

Public consultation - Framework Guideline on Demand Response

Fields marked with * are mandatory.

Introduction

Context

In accordance with Article 59(3) of the [Electricity Regulation, Commission Implementing Decision \(EU\) 2020/1479](#) established a priority list for the development of network codes and guidelines for electricity for the period from 2020 to 2023. Article 1 of this Decision provides for the development of harmonised rules regarding demand side flexibility, including rules on aggregation, energy storage and demand curtailment rules. Subsequently to this decision, the European Commission invited ACER by [letter of 21 October 2021](#), to launch a scoping exercise for the development of new rules based on Article 59(1)(e) of the Electricity Regulation. [ACER's results](#) of the scoping exercise were sent to the European Commission on 1 February 2022.

In accordance with Article 59(4) of the Electricity Regulation, the European Commission invited, by [letter of 1 June 2022](#), ACER to draft Framework Guidelines for new rules on demand response. This draft Framework Guideline is a response to this letter.

This Framework Guideline need to be subject to a public consultation for two months pursuant to Article 59 (5) of the Electricity Regulation and subsequently submitted to the European Commission in accordance with Article 59(6) of the Electricity Regulation.

The purpose of this survey is to conduct this public consultation by inviting stakeholders to express their level of agreement (through the likert scale) with consulting on the provided draft Framework Guideline on Demand Response (FG). One response (between 'strongly agree' and 'strongly disagree') is expected for each paragraph of the document allowing also for the option of 'no opinion'.

There is room for providing comments and potential alternative draft proposals on each paragraph of the draft FG at the end. Please complete this survey by following the numbering of draft FG paragraphs.

Replies to this consultation should be submitted by Tuesday 2 August 2022 23:59 hrs (CET).

Below you may find for your convenience the draft FG and an Excel document that can facilitate your company's internal coordination to complete this survey.

Draft Framework Guideline on Demand Response:

[DR-FG_for_public_consultation.pdf](#)

Excel document for internal coordination:

[PC-DR-FG_Template_for_internal_coordination.xlsx](#)

Background documents

Legal acts

[Regulation \(EU\) 2019/942](#) of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators.

[Regulation \(EU\) 2019/943](#) of 5 June 2019 on the internal market for electricity.

Relevant documents

[Roadmap](#) on the Evolution of the Regulatory Framework for Distributed Flexibility.

[ASSET Study](#) on Regulatory priorities for enabling Demand Side Flexibility

[CEER Paper](#) on DSO Procedures of Procurement of Flexibility

[TSO–DSO Report](#) – An integrated approach to active system management

Data protection and confidentiality

ACER will process personal data of the respondents in accordance with [Regulation \(EU\) 2018/1725](#), taking into account that this processing is necessary for performing ACER's consultation tasks.

More information on data protection is available on [ACER's website](#).

ACER will not publish personal data.

Following this consultation, ACER will make public:

- the number of responses received;
- company names, except those with a valid reason for not having their company name disclosed;
- all non-confidential responses; and
- ACER's evaluation of responses.

You may request that **(1)** the name of the company you are representing and/or **(2)** information provided in your response is treated as confidential. To this aim, you need to explicitly indicate whether your answers contain confidential information, and also provide a valid reason if you want that the name of your company remains confidential.

You will be asked these questions at the end of the survey.

Respondent's data

* Name and surname

This information will not be published.

Tzeni VARFI

* Email

This information will not be published.

tzeni.varfi@edsforsmartgrids.eu

* Company

E.DSO

* Country of the company's seat

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- Other

* Countries where your company is active

- All EU Member states
- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- Other

* Activity

- Aggregator (or association)
- Generator (or association)
- Energy supplier (or association)
- Trader (or association)
- Utility (or association)
- Transmission network operator (or association)
- Distribution network operator (or association)
- Market operator (or association)
- Regulatory authority
- End-user (or association)
- Other market participant

Please specify if needed

1. General Provisions

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (4)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (12)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (15)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (16)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (17)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(2)	<p>Rather than listing technologies even if followed by” etc”, which is discriminatory against the non-cited technologies, the code should avoid to list any technology. It will also simplify the reading of the code.</p> <p>Provisions of the code could be “stress tested” along a list of specified technologies, to make sure it does not discriminate those technologies.</p>	<p>Although demand response and storage are explicitly included in Article 59 (1)(e) of the Electricity Regulation, the new rules shall be technology neutral and non-discriminatory and shall thus not favour demand response and storage to the detriment of other resource providers.</p> <p>Therefore, the new rules shall be applicable to all resource providers mentioned or covered in the articles referred to in Article 59(1)(e) of the Electricity Regulation. No resource providers shall be excluded and the main aim of the new rules shall be to ensure access to all electricity markets for all resource providers.</p>
(3)	<p>We understand that this implies that congestion management by TSO is to be ruled by this present code.</p>	
(4)	<p>SO services’ should be limited to congestion management and voltage control by DSO and by TSO, and balancing should be clearly named when targeted.</p> <p>A specific code should be enacted for SO services, rather than embedding DSO congestion management within existing code for balancing.</p> <p>Coordination should in congestion management code and other existing code with the same provisions.</p>	
	<p>‘Baseline’ : in the context of independent aggregator/service provider, it is incorrect to consider here the Service Provider’s BRP. Moreover, the Service Provider/Aggregator may well not have a designated BRP. The purpose is to establish a conterfactual reference for the behaviour of Service Providing Unit or group, in order to : i- check the reality of the provided service, see (81) and ii- compensate Service Providing Unit’s BRP, see (23)</p>	

(12)

'redispatch products' should not specify the deadline : regardless of deadline, what matters is the process

'SO services' should exclude Balancing (already regulated by a specific Network Code) and include only Congestion management and Voltage control . When balancing was implied in proposed guidelines, new rules should state balancing and SO services, or only balancing.

