



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**An Information guide to the
Exercise of functions by the
Commission for Energy Regulation
(CER)**

**Prepared in accordance with
Section 16 of the
Freedom of Information Act, 1997**

CER/12/155

INTRODUCTION

In accordance with the CER's obligations under Section 16 of the Freedom of Information (Amendment) Act, 2003, we have compiled this guide. We have included links to European and national legislation, statutory instruments and guidelines which are published by the CER.

INTRODUCTION TO THE COMMISSION FOR ENERGY REGULATION

The Commission for Electricity Regulation (CER) was established in 1999 as the independent body responsible for regulating and liberalising the electricity market in Ireland, under the Electricity Regulation Act, 1999.

The enactment of the Gas (Interim) (Regulation) Act, 2002 expanded the Commission's jurisdiction to include regulation of the natural gas market and changed its name to the Commission for Energy Regulation (CER).

The CER facilitates competition in the generation and supply of electricity by authorising the construction of new generating plant and licensing companies to generate and supply electricity. In electricity supply, the CER has the key responsibility of regulating prices charged to customers by the Electricity Supply Board (ESB), in its capacity as Public Electricity Supplier (PES).

In the gas sector, the CER facilitates competition, by issuing consents for the construction of gas pipelines and licensing shippers/suppliers into the market. The CER also has the powers to regulate prices charged to certain gas customers.

Under the Energy (Miscellaneous Provisions) Act 2006 (the "2006 Act"), the CER has the responsibility to regulate the activities of electrical contractors with respect to safety, the activities of natural gas undertakings and natural gas installers with respect to safety, promote the safety of natural gas customers and the public generally and establish and implement a natural gas safety regulatory framework.

The Petroleum (Exploration and Extraction) Safety Act 2010 provides the CER with responsibility to regulate the activities of petroleum undertakings with respect to safety through the establishment of a Petroleum Safety Framework.

Mr. Dermot Nolan is the Chairperson and he is assisted in his duties by Mr. Garrett Blaney, Commissioner.

Functions / Duties of the CER

The CER's duties are principally specified in the Electricity Regulation Act, 1999 and the Gas (Interim) (Regulation) Act, 2002. The CER is obliged to exercise them in a manner that:

- Does not discriminate unfairly between the players in the market;
- Protects the interest of final customers.

In carrying out these duties the CER is also required to have regard to the need to:

- Promote competition in the generation and supply of electricity and in the supply of natural gas;
- Ensure that all reasonable demands by final customers of electricity for electricity are satisfied;
- Ensure that all licence holders are capable of financing the undertaking of their licensed activities;
- Ensure that there is sufficient capacity in the natural gas system to enable reasonable expectations of demand to be met;
- Promote safety and efficiency on the part of electricity and gas undertakings;
- Promote the continuity, security and quality of supplies of electricity and natural gas;
- Promote the use of renewable, sustainable or alternative forms of energy.

Without prejudice to the above the CER has a duty to:

- Take account of the protection of the environment;
- Encourage the efficient use of electricity;
- Take account of the needs of rural customers, the disadvantaged and the elderly;
- Encourage research and development into renewable, sustainable and alternative forms of energy and CHP (combined heat and power).

The CER's functions in relation to safety are to:

- Regulate the activities of electrical contractors with respect to safety,
- Regulate the activities of both natural gas & LPG undertakings, Installers with respect to safety,
- Promote the safe use of natural gas and LPG to customers and the public generally,
- Implement a Gas Safety Regulatory Framework.
- Regulate the activities of petroleum undertakings with respect to safety through the Petroleum Safety Framework.

Rules & Procedures in the CER

Commission Rules & Procedures

The Commission makes a large number of decisions in relation to its regulatory functions each year. Decisions are published in the relevant sections of the CER's website as well as on the "Documents by Year" section. Please note - the Commission does not publish decisions which it has made in relation to personal or business complaints or disputes against energy undertakings. This is for reasons of confidentiality in these cases. The document below outlines the Commission's rules and procedures:

[Commission Rules and Procedures_cer09014.pdf](#) (0.03 MB, Adobe PDF)

Commission Consultation Process

The Commission carries out full public consultation prior to making its decision on all key regulatory issues. The Commission complies with guidelines which it has set itself in relation to public consultation:

[Link to Consultation Guidelines](#)

Commission Financing

The Commission is financed by a levy on energy undertakings. This levy varies from year to year. Our annual reports contain our audited financial statements.

Please follow the link below to a list of the CER's Annual Reports.

