

European Stakeholder Committee for Cybersecurity in Electricity Sector

Terms of Reference

Version 2

Versions of these Terms of Reference

Version	Adopted	Main amendments
1	30 April 2025	First version
2	21 February 2026	<p>Amended Article 2(5) to allow ENISA, European Union Agency for Cybersecurity, to nominate up to six substitute representatives to the ESC.</p> <p>Amended drafting in Article 3(1)(b) to clarify that the restriction on participation of substitute representatives only concerns their physical participation and not their remote participation.</p> <p>Amended Article 5(1) to increase logistical freedom of organising hybrid meetings.</p> <p>Amended Article 5(3) to allow limiting part or parts of meetings to physical participation. For example, to address any potential sensitivity requirements.</p> <p>Added Article 5(9) to grant ESC Members the ability to invite additional staff to a meeting in an <i>ad hoc</i> manner, notwithstanding that staff not being the designated primary representatives or substitute representatives. For example, to contribute to that meeting with specific expertise. Previous Article 5(9) is now Article 5(10).</p>

Whereas:

- (1) Since 2015, the European Network Codes Stakeholder Committees (the ‘ESCs’)¹, chaired by the European Union Agency for the Cooperation of Energy Regulators (‘ACER’), have been making important contributions to the implementation process of the network codes (the ‘NCs’) for the integration of the electricity markets. The ESCs have been achieving this by, amongst others, keeping stakeholders abreast of the aforementioned implementation process and providing them with a forum to provide their feedback.
- (2) At present, there are three ESCs, one per family of the NCs: Market Stakeholder Committee ACER organises in collaboration with the ENTSO-E, and Grid Connection Stakeholder Committee as well as System Operations Stakeholder Committee, both of which ACER organises in collaboration with the ENTSO-E and the EU DSO entity.
- (3) ESCs aim to complement, and not to replace, the legal obligations of stakeholder consultation and information exchanges encapsulated in the NCs.
- (4) On 13 June 2024, Commission Delegated Regulation (EU) 2024/1366 of 11 March 2024 establishing a network code on sector-specific rules for cybersecurity aspects of cross-border electricity flows (the ‘NCCS’)² came into force. Its optimal implementation also requires effective stakeholder engagement. However, due to the differences from other network codes with regards to the subject matter, stakeholder landscape and specific areas which would particularly benefit from ESC discussions, it does not appear that any of the three existing ESCs could support NCCS-related discussions efficaciously.
- (5) For example, stakeholder landscape under the NCCS includes not only a wide range of players in the electricity sector, but also providers of information and communication technology (‘ICT’) and security services, as well as a number of authorities responsible to perform tasks assigned to them in the NCCS.
- (6) The governance and consultation processes under the NCCS, such as those pertaining to terms, conditions and methodologies and plans, need to be implemented to deliver quality outputs without delay, while involving stakeholders identified in the relevant provisions of the NCCS. This will require timely discussions and exchanges of substantive information within dedicated groups and channels, and it is unlikely that an ESC could complement them in the context of the NCCS both effectively and efficiently.
- (7) The monitoring provisions under the NCCS include monitoring of the execution of the tasks of the ENTSO-E and the EU DSO entity, as well as reviewing the implementation status of cybersecurity risk management measures by a wide range of players in the electricity sector. Similarly to the above, it does not appear that an ESC would constitute an optimal forum for discussions around their contents.
- (8) On the other hand, in the context of the NCCS, an ESC could provide a valuable platform for discussions around the processes employed to implement the provisions of the NCCS, and how to improve them. Given the stakeholder landscape involved, it could also serve as a public-private forum for identifying any required developments in the context of cybersecurity policy in the electricity sector.

¹ https://www.entsoe.eu/network_codes/esc/.

² OJ L 158, 14.6.2019, p. 54–124.

EUROPEAN STAKEHOLDER COMMITTEE FOR CYBERSECURITY

- (9) Article 10 of the NCCS stipulates that ACER, in close cooperation with the ENTSO-E and the EU DSO entity, shall organise stakeholder involvement, including regular meetings with stakeholders, to identify problems and propose improvements related to the implementation of the NCCS.
- (10) Furthermore, Article 12(2)(b) of the NCCS tasks ACER with publishing a report at least once every three years to identify whether additional rules on common requirements, planning, monitoring, reporting and crisis management may be necessary to prevent risks for the electricity sector, whereas Article 12(2)(c) of the NCCS adds identifying areas of improvement for the revision of the NCCS, or determining uncovered areas and new priorities that may emerge due to technological developments.
- (11) An ESC could provide a particularly effective platform to assist with the fulfilment of the broad and strategic mandate encapsulated in the aforementioned provisions. The ESC in question should therefore focus on this mandate.
- (12) In light of the above considerations, the ESC for the NCCS (the ‘NCCS ESC’) is established.

