At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply. The transmission system operator shall publish the ten-year network development plan on its website. | DEL | Article 150 paragraphs (1) and (6) | (1) The electricity transmission system operator shall be obliged every two years, after consultation with the relevant market participants, transmission system users and customers, to prepare a transmission system development plan for the next 10 years, which shall in particular contain:  (6) After implementing the actions referred to in paragraph (5) of this Article , the electricity transmission system operator, upon prior approval by the Energy Regulatory Commission, shall adopt the plan and publish it on its website. | Fully compliant | |  |  |  | |
| Article 51 paragraph 2 | The ten-year network development plan shall in particular:  (а) indicate to market participants the main transmission infrastructure that needs to be built or upgraded over the next ten years;  (b) contain all the investments already decided and identify new investments which have to be executed in the next three years; and  (c) provide for a time frame for all investment projects. | DEL | Article 150 paragraph (1) | (1) The electricity transmission system operator shall be obliged every two years, after consultation with the relevant market participants, transmission system users and customers, to prepare a transmission system development plan for the next 10 years, which shall in particular contain:  1. the needs for maintenance, expansion and upgrading of the transmission system and network, including the needs and possibilities for increasing the transmission capacity, as well as the connection of new capacities for generation, storage and consumption of electricity;  2. the necessary measures to ensure adequacy of the transmission system and the security of electricity supply;  3. the main electricity transmission infrastructure planned to be built or upgraded in the next 10 years;  4. the current and new investments to be implemented in the next three years, and  5. the time frame for implementation of the projects defined in the plan. | Fully compliant | |  |  |  | |
| Article 51 paragraph 3 | When elaborating the ten-year network development plan, the transmission system operator shall fully take into account the potential for the use of demand response, energy storage facilities or other resources as alternatives to system expansion, as well as expected consumption, trade with other countries and investment plans for Union-wide and regional networks. | DEL | Article 150 paragraph (2) | (2) When preparing the plan referred to in paragraph (1) of this Article, the electricity transmission system operator shall take into account:  1. the possibilities for using demand-side management mechanisms, energy storage or other measures as an alternative to the expansion and upgrading of the electricity transmission system and their impact;  2. forecasts and expected changes in electricity demand, including forecasts from electricity distribution system operators;  3. the needs for enabling conditions for construction and connection of new facilities for generation of electricity from renewable sources and energy storage;  4. achievement of national targets and indicative trajectories for energy efficiency, renewable energy sources, reduction of greenhouse gas emissions in accordance with the Integrated National Energy and Climate Plan;  5. plans and measures for increasing the security of electricity supply;  6. the needs for increasing cross-border capacities for individual system users and the long-term obligations of investors for this purpose arising out of the regional electricity transmission systems development plans;  7. the needs for increasing cross-border transmission capacities to fulfill the action plan for reducing structural congestion under Article 153 of this Law and achieving the objectives for utilization of cross-border transmission capacities under Article 155 of this Law;  8. PECI and PMI in the electricity transmission infrastructure, and  9. data on the needs from the ten-year electricity transmission network development plan of ENTSO-E and the neighbouring electricity transmission systems. | Fully compliant | |  |  |  | |
| Article 51 paragraph 4 | The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, in particular possible needs for investments. | DEL | Article 150 paragraph (5) point 2 | (5) After submitting the harmonized plan referred to in paragraph (4) of this Article , the Energy Regulatory Commission shall, within 30 days:  …  2. conduct public consultations with existing electricity transmission system users, including the electricity distribution system operators, as well as potential users who need to explain their requests for connection, and shall submit the results of the consultations, together with the conclusion on the necessary investments, to the electricity transmission system operator and publish them on its website. | Fully compliant | |  |  |  | |
| Article 51 paragraph 5 | The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union-wide ten-year network development plan (‘Union-wide network development plan’) referred to in point (b) of Article 30(1) of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union-wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan. | DEL | Article 150 paragraph (5) point 1 | (5) After submitting the harmonized plan referred to in paragraph (4) of this Article , the Energy Regulatory Commission shall, within 30 days:  1. verify whether the plan takes into account the requirements referred to in paragraph (2) of this Article and whether the plan is harmonized with the ten-year development plan of ENTSO-E and may consult with ACER for that purpose, and after the verification and consultations, it may request the electricity transmission system operator to supplement or adjust the plan, and | Fully compliant | |  |  |  | |
| Article 51 потparagraph 5.1 | The competent national authorities shall examine the consistency of the ten-year network development plan with the national energy and climate plan submitted in accordance with Regulation (EU) 2018/1999. | DEL | Article 150 paragraph (3) | (3) The electricity transmission system operator shall be obliged, by 1 October of the year in which the plan referred to in paragraph (1) of this Article is adopted, to submit it to the Ministry, which shall, within 20 days from the date of receipt of the plan, verify its compliance with the Integrated National Energy and Climate Plan and shall submit a reasoned opinion to the transmission system operator. | Fully compliant | |  |  |  | |
| Article 51 paragraph 6 | plan. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development | DEL | Article 151 paragraph (1) | (1) The Energy Regulatory Commission shall monitor and assess the implementation of the measures and projects from the plan referred to in Article 150 of this Law and, if it determines that the electricity transmission system operator, within a period of three years, has failed to implement the investments envisaged in the plan, which are also part of the current plan, except in cases of force majeure, it shall take at least one of the following measures: | Fully compliant | |  |  |  | |
| Article 51 paragraph 7 | In circumstances where the transmission system operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:  (а) to require the transmission system operator to execute the investments in question;  (b) to organise a tender procedure open to any investors for the investment in question; or  (c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital. | DEL | Article 151 paragraph (1) | (1) The Energy Regulatory Commission shall monitor and assess the implementation of the measures and projects from the plan referred to in Article 150 of this Law and, if it determines that the electricity transmission system operator, within a period of three years, has failed to implement the investments envisaged in the plan, which are also part of the current plan, except in cases of force majeure, it shall take at least one of the following measures:  1. adopt a decision ordering the electricity transmission system operator to independently implement the investments, or  2. adopt a decision obliging the electricity transmission system operator to organize a tender procedure for implementation of the investments open to any interested party. | Fully compliant | |  |  |  | |
| Article 51 paragraph 8  points (а),(b),(c) and (d) | Where the regulatory authority has made use of its powers under point (b) of paragraph 7, it may oblige the transmission system operator to agree to one or more of the following:  (а) financing by any third party;  (b) construction by any third party;  (c) building the new assets concerned itself;  (d) operating the new asset concerned itself. | DEL | Article 151 paragraph (2) | (2) If the Energy Regulatory Commission adopts a decision to organize a tender procedure in accordance with paragraph (1) item 2 of this Article, it shall oblige the electricity transmission system operator to take one or more of the following measures:  1. financing of the investment by a third party;  2. construction and implementation of the investment by a third party;  3. independent construction of the new infrastructure, and  4. independent management and use of the new infrastructure. | Fully compliant | |  |  |  | |
| Article 51 потparagraph 8.1 | The transmission system operator shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project. | DEL | Article 151 paragraph (3) | (3) In the cases referred to in paragraph (2) of this Article, the electricity transmission system operator shall be obliged to provide the investor with all information necessary for implementation of the investment, as well as to undertake appropriate measures to facilitate the implementation of the investment project and the connection of the newly constructed infrastructure to the transmission network. | Fully compliant | |  |  |  | |
| Article 51 потparagraph 8.2 | The relevant financial arrangements shall be subject to approval by the regulatory authority. | DEL | Article 151 paragraph (4) | (4) The Energy Regulatory Commission shall approve the financial aspects for implementation of the investments in the cases referred to in paragraph (2) of this Article . | Fully compliant | |  |  |  | |
| Article 51 paragraph 9 | Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question. | DEL | Article 151 paragraph (5) | (5) If the Energy Regulatory Commission undertakes any of the measures referred to in paragraph (1) of this Article , the costs of the investment shall be reimbursed through the electricity transmission tariff. | Fully compliant | |  |  |  | |
| Article 52 paragraph 1 | Before an undertaking is approved and designated as transmission system operator, it shall be certified in accordance with the procedures laid down in paragraphs 4, 5 and 6 of this Article and in Article 51 of Regulation (EU) 2019/943. | DEL | Article 137 paragraph (1) | (1) The entity carrying out electricity transmission activity must be certified as an electricity transmission system operator in a manner, procedure and within a period determined by this Law. | Fully compliant | |  |  |  | |
| Article 52 paragraph 2 | Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 43 pursuant to the certification procedure below, shall be approved and designated as transmission system operators by Member States. The designation of transmission system operators shall be notified to the Commission and published in the Official Journal of the European Union. | DEL | Article 137 paragraphs (5) and (6) | (5) Within 60 days after receiving the opinion of the Energy Community Secretariat, the Energy Regulatory Commission shall adopt a decision on the request for certification. The Energy Regulatory Commission shall take into account the opinion of the Energy Community Secretariat, and shall publish the reasons for any possible deviation from the opinion.  (6) The Energy Regulatory Commission shall publish the decision referred to in paragraph (5) of this Article in the “Official Gazette of the Republic of North Macedonia” and on its website, where it shall also publish the opinion issued by the Energy Community Secretariat. | Fully compliant | |  |  |  | |
| Article 52 paragraph 3 | Transmission system operators shall notify to the regulatory authority any planned transaction which may require a reassessment of their compliance with the requirements of Article 43. | DEL | Article 139 paragraph (1) | (1) The Energy Regulatory Commission shall initiate a certification revision procedure if it receives information that any change specified in Articles 133 and 137 of this Law has occurred or is likely to occur, obtained during supervision of the electricity transmission system operator’s operation or upon notification by the operator or the compliance officer referred to in Article 136 of this Law or otherwise. | Fully compliant | |  |  |  | |
| Article 52 paragraph 4 (a) | Regulatory authorities shall monitor the continuing compliance of transmission system operators with the requirements of Article 43. They shall open a certification procedure to ensure such compliance:  (а) upon notification by the transmission system operator pursuant to paragraph 3; | DEL | Article 137 paragraph (2) point 1 | (2) The procedure for certification of the electricity transmission system operator shall be carried out:  1. at the request of the electricity transmission system operator who has been issued a license to carry out the electricity transmission activity in accordance with paragraph (4) of this Article | Fully compliant | |  |  |  | |
| Article 52 paragraph 4 point (b) | (b) on their own initiative where they have knowledge that a planned change in rights or influence over transmission system owners or transmission system operators may lead to an infringement of Article 43, or where they have reason to believe that such an infringement may have occurred; or | DEL | Article 137 paragraph (2) point 2 subpoint 2.1. and 2.2. | (2) The procedure for certification of the electricity transmission system operator shall be carried out:  2. ex officio by the Energy Regulatory Commission in the case:  2.1. when the electricity transmission system operator fails to submit a certification application;  2.2. when a violation of the ownership unbundling obligations set out in Article 133 of this Law has occurred or may occur, or | Fully compliant | |  |  |  | |
| Article 52 paragraph 4 point (c) | (c) upon a reasoned request from the Commission. | DEL | Article 137 paragraph (2) point 2 subpoint 2.3. | (2) The procedure for certification of the electricity transmission system operator shall be carried out:  2. ex officio by the Energy Regulatory Commission in the case:  2.3. upon a submitted reasoned request from the Energy Community Secretariat | Fully compliant | |  |  |  | |
| Article 52 paragraph 5 | The regulatory authorities shall adopt a decision on the certification of a transmission system operator within four months of the date of the notification by the transmission system operator or from the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after conclusion of the procedure set out in paragraph 6. | DEL | Article 137 paragraph (4) | (4) Within four months from the date of submission of the application for certification by the electricity transmission system operator or from the date when the Energy Community Secretariat submitted the reasoned request referred to in paragraph (2) item 2 sub-item 2.3 of this Article, the Energy Regulatory Commission shall prepare a draft decision on certification of the electricity transmission system operator and shall immediately submit it to the Energy Community Secretariat, together with all information related to the draft decision. | Fully compliant | |  |  |  | |
| Article 52 paragraph 6 | The explicit or tacit decision on the certification of a transmission system operator shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the procedure laid down in Article 51 of Regulation (EU) 2019/943. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission | |
| Article 52 paragraph 7 | The regulatory authorities and the Commission may request from transmission system operators and undertakings performing any of the functions of generation or supply any information relevant for the fulfilment of their tasks under this Article . | DEL | Article 137 paragraph (8) | (8) The electricity transmission system operator, electricity producers, electricity distribution system operators, electricity suppliers or electricity traders shall, during the certification procedure, upon request of the Energy Regulatory Commission or the Energy Community Secretariat, immediately submit all necessary data and information. | Fully compliant | |  |  |  | |
| Article 52 paragraph 8 | Regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information. | DEL | Article 137 paragraph (7) | (7) The Energy Regulatory Commission shall keep official records of the communication made with the Energy Community Secretariat in relation to the procedure for certification of the electricity transmission system operator. The official records shall be made available to the electricity transmission system operator requesting certification and to the public sector institutions concerned. The Energy Regulatory Commission shall be obliged to keep commercially sensitive data confidential. | Fully compliant | |  |  |  | |
| Article 53 paragraph 1 | Where certification is requested by a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission. | DEL | Article 138 paragraph (1) | (1) Upon request from the operator or owner of the electricity transmission system, the Energy Regulatory Commission shall conduct a procedure for certification of the electricity transmission system operator that is under the control of an entity or group of entities from a third country or third countries. | Fully compliant | |  |  |  | |
| Article 53 subparagraph 1.1 | The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system or a transmission system operator. | DEL | Article 138 paragraph (3) | (3) The Energy Regulatory Commission shall be obliged to immediately notify the Ministry and the Energy Community Secretariat of the application for certification referred to in paragraph (1) of this Article and the notification referred to in paragraph (2) of this Article, as well as of the consequences of the taking over of the electricity transmission system operator. | Fully compliant | |  |  |  | |
| Article 53 paragraph 2 | The transmission system operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries acquiring control of the transmission system or the transmission system operator. | DEL | Article 138 paragraph (2) | (2) The operator or owner referred to in paragraph (1) of this Article shall be obliged to immediately notify the Energy Regulatory Commission of the circumstances that may lead to the taking over of control over it by an entity or group of entities from a third country or third countries. | Fully compliant | |  |  |  | |
| Article 53 paragraph 3 | The regulatory authority shall adopt a draft decision on the certification of a transmission system operator within four months of the date of notification by the transmission system operator. It shall refuse the certification if it has not been demonstrated: | DEL | Article 138 paragraph (5) | (5) The Energy Regulatory Commission shall, within four months of receiving the application referred to in paragraph (1) of this Article , prepare a draft decision on certification, i.e. dismissal of the application for certification. | Fully compliant | |  |  |  | |
| Article 53 paragraph 3 point (а) | (a) that the entity concerned complies with the requirements of Article 43; and | DEL | Article 138 paragraph (6) point 1 | (6) The Energy Regulatory Commission shall dismiss the application for certification referred to in paragraph (1) of this Article , if:  1. the electricity transmission system operator fails to prove that it meets the requirements prescribed in the Rulebook on Lisences and in Article 131, paragraphs (2) and (4) of this Law, | Fully compliant | |  |  |  | |
