

Public Information Session on Operational NCs

Increased legal robustness on NC OS and NC OPS

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Introduction



Objectives:

- Addressing ACER, EC, DSOs and more generally all stakeholders' concerns.
- Ensuring consistent and harmonised approach between OS and OPS, but also with LFCR.
- Ensuring consistent and harmonised approach with all other NCs.

Presentation:

- NC Addressees;
- Isolated System;
- NRA Scrutiny;
- Miscellaneous

=> Please feel free to ask questions.

NC Addressees – Multiple TSOs provision



- “ ACER concern: not all TSOs are operating the transmission system. Need to address diversity of TSOs.
- “ Negotiation of a new provision with EC and ACER. Insertion in all NCs.
- “ Consequences:
 - Greater clarity of obligations of each TSO;
 - Deletion of the term *%Self Planned Interconnector+* from NC OPS. Systematic use of *%Outage Coordinating TSO+* in Chapter 4 NC OPS.

“In Member States where more than one TSO exists, this Regulation shall apply to all TSOs within that Member State. Where a TSO does not have a function relevant to one or some obligations under this Network Code, Member States may under the national regulatory regime provide that the responsibility to comply with one or some obligations under this Network Code is assigned to one or more different transmission system operators. In case of such assignment, the Network Code shall apply accordingly to the transmission system operator(s) to which responsibilities have been assigned.+

Isolated System Provision



- “ ACER concern: need to clarify the geographical scope of application of the operational NCs.
- “ Provisions to address this concern already inserted in the NC LFCR: exempt islands which are not connected at all, and connected islands when not synchronously operated with rest of Synchronous Area.
- “ Consequences:
 - Insertion of same provisions in NC OS and NC OPS;
 - Deletion of corresponding recital, not needed anymore.

The provisions of this Network Code shall not apply to the Transmission System or parts of the Transmission System of a Member State which is not operating synchronously with or which is temporarily disconnected from the rest of the Synchronous Area.

In addition, the provisions of this Network Code shall not apply to the Aland Islands.+

NRA Scrutiny – Regulatory Approvals



- “ ACER concern: risk of misinterpretation of the existing Article 4 on Regulatory approvals as limiting the NRAs competences.
- “ Suggestion of a new recital by ACER and of slight amendments by EC in Article 4
- “ Consequences:
 - Slight modifications in the Article 4 : ~~%For the purpose of this Network Code;~~
 - Insertion of a new recital as suggested by ACER: NRA competences are neither expanded nor reduced by application of the NC.
 - Same wording to apply in NC OS, NC OPS, NC LFCR.

“Directive 2009/72/EC and Regulation (EC) No 714/2009 provide for powers and duties of national regulatory authorities with regard to measures taken by Transmission System Operators (TSO), allowing Member States to involve in certain cases also other national authorities. Those competences should also apply to measures taken by TSOs under this Network Code. To ensure consistent cross-border application of the most relevant of those competences, it is necessary to clarify the competence of national regulatory authorities to approve or fix specific terms and conditions or actions necessary to ensure operational security or their methodologies. The Network Code does not preclude Member States from providing for the approval or fixing by national regulatory authorities of other relevant terms and conditions or actions necessary to ensure operational security or their methodologies, within a timeframe allowing the timely delivery of those terms and conditions or actions.”

Miscellaneous



Best effort obligations: wording ~~%Each TSO shall endeavour to+~~ replaced by ~~%Each TSO shall~~
use all available economically efficient and feasible means under its control to [...].

“Cost recovery”: wording aligned to the one used in all other NC. Deletion of last paragraph
(obligation for TSOs to develop a methodology for recovery of the costs of test compliance).

~~%New applications provision:~~ originally inserted to cover FWGL principle, was deleted as not
necessary, not implementable and questioned by the EC.

~~%Human and nuclear safety:~~

- Article read that TSOs should always respect provisions on human and nuclear safety.
- questioned by ACER and EC.
- Deletion of those provisions (only in Article 1 OS and OPS and in Article 3 OS).



Many thanks for your attention!

Any question ?