

ACER consultation on Network Code Demand Response

Eurelectric amendments

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/2024/12.105/36

Customers & Retail Services Committee
Distribution & Market Facilitation Committee
WG Retail Market Design
WG Customers & New Services
WG Regulation & Network Customers
WG Market Integration & Network Codes
SG Distributed Flexibility & Data Management

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Eurelectric amendments on ACER consultation on the draft network code on demand response

31st October 2024

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Proposal on Network Code Demand Response ("20240905 DR NC ACER public consultation")

Amendment Art. 1

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 1

Article 1

Original text

1.This Regulation establishes a network code which lays down the requirements in relation to demand response, including rules on aggregation, energy storage, distributed generation, and demand curtailment, to contribute to market integration, non-discrimination, effective competition, and the efficient functioning of the market.

2.This Regulation also lays down the obligations for ensuring that resources and service providers have access to the

Original text +amendments

1.This Regulation establishes a network code which lays down the requirements in relation to demand response, including ~~rules on aggregation, energy storage, distributed generation, and demand curtailment,~~ to contribute to market integration, non-discrimination, effective competition, and the efficient functioning of the market.

2.~~This Regulation also lays down the obligations for ensuring that resources and service providers have access to the~~

electricity markets in accordance with the principles regarding the operation of electricity markets pursuant to Article 3 of Regulation (EU) 2019/943. This Regulation also facilitates the market-based procurement of local services by the system operators, ensuring the non-discriminatory access of all service providers to this process. In this respect, the provisions related to the procurement of local services are applicable where the market-based procurement of such services is implemented.

[...]

5. Where more than one DSO exists in a Member State, this Regulation shall apply to all DSOs in a Member State. Where a DSO does not have a function relevant to one or more obligations under this Regulation, Member States may provide that the responsibility to comply with those obligations is assigned to one or more specific DSOs.

~~electricity markets in accordance with the principles regarding the operation of electricity markets pursuant to Article 3 of Regulation (EU) 2019/943.~~

This Regulation also facilitates the market-based procurement of local services by the system operators, ensuring the non-discriminatory access of all service providers to this process. In this respect, the provisions related to the procurement of local services are applicable where the market-based procurement of such services is implemented.

[...]

5. Where more than one DSO exists in a Member State, this Regulation shall apply to all DSOs in a Member State. Where a DSO does not have a function relevant to one or more obligations under this Regulation, Member States ~~may~~ **shall** provide that the responsibility to comply with those obligations is assigned to one or more specific DSOs.

Amendment Art. 2

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 2

Article 2

Original text

In addition, the following definitions shall apply:

[...]

4. 'baseline' means a counterfactual reference about the electrical quantities that would have been withdrawn or injected if there had been no activation of any balancing or local services;

6. 'congestion issue' means a situation when the electric current flow through a physical asset exceeds operational limits;

[...]

10. 'market-based procurement' or 'market-based mechanism' means a service procurement process where either the selection of the service providers or the activation of the service is based on a bidding process;

Original text + amendments

In addition, the following definitions shall apply:

[...]

4. 'baseline' means a counterfactual reference about the electrical quantities that ~~would were expected to~~ have been withdrawn or injected if there had been no activation of any balancing or local services, or in the absence of active participation in other electricity markets, such as day-ahead or intraday;

6. 'congestion issue' means a situation ~~when the electric current flow through a physical asset exceeds operational limits~~ where the physical or structural congestion, as defined by the Regulation (EU) 2015/1222 are likely to occur;

[...]

10. 'market-based procurement' or 'market-based mechanism' means a service procurement process where ~~either the selection of the service providers the procurement of capacity~~ or the activation of the service is based on a bidding process;

[...]

20. 'SP module' means a functional platform of a 'flexibility information system' that contains, manages, and makes available data about service providers, service providing groups, service providing units and system users;

21. 'controllable unit' or 'CU' means a single power-generating module and/or demand unit pursuant to Article 2(5) of [RfG NC 2.0] and Article 2(4) of [DC NC 2.0];

[...]

23. 'service provider' or 'SP' means a market participant with service providing units or service providing groups able to provide system operator services in a balancing or local market;

[...]

26. 'service providing group' or 'SPG' means an aggregation of controllable units or service providing units connected to more than one connection agreement point within the same scheduling area. SPG is defined by the service provider to provide balancing or local services;

[...]

34. 'rebound effect' means the alteration of injection or withdrawal of electricity by a SPU or SPG in the opposite direction to the activation before or after the activation period due to the provision of a

[...]

20. 'SP module' means a functional platform of a 'flexibility information system' that contains, manages, and makes available data about service providers, service providing groups, service providing units and **system users controllable units**;

21. 'controllable unit' or 'CU' means a single power-generating module **and/or storage unit** and/or demand unit pursuant to Article 2(5) of [RfG NC 2.0] and Article 2(4) of [DC NC 2.0];

[...]

23. 'service provider' or 'SP' means a market participant with service providing units or service providing groups able to **or applying to** provide system operator services in a balancing or local market;

[...]

26. 'service providing group' or 'SPG' means an aggregation of controllable units **or service providing units** connected to more than one connection agreement point within the same scheduling area. SPG is defined by the service provider to provide balancing or local services;

[...]

34. 'rebound effect' means the alteration of injection or withdrawal of electricity by a SPU or SPG in the opposite direction to the activation before or after the activation period due to the provision of a

local or balancing service;

35. 'compensation effect' means the alteration of injection or withdrawal of other non-activated controllable units during the activation period of a local or balancing service, that counteracts the effects of the activation;

local or balancing service or from active demand participation in other markets such as intraday;

35. 'compensation effect' means the **systematic** alteration of injection or withdrawal of other non-activated controllable units during the activation period of a local or balancing service, that counteracts the effects of the activation, or from active demand participation in other markets such as intraday;

NEW. 'Virtual metering point' means the sum of metered data, which can include metered data from different physical metering points (including smart meters or DMDs), either withdrawal or injection, including to mobile loads from electric vehicles, that connect to multiple 'connection points', namely of public or semi-public access.

Amendment Art. 3

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 3

Article 3

Original text

1. This Regulation aims at:

(a) setting out clear and objective principles for the development of rules regarding demand response, energy storage, distributed generation and demand curtailment, including rules on aggregation.

(b) respecting the principles of non discrimination and technology neutrality, whilst having due regard to the particularities of demand response, energy storage, distributed generation and demand curtailment including aggregation, and the potential needs resulting thereof for adapting current and future rules.

Original text + amendments

1. This Regulation aims at:

(a) setting out clear and objective principles for the development of rules regarding demand response, energy storage, distributed generation and ~~demand curtailment~~, including rules on aggregation.

(b) respecting the principles of non discrimination and technology neutrality, whilst having due regard to the particularities of demand response, energy storage, distributed generation and ~~demand curtailment~~ including aggregation, and the potential needs resulting thereof for adapting current and future rules.

Amendment Art. 4

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 4

Article 4

Original text

1.By [six months] after entry into force of this Regulation, each Member States or the designated entity shall establish the rules of procedure at national level according to which the system operators shall develop the proposals for the common national terms and conditions referred to in **Error! Reference source not found..**

[...]

2.(d)transparency ensured through meeting minutes and access to the documents;

Original text +amendments

1.By [~~six~~ **X** months] after entry into force of this Regulation, each Member States, **NRA** or the designated entity shall establish the rules of procedure at national level according to which the system operators shall develop the proposals for the common national terms and conditions referred to in **Error! Reference source not found..**

[...]

2.(d)transparency ensured through **stakeholders'** meeting minutes and access to the documents;

Amendment Art. 8

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 5

Article 8

Original text

Each system operator responsible for establishing the common national terms and conditions in accordance with this Regulation shall publish them on the internet after approval by the regulatory authorities or, if no such approval is required, after their establishment, except where such information is considered as confidential in accordance with **Error! Reference source not found..**

Original text +amendments

Each system operator responsible for establishing the common national terms and conditions in accordance with this Regulation shall publish them on the internet after approval by the regulatory authorities ~~or, if no such approval is required,~~ after their establishment, except where such information is considered as confidential in accordance with **Error! Reference source not found.**

Amendment Art. 16

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 6

Article 16

Original text

[...]