Moreover, definition here is inconsistent with article (89) mentioning "remunerated forms of SO services congestion management products on the one hand, e.g. dispatch limitation and redispatch (market-based and non-market based)"

Definition of congestion management needed, because the document seems to oppose congestion management and voltage control (which is not consistent with the definition of congestion in Electricity Directive) ; moreover sometimes congestion management is mentioned alone and it is not always clear whether it refers only to current constraint or also include voltage control.

Time of use tariff is a tool to handle congestion, which can be used out of "SO services".

Congestion management includes : time of use tariff, rule-based flexibility, market-based-flexibility (procurement of SIO services) and non-firm connection agreement

More definitions are needed, like

- "non-firm connection agreement"

- wholesale market (does it include or not balancing, cf (4)

'baseline' means a counterfactual reference about what the Service Providing Unit/Group's consumption or production would have been in the absence of the activation for the provision of the respective service.

'redispatch products' means a congestion management product which can be activated after the dispatch is communicated to the system operator.

'SO services' means market-based procurement of voltage control and congestion management.

(15)	<p>Needed amendments of existing Regulations should be dealt with through the revision process provided for different regulations, and not through the new rules to ensure the coherency of these amendments within initial Regulations.</p>	
(16)	<p>As balancing is already regulated by a specific Network Code, this Code should focus only on Congestion management and Voltage control</p>	<p>The SO Regulation and EB Regulation regulate product and grid prequalification for TSO balancing services and are not in the scope of this FG.</p>
(17)	<p>At national level, distribution network should be one national bidding zone; bidding zone should not be applied considering specific situation of each Member State about the electrical distribution system. Depending on local situations and MS energy policy choices, other mechanisms for solving congestion may exist, that may be rule based, in particular in situations and locations where there is not enough market liquidity. This possibility shall remain open.</p>	<p>Second sentence : replace “within a bidding zone” by “Within a single bidding zone per TSO”.</p> <p>Third sentence : replace “other mechanisms for solving structural congestion” by “Other mechanisms for solving structural TSO congestion”</p> <p>4th sentence to be changed by : Thus, other mechanisms for solving structural congestion, such as the allocation of cross zonal capacities and the review of bidding zones, or rule based mechanisms, are not to be replaced, but rather complemented, by the processes described in this FG.</p>

2. General requirements for market access

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (18)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (19)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (20)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (21)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (22)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (23)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (24)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (25)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (26)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (27)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (28)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (29)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (30)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (31)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* (32)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (33)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (34)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (36)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (37)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (38)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(18)	For services with a local purpose, such as voltage or congestion, interaction with market mechanisms must be those coordinated by the network operator on its perimeter (to which the resource is connected).	First sentence to be completed : As explained in Section 1.1 the main aim of the new rules shall be to ensure access for demand response and other relevant resources to all electricity wholesale markets, taking into account local specificities of congestion and voltage services
(19)	DSO owned meters should be used in priority. Only when where the deployment of smart meters is delayed can sub-metering be used. It would not be appropriate to use the Service provider's data in order to evaluate the reality of his own service.	Add : Only when where the deployment of smart meters is delayed can sub-metering be used.
(20)	While enabling as small a big granularity as possible is a goal, such a small bid as 100 kW / 100 kWh is not possible now in many cases, and feasibility is not even proven. A technical "hard limit" on minimum product granularity is for example 500kW for Enedis, and many processes would need to be modified and secured to enable 100 kW products whose feasibility is not yet proven, be it to secure activation decision, product monitoring, and settlement methods. On the other hand, considering the balancing guides lines, it could be better to amend this one, rather than introducing modification in this FG.	4th sentence to be changed by : Moreover, in order to enable access to all balancing markets, the new rules shall promote a reduction of the minimum bid granularity for all balancing capacity and energy products, respectively and set a clear timeline for the implementation of this change, taking into account the required changes in processes tools and methods for managing balancing, SO services on one hand, and a cost-benefit analysis to set the appropriate targets.