| Article 53 paragraph 3 point (b) subpoints i, ii and iii | (b) to the regulatory authority or to another competent national authority designated by the Member State that granting certification will not put at risk the security of energy supply of the Member State and the Union. In considering that question the regulatory authority or other competent national authority shall take into account:  (i) the rights and obligations of the Union with respect to that third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of energy supply;  (ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they comply with Union law; and  (iii) other specific facts and circumstances of the case and the third country concerned. | DEL | Article 138 paragraph (6) point 2 | (6) The Energy Regulatory Commission shall dismiss the application for certification referred to in paragraph (1) of this Article , if:    2. the issuance of the certificate endangers the security of supply of the Republic of North Macedonia or the security of supply of a counterparty to the Energy Community or a Member State of the European Union. | Fully compliant | |  |  |  | |
| Article 53 paragraph 4 | The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision. | DEL | Article 138 paragraph (7) | (7) The Energy Regulatory Commission shall immediately submit to the Energy Community Secretariat the draft decision referred to in paragraph (5) of this Article, together with the supporting documentation on the basis of which the Draft Decision was prepared, for the purpose of obtaining an opinion. | Fully compliant | |  |  |  | |
| Article 53 paragraph 5 | Member States shall provide for the regulatory authority or the designated competent authority referred to in point (b) of paragraph 3, before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:  (а) the entity concerned complies with the requirements of Article 43; and  (b) granting certification will not put at risk the security of energy supply to the Union. | DEL | Article 138 paragraph (6) | (6) The Energy Regulatory Commission shall dismiss the application for certification referred to in paragraph (1) of this Article, if:  1. the electricity transmission system operator fails to prove that it meets the requirements prescribed in the Rulebook on Lisences and in Article 131, paragraphs (2) and (4) of this Law, or  2. the issuance of the certificate endangers the security of supply of the Republic of North Macedonia or the security of supply of a counterparty to the Energy Community or a Member State of the European Union. | Fully compliant | |  |  |  | |
| Article 53 paragraph 6 | The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within two months of receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority. | DEL | Article 138 paragraph (8) | (8) Within 60 days from the date of receipt of the opinion by the Energy Community Secretariat, the Energy Regulatory Commission shall adopt a decision on the application for certification. | Fully compliant | |  |  |  | |
| Article 53 paragraph 6.1 | In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission makes such a request, the two-month period shall be extended by two months. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission | |
| Article 53 paragraph 6.2 | In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission shall be deemed not to raise objections to the decision of the regulatory authority |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission | |
| Article 53 paragraph 7 | When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:  (a) the specific facts of the case and the third country or third countries concerned; and  (b) the rights and obligations of the Union with respect to that third country or third countries arising under internat ional law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission | |
| Article 53 paragraph 8 | The regulatory authority shall, within two months of the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certifi cation puts at risk the Member State's security of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent national authority to make the assessment referred to in point (b) of paragraph 3, it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent national authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision. | DEL | Article 138 paragraph (8) | (8) Within 60 days from the date of receipt of the opinion by the Energy Community Secretariat, the Energy Regulatory Commission shall adopt a decision on the application for certification. | Fully compliant | |  |  |  | |
| Article 53 потparagraph 8.1 | In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certifi cation puts at risk the Member State's security of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent national authority to make the assessment referred to in point (b) of paragraph 3, it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent national authority | DEL | Article 138 paragraph (9) | (9) When adopting the decision referred to in paragraph (8) of this Article, the Energy Regulatory Commission shall take into account the opinion of the Ministry and the opinion of the Energy Community Secretariat. | Fully compliant | |  |  |  | |
| Article 53 потparagraph 8.2 | The regulatory authority's final decision and the Commission's opinion shall be published together | DEL | Article 138 paragraph (10) | (10) The decision of the Energy Regulatory Commission and the opinion of the Energy Community Secretariat shall be published in the “Official Gazette of the Republic of North Macedonia”. | Fully compliant | |  |  |  | |
| Article 53 subparagraph 8.3 | Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision. | DEL | Article 138 paragraph (11) | (11) If the decision of the Energy Regulatory Commission is not in accordance with the opinion of the Energy Community Secretariat, reasoning shall be published with the decision. | Fully compliant | |  |  |  | |
| Article 53 paragraph 9 | Nothing in this Article shall affect the right of Member States to exercise, in accordance with Union law, national legal controls to protect legitimate public security interests. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union and the duties of the European Commission | |
| Article 53 paragraph 10 | This Article , with exception of point (a) of paragraph 3 thereof, shall also apply to Member States which are subject to a derogation under Article 66. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union and the duties of the European Commission | |
| Article 54 paragraph 1 | Transmission system operators shall not own, develop, manage or operate energy storage facilities. | DEL | Article 131 paragraph (2) | (2) The electricity transmission or distribution system operator shall not have the right to own, develop, use or operate an energy storage facility. | Fully compliant | |  |  |  | |
| Article 54 paragraph 2 | By way of derogation from paragraph 1, Member States may allow transmission system operators to own, develop, manage or operate energy storage facilities, where they are fully integrated network components and the regulatory authority has granted its approval, or where all of the following conditions are fulfilled: | DEL | Article 131 paragraph (3) | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met: | Fully compliant | |  |  |  | |
| Article 54 paragraph 2 point (а) | (а) other parties, following an open, transparent and non-discriminatory tendering procedure that is subject to review and approval by the regulatory authority, have not been awarded a right to own, develop, manage or operate such facilities, or could not deliver those services at a reasonable cost and in a timely manner; | DEL | Article 131 paragraph (3) point 1 | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:  1. other parties, following an open, transparent and non-discriminatory tender procedure, subject to review and approval by the Energy Regulatory Commission, have not been granted the right to own, develop, manage or operate such facilities or are unable to provide services in a timely manner and at a reasonable price; | Fully compliant | |  |  |  | |
| Article 54 paragraph 2 point (b) | (b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to buy or sell electricity in the electricity markets; and | DEL | Article 131 paragraph (3) point 2 | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:  2. the energy storage or the corresponding system services are necessary for the operator for efficient, reliable and secure operation of the electricity transmission or distribution system, and | Fully compliant | |  |  |  | |
| Article 54 paragraph 2 point (c) | (c) the regulatory authority has assessed the necessity of such a derogation, has carried out an ex ante review of the ap plicability of a tendering procedure, including the conditions of the tendering procedure, and has granted its approval. | DEL | Article 131 paragraph (3) point 3 | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:  3. The Energy Regulatory Commission has assessed the necessity of such an exception and has assessed the tender procedure, including the conditions of the tender procedure, and has granted its approval. The Energy Regulatory Commission may develop guidelines or procurement clauses to assist distribution system operators in ensuring a fair tender procedure. | Fully compliant | |  |  |  | |
| Article 54 paragraph 2.1 | The regulatory authority may draw up guidelines or procurement clauses to help transmission system operators ensure a fair tendering procedure. | DEL | Article 131 paragraph (3) point 2 | (3) As an exception to paragraph (2) of this Article , the Energy Regulatory Commission may adopt a decision approving the electricity transmission or distribution system operator to own, develop, use or operate an energy storage facility if the following conditions are met:  2. the energy storage or the corresponding system services are necessary for the operator for efficient, reliable and secure operation of the electricity transmission or distribution system, and | Fully compliant | |  |  |  | |
| Article 54 paragraph 3 | The decision to grant a derogation shall be notified to the Commission and ACER together with relevant information about the request and the reasons for granting the derogation. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union and the duties of the European Commission | |
| Article 54 paragraph 4 | The regulatory authorities shall perform, at regular intervals or at least every five years, a public consultation on the existing energy storage facilities in order to assess the potential availability and interest of other parties in investing in such facilities. Where the public consultation, as assessed by the regulatory authority, indicates that other parties are able to own, develop, operate or manage such facilities in a cost-effective manner, the regulatory authority shall ensure that transmission system operators' activities in this regard are phased-out within 18 months. As part of the conditions of that procedure, regulatory authorities may allow the transmission system operators to receive reasonable compensation, in particular to recover the residual value of their investment in the energy storage facilities. | DEL | Article 131 paragraph (6) | (6) If the public consultation referred to in paragraph (5) of this Article determines that there is a possibility for third parties to own, use or manage the necessary energy storage facilities in a financially viable manner, the Energy Regulatory Commission shall adopt a decision requiring the electricity transmission or distribution system operator to gradually cease activities related to development of storage facilities within a period of 18 months. The Energy Regulatory Commission shall recognize the invested funds and compensate the estimated value of the energy storage facilities in accordance with the price and tariff setting methodology for regulated energy activities referred to in Article 54 of this Law. | Fully compliant | |  |  |  | |
| Article 54 paragraph 5 | Paragraph 4 shall not apply to fully integrated network components or for the usual depreciation period of new battery storage facilities with a final investment decision until 2024, provided that such battery storage facilities are: | DEL | Article 131 paragraph (5) | (5) The Energy Regulatory Commission shall, every five years, and more frequently if necessary, conduct a public consultation on existing energy storage facilities in order to assess the potential availability and interest in investing in such facilities and the interest of other entities to invest in energy storage facilities. | Fully compliant | |  |  |  | |
| Article 54 paragraph 5 points (а), (b), (c) k (d) | (a) connected to the grid at the latest two years thereafter;  (b) integrated into the transmission system;  (c) used only for the reactive instantaneous restoration of network security in the case of network contingencies where such restoration measure starts immediately and ends when regular re-dispatch can solve the issue; and  (d) not used to buy or sell electricity in the electricity markets, including balancing. . | DEL | Article  131 paragraph (6) | (6) If the public consultation referred to in paragraph (5) of this Article determines that there is a possibility for third parties to own, use or manage the necessary energy storage facilities in a financially viable manner, the Energy Regulatory Commission shall adopt a decision requiring the electricity transmission or distribution system operator to gradually cease activities related to development of storage facilities within a period of 18 months. The Energy Regulatory Commission shall recognize the invested funds and compensate the estimated value of the energy storage facilities in accordance with the price and tariff setting methodology for regulated energy activities referred to in Article 54 of this Law. | Fully compliant | |  |  |  | |
| Article 55 paragraph 1 | Member States or any competent authority that they designate, including the regulatory authorities referred to in Article 57, shall, insofar as necessary to carry out their functions, have right of access to the accounts of electricity undertakings as set out in Article 56. | DEL | Article 5 paragraph (2) | (2) The undertaking referred to in paragraph (1) of this Article shall be obliged to keep a copy of the documents referred to in paragraph (1) of this Article at its registered office and to make them available for inspection by the Energy Regulatory Commission. | Fully compliant | |  |  |  | |
| Article 55 paragraph 2 | Member States and any designated competent authority, including the regulatory authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where such disclosure is necessary in order for the competent authorities to carry out their functions. | DEL | Article 66 paragraph (2) | (2) The Energy Regulatory Commission shall use and store confidential documents, data and information in a manner determined by law or other regulation. | Fully compliant | |  |  |  | |
| Article 56 paragraph 1 | Member States shall take the necessary steps to ensure that the accounts of electricity undertakings are kept in accordance with paragraphs 2 and 3. | DEL | Article 5 | (1) For the purpose of preventing discriminatory behavior, cross-subsidization and distortion of competition in cases where an undertaking, regardless of its ownership and legal form, performs one or more regulated energy activities or performs one or more regulated energy activities and another energy activity or another activity or performs one or more unregulated energy activities and another activity, it shall be obliged to:  1. keep separate accounting for each individual regulated energy activity it carries out;  2. keep separate accounting for unregulated energy activities and other activities it carries out; and  3. prepare separate financial statements for the energy activity for which it is obliged to provide a public service, if, in accordance with this Law, it has been granted compensation for the provision of services of general economic interest in accordance with the state aid regulations.  (2) The undertaking referred to in paragraph (1) of this Article shall be obliged to keep a copy of the documents referred to in paragraph (1) of this Article at its registered office and to make them available for inspection by the Energy Regulatory Commission.  (3) In addition to the obligations specified in paragraphs (1) and (2) of this Article, the undertaking carrying out regulated energy activity shall be obliged to prepare audited annual financial statements for each regulated energy activity separately, to submit them to the Energy Regulatory Commission and to publish them on its website. For unregulated energy and other activities, the financial statement submitted to the Energy Regulatory Commission may be provided in consolidated form. Financial statements shall be prepared in accordance with financial reporting and auditing regulations.  (4) Energy Regulatory Commission may prescribe an obligation for undertakings carrying out regulated energy activities to keep, publish and submit other statements, accounts and records and prescribe their form and content. | Fully compliant | |  |  |  | |
| Article 56 paragraph 2 | Electricity undertakings, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU. | DEL | Article 5 paragraph (3) | (3) In addition to the obligations specified in paragraphs (1) and (2) of this Article, the undertaking carrying out regulated energy activity shall be obliged to prepare audited annual financial statements for each regulated energy activity separately, to submit them to the Energy Regulatory Commission and to publish them on its website. For unregulated energy and other activities, the financial statement submitted to the Energy Regulatory Commission may be provided in consolidated form. Financial statements shall be prepared in accordance with financial reporting and auditing regulations. | Fully compliant | |  |  |  | |
| Article 56 paragraph 2.1 | Undertakings which are not legally obliged to publish their annual accounts shall keep a copy of these at the disposal of the public in their head office. | DEL | Article 5 paragraph (2) | (2) The undertaking referred to in paragraph (1) of this Article shall be obliged to keep a copy of the documents referred to in paragraph (1) of this Article at its registered office and to make them available for inspection by the Energy Regulatory Commission. | Fully compliant | |  |  |  | |
| Article 56 paragraph 3 | Electricity undertakings shall, in their internal accounting, keep separate accounts for each of their transmission and distribution activities as they would be required to do if the activities in question were carried out by separate undertakings, with a view to avoiding discrimination, cross-subsidisation and distortion of competition. They shall also keep accounts, which may be consolidated, for other electricity activities not relating to transmission or distribution. Revenue from ownership of the transmission or distribution system shall be specified in the accounts. Where appropriate, they shall keep consolidated accounts for other, non-electricity activities. The internal accounts shall include a balance sheet and a profit and loss account for each activity. | DEL | Article 5 paragraph (1) | (1) For the purpose of preventing discriminatory behavior, cross-subsidization and distortion of competition in cases where an undertaking, regardless of its ownership and legal form, performs one or more regulated energy activities or performs one or more regulated energy activities and another energy activity or another activity or performs one or more unregulated energy activities and another activity, it shall be obliged to:  1. keep separate accounting for each individual regulated energy activity it carries out;  2. keep separate accounting for unregulated energy activities and other activities it carries out; and  3. prepare separate financial statements for the energy activity for which it is obliged to provide a public service, if, in accordance with this Law, it has been granted compensation for the provision of services of general economic interest in accordance with the state aid regulations. | Fully compliant | |  |  |  | |