3. In the event that all or part of any tasks specified in this Regulation are delegated to another party, the delegating system operator shall ensure that suitable confidentiality agreements in accordance with the confidentiality obligations of the delegating system operator have been put in place prior to the delegation. After delegating all or part of any tasks to another party, the delegating system operator shall inform the relevant regulatory authority and publish this decision on the internet.

4. Without prejudice to the tasks entrusted to system operators pursuant to Directive (EU) 2019/944, a Member State, or where applicable a relevant regulatory authority, may assign tasks or obligations entrusted to system operators under this Regulation to one or more assigned parties, including a TSO or a DSO. Prior to the assignment, the party concerned shall demonstrate to the Member State, or where applicable the relevant regulatory authority, its ability to

Original text + amendments

[...]

3. In the event that all or part of any tasks specified in this Regulation are delegated to another party, the delegating system operator shall ensure that suitable confidentiality agreements in accordance with the confidentiality obligations of the delegating system operator have been put in place prior to the delegation. After delegating all or part of any tasks to another party, the delegating system operator shall inform the relevant regulatory authority and **this decision should be publicly available** ~~publish this decision on the internet.~~

4. Without prejudice to the tasks entrusted to system operators pursuant to Directive (EU) 2019/944, a Member State, or where applicable a relevant regulatory authority, may assign tasks or obligations entrusted to system operators under this Regulation to one or more assigned parties, **including a TSO or a DSO in line with Article 1 paragraph 5 and 6, under the terms defined by national legislation.** Prior to the assignment, the party concerned shall demonstrate to the Member State, or where applicable the

meet the task to be assigned.

relevant regulatory authority, its ability to meet the task to be assigned.

Amendment Art. 20

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 7

Article 20

Original text

1.The injections and withdrawals for the settlement of the system operation services and the imbalance settlement shall be calculated based on the metering equipment of the connection point, unless the controllable unit uses its own method of calculating injections and withdrawals of energy, including a dedicated measurement device; in this case this method shall be used for the abovementioned purposes, if the data granularity allows it.

Original text +amendments

1.By default the injections and withdrawals for the settlement of the ~~system operation services~~ provided flexibility service(s) and the imbalance settlement shall be calculated based on the ~~measurement metering~~ equipment of the ~~accounting connection~~ point, Data from DMDs may be also used, including where a final customer does not have a smart meter installed or where the installed smart meter does not deliver the necessary data to assess the provision of flexibility services, including through an independent aggregator, and where the DMD provides data with sufficient granularity and meets quality and reliability requirements. unless the controllable unit uses its own method of calculating injections and withdrawals of energy, including a dedicated measurement device; in this case this method shall be used for the

2.A controllable unit connected to a metering point with a conventional meter shall only be allowed to be part of a SPU or SPG, using their own method of calculating injections and withdrawals of energy, including a dedicated measurement device.

~~abovementioned purposes, if the data granularity allows it.~~

2.A controllable unit connected to a ~~accounting metering~~ point with a conventional meter shall only be allowed to be part of a SPU or SPG, **if data with sufficient granularity meeting quality and reliability requirements, including from DMDs, enable the calculation of injections and/or withdrawals of energy.**
~~using their own method of calculating injections and withdrawals of energy, including a dedicated measurement device.~~

Amendment Art. 21

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 8

Article 21

Original text

[...]

2. When data from a dedicated measurement device is used for settlement or validation, the service provider shall be responsible for acquiring the relevant measurement data from the dedicated measurement device and make the relevant measurement data available to the procuring system operator.

Original text + amendments

[...]

2. When data from a dedicated measurement device is used for settlement or validation, the ~~service provider~~ **member state must define the party that** shall be responsible for acquiring the relevant measurement data from the dedicated measurement device and make the relevant measurement data available to the procuring system operator.

Amendment Art. 22

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 9

Article 22

Original text

[...]

2(c) the minimum set of data necessary to implement the respective baselining method, and the granularity required for the respective service provision;

[...]

4. ENTSO-E and EU DSO entity shall publish on their website a baselining method register based on the national terms and conditions pursuant to paragraph 1, with at least a yearly update. The explanation of the baselining methods shall be provided in English.

Original text + amendments

[...]

2(c) the minimum set of data necessary to implement the respective baselining method, and the granularity required for the respective service provision;

[...]

4. ENTSO-E and EU DSO entity shall publish on their website a baselining method register based on the national terms and conditions pursuant to paragraph 1, with at least a yearly update. The explanation of the baselining methods shall be provided in English and they shall be as much detailed, meaningful and accurate as possible.

NEW 5. Regulatory authorities, or other entities they designate, shall report new baselining methods or changes to existing ones, to ENTSO-E and EU-DSO Entity, no longer than 1 month after their approval.

Amendment Art. 23

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 10

Article 23

Original text

1. Where the data used for determining the provision of a service is based on measurement, the granularity of the data used shall be the imbalance settlement period, unless higher resolution is required for determining the activation of a service by the procuring system operator.

2. The procuring system operator shall have the right to require from the service provider all data necessary to validate the provision of the respective service.

Original text + amendments

1. ~~Where~~ the data granularity used for determining the provision of a service ~~is based on measurement, the granularity of the data used~~ shall at least be the imbalance settlement period, unless higher resolution is required for determining the activation of a service by the procuring system operator or the resolution of metered data used for billing is higher than the imbalance settlement period.

2. The procuring system operator shall have the right to require from the service provider all data necessary to validate the provision of the respective service, under the framework defined in national terms and conditions.

Amendment Art. 24

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 11

Article 24

Original text

Original text +amendments

1.The national table of equivalences shall:

1.The national, or European when applicable, table of equivalences shall:

[...]

[...]

/

NEW 1(f). include qualification exemption procedures for certain products, applicable for SPU(s) or SPG(s) already qualified by at least one system operator, for products under equivalent or more demanding requirements, or for the same product.

Amendment Art. 25

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 12

Article 25

Original text

Original text +amendments

1.b(iv) exchange of schedule and real-time data pursuant to Article 61(3) and (5).

1.b(iv) exchange of schedule and real-time data, if required, pursuant to Article 61(3) and (5).

[...]

[...]

1.d(v)possible rebound effects and how these might be handled.

1.d(v)~~possible expected~~ rebound effects and how these might be handled.

[...]

4. The service provider shall inform the procuring system operator about any change in its ICT system with potential effect on the reliability and efficiency of its service provision. The procuring system operator shall have the right to require to re-perform a communication test when the reliability of the service provision due to a significant change in the ICT system may be compromised, if defined in the national terms and conditions for service providers

[...]

4. The service provider shall inform the procuring system operator about any change in its ICT system with potential effect on the reliability and efficiency of its service provision. The procuring system operator shall have the right to require to re-perform a communication test when the reliability of the service provision due to a **material significant** change in the ICT system may be compromised, if defined in the national terms and conditions for service providers

Amendment Art. 26

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 13

Article 26

Original text

1(a) the relevant system user(s) shall register the data of the CUs pursuant to Article 61(1) in the relevant CU module of the flexibility information system, according to the registration procedure set out in Article 37(1)(a); and

[...]

4. The procuring system operator shall be responsible for the product prequalification or product verification process applicable to each product. When multiple system operators procure the same product from the same SPU or SPG, such a SPU or SPG shall be prequalified or

Original text + **amendments**

1(a) **the service provider on behalf of** the relevant system user(s) shall register the data of the CUs pursuant to Article 61(1) in the relevant CU module of the flexibility information system, according to the registration procedure set out in Article 37(1)(a); and

[...]

4. The procuring system operator shall be responsible for the product prequalification or product verification process applicable to each product. When multiple system operators procure the same product, **or a product under equivalence rules to other qualified**

verified by a single procuring system operator

product under the national Table of Equivalence as set out in Article 24, from the same SPU or SPG, such a SPU or SPG shall be prequalified or verified by a single procuring system operator

Amendment Art. 27

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 14

Article 27

Original text

1. After the procuring system operator confirms that the application is complete pursuant to **Error! Reference source not found.**(3), each potential SPU or SPG shall have a temporary qualification for the preliminary provision of the respective service, until the procuring system operator verifies whether the potential SPU or SPG proves full compliance with the product requirements set out in the national table of equivalences according to **Error! Reference source not found.** and the verification criteria defined in national terms and conditions for service providers.

