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Agency for the Cooperation of Energy Regulators

Implementation Monitoring Report of the Network Code on Requirements for Grid Connection of Generators

First edition

October 2017

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Contents

Note: All hyperlinks referred to in this document were correct and functioning at the time of publication.

1 Purpose, scope and data

1.1 Purpose of the report

(1) This is the first report presenting the progress towards the implementation of the Network Code on Requirements for Grid Connection of Generators (NC RfG). Article 9(1) of the Electricity Regulation requires the Agency to monitor and analyse the implementation of the Network Codes and the Guidelines adopted by the Commission and their effect on the harmonisation of applicable rules aimed at facilitating market integration, as well as on non-discrimination, effective competition and the effective functioning of the market, and to report to the Commission.

(2) The primary purpose of the Report is to fulfil this legal obligation. The Report further aims at:

- identifying challenges in implementing the Network Code, and
- recommending concrete actions and best practices that can lead to more efficient implementation.

1.2 Scope

(3) The NC RfG entered into force on 17 May 2016, but only a handful of provisions apply before 27 May 2019. This Report covers the implementation status of the specific NC RfG provisions that were due to be implemented by mid-2017[1]. The following areas are in the scope of this Report:

- Non-binding guidance on implementation, Article 58;
- List of the relevant information for implementation monitoring, Article 59.2;
- Criteria for granting derogations, Article 61(1);
- Transitional Arrangements for Emerging Technologies, TITLE VI.

(4) The Agency stresses that effective involvement of stakeholders is essential for the implementation of the NC RfG

1.3 Data

(5) For the NC RfG implementation monitoring presented in this Report, the Agency asked National Regulatory Authorities (NRAs) to complete a number of questionnaires between December 2016 and July 2017. Those questionnaires included detailed questions on the implementation of specific and general NC RfG provisions. NRAs were given an opportunity further to amend and update their inputs until 17 September 2017. Their feedback is summarised in Annex I.

[1] This report does not cover Cyprus and Malta because the NC RfG does not apply to power-generating modules connected to the transmission system and distribution systems, or to parts of the transmission system or distribution systems, of islands of Member States of which the systems are not operated synchronously with either the Continental Europe, Great Britain, Nordic, Ireland and Northern Ireland or Baltic synchronous area.

(6) In drafting this Report, the Agency also relied on information obtained from ENTSO-E's webpage and from the Agency's working group and task force (SOGC TF) that are open to participation of all NRAs.

2 Conclusions and recommendations

(7) In the light of the analysis performed for this Report, the Agency has come to the following conclusions and recommendations:

(a) NC RfG implementation is well on track …

(8) Between the entry into force (17 May 2016) of the NC RfG and 1 July 2017, only four areas of requirements listed in Chapter 1.2 actually applied.

(9) Requirements on non-binding guidance on implementation and list of the relevant information for implementation monitoring have been fully complied with by ENTSO-E and the Agency in due time.

(10) The requirement on the publication of criteria for granting derogations has, in due time, been fully complied with by only 11 NRAs[2]. 7 NRAs have complied with the requirement with a delay[3]. 4 NRAs have not reported on the implementation status which leads the Agency reasonably to assume that they failed to comply with the requirements on criteria for granting derogations[4].

(11) Regarding the requirements on transitional arrangements for emerging technologies, the Agency has not received feedback from 5 NRAs which leads the Agency reasonably to assume that they failed to comply with the requirements.

(b) … but full implementation is still outstanding

(12) The Agency urges a prompt implementation of requirements on criteria for granting derogations and transitional arrangements for emerging technologies by the respective MSs and asks NRAs to promote rapid progress and transparency.

(13) Regarding the criteria for granting derogations, the Agency understands NRAs may amend at most once every year the criteria for granting derogations (Article 61(2) of the NC RfG). The Agency recommends that, in doing so, NRAs take into account best practice, as shared in the framework of the Agency.

(14) Regarding the transitional arrangements for emerging technologies, the Agency recommends NRAs to coordinate any withdrawal of classification as emerging technology pursuant to Article 70 of the NC RfG with other NRAs, using the framework of the Agency. Also, the Agency

[2] E-Control (AT), ERO (CZ), BNetzA (DE), EV (FI), CRE (FR), Ofgem (GB), UR (GB-NIR), HERA (HR), ILR (LU), ANRE (RO) and EI (SE)

[3] CREG (BE), ECA (EE), HEA (HU), CER (IE), AEEGSI (IT), ACM (NL) and RONI (SK)

[4] EWRC (BG), CNMC (ES), RAE (GR) and URE (PL)

recommends that the cumulative maximum capacity of power-generating modules classified as emerging technologies for each MS be published on a dedicated website. All NRAs and/or other authorities, where applicable in Member States, should commit to provide the Agency with relevant information on a regular basis.

(15) Moreover, the lack of NRA empowerment for the approval and withdrawal of classification as emerging technology influences the efficiency of coordination at the Synchronous Area level. Therefore, the Agency urges MSs to empower their NRAs for the approval and withdrawal of classification as emerging technology so as to ensure that all relevant information is taken into account when deciding on the approval and withdrawal of classification as emerging technology.

3 Non-binding guidance on implementation

3.1 Objectives

(16) Article 58 of the NC RfG prescribes that non-binding guidance on implementation be prepared by ENTSO-E no later than six months after the entry into force of the NC RfG (17 November 2016). The following requirements also need to be complied with:

- ENTSO-E needs to publish the guidance on its website;
- ENTSO-E shall consult stakeholders when providing non-binding guidance;
- The non-binding guidance shall explain the technical issues, conditions and interdependencies which need to be considered when complying with the requirements of this Regulation at national level.

3.2 Implementation status

(17) The deadline for preparation and publication of non-binding guidance on implementation (17 November 2016) has successfully been met by ENTSO-E. On 17 November 2016, ENTSO-E published 18 NC RfG related Implementation Guidance Documents (IGDs)[5].