| Article 56 paragraph 4 | The audit referred to in paragraph 2 shall, in particular, verify that the obligation to avoid discrimination and cross-subsidisation referred to in paragraph 3 is respected. | DEL | Article 5 paragraph (1) | (1) For the purpose of preventing discriminatory behaviour, cross-subsidization and distortion of competition in cases where an undertaking, regardless of its ownership and legal form, performs one or more regulated energy activities or performs one or more regulated energy activities and another energy activity or another activity or performs one or more unregulated energy activities and another activity, it shall be obliged to:  1. keep separate accounting for each individual regulated energy activity it carries out;  2. keep separate accounting for unregulated energy activities and other activities it carries out; and  3. prepare separate financial statements for the energy activity for which it is obliged to provide a public service, if, in accordance with this Law, it has been granted compensation for the provision of services of general economic interest in accordance with the state aid regulations | Fully compliant | |  |  |  | |
| Article 57 paragraph 1 | Each Member State shall designate a single regulatory authority at national level. | DEL | Article 46 paragraph (1) | (1) Energy Regulatory Commission shall be an independent and sole regulatory body that regulates and controls the manner of performing energy activities under this Law, as well as other activities determined by law. | Fully compliant | |  |  |  | |
| Article 57 paragraph 2 | Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within ACER's Board of Regulators in accordance with Article 21(1) of Regulation (EU) 2019/942. |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | According to the deadline that will be determined during the accession negotiations. |  | |
| Article 57 paragraph 3 | By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior rep resentative for representation and contact purposes at Union level within ACER's Board of Regulators in accordance with Article 21(1) of Regulation (EU) 2019/942. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 57 paragraph 4 | Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For that purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legislation, the regulatory authority: | DEL | Article 46 paragraph (2) | (2) Energy Regulatory Commission shall be independent in its operations and decision-making and shall exercise its competence in the regulation of energy activities in the framework established by this and other laws and regulations adopted on the basis of law and in accordance with the principles of fairness, transparency and non-discrimination, applying the best international practices and experiences. | Fully compliant | |  |  |  | |
| Article 57 paragraph 4 point (а) | (a) is legally distinct and functionally independent from other public or private entities; | DEL | Article 46 paragraphs (3) and (4) | (3) Energy Regulatory Commission shall be a non-profit body, which has the status of a legal entity, separate and functionally independent in terms of organization and decision-making from the state and local government bodies and the energy sector.  (4) Energy Regulatory Commission shall act independently in legal transactions, especially when entering into contracts, initiating or representing a party to legal proceedings, and when acquiring, managing, using and disposing of its own real and movable property. | Fully compliant | |  |  |  | |
| Article 57 paragraph 4 point (b) subpoints i and ii | (b) ensures that its staff and the persons responsible for its management:  (i) act independently from any market interest; and  (ii) act independently from any market interest; and do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government not related to the regulatory powers and duties under Article 59. | DEL | Article 51 | (1) In the performance of their work duties and when adopting decisions, the Energy Regulatory Commission’s chairperson, members and the employees of the Energy Regulatory Commission’s expert service shall be obliged to act professionally, impartially, objectively and conscientiously, and shall in particular:  1. act independently of any kind of market interests;  2. refrain from seeking or receiving direct instructions from state authorities or other public and private entities;  3. not be guided by personal, business and financial interests;  4. not abuse their powers, and  5. protect the reputation of the Energy Regulatory Commission.  (2) By manner of exception to paragraph (1) item 2 of this Article, the Energy Regulatory Commission may cooperate with the Government or other state bodies in implementing policies that are not related to the competence of the Energy Regulatory Commission set out in Articles 54, 55, 56, 60 and 61 of this Law.  (3) The Energy Regulatory Commission shall adopt a code of ethics regulating in more detail the rights and obligations of the members of the Energy Regulatory Commission and the employees of the expert service and shall be published on its website. | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (а) | In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:  (a) the regulatory authority can take autonomous decisions, independently from any political body; | DEL | Article 46 paragraph (3) | (3) Energy Regulatory Commission shall be a non-profit body, which has the status of a legal entity, separate and functionally independent in terms of organization and decision-making from the state and local government bodies and the energy sector. | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (b) | b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner; | DEL | Article 71 paragraph (1) | (1) The manner of financing the operations of the Energy Regulatory Commission shall ensures the human, technical and financial resources necessary for its efficient and timely exercise of the competences established by this and other laws. | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (c) | (c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget; | DEL | Article 71 paragraphs (5) and (6) | (5) The Energy Regulatory Commission shall submit a draft financial plan for the following calendar year to the Assembly for adoption each year, no later than 31 October. The draft financial plan shall contain all planned revenues and expenditures of the Energy Regulatory Commission, including the salaries of the members and employees of the Energy Regulatory Commission.  (6) The Assembly shall adopt the draft financial plan and shall determine by decision the percentage of appropriation of the total annual revenue:  1. which cannot be higher than 0.1% for licensees carrying out energy activities and foreign undertakings carrying out energy activities in the Republic of North Macedonia, and  2. which cannot be higher than 0.1% for providers of water services and municipal waste management services generated from the provision of water services or municipal waste management services, calculated according to data from the Central Registry of the Republic of North Macedonia or determined in accordance with Article 5 of this Law, generated in the year preceding the year in which the proposed financial plan is submitted. | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (d) | (d) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once; | DEL | Article 47 paragraph (4) | (4) The term of office of the chairperson and members of the Energy Regulatory Commission shall be five years, with the possibility of one more term, i.e. no member may hold office for more than two terms. | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (e) | (e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial procedure, which ensures that the candidates have the necessary skills and experience for the relevant position in the regulatory authority; | DEL | Article 48 | (1)The Assembly shall appoint and dismiss the chairperson and members of the Energy Regulatory Commission, upon a proposal from the Committee on Election and Appointment Issues of the Assembly. When appointing the chairperson and members, appropriate and equitable representation of members of all communities and gender-balanced participation shall be taken into account.  (2) The procedure for appointing a chairperson or member of the Energy Regulatory Commission shall begin at least 90 days before the expiration of the term of office of the chairperson or member of the Energy Regulatory Commission.  (3) The Assembly shall publish a public announcement for the appointment of a chairperson and/or member of the Energy Regulatory Commission in at least two daily newspapers published throughout the territory of the Republic of North Macedonia, of which in one of the newspapers that is published in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian. The public announcement shall last eight days from the date of publication in the "Official Gazette of the Republic of North Macedonia".  (4) Review of applications from the announcement referred to in paragraph (3) of this Article shall be carried out by the Committee on Election and Appointment Issues of the Assembly.  (5) After reviewing the applications referred to in paragraph (5) of this Article, the CCommittee on Election and Appointment Issues shall propose to the Assembly a candidate to be appointed as chairperson and members of the Energy Regulatory Commission.  (6) The decision to appoint the chairperson and members of the Energy Regulatory Commission shall be published in the "Official Gazette of the Republic of North Macedonia". | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (f) | (f) conflict of interest provisions are in place and confidentiality obligations extend beyond the end of the mandate of the members of the board of the regulatory authority or, in the absence of a board, the end of the mandate of the regulatory authority's top management; | DEL | Article 52 | 1) Chairperson or member of the Energy Regulatory Commission, their spouse or a person in direct line of kinship up to the first degree, as well as an employee in the Energy Regulatory Commission’s expert service, may not be a holder or applicant for a license to carry out an energy activity, a shareholder, partner to or member of the management and supervisory bodies of entities holding or applying for a license to carry out an energy activity, as well as in legal entities that perform activities related to water services and municipal waste management, for which the Energy Regulatory Commission determines prices in accordance with the Law on Setting Prices for Water Services and the Law on Waste Management(\*).  (2) If cases contrary to paragraph (1) of this Article occur, the persons shall be obliged to terminate their interests in those legal entities by selling their stocks and shares, i.e. by withdrawing from their positions and performing their activities.  (3) In the cases referred to in paragraph (2) of this Article, and within three months from the entry into force of the decision referred to in Article 48 paragraph (1) of this Law, the chairperson or member of the Energy Regulatory Commission shall be obliged to submit to the Energy Regulatory Commission evidence that the stocks or shares have been sold, i.e. that they have withdrawn from the positions and performance of activities in legal entities holding or applying for a license to carry out energy activities, i.e. in legal entities performing activities related to water services and municipal waste management.  (4) By the time the evidence referred to in paragraph (3) of this Article is submitted, the chairperson or the member shall not be entitled to participate in the adoption of decisions by the Energy Regulatory Commission relating to entities holding or applying for a license to carry out energy activities, as well as legal entities performing activities related to water services and municipal waste management, for which the Energy Regulatory Commission sets the prices in accordance with the Law on Setting Prices for Water Services and the Law on Waste Management (\*).  (5) In the event of a violation of the obligation referred to in paragraph (2) of this Article by employees of the Energy Regulatory Commission’ expert service, the chairperson of the Energy Regulatory Commission shall adopt a decision in accordance with the code of ethics referred to in Article 51, paragraph (3) of this Law or, when the violation of the obligation is not covered by the code of ethics, they shall act in accordance with the law.  (6) Within a period of two years from the date of termination of the term of office, the chairperson or member of the Energy Regulatory Commission may not acquire stocks or shares, establish an employment relationship or be a member of the management and supervisory bodies in a legal entity referred to in paragraph (1) of this Article, as well as in an entity which, in accordance with the Company Law, has influence over the legal entity referred to in paragraph (1) of this Article.  (7) In cases of obvious violation of the rules on conflict of interest, i.e. exemption in situations in which the member or the chairperson has been aware or should have been aware of the existence of any of the grounds for conflict of interest, i.e. exemption provided for by law, the Energy Regulatory Commission shall submit a proposal for dismissal to the Assembly with explaining the violations or shall act in accordance with the law. | Fully compliant | |  |  |  | |
| Article 57 paragraph 5 point (g) | (g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management can be dismissed only based on transparent criteria in place. | DEL | Article 49 | 1. (1) The position of chairperson or member of the Energy Regulatory Commission shall terminate upon expiration of the term for which they have been appointed. 2. (2) The chairperson, i.e. the member of the Energy Regulatory Commission, whose mandate has expired, shall hold the position until appointment of a new chairperson, i.e. member, but not longer than one year. On the day following the expiration of the last day of the extended period for performing the function of chairperson and/or member, the Energy Regulatory Commission shall notify the Assembly of the termination of performance of the function. The Assembly, upon receipt of the notification, shall, at the first following session of the Assembly, establish the termination of the term of office. 3. (3) The performance of the function of chairperson or member of the Energy Regulatory Commission shall terminate before expiration of the term of office if: 4. 1. they submit resignation to the Assembly; 5. 2. they become permanently or temporarily incapacitated for uninterrupted performance of their duties for more than six months, or in the event of death; 6. 3. they have been sentenced to imprisonment for a crime committed for a period of more than six months by a final court judgement or have been given a security measure of prohibition from performing a profession, activity or duty for a period of more than six months; 7. 4. they fail to submit proof that the obligation referred to in Article 52, paragraph (2) of this Law has been fulfilled within the specified deadline, or   5. they fulfil the conditions for exercising the right to a pension.  (4) The Energy Regulatory Commission shall notify the Assembly within eight days of becoming aware about the fulfilment of the condition referred to in paragraph (3), items 2, 3 and 4 of this Article, and no later than 90 days before the fulfilment of the condition referred to in paragraph (3), item 5 of this Article.  (5) Upon receipt of the notification referred to in paragraph (4) of this Article, the Assembly shall adopt a decision on termination of the function of chairperson and/or member of the Energy Regulatory Commission.  (6) The chairperson or member of the Energy Regulatory Commission may be dismissed from the position to which they have been appointed before the expiration of the term of office if:  1. they perform their function negligently and unprofessionally;  2. they have committed a violation of the obligations of impartiality and independence;  3. they have abused their position, or  4. they have otherwise acted contrary to the law.  (7) If the Energy Regulatory Commission determines that any of the grounds referred to in paragraph (6) of this Article have been met, it shall submit to the Assembly a proposal for initiating a procedure for adopting a decision to dismiss the chairperson or member from office before the expiration of the term of office.  (8) Within 90 days of the adoption of a decision on termination of office or dismissal from office referred to in paragraphs (5) and (7) of this Article, the Commission on Election and Appointment Issues shall submit to the Assembly a proposal for appointment of a new chairperson or member of the Energy Regulatory Commission. | Fully compliant | |  |  |  | |
| Article 57 потparagraph 5.1 | In regard to point (d) of the first subparagraph, Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law. | DEL | Article 49 paragraph (6) | (6) The chairperson or member of the Energy Regulatory Commission may be dismissed from the position to which they have been appointed before the expiration of the term of office if:  1. they perform their function negligently and unprofessionally;  2. they have committed a violation of the obligations of impartiality and independence;  3. they have abused their position, or  4. they have otherwise acted contrary to the law | Fully compliant | |  |  |  | |
| Article 57 paragraph 6 | Member States may provide for the ex post control of the regulatory authorities' annual accounts by an independent auditor. |  |  |  | Not relevant for RNM | |  |  | Оcаа оeрgebа сg оeнgсуcа на раbотата на Gcропската Комkсklата. | |
| Article 57 paragraph 7 | By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and the Council on the compliance of national authorities with the principle of independence set out in this Article . |  |  |  | Not relevant for RNM | |  |  | Оcаа оeрgebа сg оeнgсуcа на раbотата на Gcропската Комkсklата. | |
