GC0100/GC0101 Potential Alternative to ensure that 'More Stringent Requirements' are not applied to GB Users.

In light of the discussions at the 5th October 2017 Workgroup meeting and, in particular, the response to the Workgroup Consultation provided by Scottish Power (see extract below) the Workgroup member who had proposed the potential Alternative clarified the position.

In accordance with Article 5 of the Directive 2009/72/EC common rules for the internal market in electricity are submitted by the Member State to the Commission and these are relevant in terms of the RfG (as detailed in recital (2)[1]) and other Network Codes (as applicable).

It is understood that the (UK) Member State has submitted the necessary documentation, in accordance with Article 5 of 2009/72, to the Commission and therefore (i) any requirements set out in those submitted documents along with (ii) the requirements set out in the relevant Network Code(s) (such as the RfG for generators) would not, for the purposes of this potential Alternative, be considered as being 'more stringent'.

However, if as part of the Original Proposal [GC0100] [GC0101] any additional requirement(s), over and above those set out in the documentation noted under (i) and (ii) above, were to be included in the solution (that is, within the legal text) then this would be considered as being 'more stringent'.

Comment [GG1]: Delete as appropriate.

Therefore the potential Alternative would be the Original proposal solution, but excluding any of these 'more stringent' requirements.

What these 'more stringent' requirements' are (that will be removed from the Original, via this potential Alternative) can only be determined when a comprehensive mapping of the draft legal text for [GC0100] [GC0101] to the actual Network Code article(s) and / or clause(s) etc., has been provided in order to cross check this alongside the Grid Code wording.

Comment [GG2]: Delete as appropriate.

By way of illustration, the current version[2] of the GC0102 draft legal text includes the introduction of a '*Preliminary Operating Notice* (PON)'[3] as a new, additional, mechanism to facilitate the compliance process but which, firstly, does not form part of the existing GB national network codes or associated documents (i.e. those submitted in accordance with Article 5 of the Directive 2009/72) and, secondly, does not form part of the RfG requirements.

Therefore as this 'PON' requirement; for Type B and Type C generators; is 'more stringent' then, in the context of this potential Alternative for [GC0100] [GC0101], this would be excluded from the Original proposal – that is, the Original would still go forward with this 'PON' wording included, whilst the Alternative would go forward with the 'PON' wording excluded from the legal text.

Comment [GG3]: Delete as appropriate.

[1] "..... In addition Article 5 of Directive 2009/72/EC of the European Parliament and of the Council (2) requires that Member States or, where Member States have so provided, regulatory authorities ensure, inter alia, that objective technical rules are developed which establish minimum technical design and operational requirements for the connection to the system. ..."
[2] As at 18th October 2017.
[3] See ECP.1.1 (ii) and ECP.6B in the GC0102 draft legal text for further details.

[Extract from the ScottishPower Generation Ltd response to the Workgroup consultation, dated 2nd October 2017]

"Looking at the third package it consists of a number of directives and regulations, with the two key pieces of legislation relating to requirements on electricity providers being "Directive 2009/72/EC common rules for the internal market in electricity ..." and "Regulation 714/2009 on conditions for access to the network for cross-border exchanges in electricity ...**".**
These two pieces of legislation seem to split requirements into two with 2009/72/EC dealing with the safety and minimum technical requirements, whilst 714/2009 deals with setting cross-border rules on trade, energy flows and charging.

In terms of 2009/72/EC this was introduced in 2012 with GB responding indicating its minimum technical requirements were as follows "Article 5: Electricity Safety, Quality and Continuity Regulations 2002, Electricity Transmission Licence, Electricity Distribution Licence, Electricity Interconnector Licence attached. Technical codes including the Grid and Distribution Codes may be found at

http://www.ofgem.gov.uk/Licensing/ElecCodes/Pages/ElecCode.aspx "

Currently this consultation is dealing with the "Regulation 2016/631 Requirements for grid connection of generators" which has been produced as a deliverable from 714/2009. Given the scope of 714/2009 it is surprising that such a technically detailed version of 2016/631(RFG) has been produced on the bases of a three word title in Article 8 paragraph 6 (b) "network connection rules;", however we are where we are.

Specifically dealing with no more stringent requirements, this seems to be based on a premise that any technical requirements not included in the connection codes 2016/631(RFG), 2016/1388(DCC) or 2016/1447(HVDC) are more stringent, and hence is not permissible. As previously stated minimum technical requirements are detailed within 2009/72/EC and not 714/2009 which defines the criteria for 2016/631(RFG). This is further emphased in the opening whereas section of 2016/431(RFG) where item (2) second sentence states "..... In addition Article 5 of Directive 2009/72/EC of the European Parliament and of the Council (2) requires that Member States or, where Member States have so provided, regulatory authorities ensure, inter alia, that objective technical rules are developed which establish minimum technical design and operational requirements for the connection to the system. ..." . This indicates that 2016/631(RFG) is an addition to any rules set by 2009/72/EC. Moreover it is clear that it was not the indention for the new network codes to remove existing national codes as 714/2009 which defines the requirements for drafting the network codes has in Whereas (7) third sentence "The network codes prepared by the ENTSO for Electricity are not intended to replace the necessary national network codes for non-cross-border issues." Given the above there does not seem to be any justification for the premise that technical requirements not included in the network codes are more severe and should not be allowed.

In summary in GB the current accepted minimum technical standards appear to be the Electricity Safety, Quality and Continuity Regulations 2002, Electricity Transmission Licence, Electricity Distribution Licence, Electricity Interconnector Licence, the Grid and Distribution Codes with additional requirements of the network codes being added as they are enacted. The only issue which may exist is which version of the various documents is currently the approved version. Following the initial submission in 2012 there does not appear to be any clear evidence that the modification process in "Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations" has been followed."