(18) ENTSO-E has also repeatedly consulted stakeholders[6]:

- ENTSO-E organised, ahead of the entry into force of the code, on 23 September 2015, a workshop to collect feedback from stakeholders regarding the intent of the draft IGDs.
- A survey on Stakeholders' priority issues for IGDs ran between 25 December 2015 and 22 January 2016. As a result, ENTSO-E took on board further topics for IGDs. The outcomes of the survey were presented in the workshop on 29 February 2016.
- A public stakeholder workshop was held on 29 February 2016 with the objective of defining the content of IGDs to address each of the priority issues previously identified.
- A public consultation ran between 1 July 2016 and 15 August 2016 and covered draft IGDs for consultation from the NC RfG perspective only. Moreover, ENTSO-E also organised a public workshop (13 September 2016) on the updated IGDs based on the feedback received during the first public consultation. ENTSO-E's answers to the stakeholders' comments can be accessed on its webpage[7].

[5] https://www.entsoe.eu/news-events/announcements/announcements-archive/Pages/18-RfG-related-implementation-guidance-documents.aspx

[6] https://consultations.entsoe.eu/system-development/entso-e-connection-codes-implementation-guidance-d/user_uploads/160630_cnc_igd_introduction-document.pdf

[7] https://www.entsoe.eu/Documents/Network%20codes%20documents/NC%20RfG/161116%20ENTSO-E%20IGD%20consultation%20response.pdf?Web=1

- ENTSO-E also provided regular input and updates to the Grid Connection European Stakeholder Committee (GC ESC)[8].

(19) Each IGD contain the following elements:

  - Description, including examples and references where so relevant;
  - Interdependencies within connection codes, other NCs, system characteristics and technology characteristics;
  - Coordination or collaboration at the relevant level, e.g. TSO – MS-NRA and TSO – generator owner – DSO-CDSO, TSO – DSO and RSO – Grid User;

(20) These elements address the NC RfG requirements for explanation of the technical issues, conditions and interdependencies which need to be considered when complying with the requirements of this Regulation at national level.

(21) Moreover, ENTSO-E intends to publish or update IGDs as often as deemed necessary or reasonable[9]. Expert group discussions and results are considered to be a source for IGD enhancement.

[8] https://www.entsoe.eu/major-projects/network-code-implementation/stakeholder-committees/Pages/default.aspx#grid

[9] https://www.entsoe.eu/Documents/Network%20codes%20documents/Implementation/stakeholder_committees/GSC/2016_12_09/1.2.%20160908_3rd%20GC%20ESC%20meeting%20minutes_vDraft_clean%20vfinal.pdf?Web=1

4 List of the relevant information

4.1 Objectives

(22) Article 59(2) of the NC RfG obliges the Agency to produce, in cooperation with ENTSO-E, a list of the relevant information to be communicated by ENTSO-E to the Agency in accordance with Article 8(9) and Article 9(1) of Regulation (EC) No 714/2009. The deadline is 12 months after the entry into force of this Regulation; however, the list of relevant information may be subject to updates.

4.2 Implementation status

(23) The deadline for producing the list of the relevant information (17 May 2017) has successfully been met by the Agency. After bilateral coordination, the Agency sent ENTSO-E a letter on 14 March 2017, asking ENTSO-E to collect specified data from its TSOs, which will allow continuous monitoring of the ratio between new and existing installed generation capacities per power-generating module type. The Agency understands that this information is already available to TSOs as it is a prerequisite for efficient and effective system stability studies. The information will be used in future implementation monitoring reports to assess the effect on the harmonisation of applicable rules aimed at facilitating market integration, as well as on non-discrimination, effective competition and the effective functioning of the market.

5 Derogation criteria

5.1 Objectives

(24) Pursuant to Article 60(1) of the NC RfG, regulatory authorities may, at the request of a power-generating facility owner or prospective owner, relevant system operator or relevant TSO, grant power-generating facility owners or prospective owners, relevant system operators or relevant TSOs derogations from one or more provisions of the NC RfG for new and existing power- generating modules.

(25) Further, Article 60(2) of the NC RfG stipulates that where applicable in a MS, derogations may be granted and revoked by other authorities than the regulatory authority. Hereafter, when the report refers to an NRA it implies other authority if so applicable in the MS.

(26) According to Article 61 of the NC RfG, each regulatory authority shall specify, after consulting relevant system operators and power-generating facility owners and other stakeholders whom it deems affected by the NC RfG, the criteria for granting derogations.

(27) The regulatory authority shall publish those criteria on its website and notify them to the Commission within nine months of the entry into force of the NC RfG.

(28) If the regulatory authority deems that it is necessary due to a change in circumstances relating to the evolution of system requirements, it may review and amend at most once every year the criteria for granting derogations in accordance with Article 61(1) of the NC RfG. Any changes to the criteria shall not apply to derogations for which a request has already been made.

(29) Provisions regarding regulatory aspects listed in Article 7(3) of the NC RfG apply in the implementation of Articles 60 and 61 of the NC RfG.

5.2 Implementation status

(30) The Agency sought replies from 27 NRAs. Answers to the questionnaire have not been provided by 4 NRAs: EWRC (BG), CNMC (ES), RAE (GR) and URE (PL).

(31) The Agency reasonably presumes that the implementation is either incomplete or absent in MSs for which NRAs have not provided answers to the questionnaire.

(32) The implementation of the above provisions is briefly analysed in the continuation of this section while exhaustive summaries of NRAs' detailed responses are included in Annex I.

5.2.1 NRAs empowerment to grant and revoke derogations

(33) In Portugal, derogations are granted and revoked in accordance with Articles 61 to 63 by other authority than the NRA. CREG (BE) and CRE (FR) are only partly empowered to grant and revoke derogations. In all other MSs where NRAs have replied, NRAs are empowered to grant and revoke derogations.

5.2.2 Publishing the Derogation Criteria

(34) 11 out of the 27 NRAs met the deadline for publishing the derogation criteria pursuant to Article 61(1) of the NC RfG (17 February 2017): E-Control (AT), ERO (CZ), BNetzA (DE), EV (FI), CRE (FR), Ofgem (GB), UR (GB-NIR), HERA (HR), ILR (LU), ANRE (RO) and EI (SE).

(35) 7 out of the 27 NRAs published derogation criteria with delay: CREG (BE), ECA (EE), HEA (HU), CER (IE), AEEGSI (IT), ACM (NL) and RONI (SK).

(36) 1 NRA intends to publish the draft derogation criteria for public consultation in the first week of November 2017: PUC (LV).

5.2.3 Internet links to the derogation criteria

(37) 19 out of the 27 NRAs provided the internet link to the derogation criteria (see Table 2 in Annex I).