(21)	<p>Terms and conditions should not be 'unique' at MS level , but adapted depending on different services whose characteristics can be strongly different.</p> <p>Congestion management and voltage control are central task of the grid control and therefore core responsibilities of the DSOs. Thus they should not be delegated except in the frame of a cooperation / mutualisation between DSOs.</p>	<p>2nd sentence to be changed :</p> <p>In this context, the new rules shall require TSOs and DSOs to develop terms and conditions related to the SO services on a Member State level. The new rules shall require this set of terms and conditions to specify the processes – at least for becoming Service Providers and for the settlement of SO services – for all potential market participants to offer these SO services, including those engaged in aggregation as well as demand response and storage. Furthermore, the new rules shall take into account MS specificities concerning DSO's tasks related to congestion management and/or voltage control.</p>
(22)	<p>An « all so » rules system ignores the difference in maturity and capacity of DSO at handling flexibility and congestion management. An “all so” rule system may put an unbearable burden on DSO that are least advanced, while it may prevent the most advanced DSO to unlock the full potential of flexibility.</p> <p>NRA shall be able to accept proposals not submitted by all SO to take into account specific MS situations as small number of connected customers SO, SO serving small isolated systems,...</p> <p>Further, “all SO” implies a governance to reach that unique proposal, which is intricate to design. Such governance will take time to settle, and rules can only be proposed after such governance is defined.</p>	<p>An all SO proposal” : Must be changed to “by each SO first, and all SO as a target”.</p>
(23)		
(24)	<p>Depending on the direction of the activation, for instance in case of withdrawal increase or shift, the financial flow could be reversed (the payer being the supplier and the receiver being the independent aggregator)</p>	<p>3rd sentence to be modifies as follows :</p> <p>In particular, the new rules shall specify, depending on the direction upward /downward of the service, which parties are payer and receiver, among the independent aggregator, the final customer, or the supplier of the final customer</p>

(25)	<p>Given the difference of maturity of DSO for congestion management, 2 years after entry into force of the new rules, or July 2026, appears premature.</p> <p>Further, “all SO” implies a governance to reach that unique proposal, which is intricate to design. Such governance will take time to settle, and rules can only be proposed after such governance is defined.</p>	
(26)	<p>The purpose is indeed to check the reality of the provided service. In the context of independent aggregator, the baseline should be related to Service Providing Unit or group, and not SP’s BRP, See (12).</p>	<p>Last sentence to be changed : The baseline represents a counterfactual reference about what the Service Providing Unit/Group’s consumption or production would have be in the absence of the activation for the provision of the respective service.</p>
(27)	<p>It is indeed necessary to provide, at national level, several baseline methods depending on the case. The baseline methodology shall ensure an objective method, to ensure a proper evaluation of the actual provided service, from the network point of view. In case any SP’s data (such as forecast) is taken into account, it shall be submitted to strict qualification rules.</p> <p>At this stage, there is no reason to promote any solution, in particular ‘SP’s BRP final position/buy your baseline’ needs to be further described, it is unclear if the principles listed below are met.</p>	<p>Replace the first sentence by The new rules shall clarify that the baselining approach for validating the activation is not mandatory and SOs can implement alternatives, to be used as reference for the delivery of the service” (remove ‘such as taking the final position of the SP’s BRP as the baseline’)</p>
(28)	<p>Out of scope : amendments to the balancing regulation should be dealt with through the revision process provided for this regulation, and not through the new rules</p>	<p>Suggestion to remove this article</p>
(29)	<p>The measurement of the service should rely on System Operator’s meters. Submetering or SP’s data should be considered only if DSO’s smart meters are not yet deployed</p> <p>It is necessary to stress that Data Protection regulations may prevent meters granularity to be lower than 15 minutes.</p>	
(30)		

(31)	<p>A multi-operator by site settlement is unfeasible : as a matter of fact it will be totally impossible to properly assess the actual service provided by each aggregator/SP and to allocate energies between the different market participants.</p> <p>The wordings connecting point and metering point need a proper clarification on the consequences of the inferred differences.</p>	<p>1st sentence to be changed :</p> <p>The new rules shall facilitate all market participants (including SPs) to develop demand response behind the metering point of a connection point while forbidding multiple market participants (including SPs) to be simultaneously active behind the metering point of a connection point. The “metering point” of a “connection point” is the closest point to the connection equipped with a DSO smart meter; if a connection serves several meters in parallel, the withdrawal and/or injection of the connection point will be algebraic sum of the withdrawal and/or injection of the several meters in parallel.</p>
(32)		
(33)	<p>Out of scope : amendments to the balancing regulation should be dealt with through the revision process provided for this regulation, and not through the new rules</p>	<p>Suggestion to remove the article</p>
(34)	<p>Out of scope : amendments to the balancing regulation should be dealt with through the revision process provided for this regulation, and not through the new rules</p>	<p>Suggestion to remove the article</p>
(36)	<p>This provision should be left to NRA to decide owing to the specificity of each member state.</p> <p>It is not clear why demand response and other relevant resources are preferred over TSO and DSO-owned storage : there should be no preference but only consideration on maximizing social welfare</p>	<p>To remove the article</p>
(37)	<p>Clear communication should exclude economic conditions that could reveal propensity to pay, as depth and liquidity of the market is not guaranteed, especially in MV networks and moreover LV networks</p>	<p>Clear communication on the technical conditions of the tender</p>

<p>(38)</p>	<p>Are those conditions alternative or cumulative ? The CBA must also encompass costs for DSO such as stranded costs relative to the SO storage activity (capital costs, removing, transferring costs, deoptimization of the activity due to the lack of middle term visibility...)</p>	<p>Last sentence of first § to be modified : The new rules shall establish that this condition is fulfilled if both requirements are met :</p> <p>Last sentence of second bullet point to be changed: The new rules shall provide guidance for the scope of the abovementioned CBA, ensuring in particular that the scope in time and in topics is broad enough to take into account the potential loss of developing markets for SO services and the consequences thereof, and costs for DSO such as costs for DSO such as stranded costs relative to the SO storage activity (capital costs, removing, transferring costs, deoptimization of the activity due to the lack of middle term visibility...).</p>
-------------	---	--

