

ECCAF – Meeting 5



Teleconference

29 June 2014; 10:00 – 11:00

Revised Version

1. Introductions and Apologies

Barbara Vest (Energy UK)
ECCAF Chair



ECCAF Membership Update

- **Fiona Navesey** has left DECC, so her ECCAF position is vacant. **Steve Davies** attending today as alternate.
- DECC are considering their ECCAF representation
- There are ECCAF vacancies from the STC Panel and SQSS Panel. ECCAF Technical Secretary continues to work with the Panel Secretaries to fill vacancies.

2. Action Log Update

**Paul Wakeley (National Grid)
ECCAF Technical Secretary**

Action Updates

ID	Action	Lead Party	Target Date	Status	Update
3/2	Share any intelligence about how other member states are approaching demonstrating compliance, through information gained from other government departments, regulators or parent companies.	DECC / Ofgem / those stakeholders with European parent companies	Standing Item	Open	
4/1	Provide further information on the likely next steps for GB Stakeholder engagement on the CACM Network Code	FN	June 2014		
4/2	Investigate the difference between 'Direct Effect' and 'Directly Applicable'	FN	June 2014		

Update

Information provide by Will Francis (DECC) at June JESG

- **4/1 Provide further information on the likely next steps for GB Stakeholder engagement on the CACM Network Code**
 - Once a further draft is released by the Commission, it is expected that another DECC/Ofgem Stakeholder Workshop will be held to prioritise GB Stakeholder key issues with the Code (possibly August/September)
 - Further information will be circulated in JESG Weekly Update

Update II

Information provide by Will Francis (DECC) at June JESG

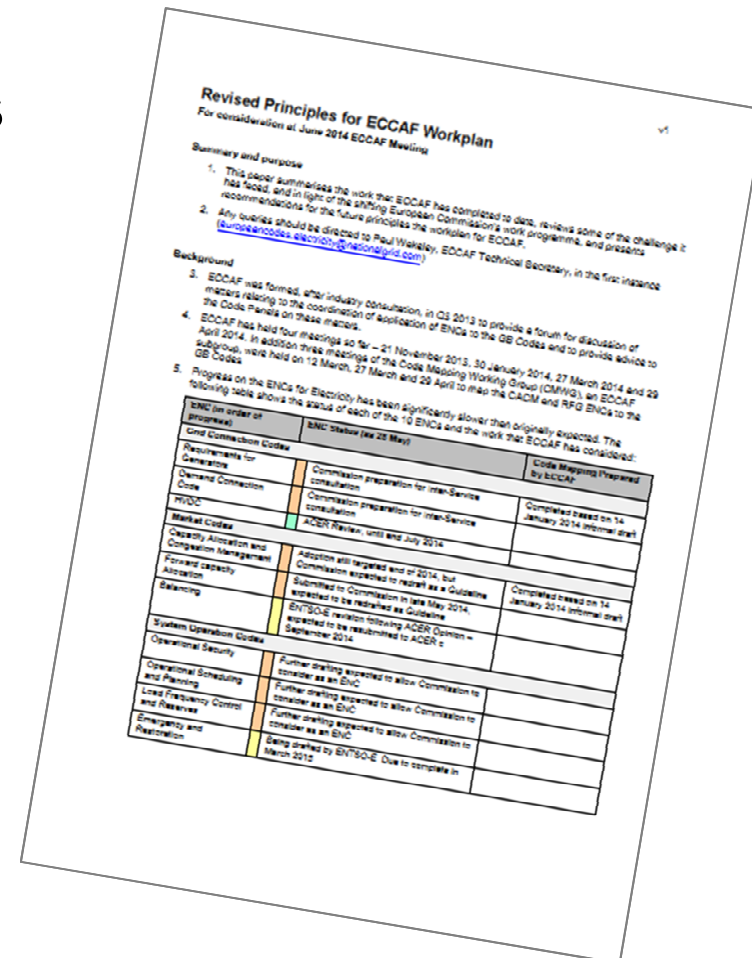
- **4/2 Investigate the difference between ‘Direct Effect’ and ‘Directly Applicable’**
 - All EU Regulations are “*Directly Applicable*” in that they do not require transposition in to domestic law.
 - As Network Codes will be regulations there is **no** requirement to transpose the requirements in to the domestic framework. However, we will need to ensure consistency of domestic and EU provision, and locations for ‘GB detail’ may need to be found
 - The principle of Direct Effect enables individuals with rights under European legislation to invoke those rights before a national or European court. It is of secondary concern to ECCAF in undertaking the Code Mapping.