Original text + amendments

1. After the procuring system operator confirms that the application is complete pursuant to **Error! Reference source not found.**(3), each potential SPU or SPG shall have a temporary qualification for the ~~preliminary~~ provision of the respective service, until the procuring system operator verifies whether the potential SPU or SPG proves full compliance with the product requirements set out in the national table of equivalences according to **Error! Reference source not found.** and the verification criteria defined in national terms and conditions for service providers.

Amendment Art. 28

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 15

Article 28

Original text

3. When the potential SPU or SPG exclusively consists of small controllable units, controllable units that are identical to controllable units being part of other SPUs or SPGs previously prequalified by any SP for the relevant product, or a combination of both

Original text + amendments

3. When the potential SPU or SPG exclusively consists of small controllable units, controllable units that are identical to controllable units being part of other SPUs or SPGs previously prequalified by the same any SP for the relevant product, or a combination of both

Amendment Art.29

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 16

Article 29

Original text

1. Within 6 months after entry into force of this Regulation, all TSOs shall develop a proposal for a Union-wide methodology to harmonise the qualification of service providers and the product prequalification and grid prequalification of SPUs and SPGs for standard balancing products in accordance with **Error! R**

Original text + amendments

1. Within 6 months after entry into force of this Regulation, all TSOs shall develop a proposal for a Union-wide methodology to harmonise harmonization of the qualification of service providers and the product prequalification and grid prequalification of SPUs and SPGs for standard balancing products in

reference source not found.. The proposal shall describe a harmonised process in terms of steps, lead times, requirements and assessment criteria for each standard balancing product.

2. Within 12 months after entry into force of this Regulation, ENTSO-E and EU DSO entity shall develop a proposal for a Union-wide methodology for further simplification of the product prequalification processes in accordance with **Error! Reference source not found..** The proposal shall identify cases where product prequalification can be replaced by product verification and shall describe simplifications in the processes, requirements and activations tests where applicable, including specific simplifications where at least a potential SPU or SPG exclusively consists of small controllable units or controllable units that are identical to controllable units being part of other SPUs or SPGs previously prequalified by any SP.

accordance with **Error! Reference source not found..** The proposal shall describe a harmonised process in terms of steps, lead times, requirements and assessment criteria for each standard balancing product.

NEW 2. ACER shall decide to approve or propose amendments to this proposal within 6 months and harmonized rules shall be implemented no later than 6 months after ACER approval of harmonized qualification of service providers, product prequalification and grid prequalification of SPUs and SPGs, for standard balancing products.

3 2. Within 12 months after entry into force of this Regulation, ENTSO-E and EU DSO entity shall develop a proposal for a Union-wide methodology for further simplification of the product prequalification processes in accordance with **Error! Reference source not found..** The proposal shall identify cases where product prequalification can be replaced by product verification and shall describe simplifications in the processes, requirements and activations tests where applicable, including specific simplifications where at least a potential SPU or SPG exclusively consists of small controllable units or controllable units that are identical to controllable units being part of other SPUs or SPGs previously prequalified by any SP.

Amendment Art. 30

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 17

Article 30

Original text

2.The procuring system operator shall have the right to, subject to the approval of the regulatory authority, reassess and require to pass a full or partial repetition of the product prequalification or product verification on a SPU or SPG level, respecting the applicability of the product prequalification or product verification pursuant to Article 26 and in accordance with Articles 155(6)(b)-(c), 159(6)(b) and 162(5)(b) of Regulation (EU) 2017/1485 when at least one of the following situations occur:

(a)if the prequalified or verified capacity of a SPU or the SPG is modified more than 10% or 3 MW, whichever is lower compared to the previous product prequalification or product verification process of the SPU or SPG, due to additions or removals of controllable units, or an increase or decrease of the prequalified or verified capacity of the existing controllable units;

[...]

Original text +amendments

2.The procuring system operator shall have the right to, subject to the approval of the regulatory authority, reassess and require to pass a full or partial repetition of the product prequalification or product verification on a SPU or SPG level, respecting the applicability of the product prequalification or product verification pursuant to Article 26 and in accordance with Articles 155(6)(b)-(c), 159(6)(b) and 162(5)(b) of Regulation (EU) 2017/1485 when at least one of the following situations occur:

(a)if the prequalified or verified capacity of a SPU or the SPG is modified more than:

(i)10% or 3 MW, whichever is higher/lower compared to the previous product prequalification or product verification process of the SPU or SPG, for balancing products, due to additions or removals of controllable units,

(ii) the threshold defined in the national terms and conditions for local products, due to additions or removals of controllable units, or an increase or decrease of the prequalified or verified capacity of the existing controllable units;

[...]

3. The procuring system operator shall notify the service provider on the need to pass a full or partial repetition of the product prequalification or product verification on SPU or SPG level pursuant to paragraph 2 [within 1 business day] after the notification of the change pursuant to paragraph 1.

3. The procuring system operator shall [within 1 business day] notify the service provider on the need to pass a full or partial repetition of the product prequalification or product verification on SPU or SPG level pursuant to paragraph 2 ~~[within 1 business day]~~ after the notification of the change pursuant to paragraph 1.

[...]

NEW 5. When the procuring system operator requests a full or partial repetition of the product prequalification pursuant to paragraph 2, the service provider may reuse the results of previous activation tests for any controllable units of the SPU or SPG which have not changed, so long as they are not older than 5 years.

Replace throughout the article here [system user] by [the service provider on behalf of the relevant system user(s)]

Amendment Art. 31

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 18

Article 31

Original text

3(d) If the relevant system operator does not notify the grid prequalification status before the product prequalification process is completed or in the period set in the national terms and conditions for service providers pursuant to Article 19 when a product verification process applies, the grid prequalification status shall be automatically approved in line with the applicable process and timeline.

3(e) Where the status is “grid prequalification conditionally approved” or “grid prequalification not approved”, the relevant system operator shall describe the reason(s) including a justification on why the issue cannot be addressed with setting temporary limits in a short-term procedure according to Article 58.

[...]

5. Each service provider shall respect the grid prequalification status set for its SPU(s), SPG(s) or parts of SPG(s) when configuring bids and activating CUs to deliver balancing or local services.

[...]

Original text + amendments

3(d) If the affected relevant system operator does not notify the grid prequalification status before the product prequalification process is completed or in the period set in the national terms and conditions for service providers pursuant to Article 19 when a product verification process applies, the grid prequalification status shall be automatically approved in line with the applicable process and timeline. The grid prequalification status shall be automatically assumed approved by the affected system operator.

3(e) Where the status is “grid prequalification conditionally approved” or “grid prequalification not approved”, the relevant system operator shall describe the reason(s) including a justification on why the issue cannot be addressed with setting temporary limits in a short-term procedure according to Article 58.

[...]

5. Each service provider shall respect the grid prequalification status set for its SPU(s), SPG(s) or parts of SPG(s) when configuring ~~configuring~~ bids and activating CUs to deliver balancing or local services.

[...]

6(b)optimising safety margins; and

[...]

8.The system operators, as applicable, shall annually report information to the regulatory authority on the SPU(s), SPG(s) and parts of SPG(s) with non-approved or conditionally approved grid prequalification and the reasons for such results.

6(b)optimising safety margins, including by establishing more detailed network monitoring; and

[...]

8.The system operators, as applicable, shall annually report information to the regulatory authority on the SPU(s), SPG(s) and parts of SPG(s) with non-approved or conditionally approved grid prequalification with and the reasons for such results and why these could not be addressed setting temporary limits in a short-term procedure according to Article 58, and what alternative actions are being pursued to overcome or mitigate this restriction and the reasons for such results.

NEW 9.Volumes not activated, due to grid prequalification status set by connecting or intermediating system operators that inhibits such participation, those might be subject to financial compensation by the system operator imposing such restrictions, namely considering the net revenues that would have otherwise been generated

Amendment Art. 32

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 19

Article 32

Original text

1. When a system user requests to switch a controllable unit to another service provider, such a service provider shall provide information in the flexibility information system on the assignation of the respective CU to its SPU(s) or SPG(s) [sufficiently before the intended switch date to respect the requirements of the prequalification process pursuant to Article 26(7)].

2. The system operator(s) responsible for the relevant CU module(s) shall inform the affected parties, including the previous service provider, about the switching request and shall confirm the assignation of the concerned CU to the new service provider [within at least 24 hours after the switching request pursuant to paragraph 1].