Article 1

Objectives

1. The NCCS ESC shall foster the implementation of the NCCS by supporting ACER in the fulfilment of its role encapsulated in:
 - (a) Article 10 of the NCCS;
 - (b) Article 12(2)(b) of the NCCS;
 - (c) Article 12(2)(c) of the NCCS.
2. The NCCS ESC shall serve as a platform for stakeholder involvement to fulfil the objectives referred to in paragraph 1, in particular by:
 - (a) contributing to monitoring and discussing the processes and practices related to the implementation of the NCCS at Union level, regional level, Member State level and, where appropriate, entity level, including their effectiveness and whether they are implemented within the timelines stipulated in the NCCS;
 - (b) sharing views on the NCCS implementation and how to enhance it, including any problems encountered and lessons learned;
 - (c) as appropriate, establishing or contributing to establishing or amending guidelines, plans, timelines and processes related to the implementation of the NCCS, taking into account the provisions of the NCCS;
 - (d) identifying any required developments in the context of cybersecurity policy in the electricity sector;
 - (e) discussing stakeholder involvement in the context of the NCCS, at Union level, regional level and Member State level, and how to foster it.
3. ACER may amend the objectives of the NCCS ESC referred to in paragraph 1 and paragraph 2, either temporarily or permanently, in consultation with members of the NCCS ESC.

Article 2

Membership

1. ACER shall strive to select the members of the NCCS ESC ensuring balanced representation of pan-European views or interests whilst fostering effective and efficient fulfilment of the objectives encapsulated in Article 1.
2. ACER shall select the members of the NCCS ESC from associations representing the entities referred to in Article 2(1) of the NCCS and listed in Table 1 and from the authorities referred to in Article 2(2) of the NCCS and listed in Table 2.
3. ACER shall select associations representing the entities listed in Table 1 following a call for expressions of interest. When submitting their expressions of interest in the NCCS ESC candidacy, each association shall state one type of entity listed in Table 1 it wishes to represent.
4. As part of the selection referred to in paragraph 3, if possible, ACER shall select at least one association representing each entity type listed in Table 1.
5. As part of the selection referred to in paragraph 3, every association of entities referred to in Table 1 shall nominate one primary representative and either one or two substitute representatives. By derogation from the preceding sentence, the ENTSO-E and the EU DSO entity shall each nominate between one and three primary representatives and up to six substitute representatives, whereas ENISA shall nominate one primary representative and up to six substitute representatives.
6. The ENTSO-E and the EU DSO entity shall additionally designate adequate staff members to fulfil the administrative and operational roles and responsibilities of the ENTSO-E and the EU DSO entity referred to in Article 3(3). The ENTSO-E and the EU DSO entity administrative and operational staff members designated pursuant to the preceding sentence shall not be counted towards the number of the primary representatives or substitute representatives nominated pursuant to paragraph 5.

Table 1: NCCS ESC representation of the entities referred to in Article 2(1) of the NCCS

Entity type	Letter of Art 2(1)
ENTSO-E representing transmission system operators ('TSOs')	(e)
EU DSO entity representing distribution system operators ('DSOs')	(f)
Producers	(a)
Suppliers	(a)
Aggregators	(a)
Nominated electricity market operators ('NEMOs')	(b)
Organised markets	(c)
Balancing responsible parties	(g)
Operator of recharging points	(h)

EUROPEAN STAKEHOLDER COMMITTEE FOR CYBERSECURITY

Critical ICT service providers	(d)
Managed security service providers	(j)

7. Where applicable, ACER shall invite groups composed of the authorities referred to in Article 2(2) of the NCCS and listed in Table 2 to express their interest in participating in the NCCS ESC. To the extent this is not possible or applicable, ACER shall invite the authorities referred to in Article 2(2) of the NCCS and listed in Table 2 to express their interest in participating in the NCCS ESC.
8. Any group composed of the authorities referred to in Article 2(2) of the NCCS and listed in Table 2 which expresses its interest in participating in the NCCS ESC shall nominate authorities to participate in the NCCS ESC not exceeding the quotas provided in Table 2.
9. As part of the expressions of interest or nominations referred to in paragraph 7 and paragraph 8, every authority shall nominate one primary representative and either one or two substitute representatives.
10. Taking into account the expressions of interest and nominations received, ACER shall select the authorities referred to in Article 2(2) of the NCCS in accordance with the membership quotas provided in Table 2.

