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Subject	consultation GGP on electricity grid connection and access

Dear Mrs. Geitona,

Thank you for the opportunity to react on the draft GGP on electricity grid connection and access. Regarding these we would like to make some remarks and ask some questions. In our view the GGP should provide more clarity on the next four issues.

1. Scope network codes

Article 8(7) of the new Regulation states that the network codes to be developed by ENTSO within the framework of the guidelines defined by the Agency shall be developed only for cross-border network issues and shall be without prejudice to the Member States' right to establish national codes for non-cross-border issues.

Article 8(6) of the new Regulation provides a list of issues to be covered by the network codes, including:

- a. network security and reliability, including rules for technical transmission reserve capacity for operational network security
- b. network connection rules
- c. third-party access rules
- d. data exchange and settlement rules
- e. interoperability rules
- f. operational procedures in an emergency
- g. capacity allocation and congestion management rules
- h. rules for trading related to technical and operational provision of network access services
system balancing

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- i. transparency rules
- j. balancing rules including network-related reserve power rules
- k. rules regarding harmonised transmission tariff structures including locational signals and inter-transmission system operator compensation rules, and
- l. energy efficiency regarding electricity rules.

Given this broad list of issues, it is not at all clear where the division will be between a member state's national codes and the European network codes, since the above-listed issues cover largely the entire scope of a member state's national codes as well. This raises the question of when a specific issue must be treated as a national issue and when a specific issue must be considered to be a cross-border issue? E.g. which network connection issues are of national scope and which network connection rules are of European scope, which TPA access rules are of national scope and which TPA access rules are of European scope, etc.

2. Legal status ENTSO network codes in general

ENTSO must develop network codes within the framework of the guidelines provided by the Agency. After this, the Commission can adopt the network codes through Comitology.

Given the fact, that the comitology process takes at least a number of months, what is the legal status of the draft network codes of ENTSO in the meantime?

3. Legal status ENTSO network codes vs. national codes

Suppose that with respect to a specific issue, the ENTSO network codes (before formal adoption by the Commission) do overlap some Member State's national codes (or act). Which rules should then be followed?

4. Accountability ENTSO network codes

Suppose that with respect to a specific issue, the ENTSO network codes (before formal adoption by the Commission) and the corresponding behaviour of the TSOs does harm a network user's interests disproportionately, what are then the possibilities for this network user to protect itself? Of course the Commission may intervene by means of comitology and make its own "overruling" codes. However, this process will take a lot of time and in the meantime the network user may be severely damaged by this behaviour of the TSOs (based on its own-defined network codes).

Please don't hesitate to contact us for any additional information.

With kind regards,



Eric van Vliet
director