[Link to Annual Reports](#)

Commission Code of Conduct

The Commission has developed and enforced a Code of Business Conduct which all staff (including members of the Commission) must comply with. Compliance with this Code of Conduct ensures confidence amongst our stakeholders in the regulatory process and decisions under the responsibility of the Commission.

To view the Commission's Code of Business Conduct, please click on the document below:

[Commission Code of Business Conduct_cer09015.pdf](#)

Commission Customer Charter

The Commission has developed a Customer Charter in line with the Government's Guidelines on Quality of Customer Service. Our customer charter outlines our commitments to our customers, in relation to all reasonable correspondence with the Commission. To view full details of the Commission's Customer Charter, please follow the link below:

[Link to CER Customer Charter](#)

EnergyCustomers Service

The Commission also provides a complaints resolution service for customers who have an unresolved complaint against their electricity or gas supplier or network operator. For full details of the Commission's energycustomers service, please refer to the energycustomers website.

Full details of the process for bringing a complaint to the energycustomers team is outlined at the following link:

[Link to complaints process](#)

Dispute Resolution Service

The Commission also resolves disputes in relation to network connections. The following link provides details on this service:

[Link to disputes process](#)

Licensing

The Commission licences energy undertakings in the electricity and natural gas markets. To view the CER's guidelines in relation to licensing, please follow the link below:

- [Link to licensing process](#)

Relevant Electricity Legislation

This page provides details of the most recent and relevant legislation governing the Electricity sector in Ireland.

“care should be taken when examining any of these documents as most have been amended at one time or another and these amendments will not be reflected in the original texts”

1999

[Electricity Regulation Act 1999](#)

2000

[S.I. No. 445 of 2000 – European Communities \(Internal Market in Electricity\) Regulations 2000](#)

2001

[Electricity \(Supply\)\(Amendment\) Act 2001](#)

2002

[S.I. No. 145 of 2002 – European Communities \(Internal Market in Electricity\)\(Amendment\) Regulations 2002](#)

[S.I. No. 217 of 2002 – Electricity Regulation Act 1999 \(Public Service Obligations\) Order 2002](#)

[S.I. No. 49 of 2000
Electricity Regulation Act 1999 \(Trading Arrangements in Electricity\) Regulations, 2000](#)

[S.I. No. 3 of 2002 – Electricity Regulation Act 1999 \(Eligible Customer\) Order 2002](#)

2003

[Directive 2003/54/EC of the European Parliament and of the Council Concerning Common Rules for the Internal Market in Electricity and Repealing Directive 96/92/EC](#)

[Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 Concerning Common Rules for the internal market in electricity](#)

[Regulation \(EC\) N. 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity](#)

[S.I. No. 328 of 2003 – European Communities \(Internal Market in Electricity\)\(Amendment\) Regulations 2003](#)

[EU Commission Decision C \(2003\) 4488 fin dated 16 December 2003, State aid No. N475/2003 Ireland approving the public service obligation arrangements on ESB Public Electricity Supplier, in respect of the new generation contracts on foot of the CER's Capacity 2005 competition, in the interests of Security of Supply](#)

[S.I. No. 304 of 2003 – Electricity Regulation Act 1999 \(Market Arrangements for Electricity Regulations 2003](#)

[Policy Direction issued by the Minister for Public Enterprise to the Commission for Electricity Regulation in accordance with Section 9\(1\)\(a\) of the Electricity Regulation Act, 1999](#)

[S.I. No. 632 of 2003 – Electricity Regulation Act 1999 \(Eligible Customer\)\(Consumption of Electricity\) Order 2003](#)

2004

[Electricity \(Supply\)\(Amendment\) Act 2004](#)

[Electricity \(Supply\)\(Amendment\) Bill 2004](#)

2005

[Electricity Regulation Act 1999 \(Public Service Obligations\)\(Amendment\)\(No. 2\) Order 2005](#)

[EU Commission decision approving the Public Service Obligations in respect of Short-Term Peaking Electricity Capacity](#)

[The European Communities \(Cross Border Electricity Network Access\) Regulations 2005](#)

[S.I. 60 of 2005 – European Communities \(Internal Market in Electricity\) Regulations 2005](#)

[S.I. No. 287 of 2005 - European Communities \(Cross Border Electricity Network Access\) Regulations 2005](#)

[S.I. No. 380 of 2005 - Electricity Regulation Act 1999 \(Public Service Obligations\)\(Amendment Order\) Order 2005](#)

[S.I. No. 511 of 2005 - Electricity Regulation Act 1999 \(Public Service Obligations\)\(Amendment\)\(No.2\) Order 2005](#)

2006

[S.I. 78 of 2006 - Electricity Regulation Act 1999 \(Market Arrangements for Electricity\)\(Revocation\) Regulations 2006](#)