5.2.4 Notification to the Commission

(38) The deadline for notifying derogation criteria to the Commission, as per Article 61(1) of the NC RfG, is 17 February 2017. 12 out of the 27 NRAs have met this deadline: E-Control (AT), ERO (CZ), BNetzA (DE), EV (FI), CRE (FR), Ofgem (GB), UR (GB-NIR), HERA (HR), ILR (LU), ACM (NL), ANRE (RO) and EI (SE).

(39) 6 out of the 27 NRAs notified the criteria with delay: CREG (BE), ECA (EE), HEA (HU), CER (IE), AEEGSI (IT) and RONI (SK).

5.2.5 Consultation with stakeholders

(40) 21 out of the 27 NRAs confirmed that consultation with stakeholders has taken place and provided internet links.

5.2.6 Guidance for stakeholders

(41) Although not explicitly required by the NC RfG, 12 out of the 27 NRAs provided guidance for stakeholders with respect to derogation requests.

(42) Such guidance increases the transparency in the implementation and, in turn, when assessing derogation requests, allows NRA to apply more efficiently the principles of proportionality and non-discrimination, as well as, of optimisation between the highest overall efficiency and lowest total costs for all parties involved.

6 Emerging technologies

6.1 Objectives

(43) With the exception of Article 30, the requirements of the NC RfG shall not apply to the power-generating modules (PGMs) classified as an emerging technology, in accordance with the procedures set out in Title VI of the NC RfG and, in particular, Articles 66-70.

(44) Article 68 establishes the application process for manufacturers of Type-A PGMs, including the deadline to submit to the NRA a request for classification of their PGM technology as an emerging technology (17 November 2016).

(45) Articles 66(2) and 67 provide preliminary eligibility criteria, which NRAs shall consider when assessing and approving requests for classification as an emerging technology in accordance with Article 69. MSs shall ensure that their maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies is calculated using data from ENTSO-E's *Statistical factsheet* published in 2015

(46) Furthermore, Article 69 of the NC RfG requires that the relevant NRA decide, in coordination with all the other NRAs of a synchronous area (SA), which PGMs, if any, should be classified as an emerging technology. NRAs shall decide by 17 May 2017.

(47) Where applicable in a MS, assessment of requests and approval and withdrawal of classification as an emerging technology may be undertaken by authorities other than the NRA.

(48) Regulatory aspects listed in Article 7(2) apply in the implementation of Title VI of the NC RfG.

6.2 Implementation status

(49) The Agency sought replies from 27 NRAs. Answers to the questionnaire have not been provided by 4 NRAs: EWRC (BG), CNMC (ES), RAE (GR) and URE (PL).

(50) The Agency reasonably presumes that the implementation is either incomplete or absent in MSs for which NRAs have not provided answers to the questionnaire.

(51) The implementation of the above provisions is briefly analysed in the continuation of this section while exhaustive summaries of NRAs' detailed responses are included in Annex I.

6.2.1 Regulators' assistance to stakeholders during the implementation

(52) In the early phase of the implementation of Title VI of the NC RfG, stakeholders[10] asked for Common Synchronous Area guidelines to apply for "emerging technology" status be developed so as to reduce the burden on both manufacturers and regulators.

(53) During the meetings with NRAs in early 2016, the Agency encouraged NRAs to develop a common guidance document to assist PGM manufacturers that intended to apply for 'emerging technology' status. By November 2016, 10 NRAs (ANRE (RO), BNetzA (DE), CER (IE), CRE (FR), E-Control (AT), EI (SE), HERA (HR), Ofgem (GB), UR (GB-NIR) and AEEGSI (IT)) published their guidance documents.

(54) On 4 October 2016, NRAs agreed to publish NRAs contact details on the Agency's webpage[11] so as to facilitate the submission of manufacturers' applications. However, not all NRAs have provided their contact details by 15 October as agreed. Contact details for Bulgaria, Greece, Latvia, Northern Ireland, Poland and Slovakia were missing on 17 November 2016.

(55) During the assessment process, 13 NRAs (ACM (NL), AGEN-RS (SI), ANRE (RO), BNetzA (DE), DERA (DK), E-Control (AT), ERO (CZ), ERSE (PT), EV (FI), HEA (HU), HERA (HR), Ofgem (GB) and UR (GB-NIR)) engaged with manufacturers that applied for emerging technology status to facilitate their applications.

(56) As some figures from the ENTSO-E Statistical factsheet contained combined values of two synchronous areas, the Agency proposed to involve ENTSO-E to calculate the exact value of maximum installed capacity per MS for the technology to be eligible. The resulting spreadsheets[12] were published on a dedicated ENTSO-E webpage and communicated to the stakeholders at the GC ESC meeting on 8 September 2016 and to the NRAs through the Agency.

6.2.2 NRAs empowerment to decide on emerging technology statuses

(57) According to the feedback received, one NRA (ERSE (PT)) is not empowered for the approval and withdrawal of classification as emerging technology.

(58) One NRAs is only partly empowered (CREG (BE)) and one NRA reported that a decision on the responsibility has not yet been reached at the MS level (ECA (EE)). In all other MSs where NRAs have replied, NRAs are empowered to decide on emerging technology statuses.

10 https://www.entsoe.eu/Documents/Network%20codes%20documents/Implementation/stakeholder_committees/GSC/18_03_2016/5_5_COGEN%20__18032016.pdf

11 http://www.acer.europa.eu/en/Electricity/FG_and_network_codes/GridConnection/Pages/NRA-contacts-for-emerging-technology-applications.aspx

12 https://www.entsoe.eu/Documents/Network%20codes%20documents/Implementation/stakeholder_committees/GSC/2016_08_09/160919%20emerging%20technologies.pdf?Web=1

6.2.3 NRA coordination on a synchronous area level

(59) In December 2016 NRAs requested the Agency to prepare an internal position paper on the most appropriate approach for addressing the double counting issue. Double counting may take place in those MSs which choose to classify both the primary PGM technology and the specific PGMs[13] (that use the primary PGM technology) as an emergency technology. The accumulated sales will be the basis on which the decision on withdrawal of emerging technology classification in Article 70(2) is issued[14].

