

Proposals for amendments to the Demand Connection Code

Fields marked with * are mandatory.

Introduction

Important developments in the policies of decarbonisation of the European Union (EU) energy and transport sectors have taken place since the inception of the development of the first European Grid Connection Network Codes (GC NCs) in 2012.

In the framework of the Grid Connection European Stakeholder Committee (GC ESC), the European Commission proposed for ACER to initiate the process towards the amendment of the existing GC NCs in September 2022. The amendment process, as presented to the GC ESC is outlined in the Figure below:



Following the scoping phase, ACER published the Policy Paper on the revision of the network code on requirements for grid connection of generators and the network code on demand connection in September 2022. The Policy Paper aims to transparently indicate to stakeholders the key policy areas in which amendments are to be expected. Moreover, the Paper draws on the alternative policy options and provides recommendations and proposed actions for the amendment process.

[Access the ACER Policy Paper on the revision of the NC RfG and NC DC](#)

This consultation aims at gathering, from all interested stakeholders, concrete proposals for amendments to the Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a **Network Code on Demand Connection** ('NC DC').

For amendment proposals concerning Network Code on Requirements for Generators ('NC RfG'), please go to the form: [NC RfG](#).

Responses to this consultation should be submitted by 28 November 2022 23:59 CET.

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* Name of the stakeholder:

Better Energy A/S

* Contact person:

[REDACTED]

* Contact person's email address:

[REDACTED]

* Country of the stakeholder's headquarters or main country of operation:

Denmark

* Type of the stakeholder:

- ☒ Generator (including association)
- ☐ Consumer (including association)
- ☐ Transmission system operator (including association)
- ☐ Distribution system operator (including association)
- ☐ Manufacturers (including association)
- ☐ Academia/research institution
- ☐ Regulatory authority
- ☐ Other (please, elaborate)

Please, elaborate on your answer above, if necessary:

[REDACTED]

* Do you consent to the publication of the stakeholder's name?

- ☒ Yes
- ☐ No

* Do you consent to the publication of provided answers?

- ☒ Yes
- ☐ No (please, note that your answer, without your name and organization, may be shared with the EU institutions and national authorities, drafting team members, and other persons or entities involved in the European Grid Connection Network Codes amendment process)

Instructions

Stakeholders are invited to submit their amendment proposals to the NC DC articles that they consider should be revised in a two-step process:

1. by inserting the proposed amendments in the provided Word file
2. by motivating/reasoning the proposed amendments through this online consultation form.

Both steps are mandatory for all amendment proposals.

(Where no amendment is proposed, the article text in the word file can be left unaltered and the cells in the consultation form can be left blank.)

The mandatory steps for submitting amendment proposals are detailed below. At the end of this section, you can find an example showing how to submit your proposals.

Step 1

Please include all your amendment proposals in the **Word file provided below using the Track Changes mode**. Once you edit the file and rename it with your stakeholder's name ("NC_DC_stakeholder_name"), please upload it in the last section of this form (FILE UPLOAD)

[Download the Word file \(NC DC\)](#)

Step 2

In addition, please use this form to motivate/reason your proposals, following the instructions:


Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 14(1)	1	2	3
Article 14(2)			
Article 14(3)			
Article 14(4)			
Article 14(5)			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new provisions in this section	Reasoning	Relation to other provisions
New provisions			

Please upload your file if necessary

 The maximum file size is 1 MB

5 Select file to upload

1. Propose an amended wording of the relevant provision, as you provided in the Word file.
2. Provide the motivation/reasoning behind your proposal.
3. Indicate (if any) which other provisions of the NC DC are impacted and may need to be amended following your proposal.
4. Provide (if any) your proposals for adding new provisions to the relevant section of the Regulation, as you provided in the Word file.
5. Upload figures or tables if necessary; text inputs should be provided directly in the consultation form.

Example

This section shows an example of an input to the survey on the NC RfG. The input process is the same for the NC DC survey.

Stakeholder XYZ would like to propose an amendment to Article 27 of NC RfG. In their view, the meaning of the word "respectively" in this article is not clear. Following a two-step process, the stakeholder downloads the Word file from the Instruction section, turns on the Track Changes mode and edits the text (first step).



Article 27

System restoration requirements applicable to AC-connected offshore power park modules

The system restoration requirements laid down respectively in Article 14(4) and Article 15(5) shall apply to AC-connected offshore power park modules types B and C, respectively.