| Article 58 paragraph 1 | In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of its duties and powers as laid down in Article 59, in close consultation with other relevant national authorities, including competition authorities, as well as authorities, including regulatory authorities, from neighbouring Member States and neighbouring third countries, as appropriate, and without prejudice to their competence: | DEL | Article 53 paragraph (2) | (2) In order to achieve the objectives set out in paragraph (1) of this Article, the Energy Regulatory Commission shall:  1. cooperate with the competent state authorities, local self-government units, entities carrying out an energy activity, energy system users and energy customers, and with other organizations and institutions, including the institutions of the Energy Community and the European Union, and  2. initiate and propose adoption of new and amendment to existing laws and other regulations in the field of energy. | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (а) | (a) promoting, in close cooperation with regulatory authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market for electricity within the Union, and effective market opening for all customers and suppliers in the Union, and ensuring appropriate conditions for the effective and reliable operation of electricity networks, taking into account long-term objectives; | DEL | Article 53 paragraph (1) point 1 | (1) By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:  1. competitive, secure and sustainable energy markets in the Republic of North Macedonia and their integration in regional and international energy markets;; | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (b) | (b) developing competitive and properly functioning regional cross-border markets within the Union with a view to achieving the objectives referred to in point (a); | DEL | Article 53 paragraph 1 point 1 | (1) By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:  1. competitive, secure and sustainable energy markets in the Republic of North Macedonia and their integration in regional and international energy markets;; | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (c) | (c) eliminating restrictions on trade in electricity between Member States, including developing appropriate cross-border transmission capacities to meet demand and enhancing the integration of national markets which may facilitate electricity flows across the Union; | DEL | Article 53 paragraph (1) point 3 | (1)By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:    3.removing restrictions on trade in electricity and gas, including ensuring adequate cross-border transmission capacities to meet demand and facilitating electricity and gas flows within the Energy Community and the European Union; | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (d) | (d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminat ory systems that are consumer-oriented, and promoting system adequacy and, in accordance with general energy policy objectives, energy efficiency, as well as the integration of large and small-scale production of electricity from renewable sources and distributed generation in both transmission and distribution networks, and facilitating their operation in relation to other energy networks of gas or heat; | DEL | Article 53 paragraph (1) point 4, 5 and 6 | (1)By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:  4.development of secure, reliable, competitive and efficient user-oriented energy systems;  5.strengthening the functions of markets in ensuring secure and sustainable energy supply;  6.optimizing the use of electricity and gas by energy system operators in order to improve energy efficiency | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (e) | (e) facilitating access to the network for new generation capacity and energy storage facilities, in particular removing barriers that could prevent access for new market entrants and of electricity from renewable sources; | DEL | Article 53 paragraph (1) point 7 | (1)By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:    7.facilitating access for new users to the electricity and gas transmission and distribution systems and the heat distribution system, as well as for participants in energy markets, and in particular for producers of electricity from renewable sources and energy storage facilities; | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (f) | (f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and to foster market integration; | DEL | Article 53 paragraph (1) point 8 | (1)By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:    8.increasing the efficiency of the systems and accelerating the integration on the markets through short-term and long-term incentive measures for the operators and users of the transmission and distribution systems of the appropriate type of energy; | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (g) | (g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure a high level of consumer protection, in close cooperation with relevant consumer protection authorities; | DEL | Article 53 paragraph (1) point 9 | (1)By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:    9.protection and promotion of customer rights and achievement of high standards in fulfilling the obligation of public and/or universal service in the supply of electricity, gas and heat; | Fully compliant | |  |  |  | |
| Article 58 paragraph 1 point (h) | (h) helping to achieve high standards of universal service and of public service in electricity supply, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching. | DEL | Article 53 paragraph (1) point 10 | (1)By exercising its competence established by this Law and other laws, and taking into account the objectives of energy policy, the Energy Regulatory Commission shall enable:    10. achieving high standards in the provision of public and universal service in energy supply, especially with regard to protection and promotion of the rights of vulnerable customers and provision of necessary information to customers, especially on the procedure for changing electricity or gas supplier, and | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (а) | he regulatory authority shall have the following duties:  (а) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both; | DEL | Article 54 paragraph (1) point 1 sub point 1.20. | (1) In order to exercise its competence, the Energy Regulatory Commission shall:  1. Adopt:    1.20. decisions on prices and tariffs for regulated energy activities and decisions on the highest selling prices of oil derivatives and transport fuels; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (b) | (b) ensuring the compliance of transmission system operators and distribution system operators and, where relevant, system owners, as well as the compliance of any electricity undertakings and other market participants, with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and the guidelines adopted pursuant to Article s 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross- border issues, as well as with ACER's decisions; | DEL | Article 55 paragraph (2) point 25 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    25. implementation of programmes for harmonisation of operators of the relevant energy systems, in order to ensure non-discrimination, transparency and fairness in the operation of energy markets; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (c) | (c) in close coordination with the other regulatory authorities, ensuring the compliance of the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Article s 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non- compliance of the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942; |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 59 paragraph 1 point (d) | (d) approving products and procurement process for non-frequency ancillary services; | DEL | Article 147 paragraph (6) and  Article 164 paragraph (1) point 17 | (6) The electricity transmission system operator shall, through a transparent process with participation of system users, electricity distribution system operators and service providers, establish a list of specifications for system services procured on the market, previously approved by the Energy Regulatory Commission, and publish it on its website. According to the specifications, the electricity transmission system operator shall, as an integral part of the balancing energy market rules, define standardized service packages for each category of system services and for all qualified market participants, including those offering energy or services referred to in paragraph (7) of this Article.    (1) The electricity distribution system operator, in accordance with this Law and the regulations and rules adopted on the basis of this Law, shall be obliged to:    17. procure system services and electricity to cover losses in the electricity distribution network under market conditions in a transparent, non-discriminatory and competitive manner in accordance with the rules for procurement of electricity, which it shall prepare and adopt after prior approval by the Energy Regulatory Commission; | Partially compliant | | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 59 paragraph 1 (e) | (e) implementing the network codes and guidelines adopted pursuant to Article s 59, 60 and 61 of Regulation (EU) 2019/943 through national measures or, where so required, coordinated regional or Union-wide measures; | DEL | Article 55 paragraph (2) point 3 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:  3. application of the rules and conditions or methodologies that, in accordance with this Law, the entities carrying out energy activity apply directly or after prior approval by the Energy Regulatory Commission; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (f) | (f)cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942; | DEL | Article 60 paragraphs (1) and (2) | (1) The Energy Regulatory Commission shall monitor activities regarding the coordinated calculation and allocation of cross-border capacities and the coordinated management of electricity transmission systems, shall implement the decisions of the ECRB and ACER and cooperate with the competent regulatory bodies from the region of coordinated capacity calculation or the region of coordinated management of the electricity transmission system, in accordance with ratified international treaties.  (2) When fulfilling the obligations set out in paragraph (1) of this Article, the Energy Regulatory Commission shall submit:  1. annual reports to the ECRB and ACER on progress in fulfilling the obligations referred to in paragraph (1) of this Article;  2. annual reports to the ECRB on the amount of congestion revenues and their purpose, based on data submitted by the transmission system operator;  3. an assessment of the need and an initiative for a revision of the bidding zone configuration, based on a recommendation from the ECRB or ACER;  4. monitoring the efficient performance of NEMO's operation as a market coupling operator in accordance with the relevant rules and regulations;  5. revision of the structure of long-term transmission capacity rights for the needs of participants in the bidding zone, upon request from ECRB or ACER or on its own initiative, and  6. notification of each individual decision for exemption from participation in the coordinated exchange of balancing services to the electricity transmission system operator, the ECRB and the Energy Community Secretariat, maintenance and updating of a list of exemptions and regular reporting to the ECRB every six months. | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (g) | (g)complying with, and implementing, any relevant legally binding decisions of the Commission and of ACER; | DEL | Article 55 paragraph (2) point 32 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:  32. monitor the work of the coordination of the system and shall report annually to the ECRB / ACER, and | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (h) | (h)ensuring that transmission system operators make available interconnector capacities to the utmost extent pursuant to Article 16 of Regulation (EU) 2019/943; | DEL | Article 58 paragraph (2) point 3 | (2) The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  3. enabling the highest possible level of interconnection capacity, including new interconnection lines, with the counter parties of the Energy Community and the Member States of the European Union; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (i) | (i)reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, the Commission and ACER, including on the steps taken and the results obtained as regards each of the tasks listed in this Article ; | DEL | Article 72 | (1) No later than 30 April every year, the Energy Regulatory Commission shall submit to the Assembly an annual report on its work in the previous year. The annual report shall contain information on the activities related to the exercise of its competence in accordance with this and other laws and on the material and financial operations of the Energy Regulatory Commission.  (2) An integral part of the annual report referred to in paragraph (1) of this Article shall be the report on the conditions and operation of the energy markets referred to in Article 55 paragraph (4) of this Law.  (3) The Energy Regulatory Commission shall:  1. publish the annual report referred to in paragraph (1) of this Article on its website, together with summary of the annual report;  2. submit it to the ECRB and the Energy Community Secretariat within 30 days of publication, and  3. submit it to the Government and the Ministry for information purposes.  (4) At the request of the Government or the Minister, the Energy Regulatory Commission shall timely submit other reports and information from the scope of its work that are of importance for the performance of the tasks of the Government and the Ministry, regulated by this Law. | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (j) | (j) ensuring that there is no cross-subsidisation between transmission, distribution and supply activities or other electricity or non-electricity activities; | DEL | Article 5 | (1) For the purpose of preventing discriminatory behavior, cross-subsidization and distortion of competition in cases where an undertaking, regardless of its ownership and legal form, performs one or more regulated energy activities or performs one or more regulated energy activities and another energy activity or another activity or performs one or more unregulated energy activities and another activity, it shall be obliged to:  1. keep separate accounting for each individual regulated energy activity it carries out;  2. keep separate accounting for unregulated energy activities and other activities it carries out; and  3. prepare separate financial statements for the energy activity for which it is obliged to provide a public service, if, in accordance with this Law, it has been granted compensation for the provision of services of general economic interest in accordance with the state aid regulations.  (2) The undertaking referred to in paragraph (1) of this Article shall be obliged to keep a copy of the documents referred to in paragraph (1) of this Article at its registered office and to make them available for inspection by the Energy Regulatory Commission.  (3) In addition to the obligations specified in paragraphs (1) and (2) of this Article, the undertaking carrying out regulated energy activity shall be obliged to prepare audited annual financial statements for each regulated energy activity separately, to submit them to the Energy Regulatory Commission and to publish them on its website. For unregulated energy and other activities, the financial statement submitted to the Energy Regulatory Commission may be provided in consolidated form. Financial statements shall be prepared in accordance with financial reporting and auditing regulations.  (4) Energy Regulatory Commission may prescribe an obligation for undertakings carrying out regulated energy activities to keep, publish and submit other statements, accounts and records and prescribe their form and content. | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (k) | (k) monitoring investment plans of the transmission system operators and providing in its annual report an assessment of the investment plans of the transmission system operators as regards their consistency with the Union-wide network development plan; such assessment may include recommendations to amend those investment plans; | DEL | Article 54 paragraph (1) Point 2 sub point 2.13  Article 55 paragraph (2) point 4  Article 150 Paragraph (4), (5) and (6) | (1) In order to exercise its competence, the Energy Regulatory Commission shall:     1. Approve:   2.13. ten-year plans for development of electricity and gas transmission systems;    (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    4. implementation of plans for the development of energy transmission and distribution systems and, if necessary, request or recommend amendments to these plans;    (4) After receiving the opinion referred to in paragraph (3) of this Article , the electricity transmission system operator shall, by 31 October, submit the harmonized plan for approval to the Energy Regulatory Commission.  (5) After submitting the harmonized plan referred to in paragraph (4) of this Article , the Energy Regulatory Commission shall, within 30 days:  1. verify whether the plan takes into account the requirements referred to in paragraph (2) of this Article and whether the plan is harmonized with the ten-year development plan of ENTSO-E and may consult with ACER for that purpose, and after the verification and consultations, it may request the electricity transmission system operator to supplement or adjust the plan, and  2. conduct public consultations with existing electricity transmission system users, including the electricity distribution system operators, as well as potential users who need to explain their requests for connection, and shall submit the results of the consultations, together with the conclusion on the necessary investments, to the electricity transmission system operator and publish them on its website.  (6) After implementing the actions referred to in paragraph (5) of this Article , the electricity transmission system operator, upon prior approval by the Energy Regulatory Commission, shall adopt the plan and publish it on its website. | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (l) | 1.The regulatory authority shall have the following duties:  (a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both;  (b) ensuring the compliance of transmission system operators and distribution system operators and, where relevant, system owners, as well as the compliance of any electricity undertakings and other market participants, with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and the guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross- border issues, as well as with ACER's decisions; 14.6.2019 L 158/180 Official Journal of the European Union EN  (c) in close coordination with the other regulatory authorities, ensuring the compliance of the ENTSO for Electricity and the EU DSO entity with their obligations under this Directive, Regulation (EU) 2019/943, the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943, and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non- compliance of the ENTSO for Electricity and the EU DSO entity with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;  (d) approving products and procurement process for non-frequency ancillary services;  (e) implementing the network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943 through national measures or, where so required, coordinated regional or Union-wide measures;  (f) cooperating in regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942;  (g) complying with, and implementing, any relevant legally binding decisions of the Commission and of ACER; (h) ensuring that transmission system operators make available interconnector capacities to the utmost extent pursuant to Article 16 of Regulation (EU) 2019/943;  (i) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, the Commission and ACER, including on the steps taken and the results obtained as regards each of the tasks listed in this Article;  (j) ensuring that there is no cross-subsidisation between transmission, distribution and supply activities or other electricity or non-electricity activities; | DEL | Article 151 paragraph (1) | (1) The Energy Regulatory Commission shall monitor and assess the implementation of the measures and projects from the plan referred to in Article 150 of this Law and, if it determines that the electricity transmission system operator, within a period of three years, has failed to implement the investments envisaged in the plan, which are also part of the current plan, except in cases of force majeure, it shall take at least one of the following measures:  1. adopt a decision ordering the electricity transmission system operator to independently implement the investments, or  2. adopt a decision obliging the electricity transmission system operator to organize a tender procedure for implementation of the investments open to any interested party | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (k) | (k) monitoring investment plans of the transmission system operators and providing in its annual report an assessment of the investment plans of the transmission system operators as regards their consistency with the Union-wide network development plan; such assessment may include recommendations to amend those investment plans; | DEL | Article 264 | (1) The Energy Regulatory Commission shall adopt a rulebook on monitoring technical and business indicators and on regulating the quality of electricity delivery and supply, which shall regulate:  1. indicators for technical and commercial quality of delivery and commercial quality of electricity supply;  2. manner of determining the required values of indicators for monitoring the quality of energy delivery and supply and the manner of recording data and calculating the indicators;  3. manner and deadlines for submitting data and reports to the Energy Regulatory Commission, and  4. manner of determining the amount of compensation paid to the final customer based on the determined degree of deviation from the prescribed quality of electricity delivery.  (2) The Energy Regulatory Commission shall take into account the achieved values of indicators for the quality of electricity delivery when approving the development plans and the necessary funds for investments of the relevant network operators.  (3) The regulations and methodologies referred to in Article 54 paragraph (1) of this Law shall also determine the manner of determining the maximum amount of incentives, i.e. reduction of the approved maximum income, depending on the direction and degree of deviation from the required values of the delivery quality indicator. | Partially compliant | | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 59 paragraph 1 (l) | (l)monitoring and assessing the performance of transmission system operators and distribution system operators in relation to the development of a smart grid that promotes energy efficiency and the integration of energy from renewable sources, based on a limited set of indicators, and publish a national report every two years, including recommendations; | DEL | Article 55 paragraph (2) point 14 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    14. level of transparency of electricity and gas prices in the relevant markets, the financial and real volume of planned and realized transactions by energy transmission and distribution system operators, as well as energy traders and suppliers; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (m) | (m)setting or approving standards and requirements for quality of service and quality of supply or contributing thereto together with other competent authorities and monitoring compliance with and reviewing the past performance of network security and reliability rules; | DEL | Article 55 paragraph (2) point 2 | 1. For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:     2.operation of energy markets in order to ensure their improvement and security of energy supply, including development of competitiveness and the degree of opening of wholesale and retail energy markets; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (n) | (n)monitoring the level of transparency, including of wholesale prices, and ensuring compliance of electricity undertakings with transparency obligations; | DEL | Article 55 paragraph (2) Point 19 | (2)For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    19.emergence of restrictive contractual obligations, including exclusivity provisions that prevent customers from entering into contracts with multiple energy suppliers at the same time or that may limit their right to choose a supplier, and to notify the Commission for Protection of Competition thereof; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (o) | (o)monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, the impact of dynamic electricity price contracts and of the use of smart metering systems, switching rates, disconnection rates, charges for maintenance services, the execution of maintenance services, the relationship between household and wholesale prices, the evolution of grid tariffs and levies, and complaints by household customers, as well as any distortion or restriction of competition, including by providing any relevant information, and bringing any relevant cases to the relevant competition authorities; | DEL | Article 55 paragraph (2) point 10 | (2)For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    10.time required for the transmission and distribution system operators to connect new users and to eliminate defects; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (p) | (p)monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices; | DEL | Article 55 paragraph (2) point 20    Article 10 paragraph (8) | (2)For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    20.implementation of measures to protect customer rights by transmission and distribution system operators, as well as suppliers, in particular with regard to:  20.1. rights of customers to obtain data on their own consumption, the method of calculating the delivered energy and elements of the bill for the delivered;  20.2. obtaining complete and understandable information regarding prices and tariffs applicable to household energy prices;  20.3. methods of paying bills for energy consumed;  20.4. informing customers about the consequences of the non-operation of energy transmission and distribution systems due to reconstruction or rehabilitation after a major accident;  20.5. disconnection of users from the systems;  20.6. fees for repairs and maintenance of networks;  20.7. procedures for complaints and appeals submitted by customers, and  20.8. providing information to customers regarding their rights to dynamic price electricity supply contracts, aggregation contracts and installation of smart metering devices;    (8) The Ombudsman of the Republic of North Macedonia shall protect the rights and interests of electricity, gas and heat customers in a manner and procedure established by law. | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (о) | monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, the impact of dynamic electricity price contracts and of the use of smart metering systems, switching rates, disconnection rates, charges for maintenance services, the execution of maintenance services, the relationship between household and wholesale prices, the evolution of grid tariffs and levies, and complaints by household customers, as well as any distortion or restriction of competition, including by providing any relevant information, and bringing any relevant cases to the relevant competition authorities; | DEL | Article 55 paragraph (2) point 22 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    22.compliance of electricity supply prices with the requirements of Article 6 of this Law; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (q) | (q)monitoring the time taken by transmission system operators and distribution system operators to make connections and repairs; | DEL | Article 55 paragraph (2) point 20 sub point 20.1.  and  Article 190 paragraph (5) | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    20. implementation of measures to protect customer rights by transmission and distribution system operators, as well as suppliers, in particular with regard to:  20.1. rights of customers to obtain data on their own consumption, the method of calculating the delivered energy and elements of the bill for the delivered;  (5) The electricity system operator shall be obliged to provide the final customer with access to the data referred to in paragraph (2) of this Article free of charge or, upon request, to make them available to a third party. | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (р) | (r) helping to ensure, together with other relevant authorities, that the consumer protection measures are effective and enforced; | DEL | Article 55 paragraph (2) point 1 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:  1. fulfilment of the legally established obligations of the entities carrying out regulated energy activities relating to ensuring security of supply of electricity, gas and heat; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (s) | (s)publishing recommendations, at least annually, in relation to compliance of supply prices with Article 5, and providing those recommendations to the competition authorities, where appropriate; | DEL | Article 55 paragraph (2) point 27 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    27. investments in electricity generation capacities in terms of security of energy supply; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (t) | (t)ensuring non-discriminatory access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Article s 23 and 24; | DEL | Article 55 paragraph (2) point 30 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    30.technical cooperation between transmission system operators, electricity and gas market operators with the relevant operators from the Contracting Parties to the Energy Community and the Member States of the European Union; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (u) | (u)monitoring the implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, suppliers, customers and other market participants pursuant to Regulation (EU) 2019/943; | DEL | Article 55 paragraph (2) point 26 | (2)For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    26. regularity of publishing data on the conditions in the electricity transmission system and the gas transmission system and their submission to the relevant international bodies; | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (v) | (v)monitoring investment in generation and storage capacities in relation to security of supply; | DEL | Article 63 paragraph (1) | (1) The Energy Regulatory Commission shall establish and maintain a web-based electricity price comparison platform that is accessible via the Internet and that gives electricity customers from the household and small customers category, who, in accordance with the Company Law, are classified as micro-traders with an expected annual electricity consumption of less than 100,000 kWh, the opportunity to have direct access at any time and free of charge to clear, comprehensive and up-to-date information on electricity prices, duration of the supply contract, billing, including the conditions for entering into electricity supply contracts with a dynamic price, as well as other services related to the supply of electricity, in order to compare offers from different suppliers and to facilitate their choice of supplier, for which purpose the supplier shall enter an offer on the platform containing the following elements: | Fully compliant | |  |  |  | |
| Article 59 paragraph 1 (ф) | (w)monitoring technical cooperation between Union and third-country transmission system operators; | DEL | Article 55 paragraph (2) point 5 | (2) For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:    5. access to networks for new generation facilities for electricity generation and storage, in particular removal of obstacles that could prevent new participants from accessing the market for electricity generated from energy from renewable sources and energy storage, and publish a national report every two years, including recommendations; | Fully compliant | |  |  |  | |
| Article 59 paragraph 2 | Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible. | DEL |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 59 paragraph 2.1 | While preserving their independence, without prejudice to their own specific competence and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult transmission system operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1. | DEL | Article 53 paragraph (2) point 1 | (2) In order to achieve the objectives set out in paragraph (1) of this Article , the Energy Regulatory Commission shall:  1. cooperate with the competent state authorities, local self-government units, entities carrying out an energy activity, energy system users and energy customers, and with other organizations and institutions, including the institutions of the Energy Community and the European Union, and | Fully compliant | |  |  |  | |
| Article 59 paragraph 2.2 | Any approvals given by a regulatory authority or ACER under this Directive are without prejudice to any duly justified future use of its powers by the regulatory authority under this Article or to any penalties imposed by other relevant authorities or the Commission. | DEL | Article 60 paragraph (1) | (1) The Energy Regulatory Commission shall monitor activities regarding the coordinated calculation and allocation of cross-border capacities and the coordinated management of electricity transmission systems, shall implement the decisions of the ECRB and ACER and cooperate with the competent regulatory bodies from the region of coordinated capacity calculation or the region of coordinated management of the electricity transmission system, in accordance with ratified international treaties. | Fully compliant. | |  |  |  | |
| Article 59 paragraph 3 | Member States shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in this Article in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers: | DEL | Article 54 paragraph (1) point 1 | (1) In order to exercise its competence, the Energy Regulatory Commission shall:  1. Adopt: | Fully compliant. | |  |  |  | |
| Article 59 paragraph 3 point (а) | (a)to issue binding decisions on electricity undertakings; | DEL | Article 57 paragraph (1) | (1) In cases where the Energy Regulatory Commission, while monitoring the situation and operation of the energy markets in accordance with Article s 55 and 56 of this Law, determines an irregularity, it shall adopt a decision ordering undertaking of appropriate mandatory measures, including a ban on the specific conduct of an entity carrying out energy activity, in order to ensure security of supply, efficient, competitive and non-discriminatory operation of the energy markets, as well as protection of the rights of customers and users of energy systems. The decision shall state the measures that should be taken by the entity carrying out energy activity, as well as the deadlines within which these measures should be taken and the obligation to submit reports on the measures taken | Fully compliant. | |  |  |  | |
| Article 59 paragraph 3 point (b) | (b) to carry out investigations into the functioning of the electricity markets, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the market. Where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law; | DEL | Article 57 paragraph (4) | (4) If during the monitoring the operation of the electricity, gas, heat and oil and oil derivatives markets, the Energy Regulatory Commission assesses that there is no effective competition, it may, in cooperation with the Commission for Protection of Competition and the Energy Community Secretariat, conduct additional research and take necessary and appropriate measures to ensure promotion of competition and efficient operation of the energy markets. | Fully compliant. | |  |  |  | |
| Article 59 paragraph 3 point (c) | (c) to require any information from electricity undertakings relevant for the fulfilment of its tasks, including the justifi cation for any refusal to grant third-party access, and any information on measures necessary to reinforce the network; | DEL | Article 66 paragraph (1) | (1)At the request of the Energy Regulatory Commission, state bodies, local self-government units, as well as licensees carrying out energy activities shall be obliged to submit the necessary documents, data and information, within a deadline set by the Energy Regulatory Commission. | Fully compliant. | |  |  |  | |
| Article 59 paragraph 3 point (d) | (d) to impose effective, proportionate and dissuasive penalties on electricity undertakings not complying with their obligations under this Directive, Regulation (EU) 2019/943 or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator on the transmission system operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; | DEL | Article 278 paragraph (1) | (1) The initiation of a misdemeanour procedure for misdemeanours established by this Law may be requested by the authorities entrusted under this Law with supervisory responsibilities | Fully compliant. | |  |  |  | |
| Article 59 paragraph 3 point (e) | (e) appropriate rights of investigation and relevant powers of instruction for dispute settlement under Article 60(2) and (3). | DEL | Article 57 paragraph (4) | (4)If during the monitoring the operation of the electricity, gas, heat and oil and oil derivatives markets, the Energy Regulatory Commission assesses that there is no effective competition, it may, in cooperation with the Commission for Protection of Competition and the Energy Community Secretariat, conduct additional research and take necessary and appropriate measures to ensure promotion of competition and efficient operation of the energy markets. | Fully compliant. | |  |  |  | |
| Article 59 paragraph 4 | The regulatory authority located in the Member State in which the ENTSO for Electricity or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, Regulation (EU) 2019/943 or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose that a competent court impose such penalties. | DEL | Article 278 | (1) The initiation of a misdemeanour procedure for misdemeanours established by this Law may be requested by the authorities entrusted under this Law with supervisory responsibilities.  (2) For misdemeanours referred to in Article s 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 294, and 295, as well as in Article s 281 and 292 of this Law, for which a fine exceeding EUR 1,000 in denar equivalent for a legal entity, EUR 500 in denar equivalent for the responsible person in the legal entity, and EUR 250 in denar equivalent for a natural person is prescribed, a misdemeanour procedure shall be conducted and a misdemeanour sanction shall be imposed by the competent court, by the authorities referred to in paragraph (1) of this Article .  (3) The provisions of the Law on Misdemeanours shall apply accordingly to the procedures referred to in paragraph (1) of this Article . | Fully compliant . | |  |  |  | |
