
CEER Distribution System Working Group Terms of Reference for the Consultancy Project on

Analysis of current and future DSO data exchange practices relating to flexibility data within Europe

19 July 2022

1. Background

For 2022, CEER's Distribution System Working Group (DS WG) set a deliverable on the review of data shared by distribution system operators (DSOs). This work builds on a workshop that was held in 2021 which discussed the importance of data to the system, both to enable efficient planning and coordination across the whole system and also to facilitate the growth of flexibility markets.

This consultancy work would form a part of the final output, with CEER's additional input and internal analysis alongside it.

2. Objectives and scope

There is a need to specify and better understand the core data needs related to the electricity system, including what data is currently made available – and to whom – and what are the wider stakeholder needs when it comes to DSO data and flexibility markets. This work will help the National Regulatory Authorities (NRAs) to pinpoint what data needs should be focused on and where further regulatory intervention may be needed. The objective of this consultancy work, therefore, is to form a better understanding of the current practices in relation to DSO data relating to flexibility and help categorize the core data needs that NRAs should focus on, to better facilitate efficient, integrated system planning and future flexibility markets.

General notes on the scope of this consultancy project:

1. The analysis should focus mainly on electricity DSO data, although there could be some questions related to renewable gas injections in the gas networks or other relevant aspects identified during the kick-off meeting.
2. The document should analyse roles and responsibilities related to data management, in order to map who performs these roles in different European countries.
3. For this work, flexibility data is defined as data collected and handled by DSOs (or other body responsible for a data hub) relating to the use of flexibility to manage their network. Flexibility resources to be considered include technical solutions from DSOs' own assets, connection agreements, network tariffs, and market-based flexibility procurement. TSO-DSO coordination should also be considered when assessing data exchange and usage, including distribution network users' participation in the TSO balancing market.
4. The analysis should also cover the collaboration of DSOs with other actors involved in data handling, taking into account that **the analysis of data sharing should be independent of the actor that is in charge of the official handling.**

5. The consultant should consider the already produced work of CEER, ACER, and the EC on this or related topics ([Annex I](#)). In particular, the consultancy work should take into account:
 - a. ACER's framework guidelines on demand response (also in [Annex I](#)). The ongoing consultation will define the data processes for demand-side response activities.
 - b. The past and ongoing work of the Smart Grid Task Force Expert Group 1 (SGTF EG1) should be carefully considered, in order to avoid any overlap. The next deliverable of EG1 is expected to focus on interoperability requirements for demand response, taking into account the progress of the work related to the DSF Network Code.
 - i. The initial scoping phase of the consultant work will therefore include coordination with CEER in order to identify angles not covered by EG1 work¹.
 - c. The recently adopted Data Act which CEER provided a consultation response to during the public consultation phase ([Annex I](#))
6. The analysis should identify the barriers that both DSOs and data users (e.g. ESCOs) are facing when implementing new developments related to flexibility data and those aspects covered by the ACER's framework guidelines mentioned above.

3. Indicative work packages

This section will introduce in detail the work packages (WP) for the preparation of this project. These two work packages are expected to form a standalone report produced by the consultant, and a short summary for CEER's use (see also Section 4 for more detail). **The final content and scope of the WPs will be jointly agreed at the project kick-off meeting.**

3.1 WP 1: Existing data exchange models within and between European countries

As a minimum, this Work Package should cover countries within all three European regions for which current data exchange models among the sector actors and stakeholders can be distinguished from each other (broadly categorised under Nordic, German region, Southern European models, where particularly the model of the German-speaking countries is the one that stands out from the others as being a DSO centric model instead of a Hub centric).

- Map what electricity data DSOs are entitled to process in each European country, where is it located and who is responsible for it?
 - This should focus on data related to flexibility services and smart solutions for example related to charging

¹ Regarding flexibility data, since many countries are in a very early stage at the moment, the analysis should not solely focus on current services provided by DSOs, but on potential uses of data available to facilitate the implementation of requirements established in Directive (EU) 2019/944.

- What are the data sharing procedures and what obligations existing in making data available to stakeholders?
- Analysis of best practices in terms of data exchange for flexibility and smart solutions (related to charging) that involves parties located and operating in several European countries
- Note: In addition to this consultancy work, CEER will internally investigate what is the role of the NRAs in the process of data sharing, and this is therefore something that does not need to be covered by the consultancy work.