3. ECCAF Workplan and future meetings

Paul Wakeley
National Grid

Supporting Paper

- Please refer to Supporting Paper “Revised Principles for ECCAF Workplan” which was circulated with the Agenda



Background

- ECCAF has held five meetings, and mapped 2 EU Codes to date (RFG, CACM)
- Progress by ECCAF is linked to the EU Codes passing through Comitology
- **Progress of all ENCs through Comitology has been much slower than original expected**

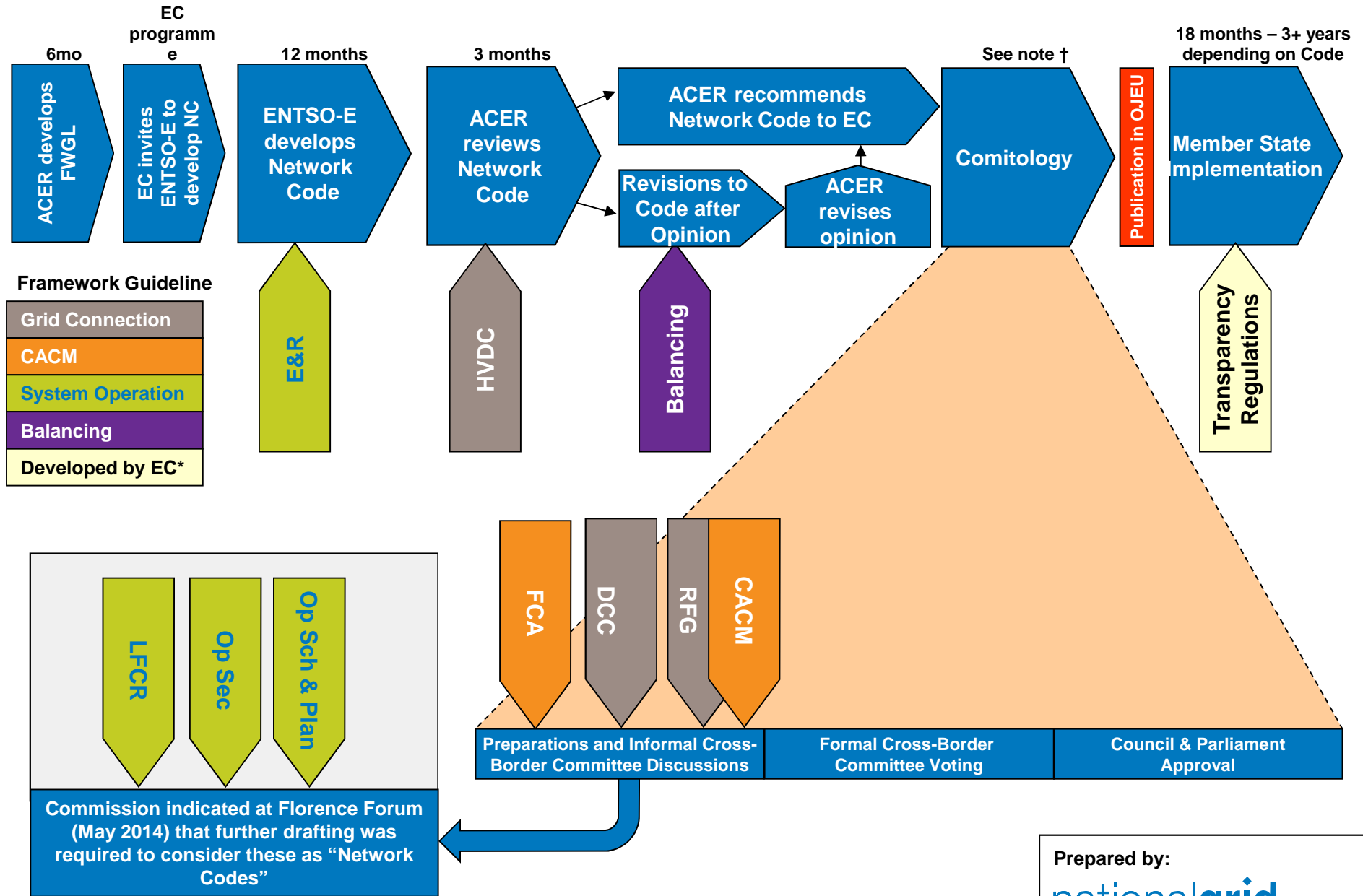
Florence Forum

- Particular concern by Commission's Legal Service on CACM:
 - It can not be adopted as a *network code* due to the number of decisions delegated to TSOs and NRAs after entry in to force.
 - Expected to proceed using its current formulation as a *guideline*.