[...]

3(b) The connected system operators and the impacted system operators shall assess whether a new grid prequalification of any of the affected SPUs, SPGs or parts of SPGs is needed and shall inform the new service provider accordingly. The following conditions shall apply:

(i) if no connected system operator nor impacted system operator responds within a deadline set out in the national terms and conditions for service providers, its assessment shall be deemed as approved.

Original text + amendments

1. When a **SP on behalf of** system user requests to switch a controllable unit to another service provider, ~~the new such a~~ service provider shall provide information in the flexibility information system on the **assignment assignation** of the respective CU to its SPU(s) or SPG(s) [sufficiently before the intended switch date to respect the requirements of the prequalification process pursuant to Article 26(7)].

2. The system operator(s) responsible for the relevant CU module(s) shall inform the affected parties, including the previous service provider, about the switching request and shall confirm the assignation of the concerned CU to the new service provider [within at least 24 hours after the switching request pursuant to paragraph 1], **unless objected with evidence that the system user doesn't intend to switch.**

[...]

3(b) The connected system operators and the impacted system operators shall assess whether a new grid prequalification of any of the affected SPUs, SPGs or parts of SPGs is needed and shall inform the new service provider accordingly. The following conditions shall apply:

(i) if no connected system operator nor impacted system operator responds within a deadline set out in the national terms and conditions for service providers, its assessment shall be deemed as approved.

(ii)if a connected system operator or an impacted system operator requires a new grid prequalification, the regular grid prequalification process according to Article 31 shall apply.

(iii)if no connected system operator nor impacted system operator requires a new grid prequalification, the new service provider shall be entitled to use the CU for the respective product(s) from the confirmation of the new assignation.

~~(ii)if a connected system operator or an impacted system operator requires a new grid prequalification, the regular grid prequalification process according to Article 31 shall apply.~~

~~(iii)if no connected system operator nor impacted system operator requires a new grid prequalification, the new service provider shall be entitled to use the CU for the respective product(s) from the confirmation of the new assignation.~~

Amendment Art. 34

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 20

Article 34

Original text

4.Each procuring system operator shall be responsible for operating and maintaining one or more SP modules or CU modules. If the national terms and conditions for service providers require a centralised flexibility information system, they shall clarify the single system operator who is responsible for its operation and maintenance.

Original text +amendments

4.Each connecting ~~procuring~~ system operator shall be responsible for operating and maintaining one or more SP modules or CU modules. If the national terms and conditions for service providers require a centralised flexibility information system, they shall clarify the entity, system operator or group of system operators ~~single system operator~~ who is responsible for its operation and maintenance.

Amendment Art. 35

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 21

Article 35

Original text

1.The system operator(s) responsible for operating any kind of module of the flexibility information system shall:

[...]

(b)provide an online application and an application programming interface at national level that meets the ETSI-CEN-CENELEC set of standards and for the interaction with service providers and system users;

[...]

(f)make a list of the market participants and other entities with reading access or right to register, administer or update information in the flexibility information system and for which purpose. These system operator(s) shall be responsible for keeping the list up to date and for making it publicly available; and

(g)make public a non-confidential version of the flexibility information system including at least data on the service providers and the total capacity prequalified or verified per technology and per balancing and local product by each service provider.

Original text +amendments

1.The system operator(s) responsible for operating any kind of module of the flexibility information system shall:

[...]

(b)provide an online application and an application programming interface at national level that meets any of the ETSI-CEN-CENELEC set of standards and for the interaction with service providers and system users;

[...]

(f)make a list of the market participants and other entities with reading access or right to register, administer or update information in the flexibility information system and for which purpose. These system operator(s) shall be responsible for keeping the list up to date and for making it publicly available when applicable; and

(g)make public a non-confidential version of the flexibility information system including at least aggregated data on the service providers and the total capacity prequalified or verified per technology and per balancing and local product by each service provider.

Replace throughout the article here [system user] by [the service provider on behalf of the relevant system user(s)]

Amendment Art. 37

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 22

Article 37

Original text

[...]

(f)a ‘switching procedure’ allowing a service provider to request the assignment of controllable units switched from other service provider(s) pursuant to Article 32(2).

(g)a ‘revocation procedure’ allowing system users to revoke the entitlement for the access of a service provider to their controllable unit(s) and ensuring that all affected parties are notified [without undue delay]. If the entitlement of a system user to a connection point is invalidated, the ‘revocation procedure’ shall automatically and implicitly be enacted;

Original text +amendments

[...]

(f)a ‘switching procedure’ allowing a service provider (or final customers) to request the assignment of existing controllable units to their portfolio on behalf of and with the consent of the final customer, or ensuring interoperability with existing platforms of designated entities managing aggregators’ switching. switched from other service provider(s) pursuant to Article 32(2).

(g)a ‘revocation procedure’ allowing system users to revoke the entitlement for the access of a service provider to their controllable unit(s) and ensuring that all affected parties are notified [without undue delay]. If the entitlement of a system user to a connection point is invalidated, the ‘revocation procedure’ shall automatically and implicitly be enacted dismissed;

Replace throughout the article here [system user] by [the service provider on behalf of the relevant system user(s)]

Amendment Art. 38

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 23

Article 38

Original text

1. Each system operator shall choose the most efficient and effective solution or combination of solutions for solving a congestion or voltage issue in accordance with the applicable national regulatory framework, including grid expansion or reinforcement, and procurement of local services. The selection criteria shall be transparent and coordinated while ensuring efficient, reliable, and secure operation of the transmission and distribution systems. System operators shall be entitled to use different criteria and consider different options depending on different time horizons.

2. System operators shall procure local services within a bidding zone, including redispatching of generation, energy storage and demand response, in accordance with a market-based mechanism, unless the regulatory authority has granted a derogation according to Article 39.

3. Before granting or extending a derogation, the regulatory authority shall, at its own initiative or at request of at least one system operator, request the relevant system operator(s) to make an

Original text + amendments

1. Each system operator shall choose the most efficient and effective solution or combination of solutions for solving a congestion or voltage issue in accordance with the applicable national regulatory framework, including grid expansion or reinforcement, and procurement of local services. The selection criteria shall be transparent and coordinated while ensuring efficient, reliable, and secure operation of the transmission and distribution systems. System operators shall be entitled to use different criteria and consider different options depending on different time horizons.

2. Regarding the procurement of local services option (including redispatch) by System operators, this shall procure local services within a bidding zone, including redispatching of generation, energy storage and demand response, in accordance with a occur using a market-based mechanism,

NEW 3. Non-market-based mechanisms may only occur, subject to a derogation granted unless by the regulatory authority **has granted a derogation** according to Article 39.

~~3. Before granting or extending a derogation, the regulatory authority shall, at its own initiative or at request of at least one system operator, request the relevant system operator(s) to make an~~

assessment on the market-based procurement of local services for parts or the whole transmission or distribution grid in at least the following cases:

(a) the reasons for procuring the local services in accordance with a non-market-based mechanism, as concluded by the derogation approved by the regulatory authority in accordance with Article 39, are no longer applicable to parts or the whole transmission or distribution grid or to some technologies, resources or products;

(b) demonstrated efficiency of a market-based concept from pilot or regulatory demonstrative projects; or

(c) the market-based procurement of local services is inefficient.

4. After the assessment as referred to in paragraph 3, the regulatory authority shall determine whether the procurement of local services should take place or continue. If so, the national regulatory authority shall decide:

(a) whether extending an existing derogation approved in accordance with Article 39 for the cases described in paragraph 3(a) and (b); or

(b) whether a derogation is granted according to Article 39 for the case described in paragraph 3(c).

5. [At least 6 months before starting the procurement of local services in accordance with a market-based mechanism], the relevant system operator(s) shall submit a proposal for a roadmap to implement market-based procurement of local services for the relevant part of the grids, technologies or

~~assessment on the market based procurement of local services for parts or the whole transmission or distribution grid in at least the following cases:~~

~~(a) the reasons for procuring the local services in accordance with a non-market based mechanism, as concluded by the derogation approved by the regulatory authority in accordance with Article 39, are no longer applicable to parts or the whole transmission or distribution grid or to some technologies, resources or products;~~

~~(b) demonstrated efficiency of a market based concept from pilot or regulatory demonstrative projects; or~~

~~(c) the market based procurement of local services is inefficient.~~

~~4. After the assessment as referred to in paragraph 3, the regulatory authority shall determine whether the procurement of local services should take place or continue. If so, the national regulatory authority shall decide:~~

~~(a) whether extending an existing derogation approved in accordance with Article 39 for the cases described in paragraph 3(a) and (b); or~~

~~(b) whether a derogation is granted according to Article 39 for the case described in paragraph 3(c).~~

4 ~~5~~. [At least 6 months before starting the procurement of local services in accordance with a market-based mechanism], the relevant system operator(s) shall submit a proposal for a roadmap to implement market-based procurement of local services for the relevant part of the grids, technologies or

type of resources to the regulatory authority for approval [within 3 months].

