

# Amendments to ENTSO-E Network Code for Requirements for Grid Connection Applicable to all Generators following ACER's Opinion

National scrutiny of the NC requirements to be implemented at the national level & cost recovery

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# National scrutiny of the NC requirements to be implemented at the national level- “Article 4(3)”

## ACER’s concerns raised in the reasoned opinion:

- Rationale and wording of Article 4(3)
- Consistent references to Article 4(3)
- Monitoring of the national implementation of “Article 4(3)” requirements

# Rationale and wording of Article 4(3)- I

## ■ ACER's concern:

- the compatibility of the NRA involvement with Directive 2009/72/EC; and
- the suggestion to delete Article 4(3) second sentence.

## ■ How it is addressed?:

- clarification of the two-fold purpose of Article 4(3):
  - a) reflects the involvement of **NRA**
  - b) addresses the issue of **allocation of tasks** between entities other than NRAs (keeping the spirit of the initial version of the Code)  
in order to determine various requirements of the NC;
- those two issues are different and thus should be dealt with separately.

# Rationale and wording of Article 4(3)- II

## Proposal:

- **Article 4(3)** reflects the powers of **NRAs** as described in Directive 2009/72/EC without prejudging on possible national implementations and interpretations of these powers by the Member States;
- For the **allocation of tasks** – the Code confirms the applicability of the allocation of tasks provided in the Code but aligns with current practices in some Member States embedded in their national legislation. This, previously addressed in Article 4(3) second paragraph, is now reflected in **Articles (4) and (5), together with the corresponding recitals (4) and (5).**

# Consistent references to Article 4(3)

- ACER's concern: lack of references to Article 4(3) for certain NC requirements (→ no NRA involvement?)
- How it is addressed?:
  - intention of the “missing” references: to allow for straightforward Network Operator decisions on issues with immediate relevance for system security;
  - “missing” references as identified by ACER have been re-assessed;
  - references to Article 4(3) were added where decisions are likely to have an impact on plant design;
  - for other cases - NRA involvement by means of **notification** - precise modalities of that notification to be decided at the national level.

# Monitoring of the national implementation of “Article 4(3)” requirements

- **ACER’s concern:** clarification, either in the NC or elsewhere, on the monitoring of the exact requirements and/or criteria which will be determined at the national level (⇒ monitoring of all the national choices for the requirements referring to Article 4(3))
- **How it is addressed?:** proposal not to cover the issue in the NC itself but to clarify it in an overreaching methodology across all relevant areas (ongoing)

- ACER's concern: the provision on recovery of costs incurred by TSOs and DSOs goes beyond the scope envisaged in the FWGL
- How it is addressed?:
  - a cross-NC solution to maintain the cost-recovery provision which is amended by adding the word “efficient” when referring to costs;
  - cost recovery provision in the NC RfG still covers the costs incurred by both TSOs and DSOs incurred while implementing the Code.



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