(60) The Agency's position paper, endorsed by the Board of Regulators on 15 March 2017, proposed that an NRA should address its decision to the manufacturers that integrate the primary PGM technology into their specific PGMs. Each NRA subsequently decided, by 17 May 2017, which power-generating modules, if any, should be classified as an emerging technology, taking into account the Agency's position paper.

(61) Throughout the assessment process, the Agency provided NRAs with an information sharing platform to facilitate NRAs' coordination and information sharing. NRAs have been sharing, amongst other items, information regarding stakeholders' applications and NRAs decisions.

(62) ERSE (PT) reported that Direção-Geral de Energia e Geologia (DGEG) did not take part in the coordination at the synchronous area. Nevertheless, they replied that they took note of the methodologies and application procedures throughout Europe. However, this is difficult to accept given that DGEG classified 2 kW PGMs as emerging technology. The NRAs coordination in the framework of the Agency established that 2 kW PGMs were not commercially available at the time of application for classification as an emerging technology (17 November 2016).

6.2.4 Eligibility criteria

(63) Various information such as CE[15] certificate, declaration of conformity, commercial catalogues and volume of sales, has been considered when assessing the proof of compliance with criteria set out in Article 66(2)(b) – commercial availability.

6.2.5 Acceptability of manufacturers applications and implications on the decision

(64) Cogen Europe has reported to the Agency on "additional requests" that were made by NRAs during the assessment process.

[13] Specific PGM is considered to be the final product sold on the market and which can be directly connected to the network. For example: a micro-CHP device using wood pellets as fuel (with the Stirling Engine integrated into the pellet boiler for power generation)

[14] The provision therein obliges the national regulatory authority to withdraw the classification in the event that the cumulative maximum capacity of all PGMs classified as emerging technologies connected to networks exceeds the threshold established in Article 67.

[15] European Conformity

(65) Feedback from NRAs reveals that national administrative procedures have been used in the implementation, meaning that the process, including manufacturers' applications, had to comply with national law. In some cases, applications had to be submitted in the official language of the concerned MS.

(66) The Agency understands that these requests are linked to national administrative procedures (national law vs EU law) and that the NC RfG regulates only certain aspects of these procedures. However, it acknowledges that if NRAs had adopted common[16] and/or individual[17] guidance documents, implementation issues, such as delays and misunderstandings, would have largely been avoided.

[16] E.g. containing common criteria for assessment

[17] E.g. by informing international manufacturers of their national administrative procedures

Annex I: Summary of NRA responses to the questionnaires

(67) This annex summarises the responses received to the NRA questionnaire on the implementation monitoring of derogation criteria and emerging technologies (status as of end of July 2017).

(68) Each question of the survey is restated in this annex together with the corresponding Article of the NC RfG and the possible answers in [brackets], where applicable. Underneath each question, the responses of NRAs are summarised. Where relevant, NRAs' answers have been modified so as to avoid revealing any commercially sensitive information, such as, for example, manufacturers' name and their products.

Contents

1 Derogation criteria

(69) The questionnaire was circulated on March 20 and NRAs were asked to submit their answers by 20 April. The report is based on answers NRAs submitted by 31 July[18].

(70) No reply was received from: EWRC (BG), CNMC (ES), RAE (GR) and URE (PL).

1.1 NRAs empowerment to grant and revoke derogations

(71) ***Q: Is the NRA empowered to grant and revoke derogations? If no, provide the name of the authority that has such power pursuant to Article 60(2) of the NC RfG.***

(72) 20 out of the 27 NRAs confirmed that they are empowered to grant and revoke derogations as indicated in Article 60(2): E-Control (AT), ERO (CZ), BNetzA (DE), DERA (DK), ECA (EE), EV (FI), Ofgem (GB), UR (GB-NIR), HERA (HR), HEA (HU), CER (IE), AEEGSI (IT), NCC (LT), PUC (LV), ILR (LU), ACM (NL), ANRE (RO), EI (SE), AGEN-RS (SI) and RONI (SK).

(73) 2 NRAs are only partly empowered: CREG (BE) and CRE (FR)

(74) 1 NRAs negated: ERSE (PT).

1.2 Publishing the Derogation Criteria

(75) ***Q: Provide the date on which the NRA (or if applicable, competent authority) published its derogation criteria pursuant to Article 61(1) of the NC RfG.***

(76) 19 out of the 27 NRAs provided a date of publishing of derogation criteria pursuant to Article 61(1) of the NC RfG: E-Control (AT), CREG (BE), DERA (DK), ERO (CZ), BNetzA (DE), ECA (EE), EV (FI), CRE (FR), Ofgem (GB), UR (GB-NIR), HERA (HR), HEA (HU), CER (IE), AEEGSI (IT), ILR (LU), ACM (NL), ANRE (RO), EI (SE) and RONI (SK).

(77) 2 NRAs reported that derogation criteria have not been published yet: NCC (LT) and ERSE (PT).

(78) 1 NRA provided a date that represents the start of public consultation: AGEN-RS (SI).

(79) 1 NRA intends publishing draft derogation criteria for public consultation in the 1st week of November 2017: PUC (LV).

[18] NRAs were given an opportunity to further amend and update their inputs until 17 September 2017

Table 1: Publishing date of the Derogation Criteria

MS	Publication date	Issues
AT	04-Feb-17	
BE	28-Apr-17	
CZ	17-Feb-17	
DE	10-Feb-17	
DK	31-May-17	
EE	21-Jun-17	
FI	17-Feb-17	
FR	02-Feb-17	
GB	13-Feb-17	
GB-NIR	17-Feb-17	
HR	10-Feb-17	
HU	20-Feb-17	
IE	13-Apr-17	
IT	21-Apr-17	
LT	Not yet published	Lithuanian NCC intends publishing draft derogation criteria for public consultation in the 4th week of September 2017.
LV	Not yet published	Pursuant to Article 61 (1), Public Utilities Commission of Latvia (PUC) consulted with system operators. Position of the system operators is that for system security reasons the derogations from one or more provisions of the Regulation should not be applied. PUC did not receive any request for derogation from the power-generating facility owner or prospective owners, relevant system operators or relevant TSO, grant power-generating facility owner or prospective owners, relevant system operators or relevant TSOs. However we will publish draft derogation criteria for public consultation in the 1st week of November.
LU	07-Feb-17	
NL	20-Feb-17	
PT	Not yet published	
RO	09-Feb-17	
SE	06-Feb-17	

SI	17-Feb-17[19]	
SK	09-Jun-17	

1.3 Internet links to the derogation criteria

(80) ***Q: Provide the internet link to the derogation criteria***

(81) 19 out of the 27 NRAs provided the internet link to the derogation criteria (see Table 2).