6.The roadmap in accordance with paragraph 5 shall be made publicly available.

type of resources to the regulatory authority for approval [within 3 months].

5 6.The roadmap in accordance with paragraph 5 shall be made publicly available.

Amendment Art. 39

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 24

Article 39

Original text

[...]

3 (c)take into account the size of the DSO(s);

Original text +amendments

[...]

~~3 (c)take into account the size of the DSO(s);~~

Amendment Art. 40

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 25

Article 40

Original text

Original text +amendments

[...]

[...]

/

NEW 2. Flexible connection agreements shall result from a have a voluntary nature, based on a bilateral agreement between the connecting system operator and the system user.

2.Activation of flexible connection agreements shall not lead to market-distortion and shall comply with the following principles:

2.~~Activation~~~~—of~~ flexible connection agreements shall not lead to market-distortion and shall comply with the following principles:

(a)without prejudice to Article 31 and Article 58, system operators shall not limit the possibility for system users with flexible connection agreements to provide balancing and local services in the relevant markets;

(a)without prejudice to Article 31 and Article 58, system operators shall not limit the possibility for system users with flexible connection agreements to provide balancing and local services in the relevant markets, **nor to participate in other electricity markets;**

Amendment Art. 41

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 26

Article 41

Original text

[...]

2.The rules for the market-based procurement of local services shall consider the national specificities and shall

[...]

3.(b) provisions on the coordination of the operators under (a) with operators of other markets, and the rules governing the interrelation – whether sequential, parallel, simultaneous or other – of the local markets and the day-ahead, intraday, and balancing markets pursuant to Article 43;

[...]

4.When local services are procured as capacity products, the activation of the respective energy bids from the contracted resources shall be subject to competition with other available non-contracted energy bids in the respective market, if such activation market is established.

[...]

6.By 3 years after entry into force of this Regulation, ENTSO-E and EU DSO entity shall develop a proposal for a Union-wide methodology for further specifying aspects of the market-based procurement of congestion management service in accordance with Article 10, including, but not limited to, the list

Original text +amendments

[...]

2.The rules for the market-based procurement of local services shall consider the national specificities and shall at least:

[...]

3.(b) provisions on the coordination of the operators under (a) with operators of other markets, and the rules governing the interrelation – whether sequential, parallel, simultaneous or other – of the local markets and the day-ahead, intraday, and balancing markets pursuant to Article 43, considering that wholesale markets are not local or national, but European or regional, and already abide by specific frameworks, and no distortions shall be caused;

[...]

4.When local services are procured as capacity products, the activation of the respective energy bids from the contracted resources shall be subject to competition with other available non-contracted energy bids in the respective market, if such activation market is established.

[...]

6.By 3 years after entry into force of this Regulation, ENTSO-E and EU DSO entity shall develop a proposal for a Union-wide methodology for further specifying aspects of the market-based procurement of congestion management service in accordance with Article 10 11, including, but not limited to, the

of product attributes, the procurement methods, the coordination with other markets, stakeholders information and transparency.

list of product attributes, the procurement methods, the coordination with other markets, stakeholders information and transparency.

Amendment Art. 42

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 27

Article 42

Original text

[...]

4.Each procuring system operator shall ensure that the procurement and activation of local services does not have an impact on the consistency of the trade positions, either by performing an immediate activation on the opposite direction for every local services activation, or by netting several local service activations and performing an overall activation on the opposite direction before the balancing timeframe. The costs of activation of local services shall be kept separate from balancing.

[...]

6.Each procuring system operator shall coordinate with other procuring system operators in accordance with the rules for the market-based procurement of local services pursuant to Article 41. Subject to the service provider's consent, the cla shall forward bids – combined or not – to other markets, while ensuring the

Original text +amendments

[...]

4.Each procuring system operator shall ensure that the procurement and activation of local services does not have an impact on the consistency of the trade positions, either by performing an immediate activation on the opposite direction for every local services activation, or by netting several local service activations and performing an overall activation on the opposite direction before the balancing timeframe. The costs of activation of local services shall be kept separate from balancing.

[...]

6.Each procuring system operator shall coordinate with other procuring system operators in accordance with the rules for the market-based procurement of local services pursuant to Article 41. **If provided in the national TCs and** Subject to the service provider's consent, the cla shall forward bids – combined or not – to other

necessary transparency and following the pricing mechanism and settlement principles pursuant to Article 44.

[...]

8.Any third party which acts as market operator of local services shall be fully unbundled from the market activities of production and supply.

markets, while ensuring the necessary transparency and following the pricing mechanism and settlement principles pursuant to Article 44.

[...]

8.Any third party which acts as market operator of local services shall be **fully** unbundled from the market activities of production and supply, **abiding by the rules foreseen in article 35 of the Directive (EU) 2019/944, on common rules for the internal market for electricity.**

Amendment Art.43

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 28

Article 43

Original text

[...]

2.Each service provider shall be allowed to submit the same bid in several markets, but this bid shall not be selected twice. When a bid has not been selected in a market, or the service for which the bid was selected is no longer needed, the service provider shall be allowed to submit this bid to another market. Each service provider shall be allowed to register a controllable unit in different SPGs for different services, following the requirements to ensure that there is no double activation of this controllable unit

Original text +**amendments**

[...]

2.Each service provider shall be allowed to submit the same bid in several markets, but **~~this~~ each individual** bid shall not be selected twice. When a bid has not been selected in a market, or the service for which the bid was selected is no longer needed, the service provider shall be allowed to submit this bid to another market. Each service provider shall be allowed to register a controllable unit in different SPGs for different services, following the requirements to ensure that there is no double activation of this

for the same imbalance settlement period.

controllable unit for the same imbalance settlement period.

Amendment Art. 44

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 29

Article 44

Original text

Original text +amendments

[...]

[...]

(c)validating, when grid limitations or temporary limits are set, that the constraints are respected.

(c)validating, when grid limitations or temporary limits are set, that the grid limitations, temporary limits and limitations pursuant to the connection agreement ~~constraints~~ are respected.

NEW 7. For balancing and local services, systems operators shall have the right not to compensate the concerned service provider for any energy exceeding the requested amount or violating grid limitations set by systems operators at the connection agreement point or for a SPU, SPG or parts of a SPG, pursuant to connection agreement, grid prequalification or temporary limits. Penalties for customers violating those grid limitations may be introduced by Member States

NEW 8. For the settlement of balancing and local services, systems operators shall have the right to settle the service as it is reflected at the connection agreement point or over a set of several connection agreement points.

Amendment Art. 45

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 30

Article 45

Original text

1. Each relevant system operator, as specified in the national terms and conditions pursuant to Article 41, and eligible market party shall be entitled to receive the necessary measurement values sent by the MDA or necessary activation information sent by the service provider for the calculation of the activated volume of local service energy at least:

[...]

2. Each relevant system operator shall, based on the national terms and conditions pursuant to Article 41, receive the baseline necessary for the calculation of the activated volume of local services energy by the nationally assigned party responsible to provide the baseline, but at least:

Original text + amendments

1. Each relevant system operator, as specified in the national terms and conditions pursuant to Article 41, and eligible market party shall be entitled to receive the necessary measurement values sent by the **MDA metered data administrator, as defined in Commission Implementing Regulation (EU) 2023/1162** or necessary activation information sent by the service provider for the calculation of the activated volume of local service energy at least:

[...]

2. Each relevant system operator shall, based on the national terms and conditions pursuant to Article 41, receive the baseline necessary for the calculation of the activated volume of local services energy by the **nationally assigned** party responsible to provide the baseline, but at least:

Amendment Art. 46

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 31

Article 46

Original text

[...]