3.2 WP 2: New data requirements and potential barriers that DSOs and data users are facing when implementing new legislation related to flexibility data and cybersecurity

CEER considers the key stakeholders for this Work Package to be DSOs, TSOs and ESCOs, aggregators and new services providers (innovative business models, including storage operators, dispersed generation or flexibility providers), and consumer groups (e.g. BEUC). CEER Secretariat will provide a non-exhaustive list of potential stakeholders in the kick-off meeting.

- Capture and provide more detailed information from stakeholders on the types of new data they believe are needed to have access to, to better facilitate coordination or offer flexibility to the market.
- Based on the stakeholder feedback, outline what are the key barriers for implementing new data exchange practices for flexibility and smart charging. It should include cybersecurity issues from a general point of view.

4. Description of Tasks

4.1 Overall work approach and role of the consultant

The overall work approach should involve close cooperation between the consultant and the responsible parties for this project: the DS WG and certain administrative aspects pertaining to the CEER Secretariat. The project organization and coordination of individual work packages/activities shall be the responsibility of the consultant.

The results of the consultant's work will form a standalone report for CEER's use, and a summary version which will be integrated into a final CEER public report (see 4.2, point 3).

4.2 Meetings

The following meetings between the consultant and DS WG are proposed and shall be considered in the budget:

1. Kick-off meeting in order to agree on the list of countries and stakeholders to be assessed and questions to be asked. To reach a common understanding of the scope and subject of the study.
2. Brainstorming and update sessions (for example EG1 work).
3. Presentation of overall findings prior to finalization of the consultant's report as an internal input/document. The final CEER report will be based on the consultant's input as an external/public document (DS WG/CEER will be responsible for the final public document). Hence, **the final consultant's report shall be in a publishable state and should include a summary version, which CEER can build on, to create the final public report.**

Unless otherwise communicated, it is expected that the kick-off meeting and brainstorming sessions will be conducted virtually. Exceptional circumstances may necessitate that physical meetings are held instead of videoconference meetings, and it can be decided later if the presentation of overall findings will be held virtually or physically. The location for the physical meetings shall be Brussels or, subject to agreement between the consultant and DS WG, any other location possible at comparable cost.

Any other contact between the DS WG and consultant shall be made by e-mail, telephone conference or video conference.

4.3 Indicative Timeline

For the delivery of this project, the following timing is required:

- ▶ July 2022: Call for bids is launched.
- ▶ 7 September 2022: Deadline for bids.
- ▶ Late September 2022: Notification of selection and the contract signed with the selected consultant.
- ▶ Late September or beginning of October 2022: Kick-off meeting with DS WG and the consultant to agree on the list of relevant stakeholders, ensure a common understanding of the scope and purpose of the project, and details of the key dates.
- ▶ Late October 2022: Session with DS WG (or deliverable sub-group) and the consultant on progress.
- ▶ Early November 2022: Initial structure of the report shared by the consultant.
- ▶ December 2022: Initial draft of the report by the consultant for CEER DS WG for review.
- ▶ Late January 2022: Consultant's final report and the summary document is sent to CEER for evaluation and presentation of the report/results.
- ▶ February 2022: CEER and Consultant agree to any final modifications to consultant's report.

5. Selection of the consultant

Submission of a bid by the consultant implies acceptance of the conditions stipulated in this document and the accompanying Terms and Conditions document. However, CEER's invitation to submit a bid imposes no obligation on CEER to award the contract. CEER shall not be liable for any compensation with respect to tenderers whose bids have not been accepted. Nor shall CEER be so liable if it is decided not to award the contract.

5.1 Requirements for the consultant

5.1.1 Eligibility

The consultant must declare to be independent of the interests of the gas and/or electricity industry and does not entertain any legal and/or corporate relationship with an undertaking in these industries. The declaration shall encompass a statement that the consultant can fulfil the contract independently, free of conflict of interest of any other client-related work, and with sufficient resources.

