

ACER Consultation on the Framework Guideline on Demand Response

A Eurelectric response paper

August 2022

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

Dépôt légal: D/2022/12.105/30

All Committees
WG Regulation & Network Customers
WG Technology
WG MINC
WG Retail Market Design
WG RES & Storage
WG E Mobility
WG Innovation & Digital
WG Hydro

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Public consultation - Framework Guideline on Demand Response

Fields marked with * are mandatory.

Introduction

Context

In accordance with Article 59(3) of the [Electricity Regulation, Commission Implementing Decision \(EU\) 2020/1479](#) established a priority list for the development of network codes and guidelines for electricity for the period from 2020 to 2023. Article 1 of this Decision provides for the development of harmonised rules regarding demand side flexibility, including rules on aggregation, energy storage and demand curtailment rules. Subsequently to this decision, the European Commission invited ACER by [letter of 21 October 2021](#), to launch a scoping exercise for the development of new rules based on Article 59(1)(e) of the Electricity Regulation. [ACER's results](#) of the scoping exercise were sent to the European Commission on 1 February 2022.

In accordance with Article 59(4) of the Electricity Regulation, the European Commission invited, by [letter of 1 June 2022](#), ACER to draft Framework Guidelines for new rules on demand response. This draft Framework Guideline is a response to this letter.

This Framework Guideline need to be subject to a public consultation for two months pursuant to Article 59 (5) of the Electricity Regulation and subsequently submitted to the European Commission in accordance with Article 59(6) of the Electricity Regulation.

The purpose of this survey is to conduct this public consultation by inviting stakeholders to express their level of agreement (through the likert scale) with consulting on the provided draft Framework Guideline on Demand Response (FG). One response (between 'strongly agree' and 'strongly disagree') is expected for each paragraph of the document allowing also for the option of 'no opinion'.

There is room for providing comments and potential alternative draft proposals on each paragraph of the draft FG at the end. Please complete this survey by following the numbering of draft FG paragraphs.

Replies to this consultation should be submitted by Tuesday 2 August 2022 23:59 hrs (CET).

Below you may find for your convenience the draft FG and an Excel document that can facilitate your company's internal coordination to complete this survey.

Draft Framework Guideline on Demand Response:

[DR-FG_for_public_consultation.pdf](#)

Excel document for internal coordination:

[PC-DR-FG_Template_for_internal_coordination.xlsx](#)

Background documents

Legal acts

[Regulation \(EU\) 2019/942](#) of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators.

[Regulation \(EU\) 2019/943](#) of 5 June 2019 on the internal market for electricity.

Relevant documents

[Roadmap](#) on the Evolution of the Regulatory Framework for Distributed Flexibility.

[ASSET Study](#) on Regulatory priorities for enabling Demand Side Flexibility

[CEER Paper](#) on DSO Procedures of Procurement of Flexibility

[TSO–DSO Report](#) – An integrated approach to active system management

Data protection and confidentiality

ACER will process personal data of the respondents in accordance with [Regulation \(EU\) 2018/1725](#), taking into account that this processing is necessary for performing ACER's consultation tasks.

More information on data protection is available on [ACER's website](#).

ACER will not publish personal data.

Following this consultation, ACER will make public:

- the number of responses received;
- company names, except those with a valid reason for not having their company name disclosed;
- all non-confidential responses; and
- ACER's evaluation of responses.

You may request that **(1)** the name of the company you are representing and/or **(2)** information provided in your response is treated as confidential. To this aim, you need to explicitly indicate whether your answers contain confidential information, and also provide a valid reason if you want that the name of your company remains confidential.

You will be asked these questions at the end of the survey.

Respondent's data

* Name and surname

This information will not be published.

RULLAUD Louise

* Email

This information will not be published.

lrullaud@eurelectric.org

* Company

EURELECTRIC

* Country of the company's seat

- ☐ Austria
- ☒ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Norway
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other

* Countries where your company is active

☒ All EU Member states

☐ Austria

☐ Belgium

☐ Bulgaria

☐ Croatia

☐ Cyprus

☐ Czechia

☐ Denmark

☐ Estonia

☐ Finland

☐ France

☐ Germany

☐ Greece

☐ Hungary

☐ Ireland

☐ Italy

☐ Latvia

☐ Lithuania

☐ Luxembourg

☐ Malta

☐ Netherlands

☐ Norway

☐ Poland

☐ Portugal

☐ Romania

☐ Slovak Republic

☐ Slovenia

☐ Spain

☐ Sweden

☐ Other

* Activity

☐ Aggregator (or association)

☐ Generator (or association)

☐ Energy supplier (or association)

☐ Trader (or association)

☒ Utility (or association)

☐ Transmission network operator (or association)

☐ Distribution network operator (or association)

☐ Market operator (or association)

☐ Regulatory authority

☐ End-user (or association)

☐ Other market participant

Please specify if needed

1. General Provisions

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (2)	☐	☐	☐	☒	☐	☐
* (3)	☐	☐	☐	☒	☐	☐
* (4)	☐	☐	☐	☒	☐	☐
* (12)	☐	☒	☐	☐	☐	☐
* (15)	☐	☐	☐	☒	☐	☐
* (16)	☐	☐	☐	☒	☐	☐
* (17)	☐	☐	☐	☒	☐	☐

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(2)	It is essential that new rules on Demand Response are drafted following a technology neutral approach notably for product definition and a list of technologies must be avoided. This requires an agnostic framework, including for aggregated resources. Also aggregation should not be limited to aggregation of demand response, but also of storage and generation. Hence, we fully endorse the need for action to ensure all resource providers really have access to all electricity markets.	
(3)	Eurelectric generally agrees with the provision.	
	Eurelectric supports the proposed scope as such and in particular the suggestion to exclude the retail part of the electricity markets as it is indeed mainly of national relevance. Though we believe there should still be some general rules to avoid undue transactions by a third-party service provider and protect the consumer (e.g. when the consumer did not agree with contract terms or ceased the contractual relationship). With regards the reference to “ SO services”, we understand (and support) that it refers only to congestion management and voltage control by DSOs and by TSOs in the draft framework guideline (while balancing should be clearly named when targeted). With regards the reference to “ SO services”, we understand (and support) that it refers only to congestion management and voltage control by DSOs and by TSOs in the draft framework guideline (while balancing should be clearly named when targeted). We understand that the suggested list of definition is for the sole use of this document for the sake of understanding.	

(4)

In this respect, Eurelectric suggests the following modifications in the list of terms used in the draft framework guideline:

- Clarify that a “service providing unit” can be one or more power generating models and/or demand units connected to a single connection point of an SO grid and not an aggregation of units connected in multiple connection points of an SO that is interconnected with other SO grid in a single connection point. However, this definition should also include, for instance, EV charging in a different location of the “traditional” consumer connection point (though still considering the locational information), if associated to a card that allows to distinguish, to use in public or semi-public charging stations, relying on the charger meters and association to the consumer through a charging ID (card, app, ...).
- Should include the definition of service delivery, which is mentioned in the ex-post verification for instance.
- Baseline should refer to counterfactual estimated reference. It doesn't really work to think about it at BRP level, as baselines could be calculated differently for different sites within a BRP's portfolio. So better to define at site level, then have the BRP's position be the sum of these. It also doesn't work to define it in terms of the SP's allocated volume, as, where the SP is an independent aggregator, the SP's BRP's allocated volume would typically be zero if there was no activation. (The supplier's BRP's allocated volume would be set to the baseline under most aggregation models, but that does not help with the definition.
- Dispatch limitation should be clarified. If it limits dispatch after closure of day-ahead, this means that it may be different than what was in the DA program? dispatch limitation seems to be only discussed here under the aspect of firm connection capacity which has nothing related to DA programs.
- The service - for voltage control or congestion management purposes
- is provided by the SP's (unit or group), not necessarily having a BRP allocated volume.
- The Service provider is just the legal entity, the SO counterpart, not the unit/group subject of product prequalification or test.
- Metering could include reactive power products for voltage regulation

	purpose. - Redispatch products' should not specify the deadline: regardless of deadline, what matters is the process - SO services' should exclude Balancing (already regulated by a specific Network Code) and include only Congestion management and Voltage control. When balancing was implied in proposed guidelines, new rules should state balancing and SO services, or only balancing. - Definition of congestion management needed, because the document seems to oppose congestion management and voltage control (which is not consistent with the definition of congestion in Electricity Directive) ; moreover sometimes congestion management is mentioned alone and it is not always clear whether it refers only to current constraint or also include voltage control. - more definitions are needed, like non-firm connection agreement, "grid prequalification" or "product prequalification" wholesale market (does it include or not balancing).	
	We understand that the suggested list of definitions is for the sole use of this document for the sake of understanding. In this respect, Eurelectric suggests the following modifications in the list of terms used in the draft framework guideline: - Clarify that a "service providing unit" can be one or more power generating models and/or demand units connected to a single connection point of an SO grid and not an aggregation of units connected in multiple connection points of an SO that is interconnected with other SO grid in a single connection point. However, this definition should also include, for instance, EV charging in a different location of the "traditional" consumer connection point (though still considering the locational information), if associated to a card that allows to distinguish, to use in public or semi-public charging stations, relying on the charger meters and association to the consumer through a charging ID (card, app, ...).	