3. Prequalification

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (39)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (40)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (41)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (42)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (43)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (44)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (45)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (46)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (47)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (48)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (49)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (50)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(39)	<p>The SOs must be able to carry out the necessary activation tests, as well as tests for “test and learn” or training/rehearsal. Such “test and learn” is especially needed given the lack of maturity of DSO.</p> <p>Clarification of the concepts of conditional or long term grid prequalification and dynamic or short term grid prequalification will be a major topic.</p>	<p>Last sentence to be changed to : SOs shall check the technical capabilities of the SP against the technical requirements determined by the specific product and perform a test to make sure that the SP can deliver the requested service, in particular if technically needed to ensure the system security and grid operation</p>
(40)	<p>“all SO” implies a governance to reach that unique proposal, which is intricate to design. Such governance will take time to settle, and rules can only be proposed after such governance is defined.</p>	<p>Addition to the § Each member state considering exceptional local situation could propose the NRA to set up a temporary specific mechanism that does not fully respect the European harmonized process.</p>
(41)		
(42)	<p>To solve congestion, SO should be ensured that all unit and group are in working order/functional at any time.</p>	<p>Change 1st sentence of vi to remove “only” The prequalification tests shall be required when technically needed to ensure system security and grid operation</p>
(43)	<p>Tests of services must be enabled as a prequalification : this is both beneficial to service providers (in particular new comers) to secure their service and avoid later penalties, and for the DSO to proof the whole activation chain, thus securing the service and the benefit for the collectively..</p>	<p>Change 2nd sentence of i) Ex-ante product prequalification shall be performed at service providing unit or group level i.e. the capabilities of the unit for grid connection will be taken as a prequalification to provide the service. Change v) When a potential service provider aims to participate in multiple SO products, it shall be allowed to submit only one application through the SO service provision tool, providing also the geographical distribution of its connection points and voltage level network for each unit.</p>
(44)		
(45)		

(46)	One application if requirements are the same ; several applications must be enabled if requirements are different.	Change vi) When a potential service provider aims to participate in multiple SO products, it shall be allowed to submit only one application for prequalification through the SO service provision tool, providing also the geographical distribution of its connection points (see Section 4.4), unless products have different requirements .
(47)	An « all so » rules system ignores the difference in maturity and capacity of DSO at handling flexibility and congestion management. An “all so” rule system may put an unbearable burden on DSO that are least advanced, while it may prevent the most advanced DSO to unlock the full potential of flexibility. NRA shall be able to accept proposals not submitted by all SO to take into account specific MS situations as small number of connected customers SO, SO serving small isolated systems,...	“through an all SO proposal” : Must be changed to “by each SO first, and all SO as a target”.
(48)	The article does not say whether it deals with product or grid qualification, static or dynamic. In the many cases, the very specific and local aspect of the services related to congestion and voltage will lead to harmonisation difficulties. Instead of facilitating the deployment of flexibilities, an overly rhythmic harmonization process could lock some opportunities	
(49)	Same product could not cover same network situation considering the voltage level. Care must be taken that products at MV and more over LV cannot be standardized, as each congestion situation might lead to design a specific product. A Table of equivalence at such level of tension might be an impossible task.	Last sentence to be changed : The new rules shall define the principles and requirements for SOs to define a table of equivalences (ToE) for each voltage level between the minimum technical requirements of each product requiring a prequalification process and procured within each Member State.

(50)

Fisrt sentence to be change to :

The new rules shall require the national TCMs to propose the first concept of ToE that will be agreed among all SOs with a Member State for each voltage level.

§ i) to be changed to :

The ToE shall map all minimum technical requirements of the prequalification processes to provide each product at each voltage level.

4. Data exchange and SOs coordination

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (51)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (52)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (53)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (54)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (55)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (56)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (57)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (58)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (59)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (60)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (61)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (62)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (63)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (64)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (65)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (66)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (67)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (68)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (69)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (70)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (71)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (72)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (73)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (74)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* (75)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (76)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (77)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (78)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (79)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (80)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (81)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (82)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (83)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(51)	An « all so » rules system ignores the difference in maturity and capacity of DSO at handling flexibility and congestion management. An “all so” rule system may put an unbearable burden on DSO that are least advanced, while it may prevent the most advanced DSO to unlock the full potential of flexibility. NRA shall be able to accept proposals not submitted by all SO to take into account specific MS situations as small number of connected customers SO, SO serving small isolated systems.	through an all SO proposal” : Must be changed to “by each SO first, and all SO as a target”.
(52)	At this stage, the new rules should stay on general principles and leave MS to define the precise TSO-DSO coordination	
(53)		
(54)	Bids available for Balancing and relying on DSO connected assets should not be activated for transmission congestion management purpose : congestion should be dealt with dedicated Congestion Management services, while involving the concerned DSO	
(55)		
(56)	Data exchanged between Soss should be limited to strictly necessary items On SG proposal : why should market operator be independent from the SO ? Interoperability and portability should be proportionate to real stake and not impede innovation or add unnecessary costs. Those remarks are not consistent with article 55.	
(57)	SOs should have access to all the individual bids submitted by SPs, and not only a grouped vision. The bids regrouping should be clarified and may induce issues concerning aggregation.	

