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Subject: Amendments to the ENTSO-E Network Code on Requirements for Grid Connection Applicable to all Generators and alignment of the Network Code on Demand Connection

With this letter I wish to submit to the Agency a set of amendments to the ENTSO-E Network Code on Requirements for Grid Connection Applicable to all Generators (NC RfG), developed in accordance with Article 6(8) of Regulation (EC) No 714/2009 and pursuant to ACER's Opinion on the NC RfG of 13 October 2012.

In the amendment process, several scenarios have been discussed with the RfG User Group and the DSO Technical Expert Group. The motivation for ENTSO-E's amendments, reflecting the feedback received from various stakeholders and taking into consideration the specific requests for further work as expressed in ACER's Opinion, is provided in a supporting document.

I am also confident that the close collaboration between the Agency and ENTSO-E in the past months on the amendments will demonstrate its effectiveness by allowing a swift and unreserved recommendation to the Commission for the adoption of the code. The technical requirements and procedures prescribed in the NC RfG bring crucial tools to network operators and regulators to ensure security of supply, facilitate the integration of renewables and strengthen the internal energy market. Therefore, ENTSO-E strongly supports the acknowledgment in ACER's Opinion that an urgent enforcement of this code is of utmost importance.

With this letter, I also wish to refer to ENTSO-E's Network Code on Demand Connection (NC DCC), as it was submitted to the Agency for a reasoned opinion pursuant to Article 6(7) of Regulation (EC) No 714/2009 on 4 January 2013. In the NC DCC, Article 9(3) on the national scrutiny of the implementation of non-exhaustive requirements and Article 10 on cost recovery, both have a strong relation with equivalent provisions in respectively Articles 4(3) and 5 of the initial NC RfG. With regard to those provisions of the NC RfG, the Agency raised concerns in its Opinion No 08/2012 of 13 October 2012.

To address these two areas of concern against the NC RfG's provisions, the NC RfG has been amended in Recitals (4) and (5), in Articles 4(3) and 4(5), and through several references on regulatory oversight in the code concerning the national scrutiny of the implementation of non-exhaustive requirements, and with amendments in Article 5 concerning cost recovery. For the equivalent NC DCC provisions on the national scrutiny of the implementation of non-exhaustive requirements and on cost recovery, ENTSO-E supports a consistent alignment during the comitology preparatory phase so that the relevant provisions of the NC DCC read as outlined in the annex to this letter.

When assessing the NC DCC for its reasoned opinion pursuant to Article 6(7) of Regulation (EC) No 714/2009, ENTSO-E asks the Agency therefore to consider the submitted NC DCC as being amended as per the annex to this letter.

Consequently ENTSO-E sees no need, nor will it use the possibility pursuant to Article 6(8) of Regulation (EC) No 714/2009 to resubmit a revised version of the NC DCC merely to

amend the provisions on the national scrutiny of the implementation of non-exhaustive requirements and on cost recovery, in case the Agency would issue a reasoned opinion with similar considerations on these two topics as expressed in its Opinion No 08/2012 dated 13 October 2012. For the avoidance of doubt, this position does not refer to other provisions of the NC DCC than the two aforementioned, nor does it reflect ENTSO-E's position in case the Agency issues an opinion reflecting any other, substantial non-compliance of the NC DCC with the framework guidelines on electricity grid connections.

As for the NC RfG, I hope this enables a smooth and efficient continuation of the NC DCC provisions towards its adoption via comitology process.

Yours sincerely,



Konstantin Staschus, PhD
Secretary-General
ENTSO-E

Annexes:

- NC RfG (dated 8 March 2013)
- NC RfG (dated 8 March 2013) with indication of amendments compared to the version of 26 June 2012
- ENTSO-E response to ACER Opinion on NC RfG
- Proposal for NC DCC alignment