(12)

- Should include the definition of service delivery, which is mentioned in the ex-post verification for instance.
- Baseline should refer to counterfactual estimated reference. It doesn't really work to think about it at BRP level, as baselines could be calculated differently for different sites within a BRP's portfolio. So better to define at site level, then have the BRP's position be the sum of these. It also doesn't work to define it in terms of the SP's allocated volume, as, where the SP is an independent aggregator, the SP's BRP's allocated volume would typically be zero if there was no activation. (The supplier's BRP's allocated volume would be set to the baseline under most aggregation models, but that does not help with the definition.
- Dispatch limitation should be clarified. If it limits dispatch after closure of day-ahead, this means that it may be different than what was in the DA program? dispatch limitation seems to be only discussed here under the aspect of firm connection capacity which has nothing related to DA programs.
- The service - for voltage control or congestion management purposes - is provided by the SP's (unit or group), not necessarily having a BRP allocated volume.
- The Service provider is just the legal entity, the SO counterpart, not the unit/group subject of product prequalification or test.
- Metering could include reactive power products for voltage regulation purpose.
- Redispatch products' should not specify the deadline: regardless of deadline, what matters is the process
- SO services' should exclude Balancing (already regulated by a specific Network Code) and include only Congestion management and Voltage control. When balancing was implied in proposed guidelines, new rules should state balancing and SO services, or only balancing.
- Definition of congestion management needed, because the document seems to oppose congestion management and voltage control (which is not consistent with the definition of congestion in Electricity Directive) ; moreover sometimes congestion management is mentioned alone and it is not always clear whether it refers only to current constraint or also include

	voltage control. - more definitions are needed, like non-firm connection agreement, “grid prequalification” or “product prequalification” wholesale market (does it include or not balancing).	
(15)	In addition of the mentioned regulations, Eurelectric would like to stress the high potential of links and dependencies with the upcoming implementing acts on data access and interoperability. Their implementation may take place before the finalization of the drafting of the new rules. Hence a special attention should be paid all over the drafting process of new rules on Demand response that the latter are coherent and not overlapping with those set in the implementing acts on data access and interoperability.	
(16)	We particularly support removing demand response from the DCC and moving it into the new NC instead of to the SO GL. The status quo could be interpreted as meaning that existing customer facilities become subject to more stringent requirements under the DCC if they provide any DR services, even though many of these requirements are not particularly relevant to provision of DR. This would strongly disincentivize customer participation.	Change as follows: “ this FG recommends carrying over the technical requirements to provide demand response services from the DCC Regulation to the new NC on Demand Response.”
(17)	Each DSO should define its own congestion areas. Depending on local situations and Member State energy policy choices, other mechanisms for solving congestion may exist. All options should be considered (even in combination).	

2. General requirements for market access

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (18)	☐	☒	☐	☐	☐	☐
* (19)	☐	☒	☐	☐	☐	☐
* (20)	☒	☐	☐	☐	☐	☐
* (21)	☐	☒	☐	☐	☐	☐
* (22)	☐	☒	☐	☐	☐	☐
* (23)	☐	☐	☐	☒	☐	☐
* (24)	☐	☐	☐	☒	☐	☐
* (25)	☐	☐	☐	☒	☐	☐
* (26)	☐	☐	☐	☒	☐	☐
* (27)	☐	☒	☐	☐	☐	☐
* (28)	☒	☐	☐	☐	☐	☐
* (29)	☐	☒	☐	☐	☐	☐
* (30)	☐	☐	☒	☐	☐	☐
* (31)	☐	☒	☐	☐	☐	☐

* (32)	☐	☐	☒	☐	☐	☐
* (33)	☒	☐	☐	☐	☐	☐
* (34)	☒	☐	☐	☐	☐	☐
* (36)	☒	☐	☐	☐	☐	☐
* (37)	☒	☐	☐	☐	☐	☐
* (38)	☒	☐	☐	☐	☐	☐

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(18)	For services with a local purpose, such as voltage or congestion, interaction with market mechanisms must be coordinated by the network operator on its perimeter (to which the resource is connected). There is no reason to restrict to markets which can be described as "wholesale" especially since the paragraph (2) mentions that “the main aim of the new rules shall be to ensure access to all electricity markets.	As explained in Section 1.1 the main aim of the new rules shall be to ensure access for demand response and other relevant resources to all electricity wholesale markets, taking into account local specificities of congestion and voltage services [...].”“ there are aspects that need to be further specified and clarified at European level, to ensure a level playing field for the participation of these resources in all the electricity markets”

(19)	By principle, the main meter, i.e., the meter directly connected to the system operator grid, shall be the main source for measurement of the energy withdrawn from or injected into the grid. This main meter will guarantee the quality of the measurement and may also be used for system observability in some countries. Certified sub meters may be used and upon pre-approval of the contracted party and the DSO if the telemetry capabilities of the meter do not match with the requirements from a specific product or in case there are multiple suppliers. There may however be some exceptional cases, where upon the DSO's consent, relying on main meter data for settlement may be insufficient. For the purpose of certified settlement for DSOs, there might be cases where the DSOs might have to agree on the use of the submeters. Product definition and product pre-qualification would define the metering requirements. If the capabilities of the main meter do not match the requirements of a specific product, or in case you have multiple suppliers, certified sub-meters may be used upon pre-approval between the contracted party and the sub-meter. In case the certified sub-meter is used to validate flexibility services, it is important to consider a link to the measurement of the main meter (whose data are the only ones reflecting the actual impact on the grid) for validation and settlement purposes.	“ It is important to note that this FG considers the deployment of smart meters as a prerequisite for enabling the full potential of the participation of these resources in the relevant markets. the new rules shall specify the conditions for the usage of certified sub-meters, in order for the new rules to become effective. By principle, the main meter, i.e., the meter directly connected to the system operator grid, shall be the main source for measurement of the energy withdrawn from or injected into the grid. This main meter will guarantee the quality of the measurement and may also be used for system observability in some countries. Certified sub meters may be used and upon pre-approval of the contracted party and the DSO if the telemetry capabilities of the meter do not match with the requirements from a specific product or in case there are multiple suppliers. There may however be some exceptional cases, where upon the DSO's consent, relying on main meter data for settlement may be insufficient. For the purpose of certified settlement for DSOs, there might be cases where the DSOs might have to agree on the use of the submeters. Product definition and product pre-qualification would define the metering requirements. If the capabilities of the main meter do not match the requirements of a specific product, or in case you have multiple suppliers, certified sub-meters may be used upon pre-approval between the contracted party and the sub-meter. In case the certified sub-meter is used to validate flexibility services, it is important to consider a link to the measurement of the main meter (whose data are the only ones reflecting the actual impact on the grid) for validation and settlement purposes. “
(20)	Amendments to the balancing regulation should be tackled through the revision process provided for this regulation, and not through the new rules However, Eurelectric considers that both minimum bid size and granularity should be discussed within this revision process.	REMOVE THIS ARTICLE