3(b) locational information for the participation of any single or aggregated resource to provide the needed services, including where relevant the impact factor.

4. Following market results of local services, system operators shall publish no later than one day after the service is procured at least the aggregated, and anonymised, if required pursuant to paragraph 5, information on offered and selected bids for local services, such as volume per direction and time period and the resulting cost.

5. Subject to the national terms and conditions pursuant to Article 41, procuring system operators may not publish the information on offered prices and volumes of procured capacity or energy bids if justified for reasons of market abuse concerns and if not detrimental to the effective functioning of the electricity markets. The procuring system operators shall report such unpublished information at least once a year to the relevant regulatory authority in accordance with Article 59 of Directive (EU) 2019/944.

Original text + amendments

[...]

3(b) locational information for the participation of any single or aggregated resource to provide the needed services, including where relevant the impact factor.

4. Following market results of local services, system operators shall publish no later than one day after the service is procured and/or activated at least the aggregated, and anonymised, if required pursuant to paragraph 5, information on offered and selected bids for local services, such as volume per direction and time period and the resulting cost.

5. Subject to the national terms and conditions pursuant to Article 41, procuring system operators shall may not publish the information on offered prices and volumes of procured capacity or energy bids , unless and under approval of the national regulatory authority, there are if justified for reasons of market abuse concerns or and if not detrimental to the effective functioning of the electricity markets. The procuring system operators shall report such unpublished information at least once a year to the relevant regulatory authority in accordance with Article 59 of Directive (EU) 2019/944.

Amendment Art. 47

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 32

Article 47

Original text

1.The product requirements for each congestion management product and voltage control product defined in the table of equivalences pursuant to Article 24 shall be determined based on at least the following attributes:

[...]

2.In addition to the attributes as referred to in paragraph 1, the product requirements for each voltage control product through reactive power defined in the table of equivalences pursuant to Article 24 shall be determined based on at least the following attributes:

[...]

3.When system operators define new local products, they shall set up their product requirements using at least the attributes in accordance with paragraphs 1 and 2.

Original text +amendments

1.The product requirements for each congestion management product and voltage control product defined in the table of equivalences pursuant to Article 24 shall be determined based on at least the following attributes, when applicable:

[...]

NEW 2.The non-definition of any of these attributes referred in paragraph 1, for a certain product, implies there are no requirements for those attributes.

32.In addition to the attributes as referred to in paragraph 1, the product requirements for each voltage control product through reactive power defined in the table of equivalences pursuant to Article 24 shall be determined based on at least the following attributes:

[...]

43.When system operators define new local products, they shall set up their product requirements using at least the attributes in accordance with paragraphs 1 and **32.**

Amendment Art. 48

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 33

Article 48

Original text

2. The system operators shall standardise the local products where appropriate avoiding product fragmentation.

3. When defining the new local products, the system operators shall consider both current and future system needs in terms of capacity or energy, both short-term and long-term, as described in the TNDPs and DNDPs as well as current and future ability of service providers to meet the product requirements. The product definition shall facilitate the effective use of the local products for multiple system operators' needs.

[...]

5. The product requirements shall ensure the effective and non-discriminatory participation of system users and service providers for providing local services.

Original text +amendments

2. The system operators shall standardise the local products where appropriate avoiding product market fragmentation and facilitating market access.

3. When defining the new local products, the system operators shall consider both current and future system needs in terms of capacity or and energy, both short-term and long-term, as described in the TNDPs and DNDPs as well as current and future ability of service providers to meet the product requirements. The product definition shall facilitate the effective use of the local products for multiple system operators' needs.

[...]

5. The product requirements shall ensure the effective and non-discriminatory participation of system users and service providers for providing local services.

Amendment Art. 49

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 34

Article 49

Original text

1. Energy storage services shall be market-based and competitive. By way of derogation and following regulatory authorities' approval, system operators may own, develop or operate an energy storage facility, if it is a fully integrated network component or if it is a necessity according to Articles 36(2) and 54(2) of Directive (EU) 2019/944.

2. Where an energy storage facility does not qualify as a fully integrated network component, its ownership, development or operation by the system operators needs to prove necessary in accordance with the conditions of points (a) to (c) of Articles 36(2) and 54(2) of Directive (EU) 2019/944.

3. The tendering procedure of paragraph 4 shall not preclude the possibility of submission of offers for shared ownership and operation of a storage facility between the system operator and a third party.

4. The tendering procedure of point (a) of Articles 36(2) and 54(2) by the system operator requesting a derogation shall be open, non-discriminatory and shall ensure at least that:

(a) the relevant system operator shall publish the technical specifications of

Original text + amendments

1. Energy storage services shall be market-based and competitive. By way of derogation and following regulatory authorities' approval, system operators may own, develop or operate an energy storage facility, in terms defined in if it is a fully integrated network component or if it is a necessity according to Articles 36(2) and 54(2) of Directive (EU) 2019/944.

~~2. Where an energy storage facility does not qualify as a fully integrated network component, its ownership, development or operation by the system operators needs to prove necessary in accordance with the conditions of points (a) to (c) of Articles 36(2) and 54(2) of Directive (EU) 2019/944.~~

~~3. The tendering procedure of paragraph 4 shall not preclude the possibility of submission of offers for shared ownership and operation of a storage facility between the system operator and a third party.~~

24. The tendering procedure of point (a) of Articles 36(2) and 54(2) by the system operator requesting a derogation shall be open, non-discriminatory and shall ensure at least that:

(a) the relevant system operator shall publish the technical specifications of the services to be provided by such

the energy storage facility and other relevant design parameters;

(b)the relevant requirements are able to attract a range of potential providers as wide as possible;

(c)the procurement process is set-up in a technology-neutral way, allowing bidders to propose new and innovative technologies to meet the service requirements as laid out in the technical specifications;

(d)a clear and transparent evaluation methodology for proposals is used;

(e)include information on capacity or energy or other relevant criteria, applying for the third party in case of shared ownership, the estimated utilisation pattern and expected volumes of the system operators' part energy storage, considering charge and discharge, with sufficient granularity or other relevant information; and

(f)include information on economic arrangements for shared ownership and operation.

5.The system operator requesting a derogation shall submit the proposed tendering documents to the regulatory authority for approval. Before submitting the proposed tendering documents for approval, the system operator requesting a derogation shall publicly consult on the proposed tendering documents including the proposed contract with the third party.

6.Following conclusion of the tendering procedure, the system operator

energy storage facilities ~~and other relevant design parameters;~~

(b)the relevant requirements are able to attract a range of potential service providers as wide as possible;

(c)the procurement process is set-up in a technology-neutral way, allowing bidders to propose new and innovative technologies to meet the service requirements as laid out in the technical specifications;

(d)a clear and transparent evaluation methodology for proposals is used;

~~(e)include information on capacity or energy or other relevant criteria, applying for the third party in case of shared ownership, the estimated utilisation pattern and expected volumes of the system operators' part energy storage, considering charge and discharge, with sufficient granularity or other relevant information; and~~

~~(f)include information on economic arrangements for shared ownership and operation.~~

~~35.~~The system operator requesting a derogation shall submit the proposed tendering documents to the regulatory authority for approval, which shall include the necessary requirements to fulfil with the notification requirements foreseen in paragraph 5, a) and b). Before submitting the proposed tendering documents for approval, the system operator requesting a derogation shall publicly consult on the proposed tendering documents including the proposed contract with the third party.

~~46.~~Following conclusion of the tendering procedure, the system operator

requesting a derogation should notify the regulatory authority with regard to:

(a) the outcome of the successful tendering process specifying at least the successful participant, the overall participation of market participants, financial aspects and specifications of the facility; or

(b) the outcome of the unsuccessful tendering process specifying at least the number of participants and the reason(s) for not awarding the contract. The relevant system operator shall also provide the necessary information and data for the regulatory authority to verify that only unacceptable high offers were received, or only legally inadmissible submissions took place.

(c) an assessment indicating whether shared ownership of the storage facility is a more economically efficient compared to full system operators' ownership, in case there is an offer for shared ownership.

