

EWEA response to ACER-ENTSO-E consultation on role of stakeholders in the implementation of network codes

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EWEA welcomes the opportunity jointly provided by ACER and ENTSO-E to submit comments on the role of stakeholders in the implementation of network codes and related guidelines, and in particular the establishment of European Stakeholder Committees for network code implementation. As EWEA has been closely involved since 2009 in the development process of the so-called Pilot Code with ENTSO-E as well as in other network codes, we are certain that our comments will bring additional benefits with regard to the quality of this final stakeholder consultation process.

However, the present proposal described in the consultation presents both a general lack of detail and level of prescription of rules and responsibilities. In view of the rapid technical developments in power system and generation technologies, in particular through the uptake of variable renewable electricity generation such as wind power, EWEA believes that both a regular and transparent process of maintenance of the network codes is needed in order to adequately reflect technical and regulatory progress in all aspects of the power system. This should be amended accordingly through the following measures:

- **European stakeholder committee on connection codes should be led by a neutral party.** The consultation document suggests the stakeholder committees on connection and operational codes to be under the chairman- and leadership of ENTSO-E. Despite the important role of TSOs in revising such technical requirements, the network code development process confirmed the impression of most stakeholders that TSOs have as liberalised entities also economic interests with regards to specific requirements. **Roles and responsibilities, as laid out in the consultation document, should not allow any possibly vested interests of stakeholders to prevail. The stakeholder committee on connection codes should be, therefore, led by the European Commission.** Furthermore, the rules of procedure must distinguish which, if not all, eventual changes discussed in the stakeholder committees have to go through comitology or be part of other accompanying documents, such as the implementation guidelines and be agreed, therefore, in a less formal manner.
- **Draw from existing national best practises from established stakeholder groups on grid connection requirements.** Over the years, various national stakeholder platforms have proved most effective in ensuring that content and details of foreseen and existing technical regulations are discussed at every stage of the process, including during revisions. In many Member States stakeholder groups for technical requirements are composed of

representatives from network operators and industry stakeholders in a well-balanced way¹. We are pleased with the initiative of ACER and ENTSO-E aiming to establish a similar structure. We believe that such groups will be of value provided they are designed to share, discuss, explain and get feedback from participants on changes to proposals of the network codes in a transparent iterative process. To this end the following features should be included in the stakeholder committee rules:

- Suggested changes to proposals should be accompanied by an initial justification and communicated to the committee participants sufficiently in advance to allow appropriate time to prepare comments.
 - There should be rules in which way change proposals can be agreed upon in the stakeholder committees. In case of cost implications, a detailed CBA should be provided to a change proposal. The change proposal should be adopted by unanimity within the stakeholder group. For particularly contentious cases, the neutral party chairing the committee should aim to facilitate a compromise between the concerned stakeholders directly.
 - Stakeholder committees should convene at least once a year, and upon request when a discussion or request of change proposal is deemed necessary by one of the involved stakeholders.
 - EWEA recommends establishing a dedicated expert group between TSOs/ENTSO-E and wind industry experts on grid connection requirements to discuss the appropriate implementation of the critical non-exhaustive requirements in the NC RfG (see also next point). This expert group would regularly report back to the stakeholder committee on connection codes.
- **A consultation process on any upcoming ENTSO-E implementation guidelines must be included**

In view of numerous non-exhaustive requirements contained in network code drafts at present, national implementation guidelines explaining these requirements will be key to ensure adequate, proportionate and unambiguous interpretation by national stakeholders. Implementation guidelines, albeit different in their legal character compared to the actual network code, can therefore, be regarded as crucial for the transposition of network code requirements into national regulations, in particular on highly technical matters. A dedicated expert group between TSOs/ENTSO-E and wind industry experts on grid connection requirements, as outlined in the previous point, could provide specific guidance for national application on the wind power related parts of such implementation guidelines on the NC RfG and HVDC.

¹ Examples: Forum network technology / network operation in the VDE (FNN) in Germany; Grid Code Review Panels in Ireland and UK.



- **The interactions between European Stakeholder Committees and national stakeholder and corresponding committees must be clarified**

The high number of non-exhaustive requirements in the network codes prompts the question on roles and responsibilities between European Stakeholder Committees and national stakeholders as well as corresponding committees at national level with regards to converting these requirements into national legislation. The consultation document suggests a mere guiding role for the European Stakeholder Committees giving the national implementation process a relatively large leeway. In EWEA's view however, European Stakeholder Committees should be tasked to give further advice in case national implementation of any non-exhaustive requirements is carried out inconsistently with the implementation guidelines. In cases where doubts about an interpretation of a non-exhaustive network code requirement persist, a European Stakeholder Committee or expert group (to be decided ad-hoc in view of the technical nature of the dispute) could act as a resort of clarification and, ultimately, help develop a conciliatory proposal on the contentious point.

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