

**DECISION No 2/2021**

**OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR  
THE COOPERATION OF ENERGY REGULATORS**

**of 28 January 2021**

**establishing the Retail Working Group of the European Union Agency for the  
Cooperation of Energy Regulators**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR THE  
COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) No 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators<sup>1</sup>, and in particular, paragraphs 1 and 2 of Article 15 and Article 30(1) thereof,

Having regard to the favorable opinion of the Board of Regulators of 22 December 2020,

Whereas:

- (1) The Agency shall monitor the wholesale and retail markets in electricity and natural gas. In particular, the monitoring activities of the Agency shall encompass the retail prices of electricity and natural gas, compliance with the consumer rights laid down in Directive (EU) 2019/944 and Directive 2009/73/EC, the impact of market developments on household customers, access to the networks including access of electricity produced from renewable energy sources, the progress made with regard to interconnectors, potential barriers to cross-border trade, regulatory barriers for new market entrants and smaller actors, including citizen energy communities, state interventions preventing prices from reflecting actual scarcity – such as those set out in Article 10(4) of Regulation (EU) 2019/943 –, the performance of the Member States in the area of security of supply of electricity based on the results of the European resource adequacy assessment as referred to in Article 23 of that Regulation, taking into account, in particular, the ex-post evaluation referred to in Article 17 of Regulation (EU) 2019/941.
- (2) In order to accomplish this task, the Agency shall work in close cooperation with the Commission, the Member States and the relevant national authorities, including the regulatory authorities. The above-mentioned task shall be performed without prejudice to the competences of competition authorities.
- (3) On 26 November 2020, the Director and the Board of Regulators have proposed to the Administrative Board the establishment of a working group allowing the fulfilment of the above-mentioned task.
- (4) Working groups shall be established to support the regulatory work of the Director and the Board of Regulators. In this regard, working groups shall support the Director and the Board of Regulators in the preparation of the opinions, recommendations and

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<sup>1</sup> OJ L 158, 14.06.2019.

decisions referred to in Article 3(1), Articles 4 to 8, Article 9(1) and (3), Article 10, point (c) of Article 11, Article 13, Article 15(4), and Articles 30 and 43 of Regulation (EU) 2019/942.

- (5) Considering that the tasks specified in Article 15(1) and (2) of Regulation (EU) 2019/942 do not require a favourable opinion of the Board of Regulators nor a consultation of the AWG pursuant to Article 24(2) of Regulation (EU) 2019/942, certain provisions of the internal Rules of Procedure for the functioning of the Working Groups of the European Agency for the Cooperation of Energy Regulators should not be applicable to the Retail Working Group.

HAS ADOPTED THIS DECISION:

*Article 1*

The Retail Working Group is hereby established.

*Article 2*

Paragraph 2 of Article 1, with Regard to the Board of Regulators, and paragraph 6 and 7 of Article 2 of Annex 1 to Decision No 1/2021 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 28 January 2021 establishing the internal Rules of Procedure for the functioning of the Working Groups of the European Agency for the Cooperation of Energy Regulators shall not apply to the Retail Working Group of the Agency.

*Article 3*

This Decision shall enter into force on the day of its adoption and shall be notified to the Director and the Board of Regulators.

Done at Ljubljana, 28 January 2021.

*For the Administrative Board*

*The Chair*

*Dr. J. PENKER*