Table 2: Internet links to the derogation criteria

MS	*Internet links*
AT	https://www.e-control.at//documents/20903/388512/Leitfaden+aufkommende+Technologie+gem.+RfG+NC.pdf
BE	http://www.creg.be/sites/default/files/assets/Publications/Others/170420-Derogation_NC_RfG_DCC_HVDC.pdf http://www.creg.be/sites/default/files/assets/Publications/Others/170420-Afwijkingen_NC_RfG_DCC_HVDC.pdf
CZ	http://www.eru.cz/cs/-/kriteria-pro-udelovani-vyjimek-z-uvedenych-narizeni-komise
DE	https://www.bundesnetzagentur.de/DE/Service-Funktionen/Beschlusskammern/1BK-Geschaeftszeichen-Datenbank/BK6-GZ/2016/2016_0001bis0999/BK6-16-259/BK6-16-259_Kriterien_f%C3%BCr_Freistellung.pdf
DK	Network codes main page: http://energitilsynet.dk/el/lovgivning/netregler-og-retningslinjer/ RfG:http://energitilsynet.dk/fileadmin/Filer/0_-_Nyt_site/EL/Lovgivning/Netregler_og_-retningslinjer/Kriterier_for_undtagelse_-_RfG.pdf
EE	http://www.konkurentsiamet.ee/index.php?id=28915
FI	https://www.energiavirasto.fi/documents/10191/0/Poikkeuspyynt%C3%B6jen+my%C3%B6nt%C3%A4misperusteet+2017-02-17+1103SS.pdf
FR	http://www.cre.fr/documents/deliberations/decision/octroi-des-derogations-tels-que-prevus-par-le-reglement-ue-2016-631
GB	https://www.ofgem.gov.uk/system/files/docs/2017/02/decision_on_the_assessment_criteria_for_derogations_from_the_grid_connection_codes.pdf
GB-NIR	https://www.uregni.gov.uk/news-centre/decision-paper-and-guidance-document-network-code-derogations
HR	https://www.hera.hr/hr/docs/2017/Kriteriji_2017-02-10.pdf
HU	http://www.mekh.hu/eljarasi-kezikonyv-villamos-energia
IE	http://www.cer.ie/docs/001113/CER17084%20Decision%20paper%20on%20Criteria%20re%20Derogations%20Pursuant%20to%20Articles%2062%20and%2063%20of%20the%20RfG.pdf
IT	http://www.autorita.energia.it/it/docs/17/273-17.htm
LT	Not yet available. Lithuanian NCC intends publishing draft derogation criteria for public consultation in the 4th week of September 2017.

[19] Date of consultation on criteria for derogation

LV	Not yet available. Latvian PUC intends publishing draft derogation criteria for public consultation in the 1st week of November 2017.[20]
LU	http://legilux.public.lu/eli/etat/leg/rilr/2017/02/07/a196/jo
NL	https://zoek.officielebekendmakingen.nl/stcrt-2017-9100-n1.html
PT	Not yet available
RO	http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg
SE	http://ei.se/sv/for-energiforetag/el/Natforeskrifter-och-kommissionsriktlinjer-for-el/natkod-requirements-for-generators-rfg/avslutade-arenden-rfg/artikel-61-kriterier-for-undantag-fran-en-eller-flera-bestammelser-i-rfg/kriterier-artikel-61-rfg/
SI	https://www.agen-rs.si/documents/10926/16684/Merila-za-odstopanja-od-NC_clean2.pdf/d538bff9-9f27-4af5-a10f-5e547f88c03b[21]
SK	http://www.urso.gov.sk/sites/default/files/Kriteria-pre-udelovanie-vynimiek-z-NariadeniKomisie-2016-631-2016-1388-2016-1447.pdf

1.4 Notification to the Commission

(82) ***Q: Provide the date on which the NRA (or if applicable, competent authority) notified the Commission of its derogation criteria pursuant to Article 61(1) of the NC RfG.***

(83) 19 out of the 27 NRAs provided a date of notification of derogation criteria pursuant to Article 61(1) of the NC RfG to the Commission: E-Control (AT), CREG (BE), ERO (CZ), BNetzA (DE), DERA (DK), ECA (EE), EV (FI), CRE (FR), Ofgem (GB), UR (GB-NIR), HEA (HU), HERA (HR), CER (IE), AEEGSI (IT), ILR (LU), ACM (NL), ANRE (RO), EI (SE) and RONI (SK).

(84) 2 NRAs reported that derogation criteria have not yet been notified to the Commission: NCC (LT) and ERSE (PT).

(85) 1 NRA notified the start of public consultation: AGEN-RS (SI)

Table 3: Notification to the Commission

MS	*Notification date*
AT	13-Feb-17
BE	12-May-17
CZ	14-Feb-17
DE	10-Feb-17
DK	31-May-17
EE	21-Jun-17
FI	17-Feb-17

[20] *"Please see above mentioned. That is the reason why the derogation criteria did not establish yet"*

[21] Consulted criteria for derogation

FR	15-Feb-17
GB	13-Feb-17
GB-NIR	17-Feb-17
HR	15-Feb-17
HU	20-Feb-17
IE	13-Apr-17
IT	02-May-17
LT	Not yet notified[22]
LV	Not yet notified[23]
LU	16-Feb-17
NL	17-Feb-17
PT	Not yet notified
RO	13-Feb-17
SE	08-Feb-17
SI	17-Feb-17[24]
SK	09-Jun-17

1.5 Consultation with stakeholders

(86) ***Q: Has the NRA (or if applicable, competent authority) consulted the stakeholders before publishing derogation criteria pursuant to Article 61(1)? If yes, provide the reference to the call for public consultation. If no, provide an explanation.***

Table 4: Stakeholders consultation

MS	*Response*
AT	The derogation criteria have been publically consulted on https://www.e-control.at/recht/aktuelle-begutachtungsentwuerfe from Dec 1 2016 to Dec 31 2016.
BE	http://www.creg.be/nl/openbare-raadplegingen/ontwerp-van-vast-te-leggen-criteria-voor-het-toestaan-van-afwijkingen-van http://www.creg.be/fr/consultations-publiques/projet-de-criteres-a-definir-pour-loctroi-de-derogations-aux-dispositions
CZ	http://www.eru.cz/cs/-/verejny-konzultacni-proces-k-navrhu-kriterii-pro-udelovani-vyjimek-z-narizeni-komise-eu-c-2016-631-2016-1388-a-2016-1447

[22] Lithuanian NCC intends publishing draft derogation criteria for public consultation in the 4th week of September 2017.