| Article 59 paragraph 5 | In addition to the duties conferred upon it under paragraphs 1 and 3 of this Article , when an independent system operator has been designated under Article 44, the regulatory authority shall:  (а) monitor the transmission system owner's and the independent system operator's compliance with their obligations under this Article , and issue penalties for non-compliance in accordance with point (d) of paragraph 3;  (b) monitor the relations and communications between the independent system operator and the transmission system owner so as to ensure compliance of the independent system operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner with respect to any complaint submitted by either party pursuant to Article 60(2);  (c) without prejudice to the procedure under point (c) of Article 44(2), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan submitted at least every two years by the independent system operator  ((d) ensure that network access tariffs collected by the independent system operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;  (e) (f) 6. have the powers to carry out inspections, including unannounced inspections, at the premises of transmission system owner and independent system operator; and  (f) monitor the use of congestion charges collected by the independent system operator in accordance with Article 19(2) of Regulation (EU) 2019/943. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 59 paragraph 6 | 6. In addition to the duties and powers conferred on it under paragraphs 1 and 3 of this Article , when a transmission system operator has been designated in accordance with Section 3 of Chapter VI, the regulatory authority shall be granted at least the following duties and powers:  (a) to impose penalties in accordance with point  (d) of paragraph 3 for discriminatory behaviour in favour of the vertically integrated undertaking;  (b) to monitor communications between the transmission system operator and the vertically integrated undertaking so as to ensure compliance of the transmission system operator with its obligations;  (c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator with respect to any complaint submitted pursuant to Article 60(2);  (d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator;  (e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator on the condition that they comply with market conditions;  (f) to request a justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 50(4), such justification including, in particular, evidence demonstrating that no discriminat ory behaviour to the advantage of the vertically integrated undertaking has occurred; (g) to carry out inspections, including unannounced ones, on the premises of the vertically integrated undertaking and the transmission system operator; and  (h) to assign all or specific tasks of the transmission system operator to an independent system operator appointed in accordance with Article 44 in the case of a persistent breach by the transmission system operator of its obligations under this Directive, in particular in the case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 59 paragraph 7 point (а), (b) k (c) | The regulatory authorities, except where ACER is competent to fix and approve the terms and conditions or methodologies for the implementation of network codes and guidelines under Chapter VII of Regulation (EU) 2019/943 pursuant to Article 5(2) of Regulation (EU) 2019/942 because of their coordinated nature, shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the national methodologies used to calculate or establish the terms and conditions for:  (a)connection and access to national networks, including transmission and distribution tariffs or their methodologies, those tariffs or methodologies shall allow the necessary investments in the networks to be carried out in a manner allowing those investments to ensure the viability of the networks;  (b)the provision of ancillary services which shall be performed in the most economic manner possible and provide appropriate incentives for network users to balance their input and off-takes, such ancillary services shall be provided in a fair and non-discriminatory manner and be based on objective criteria; and  (c) 8. access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management. | DEL | Article 54 paragraph (1) point 2  sub point 2.4. | (1)In order to exercise its competence, the Energy Regulatory Commission shall:  2.Approve:  2.4. rules or methodologies or revision under Article 143 paragraphs (5) and (6), Article 144 paragraphs (2) and (3) and Article 145 paragraphs (2) and (3) of this Law; | Fully compliant | |  |  |  | |
| Article 59 paragraph 8 | The methodologies or the terms and conditions referred to in paragraph 7 shall be published. | DEL | Article 67 paragraph (4) | (4)The acts referred to in paragraph (1), items 1 and 2 of this Article shall be published in the "Official Gazette of the Republic of North Macedonia" and on the Energy Regulatory Commission’s website, and the acts referred to in paragraph (1), items 3 and 4 of this Article shall be published on the Energy Regulatory Commission’s website. | Fully compliant | |  |  |  | |
| Article 59 paragraph 9 | With a view to increasing transparency in the market and providing all interested parties with all necessary information and decisions or proposals for decisions concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall make publicly available the detailed methodology and underlying costs used for the calculation of the relevant network tariffs, while preserving the confidentiality of commercially sensitive information. | DEL | Article 69 paragraph (6) | (6)The Energy Regulatory Commission shall publish the drafts for the acts referred to in paragraph (2) items 1, 2, 3 and 4 of this Article, which are in the process of adoption or approval, on its website, including the rationales and assessments of the consequences of their adoption, i.e. the approval of those acts, the results of the public debate summarized, as well as summarized minutes of the sessions held. | Fully compliant | |  |  |  | |
| Article 59 paragraph 10 | The regulatory authorities shall monitor congestion management of national electricity systems including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules. | DEL | Article 143 paragraph (5) point 1 | (5) The electricity transmission system operator, together with the electricity transmission system operators of the capacity calculation region, shall prepare and submit for approval to the Energy Regulatory Commission and other regulatory bodies in the relevant region, the following TCMs, with deadlines for commencement of their application, which shall regulate:  1. coordinated allocation of inter-zonal transmission capacities and dealing with congestion in the day-ahead and intraday market coupling, as follows:  1.1. common methodology for inter-zonal transmission capacity calculation, which includes a methodology for determining transmission reliability margin, a methodology for determining operational security limits, random outages relevant to capacity and a limitation for calculation and dispatch, a methodology for determining the generation shift key and a methodology for corrective measures;  1.2. decisions on introduction or postponement of the introduction of transmission capacity calculation based on electricity flows for the day-ahead and intraday markets, as well as decisions on possible appropriate exemptions;  1.3. methodology for coordinated redispatching and countertrading;  1.4. coordinated fallback procedures for transparent and non-discriminatory allocation of transmission capacities if the day-ahead market coupling does not yield the expected results;  1.5. mechanism for additional regional intraday auctions;  1.6. common methodology for allocation of redispatching and countertrading costs together with the costs of corrective actions with cross-zonal effect, and | Partially compliant | | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 60 paragraph 1 | Regulatory authorities shall have the authority to require transmission system operators and distribution system operators, if necessary, to modify the terms and conditions, including tariffs or methodologies referred to Article 59 of this Directive, to ensure that they are proportionate and applied in a non-discriminatory manner, in accordance with Article 18 of Regulation (EU) 2019/943. In the event of delay in the fixing of transmission and distribution tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and to decide on the appropriate compensatory measures if the final transmission and distribution tariffs or methodologies deviate from those provisional tariffs or methodologies. | DEL | Article 62  paragraph (2) | (2)With the decisions on tariffs adopted in accordance with the tariff systems referred to in paragraph (1) of this Article , the Energy Regulatory Commission shall ensure that the tariffs:  1.are determined and applied in a transparent and non-discriminatory manner;  2.reflect the costs of entities carrying out energy activity;  3.do not include costs for actions taken by the entities carrying out regulated energy activities not related to the interest of network users or to the development of appropriate systems related to the given regulated activity;  4. do not use the funds collected on the electricity day-ahead or intraday market for activities in countries of a counter party or a member state other than the member state in which these funds were collected by NEMO;  5.do not depend on the distance over which electricity or gas is transported through the transmission or distribution system for the needs of the system user,  6.take into account the long-term capital costs and operating costs of distributed generation and demand-side management measures | Fully compliant | |  |  |  | |
| Article 60 paragraph 2 | Any party having a complaint against a transmission or distribution system operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months of receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal. | DEL | Article 73 paragraph (2) | (2) The Energy Regulatory Commission shall decide upon complaint referred to in paragraph (1) of this Article only in the event that the complainant has exhausted all means of exercising their right through the proceedings established by the entity carrying out energy activity referred to in paragraph (1) of this Article. The Energy Regulatory Commission shall decide upon the complaint lodged within two months of receipt of the complaint, and if additional information is required, the decision-making period may be extended for another two months. | Fully compliant | |  |  |  | |
| Article 60 paragraph 3 | Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to Article 59 or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, within two months, or within a shorter period as provided for by Member States, after publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect. | DEL | Article 67 paragraph (5) | (5)Affected energy operators and other interested parties may initiate an administrative dispute against the decisions and resolutions of the Energy Regulatory Commission referred to in paragraph (1) of this Article , before a competent court. Initiation of an administrative dispute shall not postpone the execution of the decisions and resolutions referred to in paragraph (1) of this Article . | Fully compliant | |  |  |  | |
| Article 60 paragraph 4 | Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of the TFEU, and in particular Article 102 thereof. | DEL | Article 56  paragraphs (1), (2)  and (3) | (1) Trading based on inside information shall be prohibited, i.e. entities possessing inside information regarding an energy product on the wholesale market may not:  1. use inside information when buying or selling or attempting to buy or sell, for their own account or for the account of a third party, directly or indirectly, wholesale energy products to which that information relates;  2. disclose inside information to any other entity, unless such disclosure is made in the ordinary course of their business, occupation or duty, and  3. recommend or induce another entity, based on inside information, to buy or sell an energy product on the wholesale market to which the information relates.  (2) Manipulation on wholesale markets for energy products shall be prohibited, and manipulation shall be deemed to be:  1. carrying out any transaction or giving any order to trade in energy products on the wholesale market, which:  1.1. giving or likely to be given false or misleading signals about the supply, demand or price of energy products on the wholesale market;  1.2. providing or there is an attempt to provide, with the assistance of one entity or in cooperation with several entities, artificial setting of the price of one or more energy products on the wholesale market, unless the entity who carried out the transaction or issued the order to trade proves that there are legitimate reasons for doing so and that the transaction or order to trade is in accordance with accepted practices on the relevant wholesale energy product market, or  1.3. useing or attempt to use a fictitious device or any other form of deception or contrivance which gives, or is likely to give, false or misleading signals about the supply, demand or prices of energy products on the wholesale market, or  1.4. dissemination of information through the media, the Internet or any other means that gives, or is likely to give, false or misleading signals about the supply, demand or prices of energy products on the wholesale market, including dissemination of rumors or false or misleading news if the entity disseminating it has been aware or should have been aware that the information was false or misleading.  (3) Manipulation attempt on wholesale market for energy products shall be prohibited, and manipulation attempt shall be deemed to be:  1. carrying out any transaction, giving any order to trade or taking any other action, relating to a particular energy product on the wholesale market, with the intention of:  1.1. giving or likely to give false or misleading signals about the supply, demand or price of energy products on the wholesale market;  1.2. artificial setting of the price of one or more energy products on the wholesale market, unless the entity who carried out the transaction or issued the order to trade proves that there are legitimate reasons for doing so and that the transaction or order to trade is in accordance with accepted practices on the relevant wholesale energy product market, or  1.3. use of fictitious device or any other form of deception or contrivance which gives, or is likely to give, false or misleading signals about the supply, demand or prices of energy products on the wholesale market, or  2. dissemination of information through the media, the Internet or in any other manner, with the intention of giving false or misleading signals about the supply, demand or prices of energy products on the wholesale market. | Fully compliant | |  |  |  | |
| Article 60 paragraph 5 | Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected. | DEL | Article 57  paragraph (1), (2) and (3) | (1) In cases where the Energy Regulatory Commission, while monitoring the situation and operation of the energy markets in accordance with Articles 55 and 56 of this Law, determines an irregularity, it shall adopt a decision ordering undertaking of appropriate mandatory measures, including a ban on the specific conduct of an entity carrying out energy activity, in order to ensure security of supply, efficient, competitive and non-discriminatory operation of the energy markets, as well as protection of the rights of customers and users of energy systems. The decision shall state the measures that should be taken by the entity carrying out energy activity, as well as the deadlines within which these measures should be taken and the obligation to submit reports on the measures taken.  (2) In carrying out the activities referred to in paragraph (1) of this Article, the Energy Regulatory Commission shall cooperate with other competent state authorities and institutions, as well as with the ECRB, the energy regulatory bodies of the counter parties and participants in the Energy Community and with the Energy Community Secretariat.  (3) If the licensees fail to act upon the decision referred to in paragraph (1) of this Article, the Energy Regulatory Commission:  1. shall submit a request for initiation of misdemeanor proceedings in accordance with the provisions of this Law, or other proceedings before a competent state authority, and  2. may initiate proceedings to suspend or revoke the license. | Fully compliant | |  |  |  | |
| Article 60 paragraph 6 | Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law. | DEL | Article 73 paragraph (4) | (4) Decisions adopted in the proceedings referred to in paragraph (1) of this Article shall be final and an administrative dispute may be initiated against them before a competent court. The initiation of an administrative dispute against a decision of the Regulatory Commission adopted in proceedings for deciding upon complaint shall not postpone the execution of the decision. | Fully compliant | |  |  |  | |
| Article 60 paragraph 7 | Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information. | DEL | Article 67 paragraphs (3) and (4) | (3) The rulebooks, rules, decisions and resolutions of the Energy Regulatory Commission shall be fully rationaled, justified and based on fair and transparent criteria and cannot be subject to veto or revision by another state body.  (4) The acts referred to in paragraph (1), items 1 and 2 of this Article shall be published in the "Official Gazette of the Republic of North Macedonia" and on the Energy Regulatory Commission’s website, and the acts referred to in paragraph (1), items 3 and 4 of this Article shall be published on the Energy Regulatory Commission’s website. | Fully compliant | |  |  |  | |
| Article 60 paragraph 8 | Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government. | DEL | Article 67 paragraph (5) | (5) Affected energy operators and other interested parties may initiate an administrative dispute against the decisions and resolutions of the Energy Regulatory Commission referred to in paragraph (1) of this Article, before a competent court. Initiation of an administrative dispute shall not postpone the execution of the decisions and resolutions referred to in paragraph (1) of this Article. | Fully compliant | |  |  |  | |
| Article 61 paragraph 1 | Regulatory authorities shall closely consult and cooperate with each other, in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. With respect to the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority | DEL | Article 58 paragraph (6) | (5) If the transmission system operator or NEMO does not submit a draft or an amended draft regional and national TCMs referred to in paragraph (3) of this Article to the competent regulatory authorities, ECRB or, if Member States of the European Union are concerned, to ACER for approval, they shall submit a draft TCM explaining the reasons why the draft was not submitted. | Fully compliant | |  |  |  | |
| Article 61 paragraph 2 point (а) | Regulatory authorities shall cooperate at least at a regional level to:  (a)foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint electricity exchanges and the allocation of cross-border capacity, and to enable an adequate level of intercon nection capacity, including through new interconnection, within the region and between regions to allow for development of effective competition and improvement of security of supply, without discriminating between suppliers in different Member States; | DEL | Article 58 paragraph (1) point 2 and paragraph (2) point 1 | (1) In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  2. enter into cooperation agreements with other regulatory bodies for the purpose of creating a competitive regional electricity and gas market and harmonizing the legal, regulatory and technical framework;  ...  (2) The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  1. contractual arrangements aimed at enabling optimal management of electricity and gas networks ... | Fully compliant | |  |  |  | |
| Article 61 paragraph 2 point (b) | (b) coordinate the joint oversight of entities performing functions at regional level; |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | Within a period to be determined during the accession negotiations. |  | |
| Article 61 paragraph 2 point (c) | (c) coordinate, in cooperation with other involved authorities, the joint oversight of national, regional and European resource adequacy assessments; |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | Within a period to be determined during the accession negotiations. |  | |
| Article 61  Paragraph 2 point (d) | (d) coordinate the development of all network codes and guidelines for the relevant transmission system operators and other market actors; and | DEL | Article 58 paragraph (2) Point 4 | (2) The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  4.coordination of the development and implementation of network rules for relevant transmission system operators and other market participants; | Fully compliant | |  |  |  | |
| Article 61  Paragraph 2 point (e) | (e) coordinate the development of the rules governing the management of congestion. | DEL | Article 58 paragraph (2) point 6 | (2)The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  6.cooperation between transmission system operators and other NEMOs from the Contracting Parties to the Energy Community and the Member States of the European Union in terms of requesting information on progress regarding regional TSMs and coordinating the development and implementation of congestion management rules. | Fully compliant | |  |  |  | |
