

# **ACER Guidance on the Evaluation of Network Code Amendment Proposals**

**James Earl**  
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ofgem



## Background

- ACER Guidance published on 24 September 2013
- Purpose: To set out the procedure in which persons with a relevant interest may submit proposals to the Agency to amend a Network Code after the latter has entered into force following Comitology.



Agency Guidance  
on the Evaluation Procedure for  
Network Code Amendment Proposals  
under Article 7 of the Electricity and Gas  
Regulations

## Amendment Process

Amendment proposal put forward as part of a 5 year review conducted by ACER – all non-urgent proposals from the previous 5 year period are addressed together.

ACER check formal and legal admissibility of proposals, and whether the proposer is an ‘interested party’.

ACER refer proposal back to the proposer for further clarification or accept the proposal subject to conditions.

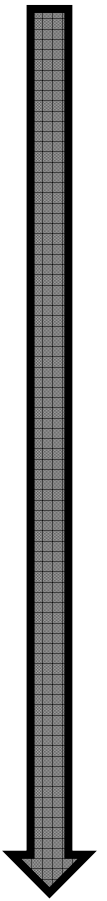
ACER evaluate proposal - the extent to which the amendments are ‘consistent with the objectives of the network codes (*non-discrimination, effective competition and the effective functioning of the market*)

ACER conduct Impact Analysis including an impact assessment, consistency test (against other NCs) and a proportionality test.

ACER issues a formal stakeholder consultation for a period of at least four weeks.

ACER prepares final amendment proposal, with ENTSO involvement. Forms final opinion on whether to take forward the amendment, publicising the reason for rejection if this is the case.

ACER submits reasoned proposal, along with the relevant draft impact analysis and ENTSO opinion, to the European Commission.



## **Amendment Process - Ad-hoc amendments**

- Only for urgent, exceptional cases, to be addressed immediately.
  - The case must be duly justified in the proposal.
  - Public consultation may be less than 4 weeks in some cases.
  - Proposal submitted to the European Commission within 3-4 months.
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## Amendment Process – Further details

- Amendments can be proposed by any ‘persons who are likely to have an interest in that network code’ – this interest needs to be duly justified (technical/commercial/financial).
  - ACER may redraft the NC amendment proposals at its discretion.
  - Amendment proposals should relate to new arguments or facts not previously considered, or a change made necessary due to new market or technological situations.
  - ENTSO’s contributions submitted to the Agency are duly taken into account and made public, but their recommendations are not binding.
  - ACER makes public all amendment proposals on their website.
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- For the full ACER document please go to the ACER website:

[http://www.acer.europa.eu/Official documents/Acts of the Agency/Directors%20decision/Forms/AllItems.aspx](http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Directors%20decision/Forms/AllItems.aspx)

- For the further information on the ACER Guidance, or to raise any further questions, please contact:

[James.Earl@ofgem.gov.uk](mailto:James.Earl@ofgem.gov.uk)

[Joseph.Gildea@ofgem.gov.uk](mailto:Joseph.Gildea@ofgem.gov.uk)

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