(58)	"SOs operating local markets for SO services shall not forward bids submitted by SPs to wholesale markets." Why ?	
(59)	It may be difficult for the SO to ensure the independency of the third party market operator, should it not be the task of the NRA ?	
(60)	For services with a local purpose, such as voltage or congestion, requesting SO should be Connecting SO. This coordination scheme does not seem appropriate to deal with congestion management and even more voltage control, for which the DSO can provide non market based solutions (topology changes, self /capacitance activation...)	
(61)	NDP must be left out of scope of the network code.	
(62)	Network development planning should not be addressed in the future rules because already addressed.	
(63)	The new rules must keep open non-market levers, such as tariffs and rule-based mechanisms	First sentence to be completed : The new rules shall establish principles for forecasting congestion and voltage control issues and selecting the most efficient solutions for solving them including non-market levers, such as network tariffs rule-based mechanisms, and conditional connections provisions.
(64)		

(65)	<p>Change first bullet by :</p> <p>SOs can procure and activate resources located on each other's grids when these may be useful for more efficient operation of and/or investment (investment deferral) in its own grid or, as concerns the TSO, for balancing and totally excluded for congestion management</p> <p>Complete 2nd bullet</p> <p>"The connecting SO may refuse an activation if the activation endangers operational security." In-between SOs should be able to refuse it too.</p>	
(66)		
(67)	<p>The TSO shall receive all the data exchanged between the grid users and the SO" is an expensive provision whose need is not justified.</p> <p>Remove "The TSO shall receive all the data exchanged between the grid users and the SOs.". There is no legal basis for on an overall basis, especially if the TSO is not directly affected. It might be that the NC could provide the "conditions under which clearly defined data must be shared with the TSO".</p> <p>(i) Real-time data exchange (article 44) may not be necessary.</p> <p>(ii) from the grid users within the SO coordination area, data similar to those described in Articles 48-50 and 53 of the SO Regulation, whose data is needed to forecast and solve the congestion or voltage control issue.</p>	<p>Remove last sentence</p> <p>"The TSO shall receive all the data exchanged between the grid users and the SO".</p>
(68)	<p>it shall ensure that the TSO's balancing actions or other TSO remedial actions do not aggravate congestion or voltage control issues on the distribution grid or regenerate problems that have been solved by actions taken by the DSO."</p>	

(69)	<p>An “all so” proposal may put an unbearable burden on DSO that are least advanced, while it may prevent the most advanced DSO to unlock the full potential of flexibility. NRA shall be able to accept proposals not submitted by all SO to take into account specific MS situations as small number of connected customers SO, SO serving small isolated systems,...</p> <p>NRA shall be able to accept proposals not submitted by all SO to take into account specific MS situations as small number of connected customers SO, SO serving small isolated systems,...</p>	<p>“through an all SO proposal” : Must be changed to “by each SO first, and all SO as a target”.</p>
(70)		
(71)	<p>The new rules shall define a SO service provision tool to support SOs and SPs in the preparation phase (i.e. from long to shorter before real time)."</p> <p>Such a single tool is an expensive tool, raising issued of funding, governance, capacity to cope with innovation.</p> <p>Provision must be left to MS, in accordance with the 3 model set forth by the 2019 “Integrate approach to Active Management System” report</p>	<p>Remove i)</p> <p>To centralise all applications to participate in different products and services (including at least balancing, congestion management and voltage control) as well as all prequalification processes, if applicable.</p>
(72)	<p>One tool per Member State."</p> <p>Such a single tool is an expensive tool, raising issued of funding, governance, capacity to rapidly cope with innovation.</p> <p>Provision must be left to MS, in accordance with the 3 model set forth by the 2019 “Integrate approach to Active Management System” report</p>	<p>Change beginning of last sentence</p> <p>Thus, where applicable, data shall be made visible and interoperable among existing registers referring to different balancing products and not for congestion management,</p>
(73)	<p>all the steps of the prequalification process will be centralised in the tool"</p> <p>Such specifications are costly, raising the issue of a cost-benefit analysis</p>	
(74)		
(75)		
(76)	<p>The specifications given here risk to increase the complexity of setting up flexibilities (IT infrastructures, les gal points). The specifications should remain light, keeping in mind a cost benefit analysis.</p>	
(77)		

(78)	<p>Interoperability requirements seem easier to define and implement at MS level than one standard. Choosing a standard instead of interoperability requirements will also rise implementation costs.</p> <p>The use of interoperability requirements is already intended in Directive (EU) 2019/944</p>	
(79)		<p>Change first sentence and add a third to 1st § The new rules shall define processes to ensure data exchange between TSOs and DSOs during the operation phase (i.e. shorter before real time till real time) in order to guarantee a coordinated access to available resources for different use case, especially when one product could be activated for balancing by TSO or for congestion management by DSO. In particular, the new rules should require the TSOs and DSOs to develop a common national process. This process should be submitted to the NRA for approbation.</p> <p>Change § i) To determine size and location of physical congestions based on the input of SGUs scheduled data exchange. The physical congestions shall be calculated at each voltage level as close as possible to real time with a granularity as close as possible, and encompassing a cost-benefit analysis, to the imbalance settlement period in order to accurately reflect real-time system conditions.</p>
(80)		
(81)		
(82)		
(83)	<p>For distribution level connected assets, communication with the DSO should be favoured</p>	

5. Congestion management

What is your general opinion on the drafted proposal of the following paragraphs?