| Article 61 paragraph 3 | Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation. | DEL | Article 58 paragraph (1) point 2 | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:    2.enter into cooperation agreements with other regulatory bodies for the purpose of creating a competitive regional electricity and gas market and harmonizing the legal, regulatory and technical framework; | Fully compliant | |  |  |  | |
| Article 61  Paragraph 4 | The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competence. | DEL | Article 53  paragraph (2) point 1 | (2)The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  1.contractual arrangements aimed at enabling optimal management of electricity and gas networks; | Fully compliant | |  |  |  | |
| Article 61  Paragraph 5 | The Commission is empowered to adopt delegated acts in accordance with Article 67 in order to supplement this Directive by establishing guidelines on the extent of the duties of regulatory authorities to cooperate with each other and with ACER. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission | |
| Article 62 paragraph 1 point (а) | The regional regulatory authorities of the system operation region in which a regional coordination centre is established shall, in close coordination with each other:  (a) approve the proposal for the establishment of regional coordination centres in accordance with Article 35(1) of Regulation (EU) 2019/943; | DEL | Article 58 paragraph (2), points 1, 2 and 3 | (1) The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  1. contractual arrangements aimed at enabling optimal management of electricity and gas networks;  2. joint exchange of electricity and gas and allocation of cross-border transmission capacities;  3. enabling the highest possible level of interconnection capacity, including new interconnection lines, with the counter parties of the Energy Community and the Member States of the European Union; | Fully compliant | |  |  |  | |
| Article 62 paragraph 1 point (b) | approve the costs related to the activities of the regional coordination centres, which are to be borne by the transmission system operators and to be taken into account in the calculation of tariffs, provided that they are reasonable and appropriate; | DEL | Article 61 paragraph (7) point 12 | (7)When determining the revenues of the entities carrying out regulated energy activities in the regulations referred to in paragraph (1) of this Article , the following, among other things, shall be taken into account:    12.costs of the electricity transmission system operator related to participation in the activities and implementation of the tasks of ENTSO-E and the Regional Coordination Centre, if those costs are assessed as reasonable and appropriate; | Fully compliant | |  |  |  | |
| Article 62 paragraph 1 point (c) | (c) approve the cooperative decision-making process; | DEL | Article 161 paragraph (1) | (1) The electricity transmission system operator shall cooperate with the Regional Coordination Centre of the coordinated system management region to which its control area belongs in accordance with the act regulating the establishment of the Regional Coordination Centre and, if necessary, for individual issues, with the regional coordination centres of other regions for which it has entered into bilateral contracts. | Fully compliant | |  |  |  | |
| Article 62 paragraph 1 point (d) | (d) ensure that the regional coordination centres are equipped with all the necessary human, technical, physical and financial resources for fulfilling their obligations under this Directive and carrying out their tasks independently and impartially; | DEL | Article 58 paragraph (1) | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  1.participate in the work and implement the recommendations of the ECRB and ACER and carry out cooperation, consultations and exchange of information with the Energy Community Secretariat, with the relevant regional and international organizations and with other regulatory bodies in the region;  2.enter into cooperation agreements with other regulatory bodies for the purpose of creating a competitive regional electricity and gas market and harmonizing the legal, regulatory and technical framework;  3. comply with and implement the relevant legally binding decisions of the ECRB and ACER, and  4.ensure harmonisation of procedures for exchange of data on energy markets within the Energy Community;  5.ensure, from the transmission system operator and NEMO, application of the pan-European TCMs adopted by ACER and compliance with the binding decisions of the ECRB and ACER relating to the transmission system operator and NEMO. | Fully compliant | |  |  |  | |
| Article 62 paragraph 1 point (e) | (e) propose jointly with other regulatory authorities of a system operation region possible additional tasks and additional powers to be assigned to the regional coordination centres by the Member States of the system operation region; | DEL | Article 58 paragraph (1) point 1 | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  1.participate in the work and implement the recommendations of the ECRB and ACER and carry out cooperation, consultations and exchange of information with the Energy Community Secretariat, with the relevant regional and international organizations and with other regulatory bodies in the region; | Fully compliant | |  |  |  | |
| Article 62 paragraph 1 point (f) | (f) ensure compliance with the obligations under this Directive and other relevant Union law, in particular as regards cross-border issues, and jointly identify non-compliance of the regional coordination centres with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942; | DEL | Article 59 paragraph (4) | (4) In the event that the electricity transmission system operator or NEMO fails to submit draft TCMs within the prescribed deadline, the Energy Regulatory Commission, together with the ECRB and ACER, shall take steps to adopt the TCMs. | Fully compliant | |  |  |  | |
| Article 62 paragraph 1 point (g) | monitor the performance of system coordination and report annually to ACER in this respect in accordance with Article 46 of Regulation (EU) 2019/943. | DEL | Article 60 paragraph (2) point 1 | (2)When fulfilling the obligations set out in paragraph (1) of this Article , the Energy Regulatory Commission shall submit:  1.annual reports to the ECRB and ACER on progress in fulfilling the obligations referred to in paragraph (1) of this Article ; | Fully compliant | |  |  |  | |
| Article 62 paragraph 2 | Member States shall ensure that regulatory authorities are granted the powers enabling them to carry out the duties referred to in paragraph 1 in an efficient and expeditious manner. For this purpose, the regulatory authorities shall have at least the following powers: | DEL | Article 58 paragraph (1), points 1, 2 and 3 | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  1.participate in the work and implement the recommendations of the ECRB and ACER and carry out cooperation, consultations and exchange of information with the Energy Community Secretariat, with the relevant regional and international organizations and with other regulatory bodies in the region;  2.enter into cooperation agreements with other regulatory bodies for the purpose of creating a competitive regional electricity and gas market and harmonizing the legal, regulatory and technical framework;  3. comply with and implement the relevant legally binding decisions of the ECRB and ACER, | Fully compliant | |  |  |  | |
| Article 62 paragraph 2 point (а) | (a) to request information from the regional coordination centres; | DEL | Article 161 paragraph (8) | (8) A request for taking a coordinated action from the activities referred to in paragraph (3) of this Article may be submitted to the Regional Coordination Centre by one or more Member States of the European Union or Contracting Parties to the Energy Community from the common system operation region. | Fully compliant | |  |  |  | |
| Article 62 paragraph 2 point (b) | (b) to carry out inspections, including unannounced inspections, at the premises of the regional coordination centres; | DEL | Article 55 paragraph (2) point 33 and paragraph (3) | (2)For the purpose of efficient achievement of the competency set out in paragraph (1) of this Article , the Energy Regulatory Commission shall monitor, in particular:  33. monitor the compliance of entities performing market coupling operations.  (3)The Energy Regulatory Commission shall adopt a rulebook on the manner and procedure for monitoring the operation of energy markets. | Fully compliant | |  |  |  | |
| Article 62 paragraph 2 point (c) | (c) to issue joint binding decisions on the regional coordination centres. | DEL | Article 58 paragraph (1) | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  1.participate in the work and implement the recommendations of the ECRB and ACER and carry out cooperation, consultations and exchange of information with the Energy Community Secretariat, with the relevant regional and international organizations and with other regulatory bodies in the region;  2.enter into cooperation agreements with other regulatory bodies for the purpose of creating a competitive regional electricity and gas market and harmonizing the legal, regulatory and technical framework;  3. comply with and implement the relevant legally binding decisions of the ECRB and ACER, and  4. ensure harmonisation of procedures for exchange of data on energy markets within the Energy Community;  5. ensure, from the transmission system operator and NEMO, application of the pan-European TCMs adopted by ACER and compliance with the binding decisions of the ECRB and ACER relating to the transmission system operator and NEMO. | Fully compliant | |  |  |  | |
| Article 62 paragraph 3 | The regulatory authority located in the Member State in which a regional coordination centre has its seat shall have the power to impose effective, proportionate and dissuasive penalties on the regional coordination centre where it does not comply with its obligations under this Directive, Regulation (EU) 2019/943 or any relevant legally binding decisions of the regulatory authority or of ACER, or shall have the power to propose that a competent court impose such penalties. |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 63 paragraph 1 | Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and guidelines referred to in this Directive or in Chapter VII of Regulation (EU) 2019/943. | DEL | Article 58 paragraph (2) point 4 | (2) The Energy Regulatory Commission, in cooperation with the Ministry,shall encourage and facilitate the cooperation of transmission system operators and electricity and gas market operators and NEMOs within the Energy Community, and in particular with regard to:  4. coordination of the development and implementation of network rules for relevant transmission system operators and other market participants; | Fully compliant | |  |  |  | |
| Article 63 paragraph 2 | ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months of the date of receipt of the request. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 3 | Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months of the date of receipt of that opinion, ACER shall inform the Commission accordingly. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 4 | Any regulatory authority may inform the Commission where it considers that a decision relevant for cross-border trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in Chapter VII of Regulation (EU) 2019/943 within two months of the date of that decision. | DEL | Article 58 paragraph (1), point 1 | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  1.participate in the work and implement the recommendations of the ECRB and ACER and carry out cooperation, consultations and exchange of information with the Energy Community Secretariat, with the relevant regional and international organizations and with other regulatory bodies in the region; | Fully compliant | |  |  |  | |
| Article 63 paragraph 5 | Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or, on its own initiative, within three months of the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and guidelines referred to in this Directive or in Chapter VII of Regulation (EU) 2019/943, the Commission may decide to examine the case further. In such a case, it shall invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 6 | Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision: |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 6 point (а) | (a) not to raise objections against the decision of the regulatory authority; or |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 6 point (b) | (b) to require the regulatory authority concerned to withdraw its decision on the basis that network codes and guidelines have not been complied with. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 7 | Where the Commission has not taken a decision to examine the case further or a final decision within the time- limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 63 paragraph 8 | The regulatory authority shall comply with the Commission decision requiring it to withdraw its decision within two months and shall inform the Commission accordingly. | DEL | Article 58 paragraph (1) | (1)In order to integrate the energy markets of the Republic of North Macedonia into regional and European markets, the Energy Regulatory Commission shall:  1.participate in the work and implement the recommendations of the ECRB and ACER and carry out cooperation, consultations and exchange of information with the Energy Community Secretariat, with the relevant regional and international organizations and with other regulatory bodies in the region;  2.enter into cooperation agreements with other regulatory bodies for the purpose of creating a competitive regional electricity and gas market and harmonizing the legal, regulatory and technical framework;  3. comply with and implement the relevant legally binding decisions of the ECRB and ACER, and  4.ensure harmonisation of procedures for exchange of data on energy markets within the Energy Community;  5. ensure, from the transmission system operator and NEMO, application of the pan-European TCMs adopted by ACER and compliance with the binding decisions of the ECRB and ACER relating to the transmission system operator and NEMO. | Fully compliant | |  |  |  | |
| Article 63 paragraph 9 | The Commission is empowered to adopt delegated acts in accordance with Article 67 supplementing this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article . |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission | |
| Article 64 paragraph 1 | Member States shall require suppliers to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in electricity supply contracts and electricity derivatives with wholesale customers and transmission system operators. | DEL | Article 174 paragraph (1), (2) and (3) | (1) The producer, supplier and trader of electricity shall provide the Energy Regulatory Commission, i.e. the Commission for Protection of Competition, in accordance with the regulations governing the protection of competition, with access to data relating to all its transactions for purchase and sale of electricity and derivatives, including derivatives on the financial market, with wholesale buyers, as well as with the electricity transmission system operator, the electricity distribution system operator or the electricity market operator carried out in the last five years.  (2) The universal supplier shall provide the Energy Regulatory Commission, i.e. the Commission for Protection of Competition, in accordance with the regulations governing the protection of competition, with access to data relating to all its transactions carried out since the day of its registration as an electricity market participant.  (3) The electricity supplier shall, as a last resort, provide the Energy Regulatory Commission, i.e. the Commission for the Protection of Competition, in accordance with the regulations governing the protection of competition, with access to data relating to all transactions for purchase and sale of electricity and derivatives, including derivatives on the financial market, with wholesale buyers, electricity transmission or distribution system operators or electricity market operator, agreed for at least a period of the last five years | Fully compliant | |  |  |  | |
| Article 64 paragraph 2 | The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of identifying the wholesale customer concerned, as well as specified details of all unsettled electricity supply contracts and electricity derivatives. | DEL | Article 174 paragraph (4) | (4) The data referred to in paragraphs (1), (2) and (3) of this Article shall contain detailed indicators for each transaction, such as: duration, delivery and settlement rules, quantities, dates and times of execution and prices of the transaction and means of identification of the relevant wholesale customer, as well as more significant details of all outstanding contracts for electricity supply and electricity derivatives. | Fully compliant | |  |  |  | |
| Article 64 paragraph 3 | The regulatory authority may decide to make available to market participants elements of that information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU. | DEL | Article 174 paragraph (5) | (5) Upon request from a market participant, the Energy Regulatory Commission may provide access to the data provided to it in accordance with paragraphs (1), (2) and (3) of this Article , provided that commercially sensitive information about individual market participants or individual transactions is not published. | Fully compliant | |  |  |  | |
| Article 64 paragraph 4 | This Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 64 paragraph 5 | In the event that the authorities referred to in paragraph 1 need access to data kept by entities falling within the scope of Directive 2014/65/EU, the authorities responsible under that Directive shall provide them with the required data. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article  65 paragraph 1 | Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU, in particular Article 36 thereof, and with Union law. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 65 paragraph 2 | The measures referred to in paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 65 paragraph 3 | The Commission shall act on the notification referred to in paragraph 2 within two months of the receipt of the notification. That period shall begin on the day after receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 66 paragraph 1 | Member States which can demonstrate that there are substantial problems for the operation of their small connected systems and small isolated systems, may apply to the Commission for derogations from the relevant provisions of Article s 7 and 8 and of Chapters IV, V and VI. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 66 subparagraph 1.2 and 1.1 | The Commission shall inform the Member States of such applications before taking a decision, taking into account respect for confidentiality.  Small isolated systems and France, for the purpose of Corsica, may also apply for a derogation from Article s 4, 5 and 6. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 66 paragraph 2 | Derogations granted by the Commission as referred to in paragraph 1 shall be limited in time and subject to conditions that aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy, increased flexibility, energy storage, electromobility and demand response. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 66 paragraph 2.1 | For outermost regions within the meaning of Article 349 TFEU, that cannot be interconnected with the Union electricity markets, the derogation shall not be limited in time and shall be subject to conditions aimed to ensure that the derogation does not hamper the transition towards renewable energy. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 66 paragraph 2.2 | Decisions to grant derogations shall be published in the Official Journal of the European Union. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 66 paragraph 3 | Article 43 shall not apply to Cyprus, Luxembourg and Malta. In addition, Article s 6 and 35 shall not apply to Malta and Article s 44, 45, 46, 47, 48, 49, 50 and 52 shall not apply to Cyprus. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 66 потparagraph 3.1 | For the purposes of point (b) of Article 43(1), the notion ‘undertaking performing any of the functions of generation or supply’ shall not include final customers who perform any of the functions of generation and/or supply of electricity, either directly or via undertakings over which they exercise control, either individually or jointly, provided that the final customers including their shares of the electricity produced in controlled undertakings are, on an annual average, net consumers of electricity and provided that the economic value of the electricity they sell to third parties is insignificant in proportion to their other business operations. | DEL | Article 3 point 45 | 45.electricity undertaking’ means a natural or legal person who carries out at least one of the following functions: generation, transmission, distribution, aggregation, demand response, energy storage, supply or purchase of electricity, and who is responsible for the commercial, technical or maintenance tasks related to those functions, but does not include final customers; | Fully compliantо | |  |  |  | |