(21)	It is important to guarantee in the new rules that the terms and conditions regarding to the SO services on a Member State level to be developed by TSOs and DSOs are correlated and agreed upon by all interested SOs (coordinated proposal). Also, it is very difficult to understand why the new rules shall include provisions for assigning or delegating DSOs tasks related to congestion management and voltage control. There is no understandable reasoning for this principle and no explanation is provided. Also, as a principle, its nature is discriminatory towards DSOs in particular which is also not understandable. It is crucial to guarantee that each SO is responsible for the management of the grid that they are responsible and because of that each SO must be, on the first instance, the only responsible for the tasks of congestion management and voltage control. Besides, the Member States are entitled to review at any time the tasks assigned to each entity, so putting this principle in the new rules is not recommended.	Moreover, the new rules shall define, in accordance with the definitions provided in Section 1.3, the terms service providing unit, service providing group, and service provider for any market participant providing any SO services (for any or both the TSO and the DSO), in particular for congestion management and voltage control – in addition to balancing services, which are already included in the legislative framework as mentioned above. In this context, the new rules shall require TSOs and DSOs, in coordination, to develop terms and conditions related to the SO services on a Member State level for standardized products. The new rules shall require these terms and conditions to specify the processes – at least for becoming Service Providers and for the settlement of SO services – for all potential market participants to offer these SO services, including those engaged in aggregation as well as demand response and storage. Furthermore, the new rules shall clearly state the principle that the tasks of congestion management and voltage control, in a particular grid are solely the responsibilities of the SOs which manage and operate such grid
(22)	Eurelectric fully supports an “all SOs of a Member State” approach as a starting point. However, there should be rules allowing for derogations granted by NRAs considering the difference of maturity and capacity of each SO. In general, any process shall be accompanied by a public consultation in duration of at least 1 month on a national level (by DSOs, TSOs, NRAs or other subjects) and at least 2 months on a regional / EU level, to provide sufficient time for stakeholders to react.	[...] The new rules shall require that in each MS, there is a formal process for establishing all SOs proposals, ensuring that all SOs are heard and jointly submit a proposal within a given time limit, including the views of all relevant stakeholders. [...] whenever “all SOs “ is used, it means all the SOs of a MS. The new rules shall also specify the conditions allowing NRAs to grant derogations for individual SO considering their difference of maturity and capacity

(23)	Framework guideline shall only mention main principles related to aggregation. “ DSOs and TSOs are not the relevant parties to define and list aggregation models. It must be clarified that the identification of the aggregation models applied in each Member State should be the responsibility of the NRA (this paragraph does not mention it) while taking into account the view of all relevant parties (SOs, suppliers and SP). NRA should list their own aggregation models at national level. It should be considered a default model (disregarding of possible alternatives). The most suited model (and the one more widely used in the EU) is the corrected model, where the supplier's program is corrected to offset imbalances caused by the activation triggered by an independent aggregator. This would be a more seamless model for all parties (both suppliers and aggregators) as the independent aggregator would be responsible for the imbalance regarding the delivery of the service and the supplier would be responsible for the imbalance net from the effect of such variation due to the aggregator's action. Also, the supplier should be able to access information of those activations to be able to include them in the forecasting models (and differentiate what's baselining from what isn't). In any model there should be a robust baselining methodology, that is absolutely critical here. Baselining methodology should inter alia take into account rebound effect. Even with a corrected model, a compensation might be required (eg. if the supplier hedged the energy before; if a change in demand in a certain period means that demand happens in a different period and therefore also induces an imbalance).	this compensation is considered to be separately from any correction that is deemed necessary in the volumes attributed to the respective BRP(s) in the context of the imbalance settlement”
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(24)	see comment in 23 The new rules have to ensure level playing field between all parties. Resulting costs, which may be compensated, shall take into account rebound effect. Depending on the direction of the activation, for instance in case of withdrawal increase or shift, the financial flow could be reversed (the payer being the supplier and the receiver being the independent aggregator) The proposed terminology of "payer" and "receiver" of compensation is potentially misleading. It needs to be clarified that the compensation can flow in either direction, depending on whether the perimeter correction volume is positive or negative and on the sign of the relevant prices or price differences.	In particular, the NRA shall specify, depending on the direction upward /downward of the service, which parties are payer and receiver, among the independent aggregator, the final customer, or the supplier of the final customer.
(25)	Aggregation models don't affect the system operation or the global settlement for an SO, but only the way this is allocated between suppliers and aggregators. This assessment is very relevant and should be made; it would be useful to have a default model and there should be clear rules about this, and the framework guideline should include some dispositions on this. However, this assessment should be made by the NRAs (in a participated way) and not by the SOs as this mainly affects market parties, with no impact in the system operation per se. Also, this assessment should occur sooner and not only in 2026 which is too late. This creates additional risk for market parties, in particular for suppliers which if no framework is set are the ones bearing all the risk/cost. We consider that "distortions" should be better clarified or how reducing the range of aggregation models would resolve them. "In case distortions are identified".	

(26)	The service - for voltage control or congestion management purposes - is provided by the SP's (unit or group), not necessarily having a BRP allocated volume. The purpose is indeed to check the reality of the provided service. In the context of an independent aggregator, the baseline should be related to Service Providing Unit or group, and not SP's BRP, See (12). It does not make sense to define the baseline at the level of the BRP. It needs to be at the site or asset (or even group of assets in case of residential consumers) level. The BRP's baseline is then the sum of the individual baselines of the constituent components. This is important because: • site-level contributions need to be calculated for perimeter correction and/or compensation purposes • different components may have different baseline methodologies or different exception days, and • even if only one methodology is being used, many involve nonlinearities, such that the applying the methodology to the sum of a set of meter data streams gives a different result to applying it to each meter data stream and summing the result. (See also point for para 12)). In addition, the reference to the SP's BRP s allocated volume who considered it incorrect: where the SP is an independent aggregator, their allocated volume would typically be zero if there was no activation.	It is acknowledged that, in the context of demand response, when the customer is not the service provider (i.e. an aggregator is the service provider), there are two general fields of application of the concept of baseline: one linked to the contractual relationship between the customer and the aggregator, and the other linked to the relationship between the aggregator and the SO. In this FG, the baseline is considered from the perspective of the SO in relation to the service provider, hence only the second case is relevant and the scope is limited to that. Under this assumption, the baseline for a metering point represents a counterfactual reference about what withdrawal or injection would be measured there in the absence of the activation for the provision of the respective service, in order to quantify and measure the actual delivery of the service.
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(27)	There should be some rules/criteria for such alternatives. SO should be able to consider a set of different options for baseline, even technology-specific for the same product. It s indeed necessary to provide, at national level, several baseline methods depending on the case. The baseline methodology shall ensure an objective method, to ensure a proper evaluation of the actual provided service, from the network's point of view. In case any SP's data (such as forecast) is taken into account, it shall be submitted to strict qualification rules. At this stage, there is no reason to promote any solution, in particular 'SP's BRP final position/buy your baseline' needs to be further described. The wording "as consistent as possible with the actual profile" is perhaps a little too strong: it may be appropriate to use a simpler methodology over a much more complicated one which is slightly more accurate. The last sentence of the paragraph seems to conflate two different issues: day-of adjustments to minimize baseline errors, and ongoing monitoring of baseline accuracy.	The new rules shall clarify that the baselining approach for validating the activation is an option and SOs can design and apply different methodologies depending on the product and on the SPs unit / group, such as taking the SP's forecast as the baseline instead of the historical based one, to be used as reference for the delivery of the service: a) The new rules shall clarify that, while the use of objective baseline methodologies for validating the activation is not mandatory and SOs can implement alternatives, such as taking the final position of the SP's BRP as the baseline, to be used as reference for the delivery of the service, SOs must offer at least one objective baseline methodology for each service, so as to allow participation by resources for which such forecasting is impractical. b) The new rules shall establish the high level principles for the baseline methodology, ensuring that it is technology neutral, easy, transparent and accurate.
(28)	Amendments to the balancing regulation should be tackled through the revision process provided for this regulation, and not through the new rules.	REMOVE ARTICLE

(29)	Cf comment point (19). Moreover: - Regarding the conditions for the use of sub-metering for the measurement of the provision of services, it is important to clearly state the responsibilities of each entity regarding the metering activities as well as guarantee a standardization in terms of data collection and gathering since the lack of standardization and the proliferation of players managing metering data could lead to an increase of costs for the system as a whole. - The Framework Guidelines should consider a timeline for the provisions to study. - It is necessary to stress that Data Protection regulations may prevent meters granularity to be lower than 15 minutes. - It should be clear that, this metering point might be main meter (preferably) or also the submeter (where applicable and considering the conditions in paragraph 19).	The new rules shall describe the procedures for the use of sub-metering for the measurement of the provision of the service
(30)		

(31)	The article 4 of the Electricity Directive (2019/944) states: “Member States shall ensure that all customers are free to purchase electricity from the supplier of their choice and shall ensure that all customers are free to have more than one electricity supply contract at the same time, provided that the required connection and metering points are established.” Hence Eurelectric does not support any new rule which may go further than the provisions from the electricity directive which clearly states that a separate metering point shall be established. Last but not least, the wordings “connecting point” and “metering point” need a proper clarification on the consequences of the inferred differences: • There can be multiple metering points (sub-meters) behind a single connection point. • It's difficult to think of a way to distinguish the actions of multiple service providers on a site without the use of sub-metering or something functionally equivalent, so it may be better just to refer to multiple participants behind one connection point. • When you are carrying out perimeter correction, in effect there can be multiple BRPs responsible for imbalances at one connection point: effectively the supplier's BRP is responsible the baseline, while service provider will each be responsible for the differences between the delivered energy and the baseline. All of these positions will sum to the actual flows through the connection point.	
(32)	Eurelectric wonders what this paragraph entails. It may be helpful to add worked examples both with and without sub-meters.	