[Energy \(Miscellaneous Provisions\) Act 2006](#)

[S.I. No. 524/2006 - European Communities \(Internal Market in Electricity\) Regulations 2006](#)

2007

[Electricity Regulation \(Amendment\) \(Single Electricity Market\) Act 2007](#)

[S.I. No. 731/2007 - Electricity Regulation \(Amendment\) \(Single Electricity Market\) Act 2007 \(Commencement of Remaining Provisions\) Order 2007](#)

[S.I. No. 723/2007 - Electricity Regulation Act 1999 \(Trading Arrangements in Electricity\) \(Revocation\) Regulations 2007](#)

[S.I. No. 406/2007 - Electricity Regulation Act 1999 \(Single Electricity Market\) Regulations 2007](#)

[S.I. No. 287/2007 - Electricity Regulation \(Amendment\) \(Single Electricity Market\) Act 2007 \(Commencement of Certain Provisions\) Order 2007](#)

[S.I. No. 266/2007 - Energy \(Miscellaneous Provisions\) Act 2006 \(Commencement of Section 8\) Order 2007](#)

2008

[Electricity Regulation \(Amendment\) \(Eirgrid\) Act 2008](#)

[S.I. No. 383/2008 - Electricity Regulation Act 1999 \(Section 16\(3A\)\) Order 2008](#)

[S.I. No. 384/2008 - Electricity Regulation Act 1999 \(Section 14\(1A\)\) Order 2008](#)

[S.I. No. 280/2008 - European Communities \(Internal Market in Electricity\) \(Electricity Supply Board\) Regulations 2008](#)

2009

[Regulation \(EC\) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation \(EC\) No 1228/2003](#)

[Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC](#)

[S.I. No. 499/2009 - European Communities \(High Efficiency Combined Heat and Power\) Regulations 2009](#)

[S.I. No. 299/2009 - Electricity Regulation Act 1999 \(Appointment of Person To Calculate Power To Heat Ratios of Combined Heat and Power Units\) Order 2009](#)

[S.I. No. 298/2009 - Energy \(Miscellaneous Provisions\) Act 2006 \(Commencement of Section 6\) Order 2009](#)

[S.I. No. 226/2009 - European Communities \(Internal Market In Electricity\) Regulations 2009](#)

[S.I. No. 59/2009 - European Communities \(Internal Market In Electricity\) \(Amendment\) Regulations 2009](#)

2010

[Electricity Regulation \(Amendment\) \(Carbon Revenue Levy\) Act 2010](#)

[S.I. No. 474/2010 - Electricity Regulation \(Amendment\) \(Carbon Revenue Levy\) Act 2010 Regulations 2010](#)

[S.I. No. 450/2010 - European Communities \(Internal Market in Electricity\) Regulations 2010](#)

2011

[S.I. No. 463/2011 — European Communities \(Internal Market in Electricity and Gas\) \(Consumer Protection\) Regulations of 2011.](#)

[S.I. No. 570/2011 — European Communities \(Internal Market in Electricity\) \(Certification and Designation of the Transmission System Operator\) Regulations 2011.](#)

[S.I. No. 630/2011 — European Communities \(Internal Market in Natural Gas and Electricity\) Regulations 2011.](#)

2012

[Electricity Regulation \(Carbon Revenue Levy\) \(Amendment\) Act 2012](#)

Relevant Gas Legislation

This page provides details of the most recent and relevant legislation governing the natural gas sector in Ireland.

“care should be taken when examining any of these documents as most have been amended at one time or another and these amendments will not be reflected in the original texts”

1976

[Gas Act, 1976](#)

1987

[Gas \(Amendment\) Act 1987](#)

1989

[S.I. No. 349 of 1989 – European Communities \(Environmental Impact Assessment\) Regulations, 1989](#)

1995

[Energy \(Miscellaneous Provisions\) Act 1995](#)

2000

[Gas \(Amendment\) Act 2000](#)

2002

[Gas \(Interim\)\(Regulation\) Act 2002](#)

[S.I. No. 545 of 2002 – Gas Act 1976 \(Section 10A\(1\)\(e\)\)\(Annual Rate of Consumption\) Regulations 2002](#)

[S.I. No. 265 of 2002 – Gas \(Interim\)\(Regulation\) Act 2002 \(Criteria for Determination of Applications for Natural Gas Licences\) Regulations 2002](#)

[S.I. No. 264 of 2002 – Gas \(Interim\)\(Regulation\) Act 2002 \(Criteria for Determination of Consents\) Regulations 2002](#)

