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**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY
REGULATORS No 04/2015**

of 23 June 2015

ON THE NETWORK CODE ON EMERGENCY AND RESTORATION

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators¹, and, in particular, Articles 6(4) and 17(3) thereof,

HAVING REGARD to 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 1228/2003², and, in particular, Article 6(7) thereof,

HAVING REGARD to the favourable opinion of the Board of Regulators of 10 June 2015, issued pursuant to Article 15(1) of Regulation (EC) No 713/2009,

WHEREAS:

- (1) The Framework Guidelines on Electricity System Operation, FG-2011-E-003 (the 'Framework Guidelines')³, were adopted by the Agency on 2 December 2011.
- (2) By letter of 1 April 2014, the Commission invited ENTSO-E to start drafting the network code on emergency and restoration and to submit it to the Agency, pursuant to Article 6(6) of Regulation (EC) No 714/2009, by 1 April 2015.
- (3) In drafting this network code, ENTSO-E endeavoured to involve stakeholders in a transparent process by organising stakeholder workshops, technical expert group meetings for Distribution System Operators and public consultations, documented on ENTSO-E's website. The Agency recognises the close working of ENTSO-E with stakeholders and the Agency to facilitate improvements to the draft Network Code whilst under development.
- (4) On 31 March 2015, ENTSO-E submitted to the Agency, pursuant to Article 6(6) of Regulation (EC) No 714/2009, the Network Code on Emergency and Restoration (the 'Network Code'), accompanied by the Supporting Document for the Network Code on Emergency and Restoration (the 'Supporting Document'). The Supporting Document and its

¹ OJ L 211, 14.8.2009, p. 1.

² OJ L 211, 14.8.2009, p. 15.

³

http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Framework_Guidelines/FG%20on%20Electricity%20System%20Operation/FG-2011-E-003_02122011_Electricity%20System%20Operation.pdf

appendices, in particular the ‘Current practices in Europe on Emergency and Restoration’, the study ‘Technical background for the LFDD requirements’ and the ‘Response to the public consultations’, were taken into account for the assessment of the Network Code in this Opinion,

HAS ADOPTED THIS OPINION:

The Agency commends ENTSO-E’s efforts to align the Network Code submitted on 31 March 2015 with the Framework Guidelines. It acknowledges that its requirements shall facilitate achieving the targets of the European Union on renewable energy sources, as well as market integration, while ensuring security of supply, non-discrimination, effective competition and the efficient functioning of the market.

The Agency commends ENTSO-E for endeavouring to align the Network Code with interrelated rules (network codes, Guidelines) that are being developed in other areas pursuant to Article 8(6) of Regulation (EC) No 714/2009.

The Agency acknowledges that the Network Code is in line with the Framework Guidelines and the objectives stated therein. In the Agency’s view, there are a few areas, though not affecting the compliance of the Network Code with the Framework Guidelines, where the Network Code could be improved. These areas and improvements mainly relate to the drafting of the Network Code and its clarity and consistency with the rules being developed in the other areas pursuant to Article 8(6) of Regulation (EC) No 714/2009. The concerned issues, which are set out in more detail in the Agency’s Recommendation No 02/2015 of 23 June 2015 to the European Commission, are the following:

- Level of harmonisation of market interactions provisions in Chapter 4;
- Roles for regional security coordination bodies;
- Holistic treatment of Energy Storage;
- Consistency and coherency with the interrelated Network Code on Operational Security, the Network Code on Operational Planning and Scheduling, the Network Code on Load-Frequency Control and Reserves, the Guideline on Capacity Allocation and Congestion Management, the Network Code on Electricity Balancing, the Network Code on Requirements for Grid Connection Applicable to all Generators, the Network Code on Demand Connection and the Network Code on HVDC Connections;
- National scrutiny;
- Clarification of the level of ambition regarding the management of over-Frequency situations in the Supporting Document;

- Correction of certain drafting mistakes in the Network Code. These include, but are not limited to, clarity on the real intention behind the notion of disconnection of Defence Service Providers and Significant Grid Users as set out in Articles 13(4) and 18(3);
- Improvement of the clarity regarding the installation and maintenance of data and voice communication systems in the Network Code and in the Supporting Document.

Done at Ljubljana on 23 June 2015.

For the Agency:


Alberto Pototschnig
Director



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