7. The regulatory authority may require system operators to relaunch a tendering procedure to procure the needed services from a third party, pursuant to Articles 36(2)(a) and 54(2)(a) of the Directive (EU) 2019/944, if the procedure is not compliant with the regulatory authority's approval pursuant to paragraph 5 or the information provided by the system operator pursuant to paragraph 6 is incomplete.

requesting a derogation should notify the regulatory authority with regard to:

(a) the outcome of the successful tendering process specifying at least the successful participant, the overall participation of market participants, financial aspects and specifications of the ~~facility services~~; or

(b) the outcome of the unsuccessful tendering process specifying at least the number of participants and the reason(s) for not awarding the contract **or the part of the needs that was not fully contracted**. The relevant system operator shall also provide the necessary information and data for the regulatory authority to verify that only unacceptable high offers were received, or only legally inadmissible submissions took place.

(c) an assessment indicating whether shared ownership of the storage facility is a more economically efficient compared to full system operators' ownership, in case **is considered by the Member State there is an offer for shared ownership**.

57. The regulatory authority may require system operators to relaunch a tendering procedure to procure the needed services from a third party, pursuant to Articles 36(2)(a) and 54(2)(a) of the Directive (EU) 2019/944, if the procedure is not compliant with the regulatory authority's approval pursuant to paragraph 5 **or the information provided by the system operator pursuant to paragraph 6 is incomplete, the tender was unsuccessful and a new tender procedure is deemed to assess the option of shared ownership resulting from the prior evaluation notified as foreseen in paragraph 5, c).**

8.Regarding the system operator's need of the storage facility and the necessity of a derogation, in case the tender is unsuccessful the regulatory authority shall consider and assess the following in order to grant the derogation:

(a) the relevant system operator justified the need for the requested storage facility, and does have such need, in order to fulfil its obligations;

(b) the relevant system operator cannot obtain the required storage services, including shared ownership, from a market participant cost-efficiently and timely; and

(c)the relevant system operator, by using the storage facility, does not distort competition.

9.The regulatory authority shall publish its assessment in case a derogation for full or shared ownership is granted to the system operator or in case a request for derogation is rejected.

~~8.Regarding the system operator's need of the storage facility and the necessity of a derogation, in case the tender is unsuccessful the regulatory authority shall consider and assess the following in order to grant the derogation:~~

~~(a) the relevant system operator justified the need for the requested storage facility, and does have such need, in order to fulfil its obligations;~~

~~(b) the relevant system operator cannot obtain the required storage services, including shared ownership, from a market participant cost-efficiently and timely; and~~

~~(c)the relevant system operator, by using the storage facility, does not distort competition.~~

~~69.~~The regulatory authority shall publish its assessment in case a derogation for full or shared ownership is granted to the system operator or in case a request for derogation is rejected.

NEW 8. If a derogation is granted, the national regulatory authority shall define and publish clear procedures for the energy allocation associated to the necessary electricity withdrawal or discharge by these devices, cost recovery and tariff methodologies, considering these battery storage facilities cannot be used for buying or selling electricity in electricity markets including balancing.

Amendment Art. 51

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 35

Article 51

Original text

1.The regulatory authority shall conduct a regular public consultation on the existing energy storage facilities to identify the availability or interest of any third party to undertake the energy storage facility operated by the system operator to provide market-based storage services. This public consultation shall include an updated evaluation of costs compared to the estimated costs of the system operators' ownership as indicated in the tender led to the derogation.

Original text +amendments

1.The regulatory authority shall conduct a regular public consultation on the existing energy storage facilities, **except where they are fully integrated network components, and a derogation has been granted pursuant to Article 36(1) and Article 54(1) of Directive (UE) 2019/944,** to identify the availability or interest of any third party to undertake the energy storage facility operated by the system operator to provide market-based storage services. This public consultation shall include an updated evaluation of costs compared to the estimated costs of the system operators' ownership as indicated in the tender led to the derogation.

Amendment Art. 52

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 36

Article 52

Original text

[...]

5. System operators in each Member State shall ensure, where relevant, that their development plans are coordinated and consistent and that the most up-to-date relevant data and information available during their development, is exchanged between them and considered

Original text + amendments

[...]

5. System operators in each Member State shall ensure, where relevant, that their development plans are coordinated and **the necessary information to prepare the network development plans is exchanged during the development process in order to identify the need of grid investments or implementation of other solutions and** consistent and that the most up-to-date relevant data and information available during their development, is exchanged between them and considered

Amendment Art. 53

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 37

Article 53

Original text

1. When planning the development of the distribution system, each DSO shall consider the use of local services for any of the following purposes, where such use is deemed cost-effective from the point of view of system users while ensuring secure and efficient system operation:

[...]

(b) to address congestion and/or voltage issues in the grid, until a planned grid reinforcement project is completed.

[...]

2 (c) information on the local services the DSO estimates to need in the medium and long-term, considering the assessment referred to in points (a) and (b) and the development of the distribution system proposed in the plan. This information shall be provided with as much locational and time granularity as possible, to enable system users to identify if estimated needs are relevant for them, considering information available when preparing the DNDP.

Original text + amendments

1. When planning the development of the distribution system, each DSO shall consider the use of local services for any of the following purposes, where such use is deemed cost-effective from the point of view of system users while ensuring secure and efficient system operation:

[...]

NEW (b) to optimize overall investment planning and supply chain availability, which might result in anticipatory investments in parts of the grid and deferral in others; or

(b) to address congestion and/or voltage issues in the grid, until a planned grid reinforcement project is completed.

[...]

2 (c) information on the local services the DSO estimates to need in the medium and long-term, considering the assessment referred to in points (a) and (b) and the development of the distribution system proposed in the plan. This information shall be provided with as much locational and time granularity as possible, to enable system users to identify if estimated needs are relevant for them, considering information available when preparing the DNDP.

Amendment Art. 57

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 38

Article 57

Original text

3. In cases where, due to unforeseen events, temporary limits that affect a bid selected to provide balancing or local services are identified after the time to communicate such limits to the responsible parties pursuant to point (c) of Article 58(2), the relevant system operators shall coordinate actions to solve any issues arising. In case the affected bid was selected as part of a coordinated action pursuant to Article 42(2) of Regulation (EU) 2019/943, the relevant TSOs shall coordinate a solution in accordance with Article 42(4) of Regulation (EU) 2019/943.

Original text + amendments

3. In cases where, due to unforeseen events, temporary limits that affect a bid selected to provide balancing or local services are identified ~~after the time to communicate such limits to the responsible parties pursuant to point (c) of Article 58(2)~~, the relevant system operators shall coordinate actions to solve any issues arising. In case the affected bid was selected as part of a coordinated action pursuant to Article 42(2) of Regulation (EU) 2019/943, the relevant TSOs shall coordinate a solution in accordance with Article 42(4) of Regulation (EU) 2019/943.

Amendment Art. 58

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 39

Article 58

Original text

[...]

3. Each system operator shall minimise its temporary limits by implementing efficient national criteria, the process pursuant to paragraph 2 and meeting the following requirements:

(a) setting temporary limits on grid elements, or on the combination of bids, SPU, parts of SPG, or SPGs. As last resort, the temporary limits shall be set on individual bids, SPU or SPGs;

(b) when possible and if agreed by the connected system operators and the impacted system operators, setting temporary limits as accumulated maximum delivery of active power from balancing, congestion management or voltage control services considering the timeline of each market process; and

(c) optimising safety margins to minimise the number of temporary limits while still considering system operators' limitations sufficiently.

Original text + amendments

[...]

3. Each system operator shall minimise its temporary limits by implementing efficient national criteria, the process pursuant to paragraph 2 and meeting the following requirements:

(a) setting temporary limits on grid elements, or on the combination of bids, SPU, parts of SPG, or SPGs. As last resort, the temporary limits shall be set on individual bids, SPU or SPGs;

(b) when possible and if agreed by the connected system operators and the impacted system operators, setting temporary limits as accumulated maximum delivery of active power from balancing, congestion management or voltage control services considering the timeline of each market process; and

(c) optimising safety margins to minimise the number of temporary limits while still considering system operators' limitations sufficiently.

NEW (d) In emergency actions necessary to avoid an outage or damages to clients the DSO can impose immediate limits on the power injected or demanded from the network by any client. If a bid has already been activated the SPU will conform with the DSO imposed limits and will in no way be financially harmed having its bid paid in full by the market operator.

[...]

5.The system operators shall annually report to the regulatory authority on the application of temporary limits on grid elements and on bids and volumes not activated due to temporary limits and the reasons for such limits in the connecting or impacted grids.