Article 28

General system management requirements applicable to AC-connected offshore power park modules

The general system management requirements laid down in Article 14(5), Article 15(6) and Article 16(4) shall apply to AC-connected offshore power park modules.

After saving the edited file on their device under the name "NC_RfG_Stakeholder_XYZ", the stakeholder uploads it in the FILE UPLOAD section.

Pages

Introduction	Instruction	Whereas	Definitions	TITLE I	TITLE II CH. 1	TITLE II
TITLE III	TITLE IV	TITLE V	TITLE VI	TITLE VII	Other	FILE UPLOAD

FILE UPLOAD

Please upload the Word file (downloaded from the *Instruction* section) containing all your amendments

The maximum file size is 1 MB

NC_RfG_Stakeholder_XYZ.docx

Select file to upload

Previous

Submit

The stakeholder proceeds to motivate/reason their proposal. As they would like to propose an amendment to Article 27 of NC RfG, they enter TITLE II CHAPTER 4 Section and insert the proposed amended wording and the reasoning (second step). As the proposed amendment of Article 27 does not affect other provisions, they leave the last column blank.

Pages

[Introduction](#)[Instruction](#)[Whereas](#)[Definitions](#)[TITLE I](#)[TITLE II CH. 1](#)[TITLE II CH. 2](#)[TITLE II CH. 3](#)[TITLE II CH. 4](#)[TITLE III](#)[TITLE IV](#)[TITLE V](#)[TITLE VI](#)[TITLE VII](#)[Other](#)[FILE UPLOAD](#)

TITLE II CHAPTER 4 - Requirements for offshore power park modules

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 23		//	//
Article 24		//	//
Article 25		//	//
Article 26		//	//
Article 27	The system restoration requirements laid down in Article 14(4) and Article 15(5) shall apply to AC-connected offshore power park modules types B and C, respectively.	The current wording of Article 27 refers to the provisions of Articles 14(4) and 15(5). However, it is unclear from the legal text how the respective application should be understood. Indicating that the requirements of Article 14(4) shall apply to offshore PPMs type B and requirements of Article 15(5) shall apply to offshore PPMs type C follows the internal logic of the NC RfG and corresponds with the capabilities of the units in question.	//
Article 28		//	//

As the survey is long,

1. you have the possibility to edit your answer after submission. When clicking on "submit", you will be given a contribution ID, which you can then use to access your contribution here. This allows you to proceed in steps.
2. we kindly suggest that you download the entire survey as .pdf (link on the right), prepare your answers and then upload them at once in the EU Survey Tool, to avoid a session timeout on submission.

The maximum length of each cell is 5000 characters. This is the maximum technical limit set by the EUsurvey tool, which cannot be increased.

Whereas Section

Please write your amendment proposal and the reasoning in the table below.

Numbers in the first column correspond with the recitals of the NC DC Whereas section

	Amendment proposal	Reasoning	Relation to other provisions
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			

(9)	<p>The requirements must be based on the principles of non-discrimination and transparency as well as on the principle of optimisation between the highest overall efficiency and lowest total cost for all involved parties. The interests and expectations of all involved parties must be taken into account. TSOs and distribution system operators ('DSOs') including CDSOs must take those elements into account when defining the requirements in accordance with the provisions of this Regulation, whilst recognising that the thresholds which determine whether a system is a transmission system or a distribution system are established at the national level.</p>	<p>It is essential to make it very clear, that the interests and expectations of all parties involved are taken into account when the relevant systemoperator is defining the requirements. Otherwise, the requirements might primarily focus on the needs of the system operator and also focus on requirements that make it easy for the system operator, even though these requirements might not be necessary and often definitely not proportional.</p>	
(10)			
(11)			
(12)			
(13)			
(14)			
(15)			
(16)			
(17)			
(18)			
(19)			

(20)			
(21)			
(22)			
(23)			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new recitals	Reasoning	Relation to other provisions
New recitals			

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 2(1)			
Article 2(2)			
Article 2(3)			
Article 2(4)			
Article 2(5)			
Article 2(6)			
Article 2(7)			
Article 2(8)			
Article 2(9)			
Article 2(10)			
Article 2(11)			
Article 2(12)			
Article 2(13)			
Article 2(14)			
Article 2(15)			
Article 2(16)			
Article 2(17)			
Article 2(18)			
Article 2(19)			
Article 2(20)			
Article 2(21)			
Article 2(22)			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new definitions	Reasoning	Relation to other provisions
New definitions			

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TITLE I - General provisions