- **Both *network codes* and *guidelines* will become directly applicable EU Regulations. The end products have exactly the same legal status, but the development and modification routes are different as defined in Regulation (EU) 714/2009.**

Other Codes...

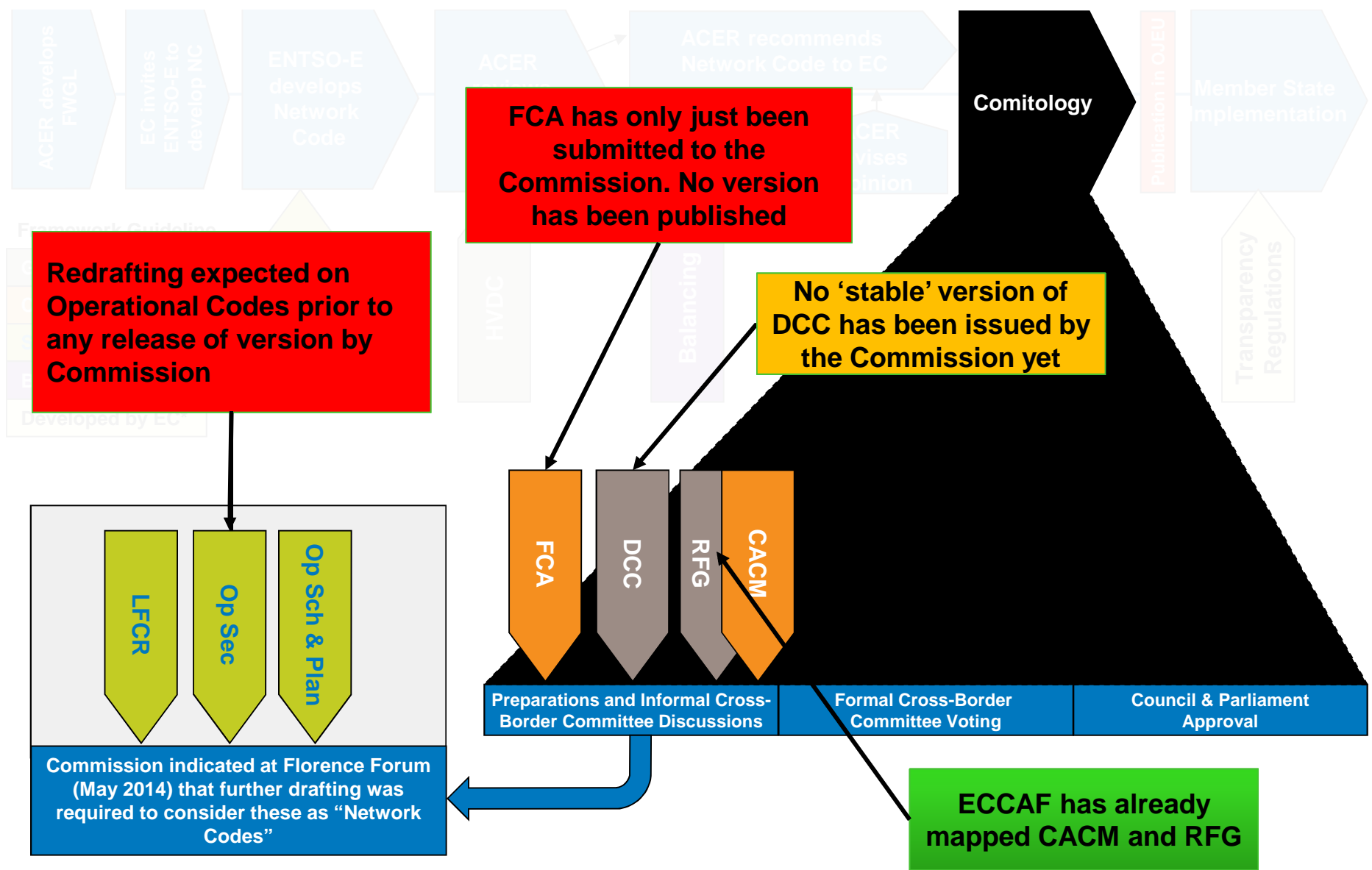
- Based on the view of the Commission, it is expected;
 - **RFG, DCC, HVDC** continue as *network codes*
 - **CACM, FCA, BAL** become *guidelines*
 - **OS, OPS, LFCR** remain as *network codes* but that further drafting is required to provide further detail and 'ambition'. This drafting is expected to include ENTSO-E.
- **Therefore, there is limited benefit in mapping the operational codes whilst there is no draft version from the Commission and changes are expected.**