[23] Latvian PUC intends to publish the draft derogation criteria for public consultation in the first week of November 2017.

[24] The notification of the start of public consultation.

DE	https://www.bundesnetzagentur.de/DE/Service-Funktionen/Beschlusskammern/1BK-Geschaeftszeichen-Datenbank/BK6-GZ/2016/2016_0001bis0999/BK6-16-259/BK6_16_259_Verfahrenser%C3%B6ffnung.html?nn=360460
DK	http://energitilsynet.dk/hoeringer/el/hoering-om-kriterier-for-at-undtage-fra-krav-for-nettilsslutning-for-produktionsanlaeg-eu-forordning-2016631/#c10366764
EE	http://www.konkurentsiamet.ee/index.php?id=28782
FI	https://www.energiavirasto.fi/documents/10191/0/Lausuntopyynt%C3%B6%20koskien+tuotannon+verkkoliit%C3%A4nt%C3%A4s%C3%A4%C3%A4nt%C3%B6jen+poikkeuspyynt%C3%B6jen+my%C3%B6nt%C3%A4misperusteita_final.docx/f8bb16ee-aebc-44df-8b07-c7e56f31c8d0?version=1.0
FR	http://www.cre.fr/documents/consultations-publiques/criteres-d-octroi-des-derogations-prevus-par-le-reglement-ue-2016-631-de-la-commission-du-14-avril-2016
GB	https://www.ofgem.gov.uk/system/files/docs/2016/12/changes_to_gcc_derogations_criteria_consultation_document.pdf
GB-NIR	https://www.uregni.gov.uk/consultations/consultation-launched-network-code-derogations
HR	https://www.hera.hr/hr/html/savjetovanje-2016-13.html
HU	http://www.mekh.hu/mekh-iparagi-konzultacio http://www.mekh.hu/iparagi-konzultaciot-hirdet-a-mekh
IE	http://www.cer.ie/docs/001113/CER17013%20Criteria%20for%20granting%20Derogations%20Pursuant%20to%20Articles%2062%20and%2063%20of%20the%20RfG.pdf
IT	http://www.autorita.energia.it/it/docs/17/068-17.htm
LT	Not yet, however, NCC had informal consultation with designated TSO of Lithuania, Litgrid AB on August 09, 2017. Lithuanian NCC intends publishing draft derogation criteria for public consultation in the 4th week of September 2017.
LV	Please see above mentioned. PUC have consulted with Latvian distribution and transmission system operators in January 2017. The derogation criteria will be included in a proposal for requirements of general application which should be developed by the system operators in accordance with Article 7(4) of Regulation. PUC intends to publish the draft derogation criteria for public consultation in the first week of November 2017.
LU	https://assets.ilr.lu/energie/Consultations/20161223%20Crit%c3%a8res%20d'octroi%20d%c3%a9rogations%20LU_UE-%c3%a9lec/20161223%20Crit%c3%a8res%20d'octroi%20d%c3%a9rogations%20LU_UE-%c3%a9lec.pdf
NL	https://www.acm.nl/nl/publicaties/publicatie/16753/Consultatie-over-afwijkingscriteria-van-de-Europese-Aansluitverordeningen-elektriciteit/
PT	www.dgeg.pt, under “Destaques”/ “Códigos de Rede / Requirements for Generators – RfG / Critérios para a concessão de derrogações
RO	http://www.anre.ro/ro/energie-electrica/legislatie/documente-de-discutie-ee1/coduri-paneuropene/regulamentul-ue-nr-631-2016-nc-rfg/proiect-de-ordin-privind-criteriile-de-acordare-a-derogarilor-unitatilor-generatoare-si-a-centralelor-formate-din-module-generatoare-pentru-neindeplinirea-uneia-sau-mai-multor-cerinte-prevazute-in-norma-tehnica&page=1
SE	http://ei.se/sv/Projekt/Gamla-projekt/eu-gemensamma-natforeskrifter-och-kommissionsriktlinjer/nyheter/28-september-samrad-om-natforeskriften-med-krav-for-natanslutning-av-generatorer-rfg/

SI	https://www.agen-rs.si/izvajalci/elektrika/kodeksi-omrezja/posvetovanja-o-predlogih-odlocitev
SK	http://www.urso.gov.sk/?q=Informa%C4%8Dn%C3%BD%20servis/Sie%C5%A5ov%C3%A9%20predpisy/Konzult%C3%A1cie%20URSO http://www.urso.gov.sk/sites/default/files/Pravidla_verejneho_konzultacneho_procesu.pdf

1.6 Guidance for stakeholders

(87) ***Q: Has the NRA (or if applicable, competent authority) published any guidance for stakeholders with respect to derogation requests? If yes, provide the internet link.***

Table 5: Guidance for stakeholders

MS	*Response*
AT	https://www.e-control.at//documents/20903/388512/Leitfaden+aufkommende+Technologie+gem.+RfG+NC.pdf*
BE	http://www.creg.be/sites/default/files/assets/Publications/Others/170420-Afwijkingen_NC_RfG_DCC_HVDC.pdf http://www.creg.be/sites/default/files/assets/Publications/Others/170420-Derogation_NC_RfG_DCC_HVDC.pdf*
CZ	http://www.eru.cz/cs/-/verejny-konzultacni-proces-k-navrhu-kriterii-pro-udelovani-vyjimek-z-narizeni-komise-eu-c-2016-631-2016-1388-a-2016-1447
DE	https://www.bundesnetzagentur.de/DE/Service-Funktionen/Beschlusskammern/1BK-Geschaeftszeichen-Datenbank/BK6-GZ/2016/2016_0001bis0999/BK6-16-259/BK6-16-259_Kriterien_f%C3%BCr_Freistellung.pdf*
DK	NO
EE	NO
FI	https://www.energiavirasto.fi//verkkoliitantavaatimukset-tuotannolle https://www.energiavirasto.fi/documents/10191/0/Poikkeuspyynt%C3%B6jen+my%C3%B6nt%C3%A4misperusteet+2017-02-17+1103SS.pdf/
FR	NO
GB	https://www.ofgem.gov.uk/publications-and-updates/guidance-licence-derogation-requests
GB-NIR	https://www.uregni.gov.uk/publication/application-process-generator-classification-emerging-technology
HR	https://www.hera.hr/hr/docs/2017/Kriteriji_2017-02-10.pdf*
HU	http://www.mekh.hu/eljarasi-kezikonyv-villamos-energia*
IE	http://www.cer.ie/docs/001113/CER17084%20Decision%20paper%20on%20Criteria%20re%20Derogations%20Pursuant%20to%20Articles%2062%20and%2063%20of%20the%20RfG.pdf*
IT	NO
LT	Internet link will be provided when the list of derogations will be published.
LV	NO