Table 2: NCCS ESC participation of the authorities referred to in Article 2(2) of the NCCS

Type of authority or group of authorities	Letter of Art 2(2)	Max authorities
Competent authorities	(b)	8
National regulatory authorities ('NRAs')	(c)	2
Competent authorities for risk preparedness ('RP-NCA')	(d)	2
Computer security incident response teams ('CSIRTs')	(e)	2
Competent authorities responsible for cybersecurity ('CS-NCAs')	(f)	2
European Union Agency for Cybersecurity ('ENISA')	(f)	1

11. All primary representatives and substitute representatives nominated to the NCCS ESC in accordance with this article shall have the ability and competences to effectively fulfil the objectives encapsulated in Article 1 on behalf of their organisations.
12. ACER shall chair the NCCS ESC and designate the NCCS ESC Chairperson (the '**Chairperson**') after consulting the NCCS ESC. ACER may also designate a deputy Chairperson. The Chairperson or Chairpersons shall fulfil the roles and responsibilities of ACER referred to in these Terms of Reference.
13. Once designated, any association representing the entities referred to in Article 2(1) of the NCCS and any authority referred to in Article 2(2) of the NCCS becomes an NCCS ESC member ('**Member**'). ACER shall also be considered a Member. The European Commission shall be invited to the NCCS ESC as an observer.

14. In the interest of fulfilling the objectives encapsulated in paragraph 1, ACER may designate additional Members from associations representing the entities referred to in Article 2(1) of the NCCS or from the authorities referred to in Article 2(2) of the NCCS. The rules on the numbers of primary representatives and substitute representatives stipulated in paragraph 5 and paragraph 9 shall apply to the additional designations made in accordance with the preceding sentence.
15. ACER shall amend the lists of primary representatives and substitute representatives upon a request of the relevant Member in so far as such amendments comply with the numbers of primary representatives and substitute representatives stipulated in paragraph 5 and paragraph 9.
16. ACER may revoke the membership of any Members if they repeatedly fail to fulfil their roles and responsibilities set out in these Terms of Reference, or commit an act of misconduct. ACER shall revoke the membership of any such Members after consulting other Members.

Article 3

Roles and responsibilities

1. All Members shall:
 - (a) contribute to the fulfilment of the objectives encapsulated in Article 1 in good faith, in particular by providing high quality and timely input at least commensurate to their entity or authority type;
 - (b) attend meetings. If possible, physically and by the primary representative or representatives. Substitute representatives may attend a meeting instead of the primary representatives, in particular, when the substitute representative is more competent to contribute to the specific discussion than the primary representative. Without prejudice to remote participation, unless agreed in advance with ACER, the number of substitute representatives physically attending a meeting on behalf of any Member shall not be higher than the number of primary representatives substituted pursuant to the preceding sentence;
 - (c) provide any agreed deliverables in accordance with the meeting agenda or draft agenda at least five business days prior to the meeting, or at least ten business days prior to the meeting for major deliverables, such as reports or parts thereof;
 - (d) contribute to identifying specific topics, work areas and initiatives to fulfil the objectives encapsulated in Article 1;
 - (e) without delay, share any concerns regarding the functioning of the NCCS ESC with ACER and, if possible, propose solutions to address them;
 - (f) to the extent relevant and feasible, contribute to the operational and administrative aspects of the functioning of the NCCS ESC; and
 - (g) preserve information confidentiality, having particular regard to Article 46 and Article 47 of the NCCS.
2. In addition to the obligations referred to in paragraph 1, ACER shall:
 - (a) in accordance with Article 2, designate the NCCS ESC Members, revoke their membership or amend the lists of the NCCS ESC Members, including of their primary and substitute representatives;