[...]

5.The system operators shall annually report to the regulatory authority on the application of temporary limits on grid elements and on bids and volumes not activated due to temporary limits and the reasons for such limits in the connecting or impacted grids, **and the required compensations in case of previously allowed and selected bids.**

NEW (6) Bids and volumes which are offered and accepted before a temporary limit is set and which are not activated due to temporary limits shall be subject to financial compensation by the system operator imposing such limits, in the terms foreseen in article 57 of the code, namely considering the net revenues that would have otherwise been generated

Amendment Art. 61

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 40

Article 61

Original text

2.Each service provider shall provide structural data for its SPU(s) and SPG(s) as part of the prequalification and verification processes defined in Title III. These structural data shall include:

(a) metering point identification related to each CU;

[...]

3 (c) the contribution of SPUs, SPGs or parts of SPG to the bids per balance responsible party; and

Original text + **amendments**

2.Each service provider shall provide structural data for its SPU(s) and SPG(s) as part of the prequalification and verification processes defined in Title III. These structural data shall include:

(a) **metering accounting** point identification related to each CU;

[...]

3 (c) the **approximate** contribution of SPUs, SPGs or parts of SPG to the bids per balance responsible party; and

[...]

6.The information exchange associated with the provision of voltage control services with use of reactive power shall include the following:

(a)bidirectional real-time data exchange between the SPU/SPG and system operators; and

[...]

6.The information exchange associated with the provision of voltage control services with use of reactive power, **or the provision of local services whose activation is made in real-time,** shall include the following:

(a)bidirectional real-time data exchange between the SPU/SPG and system operators, **including the definition of interfaces for these processes;** and

Amendment Art. 62

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 41

Article 62

Original text

[...]

5.The relevant regulatory authority shall adopt a decision concerning any request for derogation within six months from the day after it receives the request. That time limit may be extended by three months before its expiry where the relevant regulatory authority requires further information from the system operator(s) requesting the derogation. The additional period shall begin when the complete information has been received.

Original text +**amendments**

[...]

5.The relevant regulatory authority shall adopt **and publish** a decision concerning any request for derogation within six months from the day after it receives the request. That time limit may be extended by three months before its expiry where the relevant regulatory authority requires further information from the system operator(s) requesting the derogation. The additional period shall begin when the complete information has been received.

Proposal on electricity balancing regulation amendments (“20240905 EB Regulation amendments DR NC”)

Amendment Art. 2 EB Regulation

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 42

Article 2 EB

Original text

Original text +amendments

[...]

[...]

(7a) ‘aggregation model’ means the relationship between the market participant engaged in aggregation and the rest of the market participants in a specific market

(7a) ‘aggregation model’ means the relationship between the market participant engaged in **independent** aggregation and the rest of the market participants in a specific market

Amendment Art. 3 EB Regulation

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 43

Article 3 EB

Original text

Original text +amendments

[...]

[...]

1 (f) facilitating the participation of demand response including aggregation facilities and energy storage in all electricity markets, while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;

1 (f) facilitating the participation of demand response including load, energy storage and distributed generation, individually or aggregated aggregation facilities and energy storage in all electricity markets, while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;

Amendment Art. 54 EB Regulation

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 44

Article 54 EB

Original text

Original text +amendments

[...]

[...]

4. Each TSO shall set up the rules for:

4. Each TSO shall set up the rules for:

(a) the calculation of the final position;

(a) the calculation of the final position;

(a1) the calculation of a correction of the final position, if applicable, for the cases of multiple balance responsible parties at the same connection, when at least one of

(a1) the calculation of a correction of the final position, if applicable, for the cases of multiple balance responsible parties at the same connection accounting point, when

them is engaged in aggregation;

(b)the determination of the allocated volume;

(b1) the determination of a correction of the allocated volume, if applicable, for the cases of multiple balance responsible parties at the same connection, when at least one of them is engaged in aggregation;

[...]

(e)claiming the recalculation of the imbalance by a balance responsible party.

(4a) When setting up the rules pursuant to paragraph 4, each TSO shall specify when the corrections of points 4(a1) and 4(b1) apply. In particular, for each individual aggregation model implemented at national level, one or more corrections of the options in paragraph 4 shall apply for the correct calculation and allocation of the imbalance to the balance responsible party of each service provider and for the balance responsible party of the respective connection. The same option may be applied to both cases.

at least one of them is engaged in aggregation so as to neutralise the impact of its activation on the others;

(b)the determination of the allocated volume;

(b1) the determination of a correction of the allocated volume, if applicable, for the cases of multiple balance responsible parties at the same connection accounting point, when at least one of them is engaged in aggregation for demand response aggregators, the allocated volume consists of the volume of energy physically activated by the participating customer's load, based on a defined measurement and baseline methodology;

[...]

(e)claiming the recalculation of the imbalance by a balance responsible party.

(4a) When setting up the rules pursuant to paragraph 4, each TSO shall specify when the corrections of points 4(a1) and 4(b1) apply. In particular, for each individual aggregation model implemented at national level, one or more corrections of the options in paragraph 4 shall apply for the correct calculation and allocation of the imbalance to the balance responsible party of each service provider and for the balance responsible party of the respective connection accounting. The same option may be applied to both cases When setting up the rules pursuant to paragraph 4, each TSO shall specify, for each aggregation model implemented at national level, if and how points 4(a1) and 4(b1) apply, so that the correct imbalance is calculated for each BRP involved.

Amendment Art. 55A EB Regulation

Text proposed by ACER

Amendment proposal by Eurelectric

Amendment 45

Article 55A EB

Original text

1.Each TSO shall calculate for each imbalance settlement period, for each imbalance area, a financial transfer for each balance responsible party for which a correction in the final position has been calculated pursuant to Article 54(4)(1a). The calculation method of the financial transfer shall be based on a specific formula, included in the national terms and conditions for balance responsible parties pursuant to Article 18(6)(f). The financial transfer mechanism shall not create undue barriers to market entry for market participants engaged in aggregation.

2.If, in addition to the financial transfer mechanism pursuant to paragraph 1, the Member State has established a financial compensation pursuant to Article 17(4) of Directive 2019/944/EU, each TSO shall calculate this financial compensation for the relevant balance responsible parties pursuant to Article 18(6)(f).

3.The financial compensation pursuant to paragraph 2 shall:

Original text +amendments

1.Each TSO shall calculate for each imbalance settlement period, for each imbalance area, a financial transfer for each balance responsible party for which a correction in the final position or allocated volume has been calculated pursuant to Article 54(4)(1a). The calculation method of the financial transfer shall be based on a specific formula objective, transparent and not discriminatory, included in the national terms and conditions for balance responsible parties pursuant to Article 18(6)(f). The financial transfer mechanism shall be neutral, not create undue barriers, nor benefits to market entry for market participants engaged in aggregation.

NEW ARTICLE 55A2: financial compensation

12.If, in addition to the financial transfer mechanism pursuant to Article 55A paragraph 1, the Member State has established a financial compensation to the supplier pursuant to Article 17(4) of Directive 2019/944/EU, each TSO shall calculate this financial compensation for the relevant balance responsible parties pursuant to Article 18(6)(f).

23.The financial compensation pursuant to paragraph 12 shall:

(a)encompass the reimbursement of specific, verifiable additional costs directly associated with the demand response activation not already covered by the financial transfer pursuant to paragraph 1; and

(b)include the costs incurred by the supplier.

4.The cost of the supplier may be reduced by the verified net benefits that the aggregator may bring directly to the supplier, up to the extent that they do not exceed the direct costs incurred by the supplier.

5.If the net benefits brought by aggregators are taken into account, they shall include benefits that may arise due to lower wholesale prices and/or lower network tariffs due to lower system operation costs period shall begin when the complete information has been received.

(a)encompass the reimbursement of specific, verifiable additional costs directly associated with the demand response activation not already covered by the financial transfer pursuant to **Article 55A paragraph 1**; and

(b)include the costs incurred by the supplier.

34.The cost of the supplier may be reduced by the verified net benefits that the aggregator may bring directly to the supplier, up to the extent that they do not exceed the direct costs incurred by the supplier.

45.If the net benefits brought by aggregators are taken into account, they shall include benefits that may arise due to lower wholesale prices and/or lower network tariffs due to lower system operation costs period shall begin when the complete information has been received.

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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