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (84)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* (85)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (86)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (87)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* (88)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (89)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (90)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (91)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (92)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (93)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (94)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (95)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (96)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (97)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (98)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (99)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (100)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (101)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (103)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (104)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Comment table

	Comment	Alternative draft proposal
(84)	<p>How can "standardised products" correspond to "the specific needs of system operators" ? This article does not seem consistent with article 32(2) of Electricity Directive stating that "Distribution system operators, subject to approval by the regulatory authority, or the regulatory authority itself, shall, in a transparent and participatory process that includes all relevant system users and transmission system operators, establish the specifications for the flexibility services procured and, where appropriate, standardised market products for such services at least at national level."</p>	<p>Add "non exhaustive" : Shall define a common European non-exhaustive list of attributes</p>

(85)

How can "standardised products" correspond to "the specific needs of system operators" ? It is important to guarantee consistency with article 32 (2) of Electricity Directive stating that "Distribution system operators, subject to approval by the regulatory authority, or the regulatory authority itself, shall, in a transparent and participatory process that includes all relevant system users and transmission system operators, establish the specifications for the flexibility services procured and, where appropriate, standardised market products for such services at least at national level." Besides a list of standardized products, SO should be able to design and procure specific products. Provisions on standardized products (such as table of equivalence, prequalification, etc) does not apply to specific products.

Whereas specifying attributes is a must, specifying a predefined list of products is a won't. Flexibility is part of each DSO policy to cover the risk of outages. DSO cannot be contracted in terms of results (such as continuity of supply) and constraint in terms of means (a fixed set of tools). Tension level of congestion is one of the most important issue when designing products.

Whereas "simple" power-duration products might be useful to solve HV congestion, congestion management products, especially at MV and even more at LV, are structured products, designed to match the local congestion situation to be prevented. A list of fixed products will either dilute the value of flexibility (more flexibility will be used than needed, unnecessary locking capacity while reducing the €/MW or €/MWh propensity to pay) , and/or will reduce the potential effectiveness of flexibility by preventing it to address certain network needs, thus preventing to make the most use of flexibility.

It is quite impossible to consider future provider's ability to supply flexibility products : how to know future service provider's ability ? How is it supposed to work with technology neutrality ?

Remove reference to NDP which is not the proper source for MV and even further LV needs.

The new rules shall provide that SOs define standardized products for congestion management at national level where appropriate. The new rules shall ensure that different products correspond with the specific needs of system operators, which depend on network topology, voltage level, the number of service providers in the area, and the size and predictability of congestion, among other things. The new rules shall ensure that when defining the products, the SOs take both current and future system needs. SOs may also procure products from the wholesale market.

The new rules shall provide that SOs define standardized products for congestion management at national level where appropriate. The new rules shall ensure that different products correspond with the specific needs of system operators, which depend on network topology, voltage level, the number of service providers in the area, and the size and predictability of congestion, among other things. The new rules shall ensure that when defining the products, the SOs take both current and future system needs. SOs may also procure products from the wholesale market.

Add "where appropriate" at the end of first sentence.

Add "voltage level" in second sentence. Remove the end of 3rd sentence. Change 4th sentence.

The new rules shall ensure that different products correspond with the specific needs of system operators, which depend on network topology, the number of service providers in the area, and the size and predictability of congestion, among other things.

The new rules shall ensure that when defining the products, the SOs take both current and future system needs into account. SOs may also procure products from the wholesale market.

Add a sentence : Specific needs of system operators may be covered by specific products.

(86)	<p>Only products that are standardized where appropriate, can be approved by NRA.</p> <p>A full list of products cannot be set ex-ante.</p> <p>This procedure based on an all SO proposal does not seem suitable to products that may be different between DSOs and TSOs or in between DSOS. It does not seem convenient either to products in an area where maturity level is still low.</p>	<p>The new rules shall provide that the list of standardized products, where appropriate, shall be submitted to the NRA for approval through an all SO proposal.</p> <p>The NRA may approve, or reject the proposal</p>
(87)		
(88)	<p>Inconsistent with (87)</p> <p>Once a flexibility service is procured, it must be enabled to serve multi-purposes. It is impossible to track in real time and verify whether the exact network conditions that triggered the flexibility procurement are exactly met. In fact, it is likely never the case, as network topology, conditions, loads continuously evolve.</p> <p>Such provision is counterproductive, reducing the potential effectiveness of flexibility. It appears in contradiction with provision (87) “the congestion management product available to the SO can be prequalified, selected and activated when and where it is most valuable, i.”</p>	<p>To be kept (1st, 3rd and 4th sentence):</p> <p>The new rules shall allow for different products, that may consist of active power injections to or withdrawal from the grid, options for the SO requesting the active power injections to or withdrawal from the grid (capacity and activation) or similar products, including both redispatch products and dispatch limitation products.</p> <p>Product definition shall facilitate the effective use of congestion management for various SO needs. definition of products shall ensure equal treatment to all SPs and technology neutrality.</p> <p>To be deleted : 3rd sentence : The new rules shall prescribe the conditions under which capacity that is contracted long term by a SO, e.g. in the form of a tender for the procurement of congestion management products as an alternative to grid investment, may also be used for other purposes.</p>
(89)		<p>Modify 1st sentence :</p> <p>The new rules shall provide that when facing congestion, the SO shall always choose the most economically efficient option of the different tools on its hands, such as their own tools (grid reconfiguration, connection of capacitors, STACOM...., mobile generators, ...), setting of periods of time of use tariffs, congestion management, grid investments, non-firm connection agreements or bidding zone review, optimising the collective cost benefit analysis.</p> <p>Keep 2nd sentence</p>

