

**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS No 19/2013**

**of 26 September 2013**

**ON THE NETWORK CODE ON LOAD-FREQUENCY CONTROL AND  
RESERVES**

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 Regulators<sup>1</sup>, 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 1228/2003<sup>2</sup>, and, in particular, Article 6(7) thereof;

HAVING REGARD to the favourable opinion of the Board of Regulators of 25 September 2013, 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')<sup>3</sup>, were adopted by the Agency on 2 December 2011.
- (2) By letter of 24 February 2012, the Commission invited ENTSO-E to start drafting the network code on load-frequency control and reserves and to submit it to the Agency, pursuant to Article 6(6) of Regulation (EC) No 714/2009, by 1 July 2013.
- (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.

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<sup>1</sup> OJ L 211, 14.8.2009, p. 1.

<sup>2</sup> OJ L 211, 14.8.2009, p. 15.

<sup>3</sup>

- (4) On 28 June 2013, ENTSO-E submitted to the Agency, pursuant to Article 6(6) of Regulation (EC) No 714/2009, the Network Code on Load-Frequency Control and Reserves (the 'Network Code'), accompanied by the Supporting Document for the ENTSO-E Network Code on Load-Frequency Control and Reserves (the 'Supporting Document'). The Supporting Document was taken into account for the assessment of the Network Code in this Opinion.
- (5) This Network Code is strongly interrelated with the Network Code on Operational Security (the 'NC OS') and the Network Code on Operational Planning and Scheduling (the 'NC OPS'). The Agency raised concerns in its Opinions No 10/2013 on the NC OS and No 12/2013 on the NC OPS on the national scrutiny with regard to the related recitals (Recitals (8) to (10) of the NC OS and Recitals (7) to (9) of the NC OPS) as well as on the need to ensure the non-exhaustiveness of the national scrutiny's scope (Article 4(1) to 4(3) of the NC OS and Article 4(1) to 4(4) of the NC OPS). Given that Recitals (7) to (9) of the Network Code and its Article 4(1) to (4) contain equivalent provisions to those of the NC OS and OPS, the Agency considers that the same concerns apply to this Network Code and therefore need to be remedied.
- (6) Anticipating those concerns, by letter of 10 September 2013, which is attached to this Opinion, ENTSO-E supported an amended wording for the concerned provisions, developed in the frame of the revision of the NC OS and the NC OPS in line with the Agency's Opinions No 10/2013 and No 12/2013. In its letter, ENTSO-E asked the Agency to consider the submitted Network Code as being amended as per the annex to its letter and stated that it saw no need, nor would it use the possibility, pursuant to Article 6(8) of Regulation (EC) No 714/2009, to resubmit a revised version of the Network Code merely to amend Recitals (7) to (9) and Article 4(1) to (4) of the Network Code.
- (7) The Agency has taken the amended provisions on national scrutiny into account when assessing the Network Code.
- (8) The Agency acknowledges the importance of the Network Code for the security of supply, as well as for the completion and well-functioning of the internal market in electricity and cross-border trade, including the delivery of benefits to customers and the facilitation of the European Union's targets for the penetration of renewable energy sources,

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#### **HAS ADOPTED THIS OPINION:**

The Agency commends ENTSO-E's efforts to align the Network Code submitted on 28 June 2013 with the Framework Guidelines and acknowledges that the requirements introduced by the Network Code 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 acknowledges that the Network Code, as amended by ENTSO-E's letter of 10 September 2013, is in line with the Framework Guidelines and the objectives stated therein.

Done at Ljubljana on 26 September 2013.

For the Agency:

  
Alberto Pototschnig  
Director