Bidding consortia are eligible, subject to general competition rules. Such consortia must specify the company or person responsible for the project (joint representative for conclusion and execution of the contract). The division of work between the members of the consortium

shall be outlined in the proposal. If the bidder uses subcontractors to fulfil the contract, the division of work between the bidder and the subcontractors shall be outlined in the proposal also.

5.1.2 Relevant Experience

Bidders and their subcontractors must provide evidence of expertise and experience in the field of EU energy markets, especially projects relating to flexibility.

This experience and expertise shall be outlined by project references, including detailed scope, client, timing, and volume of services executed. Additionally, the relevant qualification of the bidder's or subcontractor's staff assigned to the project shall be provided through CVs.

5.1.3 Project Outline

The consultant shall prepare – as an integral part of its bid – a project outline that summarises at least:

- A high-level approach to Work Package 1;
 - A high-level example of the mapping exercise planned to be undertaken;
 - A suggested list of countries that would be in the scope of the analysis of WP1, which would be finalized and agreed on in the kick-off meeting;
- A high-level description of the approach to Work Package 2;
 - List of relevant stakeholders which would be in the scope of the analysis of WP2, which would be finalized and agreed on in the kick-off meeting;
- Other relevant information.

5.2 Selection Process

The contract will be awarded based on the following criteria and weighting:

Criterion	Weighting
Relevant experience of the applicant	20%
Qualification of applicant/applicant's employees	20%
Provided project outline, approach, and specifications	30%
Price	30%

On price, the assignment shall be carried out at a fixed price of not more than (€45,000), not including VAT. VAT is a non-recoverable cost to CEER (including on non-Belgian contracts). Given Belgian VAT of 21%, this would mean inclusive of VAT the maximum amount would be (€54,450). This amount shall cover all costs for the consultant related to this project (e.g. traveling, potentially attending a CEER event to present the consultation paper, meetings with stakeholders and/or the DS WG, person-hours, office supplies, telephone bills, and any other costs).

6. Confidentiality

All commercial and business secrets, information, and data as well as company-related matters, data, material, reports, etc. especially all information about the contracting entities retrieved within this tender procedure and obtained within the contract for works and

deliverables to be concluded with the consultant must be handled strictly confidential by the consultant.

The consultant accepts full liability and shall protect CEER against any prohibited disclosure or use of confidential information by employees or subcontractors of the consultant.

The consultant undertakes to use the confidential information solely and exclusively for this project. Any other use is expressly prohibited, except subject to the prior written consent of CEER.

7. Ownership and Copyrights

The commercial and intellectual property rights in the materials developed as part of the services delivered by the consultant shall be transferred without limitation to the Council of European Energy Regulators (CEER).

8. Applicable Law and Jurisdiction

The contract between CEER and the consultant selected according to section 5.2 shall be governed by and construed in accordance with Belgian law.

9. Contact and Bid Deadline

All communication with regards to the tender procedure, submission of bids, and awarding of the contract shall be made in writing and transmitted via email. The relevant contact person in the contracting authority shall be:

Mr Charles Esser
CEER Secretary General
Council of European Energy Regulators
Cours Saint-Michel 30a, Box F
1040 Brussels, Belgium
E-mail: charles.esser@ceer.eu
Tel. +32 (0)2 788 73 36

A valid bid must be submitted to the above email address by 7 September 2022.

ToR Annex I: Relevant publications

ACER (2022) ACER initiates the drafting of new framework guidelines on demand response

<http://www.acer.europa.eu/events-and-engagement/news/acer-initiates-drafting-new-framework-guidelines-demand-response>

CEER (2021) CEER Report on Innovative Business Models and Consumer Protection Challenges

<https://www.ceer.eu/documents/104400/-/-/44055630-31dc-d3da-386a-a6edfec24eb1>

CEER (2021) CEER Response to the European Commission Public Consultation on the Data Act

<https://www.ceer.eu/documents/104400/-/-/57b94be7-eec3-0fc6-68d7-b92333c4d252>

ENTSO-E (2017) DATA EXCHANGE IN ELECTRIC POWER SYSTEMS: European State of Play and Perspectives

https://www.entsoe.eu/Documents/News/THEMA_Report_2017-03_web.pdf

Flexidao (2021) Mapping metering data access in Europe

<https://www.flexidao.com/lp/mapping-metering-energy-data-access-in-europe>