(90)	<p>When procurement of congestion management products is market based, the new rules shall include principles for procurement and pricing applicable to different products, different time horizons and specific features of the local systems bearing in mind improving the cost-effectiveness of network development and operations from a collective cost benefit analysis prospective.</p> <p>When market-based, the procurement shall be through a process that ensures transparency and the selection of the most cost-efficient resource. Market based processes may be different for long/short term procurement and activation, depending on the products and the timeframe.</p> <p>Principles for merit order at time of activation shall be transparent and ensure the selection of the most cost-efficient resource.</p>	
(91)	<p>Care must be taken to not over prescribe : flexibility markets are emerging. A lot of test and learn is going on, and the network code should not hinder innovation and test and learn.</p> <p>This provision should be deleted and left to each NRA.</p>	Suggestion to remove this article
(92)	<p>Such provision should be left to member states. Further, it may be too early to prescribe such solution : most SO are still in a test and learn situation.</p>	Suggestion to remove this article
(93)	<p>It is too early to go in this level of detail, since the different DSOs do not have the same level of maturity.</p> <p>Further, flexibility procurement is to be interfaced with DSO own procedures & IT for network reviews and reinforcement assessment, whose timing is internal matters.</p> <p>The rules shall describe the headlines, while the content must be left to DSO in a test and learn approach.</p> <p>The meaning and function of the "secondary activation market" needs clarification.</p>	
(94)		

(95)		<p>Modify 1st sentence and add a 2nd: The new rules shall provide that the pricing mechanisms regarding standardised products shall be submitted to the NRA for approval through by each SO first, and all SO as a target. Pricing mechanisms regarding non-standardized products shall be submitted to the NRA for approval by the SOs intending to procure such productsl.</p> <p>“through an all SO proposal” : Must be changed to “by each SO first, and all SO as a target”.</p>
(96)		
(97)		
(98)		<p>Remove that article. Such provision adds nothing to relevant § of CEP, and can be deleted.</p> <p>To the minimum delete last two bullet points and remove reference to NDP.</p>
(99)	<p>Forecasts may not be feasible depending on use case and time horizon ; the SO should publish the best available scenarios instead.</p> <p>Reserve price must be kept confidential, at least in LV and MV. Price of bids must also be kept confidential, as successive tenders in a uncompetitive market (little if not any liquidity) at lower voltages level.</p> <p>The provision that information about procurement and activation shall be provided in English is absurd and unnecessary: local flexibility involves local sources, who would be recruited in local language, so that FSP would not need english translation. Such provision doubles the cost of the process.</p>	<p>Provisions must be adapted by voltage level.</p> <p>Third bullet point to be modified: this includes information on the area of delivery (network points), forecasts the best available scenarios about the expected number of events, timing of events and the resulting need for congestion management, selection criteria , reserve price (if applicable) [...]</p> <p>Last § should be written: Bearing in mind that HV, MV and LV situations are different, new rules COULD provide guidance on the publication of reserve prices, taking into account effects on liquidity, participation, market power, gaming and potential mitigating measures (e.g. publishing a price range rather than a fixed reserve price). Information about procurement and activation shall be made available in an efficient manner. The data should be made publicly available in easy and accessible formats.</p>

(100)		<p>Remove that whole article</p> <p>The methodology used by each DSO shall be consistent with the planning methodology of the national TSOs for the TYNDP where relevant. It shall give guidance on how to consider congestion management as an alternative or a complement to grid reinforcement.</p>
(101)		<p>Redundant with existing provisions of CEP art 32. Suggestion to remove the article</p>
(103)	<p>Given the state of the art, and the range of maturity of DSO and local FSP, the current guidelines lead to a way to prescriptive framework for MV and even more LV congestion management.</p> <p>To unleash local flexibility, the network code to handle congestion should be as light as possible. Otherwise, it will be a considerable barrier of entry for new flexibility sources, and new FSP. What is at stake, the worst case scenario, is not a general blackout, but local outages.</p> <p>Congestion management is about local interaction of DSO and local FSP. With this in mind, and necessary test and learn, harmonization and prescription should be kept as light as possible : provisions must be included in the code only if a “must”, and must exclude any “nice to have” such as “should” or “could” provision</p> <p>Congestion management is about local interaction of DSO and local FSP, considerations whether DSO operates HV networks or only MV and LV. Whereas harmonization is to be the target, reports should justify why a change of the rule towards harmonization improves the cost-benefit analysis, considering cost of change management and assessment of unleashed flexibility thanks to harmonization.</p>	
(104)		

6. Voltage control

What is your general opinion on the drafted proposal of the following paragraphs?