EUROPEAN STAKEHOLDER COMMITTEE FOR CYBERSECURITY

- (b) chair the NCCS ESC in a neutral manner, fostering active participation of the Members, including discussions among them;
 - (c) have the overall responsibility and take decisions with regards to the means of fulfilment of the objectives encapsulated in Article 1, such as requesting the input referred to in Article 3(1)(a) and requesting the deliverables referred to in Article 3(1)(c), after consulting the Members;
 - (d) monitor the fulfilment of the objectives encapsulated in Article 1, including the input referred to in Article 3(1)(a) and request the deliverables referred to in Article 3(1)(c);
 - (e) coordinate the activities of the NCCS ESC, including by way of having the overall responsibility and taking decisions relating to the organisation of meetings and follow-ups in accordance with Article 5; and
 - (f) at least every three years after the adoption of these Terms of Reference, review and assess the structure and the functioning of the NCCS ESC after consulting the Members. If appropriate, ACER shall amend these Terms of Reference.
3. In addition to the obligations referred to in paragraph 1, the ENTSO-E, in cooperation with the EU DSO entity, shall provide close administrative and operational support to ACER in the fulfilment of its obligations encapsulated in paragraph 2, including by:
- (a) in accordance with Article 2, assisting with the designation and revocation process of the NCCS ESC members, and amendment of the list of the NCCS ESC Members, including of their primary and substitute representatives;
 - (b) closely supporting ACER in fulfilment of its obligations encapsulated in Article 3(2)(e), in particular by assisting in organising meetings in accordance with Article 5, including by way of assisting with the logistics, managing meeting registrations, providing a remote connection and preparing any required meeting documents, such as agendas, attendance lists, conclusions, actions agreed in meetings and minutes, each of which shall always be approved by ACER prior to their further communication;
 - (c) in coordination with ACER, publishing all documents related to the work of the NCCS ESC;
 - (d) collecting and processing stakeholder feedback on the NCCS ESC deliverables;
 - (e) as requested by ACER, following-up on the agreed initiatives and actions, including in accordance with Article 5(5); and
 - (f) where the meeting takes place in Brussels, providing an appropriate venue.

Article 4

Subgroups

1. After consulting the Members, ACER may establish one or more subgroups within the NCCS ESC to focus on specific issues and initiatives relating to the objectives encapsulated in Article 1 (the ‘**Subgroups**’).
2. After consulting the Members, ACER shall define the rules of each Subgroup, designate its members to fulfil the objectives referred to in paragraph 1 efficiently, and designate a lead and a deputy lead who will bear the overall responsibility for the functioning of the Subgroup.

EUROPEAN STAKEHOLDER COMMITTEE FOR CYBERSECURITY

3. The rules referred to in paragraph 2 shall define any specific issues and initiatives the Subgroup will focus on, as well as any required operational and administrative specificities for the Subgroup. To the extent that any matter is not addressed by the rules referred to in paragraph 2, these Terms of Reference shall apply to the Subgroup.
4. The Subgroups shall report to the NCCS ESC on the contents of their work. The Subgroups shall report to ACER regarding any operational and administrative issues.

Article 5

Organisation of meetings

1. The Members shall meet at least twice a year.
2. The organisation of meetings, in particular the roles and responsibilities of ACER, the ENTSO-E and the EU DSO entity, shall be in accordance with Article 3.
3. To the extent possible, a remote connection shall be provided in all meetings. If agreed in advance with ACER following a reasoned request by one or more Members or one or more non-Members participating in a meeting in accordance with Article 5(10), part or parts of a meeting may be limited to physical participation.
4. Members shall be provided with instructions on how to register for meetings.
5. Agendas shall be prepared taking into consideration any requested topics or input provided by the Members, in particular related to Article 3(1)(a) and Article 3(1)(c). Draft agendas shall be circulated in sufficient advance of the meetings, based on the input available at the time of their preparation.
6. Draft minutes of meetings, including actions agreed in the meetings, shall be shared with the participants of each relevant meeting, giving them no less than 10 business days to provide their feedback on them. This feedback shall be taken into account when finalising the minutes. Final minutes shall then be shared with the participants.
7. Taking Article 3(1)(g) into account, all documents related to the work of the NCCS ESC shall be published.
8. Actions agreed in the meetings shall be followed-up on.
9. Without prejudice to the limitation of physical participation pursuant to Article 3(1)(b), if agreed in advance with ACER following a reasoned request by a Member, additional staff of that Member may participate in a meeting notwithstanding not being the designated primary representatives or the designated substitute representatives. ACER shall inform the Members regarding participation of additional staff of any Members, including their names and surnames.
10. If agreed in advance with ACER, non-Members may participate in a meeting, in accordance with Article 3(1)(g) and in particular the need-to-know principle, including accessing any documents. ACER shall consult the Members regarding any participation of non-Members, including the name of the non-Member organisation concerned and the names and surnames of its participating staff.