(33)	First of all, Eurelectric believes that any changes to FCR should occur in the EB GL (or SOGL) (and not through new rules). However, we think that the procurement of FCR in general terms must be market-based, or at least not required mandatorily without any compensation for current capacities present in the system. This shall be a prerequisite with clear deadlines reflected in the amended EB GL for every TSO (art. 32.2.a). Regarding the asymmetric procurement, we support option A, because it is aligned with the EB GL which supports (at least) regional cooperation. However, asymmetric procurement of FCR shall remain a possible option too.	
(34)	See comments in (33).	
(36)	The Electricity Directive clearly states the conditions for DSO-owned storage. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	REMOVE THE ARTICLE
(37)	The Electricity Directive clearly states the conditions for DSO-owned storage. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries). Hence, all SO-owned storage facilities chapter should be removed from the framework guideline	REMOVE THE ARTICLE
(38)	The Electricity Directive clearly states the conditions for DSO-owned storage. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	REMOVE THE ARTICLE

3. Prequalification

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (39)	☐	☐	☐	☐	☒	☐
* (40)	☐	☐	☐	☒	☐	☐
* (41)	☐	☐	☒	☐	☐	☐
* (42)	☐	☐	☒	☐	☐	☐
* (43)	☐	☒	☐	☐	☐	☐
* (44)	☐	☒	☐	☐	☐	☐
* (45)	☐	☐	☐	☒	☐	☐
* (46)	☐	☐	☐	☒	☐	☐
* (47)	☐	☐	☐	☒	☐	☐
* (48)	☐	☐	☐	☒	☐	☐
* (49)	☐	☐	☐	☒	☐	☐
* (50)	☐	☐	☐	☒	☐	☐

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(39)	Proposed definitions (and dichotomy between product/grid pre-qualifications) are inspired from the DSO/TSO report on Active System Management and endorsed in recent Eurelectric report on the procurement of distributed flexibility. Dynamic grid pre-qualification must be seen hand-in-hand with having or not, any form of restriction on grid connection. Except for situations where there is a connection agreement with restrictions (e.g. if a certain activation in the grid situation leads to congestion), reverting it shall be subject to financial compensation. SOs must be able to carry out the necessary activation tests, as well as tests for “test and get experience” or training/rehearsal. Such “test and get experience ” is especially needed given the lack of maturity of DSO. SOs shall also be able check the technical capabilities of the SP against the technical requirements determined by the specific product and perform a test to make sure that the SP can deliver the requested service, in particular if technically needed to ensure the system security and grid operation.	ii. Product prequalification shall ensure that the SP fulfils all technical requirements to deliver a particular product. SOs shall check the technical capabilities of the SP against the technical requirements determined by the specific product and perform a test to make sure that the SP can deliver the requested service, if technically needed to ensure the system security and grid operation.
	An EU-level framework would allow a minimum level of standardisation of the prequalification process and the accompanying requirements for the SO. To develop appropriate prequalification processes, best practices in relation to analysis and processes establishment should be considered to minimise the requirements of service providers while still maintaining system security on transmission and distribution networks. Standardised flexibility products would be designed at national level and, therefore, a process for their prequalification would consider national specifications. Different services would have different prequalification processes. The prequalification processes shall be user-friendly, non-discriminatory,	

(40)	fair, objective, transparent, striving to minimise and standardise the different steps when possible. The specificities of each prequalification process and additional technical requirements shall be defined by SOs within each Member State according to common national terms and conditions or a methodology for ex-post verification and prequalification processes (hereafter referred to as “TCM”) (see Section 3.2). Regarding (iv), there are similar rules defined for the purpose of cross-border participation in Capacity Mechanisms, with roles and information exchange between the contracting and the connection TSOs (ACER Decision), which are exactly the reverse of what is being proposed in this consultation. Decision 36/2020, published on 22 Dec 2020 states that the TSO to which the provider is connected is the one conducting the tests, in cooperation with the TSO procuring the service (and as much as possible based on the rules defined by this TSO). A similar approach could be used here, based on the rules already defined in that Decision. This could be done by using the flexibility register (the same way it is foreseen to use a common platform in ACER Decision, just for this, where all the assets are registered and test checks are communicated). This tool is also referred to in point (71).	The new rules shall set minimum technical requirements for the provision of standardized congestion management or voltage control products and shall set a minimum harmonisation at EU level in the different steps and lead times in the prequalification processes (similarly as Articles 155, 159 and 162 of the SO Regulation for balancing services) taking into account at least the following principles: The specificities of each prequalification process and additional technical requirements shall be defined by SOs within each Member State according to common national terms and conditions or a methodology for ex-post verification and prequalification processes (hereafter referred to as “TCM”) (see Section 3.2).
(41)	We welcome simplification of prequalification processes – having in mind our response to previous questions, basic principles such as no need to repeat prequalification with identical sources (e.g. two generators / blocks within one power plant) could be included in the network.	

(42)	Paragraph 42, part vi), subsection ii): Guideline to avoid product prequalification for connection points that have already been qualified is valid. While we understand the rationale behind a single prequalification process on the EU level, details shall be stated in such a way that allows to take into account specificities of respective technologies (such as nuclear), and keeping existing processes in place to biggest extent (such as third party delegation of the prequalification process, etc.). For instance, nuclear energy provides balancing services, but have special procedure for prequalification, taking into account conditions needed for safe operation. Disruptive changes shall be avoided as these inevitably impact price setting. We welcome simplifications suggested by the framework guideline. However, when grid prequalification is considered, the qualification has to be made always for all connection points. When new connections points are added, the grid prequalification results of the existing connection points can also change. To solve congestion, SO should be ensured that all unit and groups are in working order/functionnal at any time.	vi) The prequalification tests shall be required when technically needed to ensure system security and grid operation
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(43)	For local congestion management and voltage control, DSO shall be allowed to ask for pre-qualification process in order to check the actual ability of SPs unit/group to provide the product (as by point 44). System security and grid operation will be impacted by services not provided by SPs in charge for that support in congestion management and voltage control. Tests of services must be enabled as a pre-qualification : this is both beneficial to service providers (in particular new comers) to secure their service and avoid later penalties, and for the DSO to assess the whole activation chain, thus securing the service.	For specific balancing, congestion management and voltage control products, the new rules could require to perform an ex-post verification process by default. The new rules shall define this process considering the following principles and requirements: i) As a prerequisite to provide the product, the SOs can only require a qualification of the service provider with the aim of ensuring.... No Ex-ante product prequalification shall be performed at service providing unit or group level i.e. the capabilities of the unit for grid connection will be taken as a prequalification to provide the service ii) After the qualification of the SP, in case no pre-qualification would be required, the contracting SO shall perform an ex-post verification based on the service delivery and some verification criteria... v) When a potential service provider aims to participate in multiple SO products, it shall be allowed to submit only one application through the SO service provision tool, providing also the geographical distribution of its connection points and voltage level network for each unit
(44)	For local congestion management and voltage control, as first option, SOs shall be allowed to ask for ex ante pre-qualification in order to check the actual ability of SPs unit/group to provide the product. The system security and grid operation will be impacted by services not provided by SPs in charge for congestion management and voltage control.	The new rule shall define the technical criteria that will allow SOs to deviate from an ex ante product prequalification at service providing unit/group level as a prerequisite to provide the product.
(45)	All SOs within a Member State shall agree on the TCM after taking into account responses received from a public consultation conducted by SOs. For purely “local” non frequency services, the consultation can be conducted by DSOs. The responses to the public consultation shall be made public. The national TCMs shall be approved by the NRA(s) of the Member State who may require amendments. The TCMs shall be made public.	