LU	https://assets.ilr.lu/energie/Consultations/20161223%20Crit%c3%a8res%20d'octroi%20d%c3%a9rogations%20LU_UE-%c3%a9lec/20161223%20Crit%c3%a8res%20d'octroi%20d%c3%a9rogations%20LU_UE-%c3%a9lec.pdf
NL	NO
PT	NO
RO	http://www.anre.ro/ro/energie-electrica/legislatie/documente-de-discutie-ee1/coduri-paneuropene/regulamentul-ue-nr-631-2016-nc-rfg/proiect-de-ordin-privind-criteriile-de-acordare-a-derogarilor-unitatilor-generatoare-si-a-centralelor-formate-din-module-generatoare-pentru-neindeplinirea-uneia-sau-mai-multor-cerinte-prevazute-in-norma-tehnica&page=1 http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg
SE	NO
SI	NO
SK	http://www.urso.gov.sk/sites/default/files/Kriteria-pre-udelovanie-vynimiek-z-NariadeniKomisie-2016-631-2016-1388-2016-1447.pdf[25]

[25] Guidelines are provided within the published derogation criteria

2 Emerging technologies

(88) The questionnaire was circulated on 12 June and 27 NRAs were asked to submit their answers by 31 July. The report is based on answers NRAs submitted by 18 September.

(89) Answers to the questionnaire have not been provided by 4 NRAs: EWRC (BG), CNMC (ES), RAE (GR) and URE (PL).

(90) 23 out of the 27 NRAs provided input to the questionnaire: E-Control (AT), CREG (BE), ERO (CZ), BNetzA (DE), DERA (DK), ECA (EE), EV (FI), CRE (FR), Ofgem (GB), UR (GB-NIR), ILR (LU), HERA (HR), HEA (HU), CER (IE), AEEGSI (IT), NCC (LT), PUC (LV), ACM (NL), ERSE (PT), ANRE (RO), EI (SE), AGEN-RS (SI) and RONI (SK).

(91) NVE (NO) reported that they will not grant classifications as emerging technology before implementation of the NC RfG in Norway; however, certain preparations have made and are provided in the tables below. Nevertheless, NVE answers have not been used in the analysis of NRAs feedback.

2.1 Regulators' assistance to stakeholders during the implementation

(92) ***Q: How has the regulatory authority assisted stakeholders during the implementation the provisions in Title VI of the NC RfG (TRANSITIONAL ARRANGEMENTS FOR EMERGING TECHNOLOGIES), in particular prior to the application deadline on 17 November 2016, during the assessment process, and during the publication of the decision (pursuant to Articles 66-69 of the NC RfG)? Please provide specific examples, such as hyperlinks to consultations and guidance documents?***

(93) 23 out of the 27 NRAs provided input on this question. All but ECA (EE) and ILR (LU) reported that they provided some kind of assistance to stakeholders during the implementation. Such assistance could cover two timescales. Namely, prior to the submission of stakeholders' applications deadline (17 November 2016) and during the NRAs assessment process which ran until the NRA decision deadline (17 May 2017).

Table 6: NRAs assistance to stakeholders during the implementation

MS	Response
AT	E-Control issued on 27th of September 2016 a 'guideline for application as emerging technology: https://www.e-control.at/documents/20903/388512/Leitfaden+aufkommende+Technologie+gem.+RfG+NC.pdf/adc1c29f-ddac-4fdb-986a-a948ca07957e. During the assessment process for E-Control´s decision, communication took place in formal written form or via email or phone.
BE	The federal regulator (CREG) and the regional regulators (VREG, CWaPE and BRUGEL) received some questions of manufacturers and other stakeholders about the process. It was communicated that the applications should be sent to the CREG (emerging.technologies@creg.be), as well as to the regional regulators (e-mail addresses were provided). Because of the tight deadline there were some applicants who have sent their application only to the CREG, but in consultation with the CREG, the regional regulators decided to accept these applications as well.