| Article 66 paragraph 4 | Until 1 January 2025, or until a later date set out in a decision pursuant to paragraph 1 of this Article , Article 5 shall not apply to Cyprus and Corsica. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 66 paragraph 5 | Article 4 shall not apply to Malta until 5 July 2027. That period may be extended for a further additional period, not exceeding eight years. The extension for a further additional period shall be made by means of a decision pursuant to paragraph 1. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union. | |
| Article 67 paragraph 1 | The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article . |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 67 paragraph 2 | The power to adopt delegated acts referred to in Article 61(5) and Article 63(9) shall be conferred on the Commission for an indeterminate period of time from 4 July 2019. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 67 paragraph 3 | The delegation of power referred to in Article 61(5) and Article 63(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 67 paragraph 4 | Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 67 paragraph 5 | As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 67 paragraph 6 | A delegated act adopted pursuant to Article 61(5) and Article 63(9) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 68 paragraph 1 | The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 68 paragraph 2 | Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 69 paragraph 1 | The Commission shall monitor and review the implementation of this Directive and shall submit a progress report to the European Parliament and the Council as an annex to the State of the Energy Union Report referred to in Article 35 of Regulation (EU) 2018/1999. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 69 paragraph 2 | By 31 December 2025, the Commission shall review the implementation of this Directive and shall submit a report to the European Parliament and to the Council. If appropriate, the Commission shall submit a legislative proposal together with or after submitting the report. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 69 paragraph 2.1 | The Commission's review shall, in particular, assess whether customers, especially those who are vulnerable or in energy poverty, are adequately protected under this Directive. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the duty of the European Commission. | |
| Article 70 paragraph 1 | (1) Article 9 is amended as follows:  (а) the title is replaced by the following:  ‘Metering for natural gas’; ;  (b) in paragraph 1, the first subparagraph is replaced by the following: ‘1. Member States shall ensure that, in so far as it is technically possible, financially reasonable, and propor tionate to the potential energy savings, for natural gas final customers are provided with competitively priced individual meters that accurately reflect the final customer's actual energy consumption and that provide information on actual time of use.’; (c) paragraph 2 is amended as follows: (i) (ii) the introductory part is replaced by the following: ‘2. Where, and to the extent that, Member States implement intelligent metering systems and roll out smart meters for natural gas in accordance with Directive 2009/73/EC:’; points (c) and (d) are deleted; | DEL | Article 64 paragraph (2) point 2 | (2)The supply rules referred to in paragraph (1) of this Article shall regulate in more detail the general conditions and manner of supply, as well as the mutual rights, obligations and responsibilities of the supplier and customer of the appropriate type of energy and the operator of the appropriate system, and in particular:  2. manner of measuring, calculating, billing and collecting the energy delivered; | Partially compliant | | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 70 paragraph 2 | 2) Article 10 is amended as follows: (a) the title is replaced by the following:  „‘Billing information for natural gas’;  (b) in paragraph 1, the first subparagraph is replaced by the following:  ‘1. Where final customers do not have smart meters as referred to in Directive 2009/73/EC, Member States shall ensure, by 31 December 2014, that billing information for natural gas is reliable, accurate and based on actual consumption, in accordance with point 1.1 of Annex VII, where that is technically possible and economically justified.’; .“;  (c) in paragraph 2, the first subparagraph is replaced by the following:  „2 Meters installed in accordance with Directive 2009/73/EC shall enable the provision of accurate billing information based on actual consumption. Member States shall ensure that final customers have the possibility of easy access to complementary information on historical consumption allowing detailed self-checks.’; |  | Article 173 paragraph (5) point 8 | (5) The electricity supplier shall be obliged, in accordance with this Law and the regulations and rules adopted on the basis of this Law, to:  8. enable customers to receive regular and accurate notifications of actual electricity consumption and costs, so that customers can manage their own consumption; | Partially compliant | | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 70 paragraph 3 | (3) in Article 11, the title is replaced by the following::  „Cost of access to metering and billing information for natural gas’; |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 70 paragraph 4 | (4) in Article 13, the words ‘Article s 7 to 11’ are replaced by the words ‘Article s 7 to 11a’; |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 70 paragraph 5 | (a) paragraph 5 is amended as follows: (i) (ii) the first and second subparagraphs are deleted; the third subparagraph is replaced by the following: ‘Transmission system operators and distribution system operators shall comply with the requirements set out in Annex XII.’; (b) paragraph 8 is deleted;  (6) in Annex VII, the title is replaced by the following: ‘Minimum requirements for billing and billing information based on actual consumption of natural gas’. |  |  |  | Not transposed | | Will be transposed into another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Article 71 paragraph 1 | Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article s 2 to 5, Article 6(2) and (3), Article 7(1), point (j) and (l) of Article 8(2), Article 9(2), Article 10(2) to (12), Article s 11 to 24, Article s 26, 28 and 29, Article s 31 to 34 and 36, Article 38(2), Article s 40 and 42, point (d) of Article 46(2), Article s 51 and 54, Article s 57 to 59, Article s 61 to 63, points (1) to (3), (5)(b) and (6) of Article 70 and Annexes I and II by 31 December 2020. They shall immediately communicate the text of those provisions to the Commission. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 71 потparagraph 1.1 point (а) k (b) | However, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with:  (a) point (5)(a) of Article 70 by 31 December 2019;  (b) point (4) of Article 70 by 25 October 2020. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 71 потparagraph 1.2 | When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 71 paragraph 2 | Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 72 paragraph 1 | Directive 2009/72/EC is repealed with effect from 1 January 2021, without prejudice to the obligations of Member States relating to the time-limit for the transposition into national law and the date of application of the Directive set out in Annex III. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 72 потparagraph 1.2 | References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex IV. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 73 paragraph 1 | This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 73 потparagraph 1.2 | Article 6(1), Article 7 (2) to (5), Article 8(1), points (a) to (i) and (k) of Article 8(2) and Article 8(3) and (4), Article 9(1), (3), (4) and (5), Article 10(2) to (10), Article s 25, 27, 30, 35 and 37, Article 38(1), (3) and (4), Article s 39, 41, 43, 44 and 45, Article 46(1), points (a), (b) and (c) and (e) to (h) of Article 46(2), Article 46(3) to (6), Article 47 to 50, Article s 52, 53, 55, 56, 60, 64 and 65 shall apply from 1 January 2021. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 73 потparagraph 1.3 | Points (1) to (3), (5)(b) and (6) of Article 70 shall apply from 1 January 2021. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 73 потparagraph 1.4 | Point (5)(a) of Article 70 shall apply from 1 January 2020. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 73 потparagraph 1.5 | Point (4) of Article 70 shall apply from 26 October 2020. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Article 74 | This Directive is addressed to the Member States. |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Аnnex I | 1. Minimum information to be contained on the bill and in the billing information  1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:  (a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;  (b) the date on which payment is due.  1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:  (a) electricity consumption for the billing period;  (b) the name and contact details of the supplier, including a consumer support hotline and email address; (c) the tariff name;  (d) the end date of the contract, if applicable; (e) (f) the information on the availability and benefits of switching; the final customer's switching code or unique identification code for the final customer's supply point; (g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 26; (h) the single point of contact referred to in Article 25; (i) a link or reference to where comparison tools referred to in Article 14 can be found.  Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:  (a) comparisons of the final customer's current electricity consumption with the final customer's consumption for the same period in the previous year in graphic form; (b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment; (c) comparisons with an average normalised or benchmarked final customer in the same user category..    2. Frequency of billing and the provision of billing information:  (a) billing on the basis of actual consumption shall take place at least once a year; ;  (b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;  (c) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval;  (d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement devices and systems used.  3. Breakdown of the final customer's price  The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, levies, fees and charges  Where a breakdown of the final customer's price is presented in bills, the common definitions of the three components in that breakdown established under Regulation (EU) 2016/1952 of the European Parliament and of the Council ( ) shall be used throughout the Union.  4. Access to complementary information on historical consumption  Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer. Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.  Complementary information on historical consumption shall include:  (a) cumulative data for at least the three previous years or the period since the start of the electricity supply contract, if that period is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and  (b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the electricity supply contract, if that period is shorter.  5Disclosure of energy sources  Suppliers shall specify in bills the contribution of each energy source to the electricity purchased by the final customer in accordance with the electricity supply contract (product level disclosure).  The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:  (a) the contribution of each energy source to the overall energy mix of the supplier (at national level, namely in the Member State in which the electricity supply contract has been concluded, as well as at the level of the supplier if the supplier is active in several Member States) over the preceding year in a comprehensible and clearly comparable manner;  (b) information on the environmental impact, in at least terms of CO emissions and the radioactive waste resulting from the electricity produced by the overall energy mix of the supplier over the preceding year.  As regards point (a) of the second subparagraph, with respect to electricity obtained via an electricity exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year may be used.  For the disclosure of electricity from high efficiency cogeneration, guarantees of origin issued under Article 14(10) of Directive 2012/27/EU may be used. The disclosure of electricity from renewable sources shall be done by using guarantees of origin, except in the cases referred to in points (a) and (b) of Article 19(8) of Directive (EU) 2018/2001. The regulatory authority or another competent national authority shall take the necessary steps to ensure that the information provided by suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner. | DEL | Article 185  paragraph (1) | (1) The electricity supplier, based on the meterings of electricity consumed performed by the relevant system operator, shall invoice its customers for the electricity delivered at the agreed price, in particular including in the invoice:  1. fee for electricity consumed, excluding value added tax;  2. fee for use of the electricity distribution and/or transmission system, if a contract has been entered into with the relevant system operator, excluding value added tax;  3. fee for electricity from energy from renewable sources generated by preferential producers using feed-in tariffs, excluding value added tax;  4. fee for use of the electricity market, excluding value added tax;  5. the tax rate at which value added tax is calculated in accordance with the law for the relevant turnover specified in items 1 to 4 of this paragraph, and  6. the amount of value added tax calculated for each turnover specified in items 1 to 4 of this paragraph. | Partially compliant | | It will be fully compliant by by adopting another legal regulation in the field of energy | Within nine months from the date of entry into force of this law. |  | |
| Аnnex II | 1. Member States shall ensure the deployment of smart metering systems in their territories that may be subject to an economic assessment of all of the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which time frame is feasible for their distribution..    2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU ( the best available techniques for ensuring the highest level of cybersecurity and data protection. 1 ) as well as  3. Subject to that assessment, Member States or, where a Member State has so provided, the designated competent authority, shall prepare a timetable with a target of up to ten years for the deployment of smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters either within seven years of the date of the positive assessment or by 2024 for those Member States that have initiated the systematic deployment of smart metering systems before 4 July 2019. | DEL | Article 186 paragraphs (1), (2), (3) and (4)  Article 188 | (1) In order to actively participate in the electricity market, promote energy efficiency and optimize the use of electricity, the electricity transmission and distribution system operators shall be obliged to conduct a technical and economic analysis of all costs and benefits for the market, as well as to increase energy efficiency from the introduction of smart metering systems, and to submit it to the Energy Regulatory Commission.  (2) If the analysis referred to in paragraph (1) of this Article shows that the introduction of smart metering systems is justified, the Energy Regulatory Commission shall propose to the Government to adopt a decision on the introduction of smart metering systems in the Republic of North Macedonia.  (3) The Energy Regulatory Commission shall submit the analysis referred to in paragraph (1) of this Article to the Energy Community Secretariat.  (4) When performing the analysis referred to in paragraph (1) of this Article , the electricity transmission and distribution system operators shall take into account:  1. the economically viable model for introduction of smart metering systems by the relevant electricity system operator;  2. the time frame with dynamics for introduction of smart metering systems;  3. the methodology for the analysis of costs and benefits and the minimum technical functions of smart metering systems applied in the European Union, and  4. the best available techniques for ensuring the highest level of cyber security and data protection.  (1) If, in accordance with the analysis referred to in Article 186 of this Law, it is determined that the introduction of smart metering systems is unjustified, the relevant electricity system operator shall be obliged, at the request of the final customer or at the request of the supplier with the consent of the final customer, to install smart metering systems that meet the technical requirements set out in Article 187 of this Law.  (2) In the offer for installation of smart metering systems, the relevant electricity system operator shall provide the applicant with precise information on:  1. the functions and interoperability supported by the smart metering device;  2. the available services and benefits that can be delivered by using the smart metering device, and  3. the costs borne by the applicant.  (3) The costs referred to in paragraph (2) item 3 of this Article shall be calculated in accordance with the price list for non-standard services of the relevant electricity system operator referred to in Article 164 of this Law, approved by the Energy Regulatory Commission and published on the operator's website.  (4) The relevant electricity system operator shall be obliged to install the smart metering device within a reasonable period of time, but no later than four months from the date of submission of the request referred to in paragraph (1) of this Article .  (5) The relevant electricity system operator shall be obliged to update the offer of smart metering systems and the possibilities for upgrading the installed smart metering devices at least every two years in accordance with the latest technological developments | Fully compliant | |  |  |  | |
| Аnnex III | TIME-LIMIT FOR TRANSPOSITION INTO NATIONAL LAW AND DATE OF APPLICATION (REFERRED TO IN ARTICLE 72) |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |
| Аnnex IV | Correspodence table |  |  |  | Not relevant for RNM | |  |  | This paragraph applies to the member states of the European Union | |