(46)	“If multiple prequalification tests are required, all tests shall be performed simultaneously when technically possible and when undertaken by the same SO.”: this is obscure and the reason for this requirement is not clear. For example, it does not define the situation at all and therefore it is unclear what “multiple prequalification tests” or “simultaneously” mean in this context. Does it mean that several resources need to be activated simultaneously, or does it mean that if several activation tests are required from the same resource, then these tests must be performed “simultaneously”? Is this a necessary requirement? If clarified, the level of detail on this requirement exceeds the general level of details given elsewhere in this Framework Guideline. One application is possible if requirements are similar; several applications must be enabled if requirements are different.	Add to, or insert before iii) "To facilitate the movement of customers between units or SPs, the SP should be able to specify the date on which any change takes place, so long as it is far enough in advance to allow time for the change to be processed, and indicate if a set of changes is interdependent, such that they must all succeed or all fail together.]" ii) The national TCMs shall avoid that any change in a prequalified service providing unit or group requires to overcome a new prequalification process or test, taking into account previous prequalification process. In the TCMs, all SOs of each Member State shall agree on a threshold in the technical requirements included in the ToE or in the capacity or volume of the service providing unit or group that will require to overcome a new prequalification test. This threshold may be different for each product (e.g. aFRR, mFRR, congestion management, etc.) according to their criticality. i) The prequalification tests shall be required only when deemed technically needed by SO, with agreement of the NRA, to ensure system security and grid operation The prequalification tests could shall be required ii) When a potential SP aims to participate in multiple SO products, it shall be allowed to submit only one application for prequalification through the SO service provision tool, providing also the geographical distribution of its connection points (see Section 4.4), unless products have different requirements.
(47)	Eurelectric fully supports an “all SOs of a Member State” approach as a starting point. However, there should be rules allowing for derogations granted by NRAs considering the difference of maturity and capacity of each SO.	If not subject to a derogation granted by the NRA of its Member State as set in (22), all SOs within a Member State shall
(48)		

(49)	The same product could not cover same network situations considering the voltage level. Care must be taken that products at MV and more over LV may be hardly standardized, as each congestion situation might lead to design a specific product. A Table of equivalence at such level of voltage might be an impossible task.	The new rules shall define the principles and requirements for SOs to define a table of equivalences (ToE) between the minimum technical requirements of each standardised product requiring a prequalification process and procured within each Member State the voltage level might be a criteria to distinguish products.
(50)	Attention points – English wording: - We would like to suggest a rewording, requirements can be “more challenging” or “equal” - Also, In iv point), replace "duplicities" with "duplications”	The new rules shall provide that an existing prequalification in one product is accepted by the SOs as a prequalification for another product if the ToE indicates that the existing prequalification has more or equal challenging technical requirements in all attributes, both products have similar IT and communication requirements and the SP requests for providing the latter product. TThe new rules shall provide that already prequalified technical requirements in one product are accepted by the SOs as tested for another product if the ToE indicates that the prequalified technical requirements are more or equal challenging than the corresponding technical requirements of the prequalification process of the latter product. Based on the equivalences between the minimum technical requirements of different products, the new rules shall define a procedure to avoid duplications in prequalification processes according to at least the following principles.

4. Data exchange and SOs coordination

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (51)	☐	☒	☐	☐	☐	☐
* (52)	☐	☐	☒	☐	☐	☐
* (53)	☐	☒	☐	☐	☐	☐
* (54)	☐	☒	☐	☐	☐	☐
* (55)	☐	☐	☒	☐	☐	☐
* (56)	☐	☐	☐	☐	☒	☐
* (57)	☐	☐	☒	☐	☐	☐
* (58)	☐	☐	☒	☐	☐	☐
* (59)	☐	☐	☒	☐	☐	☐
* (60)	☐	☐	☒	☐	☐	☐
* (61)	☒	☐	☐	☐	☐	☐
* (62)	☒	☐	☐	☐	☐	☐
* (63)	☐	☐	☒	☐	☐	☐
* (64)	☐	☒	☐	☐	☐	☐
* (65)	☐	☒	☐	☐	☐	☐
* (66)	☒	☐	☐	☐	☐	☐
* (67)	☐	☐	☒	☐	☐	☐
* (68)	☐	☐	☒	☐	☐	☐
* (69)	☐	☐	☒	☐	☐	☐
* (70)	☐	☒	☐	☐	☐	☐
* (71)	☐	☐	☐	☒	☐	☐
* (72)	☐	☐	☐	☒	☐	☐
* (73)	☐	☐	☒	☐	☐	☐
* (74)	☐	☒	☐	☐	☐	☐

* (75)	☐	☐	☒	☐	☐	☐
* (76)	☐	☒	☐	☐	☐	☐
* (77)	☐	☐	☒	☐	☐	☐
* (78)	☐	☐	☒	☐	☐	☐
* (79)	☐	☐	☐	☒	☐	☐
* (80)	☐	☐	☒	☐	☐	☐
* (81)	☐	☐	☒	☐	☐	☐
* (82)	☐	☐	☐	☒	☐	☐
* (83)	☐	☐	☐	☒	☐	☐

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(51)	Eurelectric suggests clarifying what is meant as a locationally tagged bid in DA, ID and Balancing. If this relates to central dispatch it should be referred to here. Otherwise, it goes against the idea of portfolio bidding. Or does this refer to the models such as the one done by EPEX (within the Enera project) ... within the ID timeframe but for a different product? Anyway, we have strong concerns regarding algorithm functioning in these cases. Also, design of such measure would be approved only by local NRA, even if impacting the Europe wide trading – which is not acceptable from eurelectric point of view. Eurelectric fully supports an “all SOs of a Member State” approach as a starting point. However, there should be rules allowing for derogations granted by NRAs considering the difference of maturity and capacity of each SO.	In any case, the new rules shall provide that the NRA approves the overall market design in each Member State upon a proposal from all SOs in the MS unless a derogation has been granted by a NRA to individual SO as set in (22).
(52)	Value stacking refers to the possibility for a Flexibility Service Provider to use their asset(s) to provide services to multiple markets and access multiple revenue streams while respecting the need to comply with the Regulation (EU) n° 1227/2011 on wholesale energy market integrity and transparency. While we agree that value stacking may be good for flexibility services, we warn against rush implementation, given the consequences for current consequential markets. Indeed, we encourage taking the time to carefully assess the impact and feasibility of implementing provisions for TSOs /DSOs as well as for MPs.	
(53)	See comments in (51) This seems to be an asset-based market in parallel with the portfolio based?	

(54)	The DSOs should exchange information with neighbouring affected System operators. In this respect, separate platforms for only DSO congestion management could be an effective solution to kick start the market as it may increase liquidity at early stages for small DERS which are not usually qualified for the TSO ancillary service market. However, when the market becomes more mature, combined TSO-DSO congestion management with separate balancing seems to be more advantageous and feasible to implement in many Member States. The DSOs should exchange information with neighbouring affected System operators. In this respect, separate platforms for only DSO congestion management could be an effective solution to kick start the market as it may increase liquidity at early stages for small DERS which are not usually qualified for the TSO ancillary service market. However, when the market becomes more mature, combined TSO-DSO congestion management with separate balancing seems to be more advantageous and feasible to implement in many Member States.	
(55)	We understand this paragraph refers to local markets for congestion management / voltage management, not to local wholesale markets. Is our understanding correct? The text should probably be clarified a bit.	

(56)	The new rules shall establish principles applicable to all operators of local markets for SO services, including: - The market operator shall be neutral regarding all service providers and technologies and the way their offers are presented to SOs. - The market shall be accessible to all market participants, including aggregators, and all market participants should be treated equally whatever their technology. - The market operator shall protect confidential data received from the SPs. - The SOs shall share all relevant data with market participants through all relevant platforms, including platforms that are neither owned nor operated by or operated on behalf of the SO. Data exchange with other platforms shall enable service providers to participate in several markets. Further details may be set nationally. The new rules shall provide that the NRA is responsible to ensure compliance with these requirements by operators of local markets for SO services.	The market operator shall protect aggregate per SO coordination area and anonymize protected, critical and sensitive data to protect it from access by non-entitled parties. 'The SOs shall share all relevant data with market participants including platforms that are neither owned nor operated by or operated on behalf of the actors themselves, through a remote server, in a way to allow stakeholders easily and secure access the data, also by application programming interfaces, being transparent on who can access it. Data exchange with other platforms shall enable service providers to participate in several markets.
(57)	SOs should have access to all the individual bids submitted by SPs, and not only a grouped vision. The bids regrouping should be clarified and may induce issues concerning aggregation.	The MS may allow the third party market operator to forward bids to wholesale markets, subject to the SPs permission and when the concerned product is compatible with the concerned wholesale market.
(58)		
(59)	The mentioned aggregators should be dully registered (in a similar way to suppliers) by licensing entities, which would simplify the process and avoid burdening the SOs with a role that should not be their responsibility (role of the NRAs?). Nonetheless, there should be some principles and base rules for consumer protection (cf. comment on (4)).	The new rules shall provide that any third party market operator of local markets for SO services must be independent from all market activities, i.e. supply and demand in electricity markets, with the potential exception of the regrouping of bids mentioned above. As an additional requirement, the SO shall ensure, before procuring congestion management products from a third party market operator, considering NRA's approval, that it is independent and fulfils all regulatory requirements.
(60)		

(61)	The Electricity Directive clearly states the regulatory framework applying for Network Development plans. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	Remove the provisions related to NDP
(62)	The Electricity Directive clearly states the regulatory framework applying for Network Development plans. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	Remove the provisions related to NDP
(63)	The new rules must keep opened non-market levers, such as rule-based mechanisms (e.g. based on RfG). Also, we expect well-designed tariffs, such as static time of use tariffs, to help alleviating some congestion. Eurelectric would like to recall that "technology neutrality" just be treating all technologies the same. We consider that EU rules have to make sure to accommodate all relevant technologies.	The new rules shall establish principles for forecasting congestion and voltage control issues and selecting the most efficient solutions for solving them including network tariffs, rule-based mechanisms, and conditional connections provisions
(64)	The new rules shall establish that each SO is responsible for solving congestion and voltage problems on its own grid. This responsibility includes covering the costs, independently of the grid to which the activated resources are connected." We consider that a new (sub)paragraph should be added on how the costs related to data should be addressed.	The new rules shall establish that each SO is responsible for solving congestion and voltage problems on its own grid. This responsibility includes covering the specific costs, independently of the grid to which the activated resources are connected on the activation of energy (volume and capacity) B point added) Moreover, the costs associated to maintain, transfer and process data shall be fairly distributed also among market participants.