In case of disagreement on proposed paragraphs, please write alternative draft proposals and reasonings in the table below (optional).

Please note that you won't be able to see the full size of your response in the Survey Tool but once you download the PDF of your response, a full table with your input will be shown.

Opinion table

Please note that the survey does not cover all paragraphs, we have excluded those that we considered trivial and not relevant to the consultation.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* (105)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (106)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (107)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (108)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (109)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (110)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (111)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* (112)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment table

	Comment	Alternative draft proposal
(105)	<p>The new rules must set out the main principles, but the specificity of voltage control, its local nature and its specific dependence on the voltage level considered (not homogeneous in Europe for DSOs), imply that the definition of the rules should remain on MS level.</p> <p>The products that are to be procured shall be defined by the SO(s) on which the resources are connected.</p>	<p>The new rules shall provide main principles and options for the definitions of products for voltage control (including non –market levers). The products that are to be procured shall be defined by the SO(s) on which the resources are connected taking into account the technical specificities of the grid and the problem to be solved, but also the specificities of potential providers in order to use the available resources in the best possible way.</p>
(106)		
(107)		<p>The new rules shall propose a common European list of attributes for products used for voltage control that shall be used by SOs when describing the products to be procured.</p>
(108)		
(109)	<p>Due to local specificity of voltage control, these rules should be left at MS level.</p>	

<p>(110)</p>	<p>The new rules must keep open non-market levers, such as tariffs and rule-based mechanisms, especially for voltage control. In MV, and moreover in LV, market depth and liquidity do not exist. Moreover, tension is a local issue : market power of sites is exacerbated, which contradicts fundamentals of favoring market-based approach to the detriment of rule-based.</p> <ul style="list-style-type: none"> • "The new rules shall provide that market based procurement is to be preferred, but may be completed by rules based procurement for short term products when and where market based procurement is economically not efficient." In most cases, on medium and low voltage networks, liquidity will be particularly low ; market based procurement cannot be used and the distinction short/long term has no sense then, thus rules based procurement should be possible whatever the term. • "The rules based procurement may include compensation or not." OK • "The new rules shall provide that, in particular, market based procurement of long term voltage control services shall be considered when the mandatory capabilities as defined in RfG Regulation and DCC Regulation are not sufficient for the provision of voltage control to satisfy the needs of the SO." cf. supra. • "In this case, the activation of the procured resources shall follow the same rule as the activation of mandatory capabilities, i.e. rules based activation with a similar compensation scheme as for mandatory resources." What if there is no compensation for mandatory resources ? Is a dynamic control of reactive power within mandatory capabilities limit a voltage control service ? 	<p>Delete last sentence, which adds confusion</p>
--------------	--	---

(111)	<p>Care must be taken to not over prescribe : flexibility markets are emerging. A lot of test and learn is going on, and the network code should not hinder innovation and test and learn.</p> <p>This provision should be deleted and left to each NRA.</p> <p>"Derogation to market-based procurement may be granted by relevant NRA, whenever it is demonstrated that market-based approach is not economically efficient or that such procurement would lead to severe market distortions or to higher congestion." Assessment should be made based on network topology, not area by area.</p>	<p>Suggestion to delete first sentence.</p> <p>If kept, add in first sentence, after locally or nationally "by level of tension, and making considerations of differences in network topology".</p>
(112)		

Questions on confidentiality

* Do your answers contain confidential information?

- Yes
 No

* Do you want the name of your company to remain confidential?

In the evaluation of responses, ACER will not link responses to specific respondents or groups of respondents unless this is appropriate.

- Yes
 No
-

Useful links

[Roadmap on the Evolution of the Regulatory Framework for Distributed Flexibility \(https://www.edsoforsmartgrids.eu/wp-content/uploads/210722_TSO-DSO-Task-Force-on-Distributed-Flexibility_proofread-FINAL-2.pdf\)](https://www.edsoforsmartgrids.eu/wp-content/uploads/210722_TSO-DSO-Task-Force-on-Distributed-Flexibility_proofread-FINAL-2.pdf)

[ASSET Study on Regulatory priorities for enabling Demand Side Flexibility \(https://asset-ec.eu/wp-content/uploads/2020/12/ASSET-EC-Regulatory-priorities-for-enabling-Demand-Side-Flexibility.Final_-1.pdf\)](https://asset-ec.eu/wp-content/uploads/2020/12/ASSET-EC-Regulatory-priorities-for-enabling-Demand-Side-Flexibility.Final_-1.pdf)

[CEER Paper on DSO Procedures of Procurement of Flexibility \(https://www.ceer.eu/documents/104400/-/-/f65ef568-dd7b-4f8c-d182-b04fc1656e58\)](https://www.ceer.eu/documents/104400/-/-/f65ef568-dd7b-4f8c-d182-b04fc1656e58)

[TSODSO Report An integrated approach to active system management \(https://eepublicdownloads.entsoe.eu/clean-documents/Publications/Position papers and reports/TSO-DSO ASM 2019 190416.pdf\)](https://eepublicdownloads.entsoe.eu/clean-documents/Publications/Position papers and reports/TSO-DSO ASM 2019 190416.pdf)

Background Documents

[ACER scoping letter of 1 February 2022](#)

[European Commission letter of 1 June 2022](#)

Contact

ACER-ELE-2022-003@acer.europa.eu