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 1			
Article 3	<p>Based on compliance monitoring in accordance with Title III, the relevant TSO shall refuse demand response services subject to Articles 27 to 30 from new demand units not fulfilling the requirements set out in this Regulation.</p> <p>(new) When a transmission-connected demand facility is connected to the transmission system in the same connection point as a production facility, Title I will not apply to the transmissions-connected demand facility if the maximum export capability is below 10% of the production capacity.</p>	<p>Establishing renewable power plants requires local value creation other than green electricity and local acceptance. Establishing EV charging station together with renewable power plants can contribute to that. If a relatively small EV charging station is established together with a transmission-connected power plant, it should not be exposed to unproportional technical requirements. Similar discussions are ongoing for small generating units connected in large customer sites.</p>	
Article 4			
Article 5			
	<p>3. All requirements established by relevant system operators or TSOs under this Regulation must always be in accordance with this Regulation including article 6 (3). When applying this Regulation, Member States, competent entities</p>	<p>3. It is important to make it very clear that the relevant system operator or TSO always has to define the requirements in accordance with the main principles in this Regulation.</p> <p>(a) It is important to make it clear that the principle of proportionality</p>	

and system operators shall:

(a) apply the principles of proportionality for all parties involved and non-discrimination;

(g) take into account the interests and expectations, if any, of demand facility owners, DSOs, CDSOs, equipment manufacturers and other stakeholders;

(h) take into account climate targets in a fair, cost effective and competitive way that promotes and maximizes the production and use of renewable energy.

4. The relevant system operator or TSO shall submit a proposal for requirements of general application, or the methodology used to calculate or establish them, for approval by the competent entity within two years of entry into force of this Regulation. When new or changed requirements are proposed, the regulatory authority or designated entity shall receive documentation from the relevant system operator or TSO that article 6 (3)(a), (c), (g) and (h) has been taking into account. The regulatory authority

includes all parties involved.

Otherwise, the requirements might only or primarily focus on the needs of the system operator, including requirements that make it easy for the system operator, even though these requirements might not be necessary and often definitely not proportional for all parties involved.

(g) This should be a principle, so that the relevant system operator or TSO always include relevant parties and always take into account other interests that their own.

(h) Climate targets, promoting renewable energy etc. should always be taken into account, when proposing requirements, since this is a main goal in EU. At least this principle makes sure, that when proposing requirements, these essential goals are taken into account and that the requirements don't work against this goal and principle. This way this Regulation is linked to other EU-regulations and principles.

4. The principles set out in article 6 are essential. This suggestion

Article 6

or designated entity must make sure the best way possible, that the requirements are in accordance with article 6 (3)(a), (c), (g) and (h) and that the requirements are taking into account all parties involved.

7. If the relevant system operator, TSO or relevant regulatory authority or designated entity deems an amendment to requirements or methodologies as provided for and approved under paragraph 1 and 2 to be necessary, the requirements provided for in paragraphs 3 to 8 shall apply to the proposed amendment. System operators, TSOs and regulatory authority or designated entity proposing an amendment shall take into account the legitimate expectations, if any, of demand facility owners, DSOs, CDSOs, equipment manufacturers and other stakeholders based on the initially specified or agreed requirements or methodologies.

9. Any party who is or might be affected by the requirements established by relevant system operators or TSO can always complaint to the regulatory

require that the relevant system operator or TSO shall document and make sure themselves, that the requirements are in accordance with the principles, especially the principles that ensure that all parties interests are taken into account in a reasonable and proportional way. This it is a way to ensure, that the relevant system operator or TSO actually has taken these principles into account in a way, that a document with the thoughts and considerations can be sent to the regulatory authority. Also this makes it possible for the regulatory authority to consider, whether the requirements actually are in accordance with the principles and to require a change if needed. Today it is an impossible task for the regulatory authority to ensure the requirements are in accordance with the principles which means, that no one actually ensures that the requirements are taking into account all involved parties.

7. It should be clear, that the NRA can deem an amendment if the NRA finds that something is not in accordance with the Regulation or

authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint, whether the requirements are in accordance with this regulation including article 6 (3) or if the requirements must be changed or deleted. That period may be extended by two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.

Due to a complain, the regulatory authority shall always ensure the best way possible, that the requirements are in accordance with this Regulation including article 6 (3) and that the requirements are in accordance with principles of proportionality etc. for all parties involved.

Due to a complain the relevant system operators or TSOs must sent the regulatory authority a suggestion on how the requirements can be improved and /or document that the requirements are in accordance with all the

the principles.