(65)	A product for one SO (technical description) comes at a specific price and penalties. It cannot be forwarded to another SO (value is different, penalties different) If a congestion at HV level is manage in a cheaper way thanks to the activation of a low voltage asset, it should be possible. But in some exceptional situations where there is a connection agreement with restrictions, if a certain activation in the grid situation leads to congestion, reverting it shall be subject to financial compensation.	The affected SO may limit an activation if the activation endangers operational security and bear the compensation costs to the Service Provider as set in the Electricity Regulation
(66)	As a general remark, we believe that this should be further detailed in the framework of the EB GL revision. Few remarks though: - The section should be neutral and symmetrical regarding all SOs. - If any bids are taken from balancing markets, they shall be marked by “congestion” mark. - we disagree with taking balancing bids to solve congestion, we believe this is in contradiction to the zonal market model applied in the EU. - It is not very clear on how open positions would occur. If each supplier's perimeter is corrected to remove the effect of any DSF activation, then surely the problem does not occur? (If so, maybe the issue only arises with particular aggregation models) - “Open position” in the text should be clarified by ACER in the context of “congestion management” - SO duties should be defined/distinguished in terms of TSO and DSO’ s, in terms of system level activation. At EU Level it should be better clarified.	Remove this article

(67)	In point (ii), care must be taken to minimise the cost of real-time data provision from demand sites. Low latency requirements particularly inflate costs, so if real-time data is shown to be necessary, then the latency allowed should be generous. The rules should clarify which type of data SO's should be exchanged, necessary for the well-functioning of the system.	The new rules shall provide principles for identifying the exact data to be provided, and for identifying which grid users shall provide data, in a clear, transparent, and non-discriminatory manner. The SO shall receive all the necessary/relevant data exchanged between the grid users and the SOs
(68)	Any SO (not only DSO or TSO) that procures "SO services" should not cause constraints on the network where the service providers are connected. This section should also be neutral and symmetrical regarding all SOs. It should be clarified what is relevant to be “ grid prequalification” and what is “ redispatch” . Those two concepts are not clearly enough set and how they interact with each other. There is a definition of redispatch in the regulation which seems to be not applied in the document. We request ACER to clarify this point.	Where it is written "Data exchange requirements shall ensure the TSO receives necessary data in time from the DSO." should be replaced by " The different SOs who are service users and interconnected must exchange relevant information between them.
(69)	Eurelectric fully supports an “all SOs of a Member State” approach as a starting point. However, there should be rules allowing for derogations granted by NRAs considering the difference of maturity and capacity of each SO. Public consultation shall last at least one month on a national level and at least two months on a European level. Both the TCM and the related NRA decision shall be made public.	the national SO coordination TCM shall be submitted to NRA approval through an all SOs proposal (unless a derogation is granted by an NRA as set in (22)) [...]The NRA may approve, amend or reject the proposal, taking into account the consultations from all relevant SO's stakeholders.

(70)	Eurelectric believes that a biennial revision could be cumbersome to manage in an emerging market.	b) The new rules shall require SOs to conduct biennial of the coordination processes on MS level, including data exchange and optimal activation of resources, with the aim of identifying improvements. The results of the revision, including an implementation timeline if relevant, shall take into account responses received from a public consultation conducted by the SOs, considering the feedback, responses from all stakeholders within the public consultation made by the SO The responses to the public consultation shall be made public. The revision shall be approved by the NRA(s) of the Member State who may require amendments.
(71)	Eurelectric fully supports the concept of a flexibility resource register. The Flexibility Resources Register offers a possible solution to ensure seamless TSO-DSO data exchanges, provide some visibility of flexibility potential (benefit for TSO/DSO) and could, if so decided at national level, provide visibility of flexibility needs (benefit for flexibility providers). In fact, this would potentially improve competition and liquidity since the flexibility resources would be visible to all system operators to which they can provide a service. • The Flexibility Resources Register could include the following high-level groups of information (which overall would be available only to the TSOs/DSOs procuring flexibility): • Identification information (e.g., grid connection point, geographical location, type of connection, competent Balancing Responsible Party (BRP) /Balancing Service Provider (BSP), competent FSP). • Prequalification information (e.g., measurement information). Can be different for different products. • Deliverable flexibility including real-time status (e.g., “traffic light” representing resource availability, other performance-related information). • Contractual information for relevant parties (e.g., agreement duration, responsible D/T-SO). • Settlement-related information (e.g., baseline, value stacking, financials).	Change as follows: i) To set up one interface for all applications to participate in different product and services ...

	However, this tool should remain a possible option and the details of its implementation should be defined at national level. Also, framework guideline should take note of ongoing work on the second interoperability implementing act, which may go precisely in the direction of a flexibility register. We should avoid overlaps in these two legal acts. Eurelectric rather prefers the term” interface” instead of “ centralise all applications.” Product pre-qualification could take place on an aggregated/portfolio level if technically possible. The inclusion of qualified units in a national flexibility register is recommended. However the new rules should address the issue of the ownership and management of the tool, even if delegation of responsibilities might be possible.	
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(72)	Eurelectric believes that the flexibility resource register is one possible solution to ensure seamless TSO-DSO data exchanges, provide visibility of flexibility potential and could, if so decided at national level, provide visibility of flexibility needs. However, this tool should remain a possible option and the details of its implementation should be defined at national level.	Remove “ the definition of one tool per Member State’.” 72) To define this tool dedicated interface for the service provision, the new rules shall include the following requirements: i) The definition of one interface per Member State. ii) The platform should have a consent register, managing the access to the different service providers registered in the tool platform iii) The service providing units or groups iii) The service providing units or groups may provide the required data for the provision of a single product or a service, and have the option to amend or delete that information at any time.. Thus, data shall be made portable, visible and interoperable (according to the Implementing Act on Demand Response) among the different stakeholders, considering the appropriate data protection measures listed before (56) and avoiding gaming or market abuse practices, referring to different balancing products, i.e. the platform /domain manager shall establish control methods to ensure that information is not duplicated such as e.g. service providers shall not register information twice that is already enrolled for the same service providing unit or group
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(73)	It is stated that "all the steps of the prequalification process will be centralised in the tool". Such specifications are costly, raising the issue of a cost-benefit analysis.	(73) The new rules shall guarantee the following: i) The dedicated platform for the service provision, is easy-to-implement, trustworthy, secure and simple to understand with a few instructions. ii) The corresponding service provider will submit all required information electronically through the tool and will be able to track the status of the process (e.g. application submitted, ongoing check of application completeness, TSO/DSO request for additional information (if needed), application complete, ongoing execution of tests, etc.). It must be ensured that users' data is safeguarded and compliant with all rules on data protection. iii) Data of each service providing unit or group has a level of granularity as necessary for each type of product or service. The tool will also allow aggregating data. according to the provisions at 4.2 and to data protection rules (i.e. GDPR, ePrivacy, Data Act, etc). In case of any doubt of which confidential technique is better to be used, it is advisable to use protection mechanisms through EU providers of data intermediation services
(74)	EU Data governance is highly important, and all data policy acts should be synergic with the future European rules on demand response.	The new rules shall define the a robust data governance of the dedicated interface for the service provision with clear ownership, roles and responsibilities, and an efficient secured architecture to ensure a secure the security and granted data access only to authorized parties to protect the data, the privacy of the users and confidentiality of the information from different service providers and their corresponding service providing units and groups. Receiving data shall be attached to obligations defined at Article 6 of the Data Act COM(2022) 68. This data governance shall take into account the following principles: Justification: please, consider that the protection of non-personal data is actually discussed in many EU dossiers and in the future may have similar protections as for personal data

(75)	The new rule shall also recall that service provider is responsible for providing the metering point number and only after that the SO is responsible for the correct representation of the connection data. The metering point number is the most certain way for SO to know where the unit is located.	Data liability: - The data provider will be responsible for the data quality and truthfulness. The platform should have in place data quality controls, ensuring each dataset is linked to information on access, and concerning the source, the scope, the main characteristics, nature of electronic data and conditions for making electronic data available - The SO to whose grid the unit is connected stays responsible for the correct representation of the connection data, its interoperability and portability. Data merges and additions shall be disclosed.
(76)	The specifications given here risk to increase the complexity of setting up flexibilities (IT infrastructures, legal points). The specifications should remain light, keeping in mind a cost benefit analysis. However, entities should in any case ensure that control lies in hand of all SOs using the tools (e.g. both TSOs and DSOs).	