European Network Code Development Status: 2 June 2014



* Areas developed by EC follow a different development process and there are no Framework Guidelines.
 † Timescales for the stages of Comitology are not specified and under the Commission control

Focussing on Codes with the Commission



Improving ECCAF processes

- In completing the Code Mapping for RFG and CACM it has been noted that EU Codes continue to: change through the initial drafts of the Commission, contain areas which are 'TBC' and poor drafting
- To prepare the GB mapping a 'stable draft' would be preferable to maximise the efficiency of the mapping
- This must be balanced against giving GB early visibility
- **It is therefore proposed for ECCAF to initially map a EU Code to the GB Codes after the inter-service consultation or when there is a stable draft (which may be earlier)**

Conclusions

- There has been a continued slowdown in the progress of the ENCs through Comitology, and an uncertainty about future timescales especially for Operational EU Codes where redrafting is required.
- As Comitology timescales remain fluid and poorly defined, ECCAF and GB industry needs to remain poised to act when required, potentially at short notice
- In the short-term we expect the DECC-Ofgem Stakeholder Workshops and JESG to continue to provide information / forums to the broader industry

ECCAF is asked to approve the following:

Abridged version of text in paragraph 20 of supporting paper

- a) **To postpone ECCAF meetings until September 2014.**
- b) The ECCAF Chair and Technical Secretary are to **maintain a watching brief** on developments in Comitology and if there is a significant change to the timescales reconvene ECCAF sooner.
- c) Continue to map the ENCs according to the **principles of the revised ECCAF workplan**
- d) As further intelligence on timings becomes available then the Technical Secretary will develop a **new work schedule** for Code Mapping for consideration by ECCAF.

4. AOB