

# Grid Code Development Forum

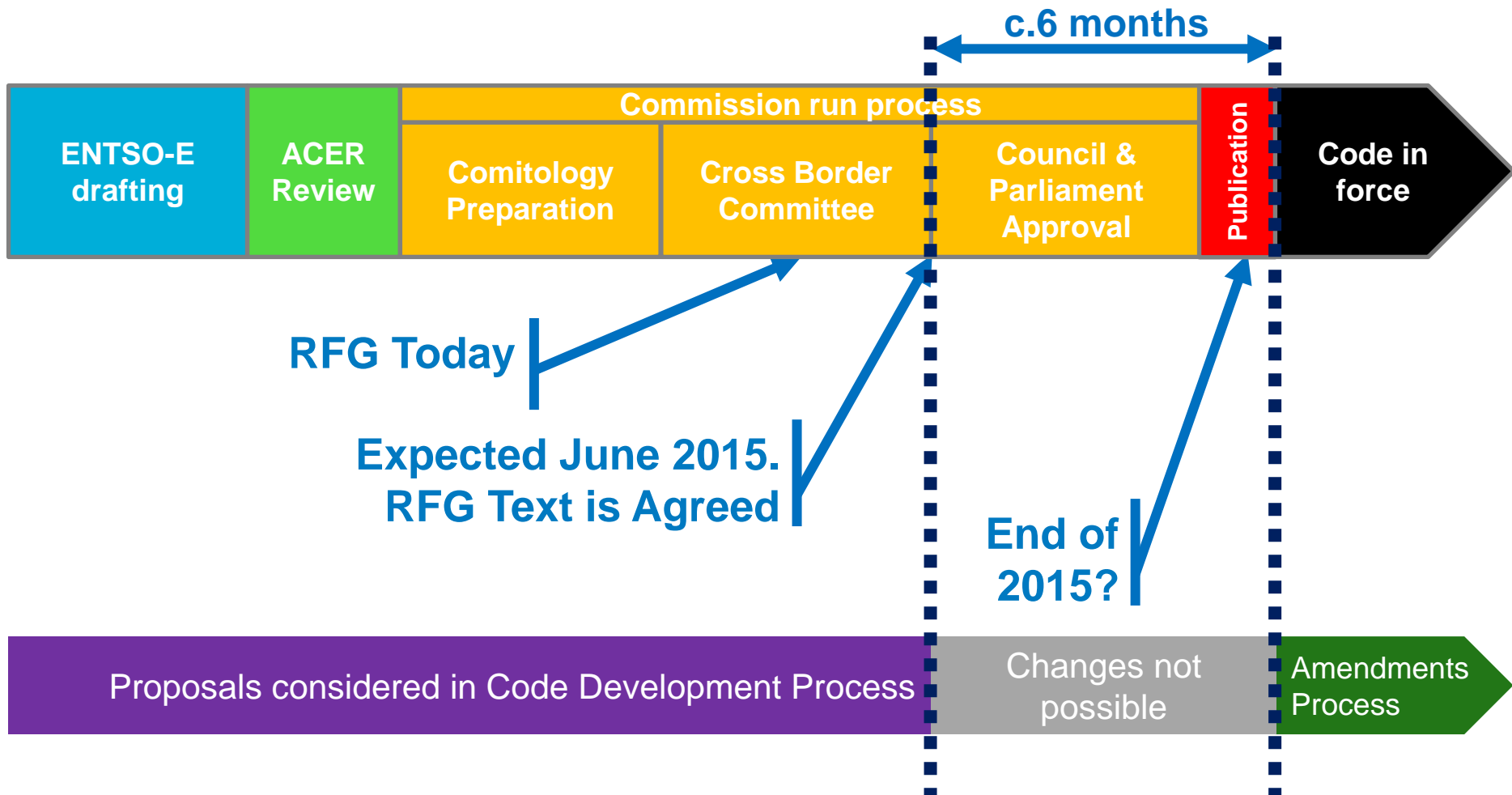
## Agenda Item 7: Amendments to European Network Codes



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# The ENC Development and Implementation Process



## Changes possible in Code Development Process

- RFG is now late in the Comitology process
- **Text changes can be proposed by member states, but must be agreed by Commission and other member states**
- DECC is GB's representative at the Cross Border Committee discussions / voting
- For DECC to gather GB stakeholders views:
  - Expect a future JESG workshop when new text is released
  - You can engage bilaterally

## Changes possible in Code Development Process

### ■ However...

- DECC will need to consolidate GB Comments to form a negotiating position
- There is no guarantee of success. There are 28 member states – UK is just one, and this is a political process
- Issues which have *multiple member state* support, and *quantified* impacts more likely to be successful

## Approvals phase

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- After Cross Border Committee, it is not possible to change the text before it is published
- The EU Parliament must vote to approve the text, but they will vote to approve or reject (they do not change)
- Once published, it enters in to force as European Law
  - GB (and other countries) will need to comply with the law or risk infraction

## ENC Amendments Procedure

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- Once entered into force (law):
  - Member State must choose and may update their choice of national parameters, within the provisions of RFG.
  - To change the provisions of RFG, a **new law** will need to be passed by the Commission/Parliament
  
- The process for proposing and making changes to the network codes is not yet fully developed

## ENC Amendments Procedure

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- Article 7 of Regulation 714/2009 allows interested parties to raise draft amendments to ACER, which will be consolidated and proposed to the Commission.
  - ACER may propose amendments of its own
  - ACER is required to consult stakeholders as part of the process (no details on mechanism)
  - The Commission can raise their own amendments

# ACER's indicated process

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## ENC Amendments Procedure

- ACER has specified two processes for how it will collate, consider and propose items to the Commission:
  - Periodic process (every 5 years), so first for RFG in ?2020
  - Ad hoc proposal – exceptional cases for those with an urgent character.
- Outline process proposed by ACER has four steps:
  - Admissibility and initial assessment
  - Impact Analysis
  - Public Consultation
  - Final assessment and reasoned proposal to the Commission
- [http://www.acer.europa.eu/Official\\_documents/Acts\\_of\\_the\\_Agency/Directors%20decision/ACER%20Guidance%20on%20Evaluation%20Procedure%20for%20NC%20Amendment%20Proposals%20under%20Article%207%20of%20Elec%20and%20Gas%20Regulations.pdf](http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Directors%20decision/ACER%20Guidance%20on%20Evaluation%20Procedure%20for%20NC%20Amendment%20Proposals%20under%20Article%207%20of%20Elec%20and%20Gas%20Regulations.pdf)