(77)		Data privacy and confidentiality: - The new rules shall guarantee that the tool is realised in a way that respects unbundling principles in order to avoid sharing protected, critical and sensitive data, as defined in 4.2 that could favour unwanted emerging opportunities for gaming or market abuse, or other malpractices. The new rules shall also ensure that the tool is realised in a way that the SOs access to data is restricted per specific purpose, then SOs who are not effectively unbundled only use the accessible data in the tool for their initial purpose. - The tool manager shall be compliant with data protection laws related to processing and data exchange with eligible parties (i.e. GDPR, ePrivacy, Data Act, etc) when processing data for validation after submission by the data provider and when giving access to third party entities to the data. - The tool operator shall be neutral, to avoid having a conflict of interest as it will have access to private or confidential data. - One service provider shall not be able to see the data from other service providers, unless expressly consented by the data owner for a common benefit to avoid any malpractice at market level, i.e. the individual grid users of the service providing units or groups of the latter service provider. - The datasets related to the service providing unit or group shall be made visible only to the TSOs/DSOs to which the resource is prequalified/capable to deliver the relevant products or services (i.e. visible not only to the SO to which the resource is connected to but to all SOs to which the resource can provide the service(s)), and on this regard, users should be informed at the registration phase.
(78)	Requirements related to interoperability are currently being addressed in the implementing acts on data access & interoperability as referred in the Electricity Directive. We suggest merely a cross reference to it to avoid either duplication of rules (or risk of contradiction).	

(79)	Eurelectric agrees that the new rules shall define processes to ensure data exchange between TSOs and DSOs during the operation phase. SOs should exchange information with neighbouring affected SOs. In this respect, separate platforms for only DSO congestion management could be an effective solution to kick start the market as it may increase liquidity at early stages for small DERs which are not usually qualified for the TSO ancillary service market. However, when the market becomes more mature, combined TSO-DSO congestion management with separate balancing seems to be more advantageous and feasible to implement in many Member States. Eurelectric would like to stress that, from a DSO perspective, energy volume is not a service, DSOs in general do not trade energy (volumes).	i) The new rules shall define processes to ensure data exchange between TSOs and DSOs during the operation phase (i.e. close to near real time, or near real-time) in order to guarantee a coordinated access to available resources, an optimal selection and activation of available resources and a coordinated and harmonized services management. In particular, the new rules shall require the TSOs and DSOs to develop a common national process: i) To determine size and location of physical congestions based on the input of SGUs scheduled data exchange. The physical congestions shall be calculated at each voltage level as close as possible to real time with a granularity as close as possible and encompassing a cost-benefit analysis to the imbalance settlement period in order to accurately reflect real-time system conditions. ii) To exchange the status of the available volumes of the service providing units and groups that may be affected by the potential physical congestions in their grid and the activations by the SOs. iii) To exchange the contracted capacities of the service providing units and groups to provide each product or service. iv) to exchange the selected volumes of the service providing
(80)		
(81)		
(82)		The new rules shall specify what data needs to be communicated after the delivery of the service. The data should include at least the activated energy volumes for each service providing units or groups for the different products and services.

(83)	Eurelectric supports the principle to provide data aggregation where possible. Single point of contact should be one entity (typically the one to which the service provider is connected, or one of them), to avoid the need to operate two communication lines. For distribution level connected assets, communication with the DSO should be favoured. The SO service provision tool could also be one option for the single point of contact.	Error detection and correction: the new rules shall include provisions in case the communication fails. The entity receiving the data shall ensure ongoing validation of the received data and real-time communication to the service provider in case errors (missing data, wrong format, erroneous data) are detected.
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5. Congestion management

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (84)	☐	☐	☐	☐	☒	☐
* (85)	☐	☐	☐	☒	☐	☐
* (86)	☐	☐	☐	☒	☐	☐
* (87)	☐	☐	☒	☐	☐	☐
* (88)	☐	☐	☒	☐	☐	☐
* (89)	☐	☐	☒	☐	☐	☐
* (90)	☐	☐	☒	☐	☐	☐
* (91)	☐	☐	☒	☐	☐	☐
* (92)	☐	☐	☒	☐	☐	☐
* (93)	☐	☐	☒	☐	☐	☐
* (94)	☐	☐	☒	☐	☐	☐
* (95)	☐	☐	☒	☐	☐	☐
* (96)	☐	☐	☒	☐	☐	☐
* (97)	☐	☐	☐	☐	☒	☐
* (98)	☒	☐	☐	☐	☐	☐
* (99)	☐	☐	☐	☒	☐	☐
* (100)	☒	☐	☐	☐	☐	☐
* (101)	☒	☐	☐	☐	☐	☐
* (103)	☐	☐	☒	☐	☐	☐
* (104)	☐	☐	☐	☒	☐	☐

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(84)	The definition of a common European list of attributes for product shall be drafted in close cooperation with market players and shall be non-exhaustive.	Shall define a common European non-exhaustive list of attributes
(85)		The new rules shall provide that SOs define standardised products where appropriate for congestion management at national level The new rules shall ensure that when defining the products, the SOs take both current and future system needs, as described in the NDP, into account, as well as current or future service providers' ability to provide the products."
(86)	There should be a public consultation before the list of products is approved by the NRA.	The new rules shall provide that the list of standardised products shall be submitted to the NRA for approval through an all SO proposal. However, when the products are used only by DSOs, the proposal shall be submitted to NRA for approval through an all DSO proposal in cooperation with the TSO
(87)		
(88)	Eurelectric would like to recall that "technology neutrality" just be treating all technologies the same. We consider that EU rules have to make sure to accommodate all relevant technologies.	

(89)	DSOs have several viable options for solving network congestion scenarios: DSOs implemented (such as grid reconfiguration), flexible connections agreements, traditional reinforcement (i.e. networks and substations), flexibility procurement and network tariff design. All option should be considered (even in combination). DSOs shall proceed with a national economic assessment methodology to challenge the best solution from a cost efficiency system point of view starting from a zero-cost solution (e.g. grid reconfiguration etc.). DSO will go on to identify and publish in a timely and transparent manner their flexibility needs. This methodology will be agreed among NRAs an DSOs, considering their regulatory regime. Non-firm connection agreements should also include both options of market-based and non-market based and shall be defined in (12). Market-based dispatch should be the default, with non-market-based approaches only used where a rigorous justification is accepted by the NRA. The new rules should set out the criteria for assessing any such justification.	The new rules shall provide that when facing congestion, the SO shall always choose the most economically efficient option of the different tools on its hands, such as their own tools (grid reconfiguration, connection of capacitors, STACOM...., mobile generators, ...), setting of periods of time of use tariffs, congestion management, grid investments, non-firm connection agreements or bidding zone review, optimising the collective cost benefit analysis. The new rules shall specify principles for the use of remunerated forms of SO services congestion management products on the one hand, e.g. dispatch limitation and redispatch (market-based and non-market based (in case of market not-readiness) and non-firm connection agreements on the other, ensuring that market are not unduly distorted.
(90)	Eurelectric believes that the procurement should by principles be market based. However, in case of emergencies of when the market fails to deliver appropriate flexibility services, SOs should be able to implement rule based solutions i.e. rule-based curtailments as a consequence of technical requirements from connection codes that are available in last resort or emergencies.	By way of derogation from...in case of “market failure” Member States may allow System operators to procure services through non-market based procedures (rules based procurement) where the regulatory authority has assessed the necessity of such a derogation and has carried out an assessment of the tendering procedure, including the conditions of the tendering procedure, and has granted its approval.
(91)	The NRA assessment should specifically quantify the forgone flexibility investment and flexible capacities if a non-market-based approach is taken.	
(92)		

(93)	Eurelectric supports an “All SOs per Member State ‘ as a start. However, derogation should be possible and granted by NRAs considering the capacity and maturity of individual SO. Furthermore, transparency requirements shall also be included in the framework guideline – on the market results, aggregated bid-ask curves, etc. Moreover, stakeholders should be involved in this process. Last but not least, the meaning and function of the "secondary activation market" needs clarification.	
(94)	The pricing mechanism is to be closely linked to the potential low liquidity of (very) localized markets and the DSO’s propensity to pay (reserve price), keeping in mind the other levers (rule-based, time of use tariffs, smart connection) available for the DSO to solve the congestion.	