[S.I. No. 146 of 2002 – Gas \(Interim\)\(Regulation\) Act 2002 \(Appointed Day\) Order 2002](#)

2003

[Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC](#)

2004

[S.I. No. 452 of 2004 – European Communities \(Internal Market in Natural Gas\) \(No. 2\) Regulations 2004](#)

[S.I. 426 of 2004 – European Communities \(Internal Market in Natural Gas\) Regulations 2004](#)

2005

[S.I. No. 320 of 2005 – European Communities \(Internal Market in Natural Gas\) Regulations 2005](#)

[S.I. No. 760 of 2005 - European Communities \(Internal Market in Natural Gas\)\(BGE\) Regulations 2005](#)

[Regulation \(EC\) No. 1775/2005 of the European Parliament and of the Council of 28 September 2005 on Conditions for Access to the Natural Gas Transmission Networks](#)

2006

[Energy \(Miscellaneous Provisions\) Act 2006](#)

[S.I. No. 517/2006 - Gas \(Amendment\) Act 1987 \(Section 2\) \(Distribution\) \(Amendment\) Order 2006](#)

[S.I. No. 395/2006 - Continental Shelf \(Protection of Installations\) \(Corrib Gas Field\) Order 2006](#)

2007

[S.I. No. 697/2007 - European Communities \(Security of Natural Gas Supply\) Regulations 2007](#)

[S.I. No. 691/2007 - European Communities \(Conditions for Access to the Natural Gas Transmission Networks\) Regulations 2007](#)

[S.I. No. 529/2007 - Gas Amendment Act 1987, as amended by the Gas \(Interim\)\(Regulation\) Act 2002, Revocation Order 2007](#)

[S.I. No. 528/2007 - Gas \(Amendment\) Act 1987 \(Section 2\) \(Distribution\) \(Amendment\) Order 2007](#)

[S.I. No. 377/2007 - European Communities \(Internal Market in Natural Gas\) \(BGÉ\) \(Amendment\) Regulations 2007](#)

[S.I. No. 292/2007 - Energy \(Miscellaneous Provisions\) Act 2006 \(Commencement of Section 19\) Order 2007](#)

2008

[S.I. No. 239/2008 - European Communities \(Internal Market in Natural Gas\) \(Bg\) \(Amendment\) Regulations 2008](#)

[S.I. No. 47/2008 - Gas \(Amendment\) Act 1987 \(Section 2\) \(Distribution\) \(Amendment\) Order 2008](#)

2009

[Gas \(Amendment\) Act 2009](#)

[Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC](#)

[Regulation \(EC\) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation \(EC\) No 1775/2005](#)

2010 None

2011

[S.I. No. 463/2011 — European Communities \(Internal Market in Electricity and Gas\) \(Consumer Protection\) Regulations of 2011.](#)

[S.I. No. 630/2011 — European Communities \(Internal Market in Natural Gas and Electricity\) Regulations 2011.](#)

2012 None

Relevant Safety Legislation

This page provides details of the most recent and relevant legislation governing the CER's Safety Function.

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2011

[S.I. 299 of 2011 Liquefied Petroleum Gas Works.PDF](#)

S.I. No 280 of 2011 - Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010 (Commencement of Certain Provisions) (No. 2) Order 2011

[S.I. No 42 of 2011 - Energy \(Biofuel Obligation and Miscellaneous Provisions\) Act 2010 \(Commencement of Certain Provisions\) Order 2011](#)

2010

[Petroleum \(Exploration and Extraction\) Safety Act 2010](#)

[S.I. No. 367/2010 - Petroleum \(Exploration and Extraction\) Safety Act 2010 \(Commencement of Certain Provisions\)\(No. 2\) Order 2010](#)

[S.I. No. 227/2010 - Petroleum \(Exploration and Extraction\) Safety Act 2010 \(Commencement of Certain Provisions\) Order 2010](#)

[Energy \(Biofuel Obligation and Miscellaneous Provisions\) Act 2010](#)

[S.I. No. 322/2010 - Energy \(Biofuel Obligation and Miscellaneous Provisions\) Act 2010 \(Commencement of Certain Provisions\) Order 2010](#)

2009

[S.I. No. 238/2009 - Energy \(Miscellaneous Provisions\) Act 2006 \(Section 13\) \(Commencement of Remaining Provisions\) Order 2009](#)

[S.I. No. 225/2009 - Electricity Regulation Act 1999 \(Gas Works\) Regulations 2009](#)

2008

[S.I. No. 68/2008 - Energy \(Miscellaneous Provisions\) Act 2006
\(Commencement of Certain Provisions\) Order 2008](#)

2006

[Energy \(Miscellaneous Provisions\) Act 2006](#)