9. There should be a clear process for complains regarding requirements and not only limited to the relevant system operators or TSOs obligations. There should be no doubt that you can complain regarding requirements and that the regulatory authority will ensure, that the requirements are in accordance with this Regulation and also the principles set out in article 7. The regulatory authority has a too little or passive role today which has the consequence, that the requirements primarily focus on the interests of the relevant system operator or TSO. The relevant system operator or TSO must cooperate, by reconsidering the requirements and /or sending the regulatory authority documentation, that the principles have been taking into account, including for all parties involved. This will ensure, that the interests and expectations of all parties involved are taken into account when the relevant system operator is defining the requirements.

Otherwise, the requirements might primarily focus on the interests of the system operator and also focus

	<p>principles in article 6 (3) including that that the requirements are in accordance with principles of proportionality etc. for all parties involved. That period may be extended by two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.</p>	<p>on requirements that make it easy for the system operator, even though these requirements might not be necessary and often definitely not proportional. The principle of optimisation between the highest overall efficiency and lowest total costs for all parties involved is also a principle that often primarily includes costs for the relevant systemoperator or TSO and not other relevant parties.</p> <p>This suggestion ensures fair requirements that are in accordance with this Regulation including principles.</p>	
Article 7			
Article 8			
Article 9			
Article 10			
Article 11			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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TITLE II - Connection of transmission-connected demand facilities, transmission-connected distribution facilities and distribution systems

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 12			
Article 13			
Article 14			
Article 15			
Article 16			
Article 17			
Article 18			
Article 19			
Article 20			
Article 21			
Article 22			
Article 23			
Article 24			
Article 25			
Article 26			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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TITLE III - Connection of demand units used by a demand facility or a closed distribution system to provide demand response services to system operators

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 27			
Article 28			
Article 29			
Article 30			
Article 31			
Article 32			
Article 33			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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TITLE IV - Compliance

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 34			
Article 35			
Article 36			
Article 37			
Article 38			
Article 39			
Article 40			
Article 41			
Article 42			
Article 43			
Article 44			
Article 45			
Article 46			
Article 47			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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TITLE V - Applications and derogations

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 48			
Article 49			
Article 50			
Article 51			
Article 52			
Article 53			
Article 54			
Article 55			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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TITLE VI - Non-binding guidance and monitoring of implementation

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 56			
Article 57			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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TITLE VII - Final provisions

Please write your amendment proposal and the reasoning in the table below.

	Amendment proposal	Reasoning	Relation to other provisions
Article 58	<p>1. Regulatory authorities shall ensure that all relevant clauses in contracts and general terms and conditions relating to the grid connection of new transmission-connected demand facilities, new transmission-connected distribution facilities, new distribution systems and new demand units are brought into compliance with the requirements and principles of this Regulation.</p> <p>2. All relevant clauses in contracts and relevant clauses of general terms and conditions relating to the grid connection of existing transmission-connected demand facilities, existing transmission-connected distribution facilities, existing distribution systems and existing demand units subject to all or some of the requirements of this Regulation in accordance with paragraph 1 of Article 4 shall be amended in order to comply with the requirements and principles of this Regulation. The relevant clauses shall be amended within three years following the decision</p>	<p>It should be very clear that article 58 includes the principles set out in article 6(3).</p>	

	<p>of the regulatory authority or Member State as referred to in Article 4(1).</p> <p>3. Regulatory authorities shall ensure that agreements between system operators and owners of new or existing demand facilities or operators of new or existing distribution systems subject to this Regulation and relating to grid connection requirements for transmission-connected demand facilities, transmission-connected distribution facilities, distribution systems and demand units used by a demand facility or a closed distribution system to provide demand response services to relevant system operators and relevant TSOs, in particular in national network codes, reflect the requirements and principles set out in this Regulation.</p>		
Article 59			

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
New provisions			

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ANNEX I

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisio
Amendments to Annex I			

Please upload figures or tables if necessary

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ANNEX II

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new articles in this section	Reasoning	Relation to other provisions
Amendments to Annex II			

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Other additional provisions

Please write your amendment proposal and the reasoning in the table below.

	Proposal for new provisions	Reasoning	Relation to other provisions
Other new provisions			

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FILE UPLOAD

Please upload the Word file (downloaded from the **Instructions** section) containing all your amendment proposals in the Track Changes mode.

The maximum file size is 1 MB

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Contact

[Contact Form](#)