(95)	Eurelectric supports an “All SOs per Member State ‘ as a start. However, derogation should be possible and granted by NRAs considering the capacity and maturity of individual SO. There should be a public consultation before the list of products is approved by the NRA. More specifically and while principles for assessing propensity to pay and pricing mechanisms are to be defined by DSOs and be validated by NRAs, the exact mechanisms and alternatives to flexibility are intimately linked to DSOs own procedures, methods, tools be they in network design or operations, which is out of scope of NRA’s approval. Finally, propensity to pay is the underlying fundamental in the pricing mechanisms, as flexibility is a mean to improve the cost-effectiveness of network design and operations. As mentioned about article 86, some products may be specific to some SOs which should be the only one to submit the pricing mechanisms for said products.	The new rules shall provide that the pricing mechanisms regarding standardised products shall be submitted to the NRA for approval through an all SO proposal (with possibility for derogation granted by NRA for individual SO as set in (22)). NRA should conduct a public consultation in a duration of at least one month prior to deciding on a list of products. NRA shall take due account of the views submitted in the public consultation
(96)		
(97)		
(98)	The Electricity Directive clearly states the regulatory framework applying for Network Development plans. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	REMOVE THE ARTICLE

(99)	Eurelectric supports the principle of setting up processes with full data visibility: - Market participation shall be promoted by transparent information of network needs to avoid unwanted market behavior - Data must be visible, machine readable free and easily accessible. - The principle is that DSOs provide as much transparency as possible to the market to achieve the right balance between improved liquidity and preventing market abuse and gaming behaviours.	Change as follows: Change as follows: “The necessary data to ensure an economically-efficient functioning of congestion management markets and to provide the same level of information to all interested market parties; this includes information on the area of delivery (network points), forecasts about the expected number of events, timing of events and the resulting need for congestion management, selection criteria, reserve price (if applicable and considering the liquidity of the market) [...] New rules should provide guidance on the publication of reserve prices, taking into account effects on liquidity, participation, market power, gaming and potential mitigating measures (e.g. publishing a price range rather than a fixed reserve price). Information about procurement and activation shall be provided in English and in the official languages of the Member States, and shall be made available in an efficient manner. The data should be made publicly available in easy and accessible formats. The NRA can require DSOs to publish the information on a common platform on national level.
(100)	The Electricity Directive clearly states the regulatory framework applying for Network Development plans. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	REMOVE THE ARTICLE
(101)	The Electricity Directive clearly states the regulatory framework applying for Network Development plans. There is no need of more developments in this regard (that could even contradict what is being transposed in the different countries).	REMOVE THE ARTICLE

(103)	EU Harmonisation of flexibility products attributed is required to avoid discrimination among market parties and to find sufficient alignment with balancing and wholesale markets. However, full standardization of product may hamper innovation. Hence Eurelectric supports the principle of a common list of attributes for products if this does not lead to a standardization of products. We also assume any harmonization will be a long-term horizon project (e can envisage that first studies could be taken 5 years after entry into force). Otherwise, we could endanger national implementation of a framework guideline (or ongoing national implementation of electricity directive and regulation).	
(104)	It is essential to set up a process which will closely involve the relevant stakeholders all over the process with transparent and public consultation processes, especially as it is related to market-based procurement.	

6. Voltage control

What is your general opinion on the drafted proposal of the following paragraphs?

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (105)	☐	☐	☐	☐	☒	☐
* (106)	☐	☐	☐	☐	☒	☐
* (107)	☐	☐	☐	☐	☒	☐
* (108)	☐	☐	☐	☐	☒	☐
* (109)	☐	☐	☐	☐	☒	☐
* (110)	☐	☐	☐	☒	☐	☐
* (111)	☐	☐	☐	☒	☐	☐
* (112)	☐	☐	☒	☐	☐	☐

Comment table

	Comment	Alternative draft proposal
(105)	We fully agree with the market-based principles. Nevertheless, we also understand SOs may need to consider non-market based fall-back provisions, predefined in market arrangements, respective codes (e.g. RfG requirements) and operational policies.	
(106)		
(107)		
(108)		
(109)		
(110)	/ The new rules must keep open non-market levers, such as tariffs and rule-based mechanisms, especially for voltage control. Also, rule-based products shall not require more than the national application of RfG / rules applicable for service providers in time of their grid connection / significant change of connection. Rule-based procurement should not always be in the short-term. It seems strange why the procurement of the mandatory capability should follow the same rule as the non-mandatory capabilities. For instance, if the mandatory should be provided for free, the non-mandatory would also be free. Consequently, nobody will offer this in the market. In case a SO needs additional capacity beyond the RfG mandatory capacity, it is important that it is not provided for free to incentivize prior investors to make investment.	The new rules shall provide that market based procurement is to be preferred, but may be completed by rules based procurement when and where market based procurement is economically not efficient. The rule-based procurement may include compensation or not. In this case, the new rules shall provide guidance to avoid market distortion due to interaction between market based and non-market based procurement. The new rules shall provide that, in particular, market based procurement of long term voltage control services shall be considered when the mandatory capabilities as defined in RfG Regulation and DCC Regulation are not sufficient for the provision of voltage control to satisfy the needs of the SO. In this case, the activation of the procured resources could shall follow the same rule as the activation of mandatory capabilities, i.e. rules based activation with a similar compensation scheme as for mandatory resources
(111)	Care must be taken to not over-prescribe. Flexibility markets are emerging. A lot of test and learn is going on, and the network code should not hinder innovation and test and learn.	[...] (including how and when the assessment should be made locally or nationally by level of tension, and making considerations of differences in network topology).

(112)	It is essential to set up a process which will closely involve the relevant stakeholders all over the process with transparent and public consultation processes, especially as it is related to market-based procurement Derogations must always be complemented with a detailed planning for implementation. Proper and transparent (for market parties) planning must be a requirement for any allowed derogations. Eurelectric wonders whether the suggested deadline for submitting the report (2 years after the entry into force of the new rules) is not too early as these new rules need to be implemented in each Member States and the report will require an analysis of implementation and the possibility of changing existing harmonization.	
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Questions on confidentiality

* Do your answers contain confidential information?

- ☐ Yes
☒ No

* Do you want the name of your company to remain confidential?

In the evaluation of responses, ACER will not link responses to specific respondents or groups of respondents unless this is appropriate.

- ☐ Yes
☒ No
-

Useful links

[Roadmap on the Evolution of the Regulatory Framework for Distributed Flexibility \(https://www.edsoforsmartgrids.eu/wp-content/uploads/210722_TSO-DSO-Task-Force-on-Distributed-Flexibility_proofread-FINAL-2.pdf\)](https://www.edsoforsmartgrids.eu/wp-content/uploads/210722_TSO-DSO-Task-Force-on-Distributed-Flexibility_proofread-FINAL-2.pdf)

[ASSET Study on Regulatory priorities for enabling Demand Side Flexibility \(https://asset-ec.eu/wp-content/uploads/2020/12/ASSET-EC-Regulatory-priorities-for-enabling-Demand-Side-Flexibility.Final_-1.pdf\)](https://asset-ec.eu/wp-content/uploads/2020/12/ASSET-EC-Regulatory-priorities-for-enabling-Demand-Side-Flexibility.Final_-1.pdf)

[CEER Paper on DSO Procedures of Procurement of Flexibility \(https://www.ceer.eu/documents/104400/-/-/f65ef568-dd7b-4f8c-d182-b04fc1656e58\)](https://www.ceer.eu/documents/104400/-/-/f65ef568-dd7b-4f8c-d182-b04fc1656e58)

[TSODSO Report An integrated approach to active system management \(https://eepublicdownloads.entsoe.eu/clean-documents/Publications/Position papers and reports/TSO-DSO ASM 2019 190416.pdf\)](https://eepublicdownloads.entsoe.eu/clean-documents/Publications/Position papers and reports/TSO-DSO ASM 2019 190416.pdf)

Background Documents

[ACER scoping letter of 1 February 2022](#)

[European Commission letter of 1 June 2022](#)

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Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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