	The VREG has a specific page about the European network codes: http://www.vreg.be/nl/europese-regelgeving A part of this page is dedicated to the procedure of classification as emerging technology ("Opkomende Technologie" in Dutch). The 3 decisions of the VREG regarding this topic are published there , as well as the list of classified PGM's. The reporting obligations will also be available on this page.
CZ	After receiving the application, the National Regulatory Authority assesses whether the applications meet all the requirements under the RfG and at the same time the requirements set out in the national legislation in order to approve or reject the applications. For non-compliant applications, participants (applicants) were asked to bring their applications into line with RfG and/or national legislation. The participants had about two weeks for.
DE	Guidance documents were published in German and English on June 23rd 2016 https://www.bundesnetzagentur.de/DE/Service-Funktionen/Beschlusskammern/Beschlusskammer6/BK6_99_RfG_Verordnung/rfg_verordnung_node.html
DK	Prior to the submission deadline no guidance has been provided to stakeholders. During the assessment process DERA has had a dialog back and forth with the applicant by e-mail and telephone. In regards to publication of the decision (decision in Danish), we sent a draft decision for commenting (in English), and we have provided guidance to the applicant in the form of an English resume and clear explanation of the continuous obligation of reporting sales.
EE	The Estonian Competition Authority (ECA) has not assisted stakeholders during the implementation of the provisions in Title VI of the NC RfG as stakeholders have not requested assistance. The ECA has not published (or planned the publication of) any guidance documents.
FI	We published an application form for emerging technology classification on 2nd November. It stated what information is required from the applicant. Here is a link to the announcement http://www.energiavirasto.fi/-/esita-sahkontuotanto-moduuliteknologian-luokittelemista-kehittyvaksi-teknologiaksi-20-11-mennessa?redirect=http%3A%2F%2Fwww.energiavirasto.fi%2Fhome%3Fp_p_id%3D101_INSTANCE_o19kFDvrgZ2J%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-8%26p_p_col_count%3D2 but it is not valid anymore. The application form can still be found here https://www.energiavirasto.fi//verkkoliitantavaatimukset-tuotannolle
FR	CRE has provided a guidance document from 13 July 2016 : http://www.cre.fr/documents/consultations-publiques/appel-a-contributions-relatif-a-la-classification-des-technologies-emergentes-telle-que-prevue-par-le-reglement-ue-2016-631-de-la-commission-du-14-avril-2016
GB	To assist stakeholders prior to the application deadline on 17 November, we published guidance for PGM manufacturers that intend to apply for 'emerging technology' status in Great Britain. We also engaged with the GB RfG implementation work-group to raise awareness of our guidance and met with several manufacturers individually to discuss their potential applications. https://www.ofgem.gov.uk/system/files/docs/2016/08/rfg_emerging_technologies_guidance.pdf During the assessment process, we engaged with manufacturers that applied for emerging technology status to answer additional questions that we had about their application. We published our decision document on our website as well: https://www.ofgem.gov.uk/publications-and-updates/requirement-generators-emerging-technology-decision

GB-NIR	To facilitate the RfG implementation and increase awareness we published a guidance note on the application process for classification as "emerging technology" on 28 October 2016 https://www.uregni.gov.uk/publication/application-process-generator-classification-emerging-technology. We also raised the RfG implementation at the Renewables Grid Liaison Group which includes relevant industry stakeholders, and also at our monthly meetings with TSOs. We consulted on our derogations criteria on 1 December 2016 https://www.uregni.gov.uk/consultations/consultation-launched-network-code-derogations We published our decision and guidance document on the derogations criteria on 17th February 2017. https://www.uregni.gov.uk/news-centre/decision-paper-and-guidance-document-network-code-derogations We also published an update note on 2 December 2016 which stated that we did not receive any applications for generator classification as "emerging technology" but that we would continue to to engage with CER with regard to any emerging technologies that develop within the synchronous area of Ireland/Northern Ireland. https://www.uregni.gov.uk/news-centre/update-note-eu-electricity-network-codes-application-process-generator-classification
HR	On 19th October 2016 HERA published on its website (https://www.hera.hr/hr/html/savjetovanje-2016-14.html) information regarding the process of application for classification as an emerging technology. This information was available only in Croatian. HERA has also sent to ACER respective mailing address where potential market participants could have sent the application (http://www.acer.europa.eu/en/Electricity/FG_and_network_codes/GridConnection/Documents/NRAs%20contact%20list.pdf). Until 17th November HERA received 3 applications via electronic mail. During the approval process HERA allowed that application documentation can be sent in English and in electronic format (received by e-mail) which diverges a lot from normal HERA's processes. In this way, HERA wanted to make easy as much as possible the process for producers which are located outside Croatia. Before issuing its final decisions, HERA sent e-mails to 3 candidates on 26th April 2017 asking candidates to provide HERA with additional documentation, for each type of power-generating module, which proves that the application submitted pursuant to paragraph Article 68 (1) of the RFG NC complies with the eligibility criteria laid down in Article 66 of the RFG NC, namely: (a) That it is a commercially available power-generating module technology, which can be documented with CE declarations for the complete product, with declarations of conformity or test reports in accordance with relevant European norms but also with price lists, product folders or offers in the internet; and (b) That the accumulated sales, in capacity, of the power-generating module technology within a synchronous area at the time of application for classification as an emerging technology do not exceed 25 % of the maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies in a synchronous area, which is 0,1 % of the annual maximum load in 2014 in synchronous area. The source of the data for calculation shall be the ENTSO for Electricity's Statistical factsheet published in 2015. On 27th April 2017 MEC answered HERA that, after receiving the feedback from several regulators, MEC informed HERA about withdrawal of its application. On 2nd May 2017 manufacturer #1 sent additional documentation to HERA. On 11th May 2017 HERA issued 2 decisions in which manufacturer #3 and manufacturer #1 products are classified as an emerging technology. Decisions are publicly available here: https://www.hera.hr/hr/html/odluke.html.

	On 15th May 2017 HERA received answer from manufacturer #3 with additional documentation. Nevertheless, HERA had even before issued the Decision for approval of manufacturer #3 products as emerging technology. The main reason why HERA issued positive decision for manufacturer #3 is the awareness that respective manufacturer #3 products had already been approved as emerging technology in some other EU Member States and more precisely in the same synchronous area.
HU	Prior to the application deadline HEA sent its contact details for EM TECH to the Agency for publication on ACER's website. During the assessment process HEA sent confirmation to the applicants for EM TECH on the receival of their applications also we gave them detailed contacts for the process. Also we informed them that HEA will conduct the classification procedure in accordance with EC Regulation 631/2016 (RfG) and Act CXL of 2004 on the General Rules of Administrative Proceedings and Services. In one case – manufacturer #3– we requested the missing attachment for the application (Application form). During the publication of the decisions we sent official e-mails to the applicant informing them on our decision (with attachment of the original decision), briefly summarizing the decision in English also indicating that Manufacturers which have been granted the emerging technology classification shall submit to the NRA, every two months, an update of the (direct product) sales per Member State from the past two months (Article 70(1)). NRAs shall monitor this sales information for the purposes of Article 70(2) which requires the NRA to withdraw a classification in the event that the cumulative maximum capacity of all PGMs classified as emerging technologies connected to networks exceeds the threshold established in Article 67.
IE	The All-Island Forum for European Stakeholders was organised in September 2016. Also, the CER published an application process for Generator Classification as Emerging Technology in October 2016. http://www.cer.ie/document-detail/EU-Electricity-Network-Codes/1113/8443,8587,8664,8731 http://www.eirgridgroup.com/customer-and-industry/european-integration/integration/
IT	No special assistance was required by stakeholders during the implementation of the provisions in Title VI of the NC RfG. In advance to the application deadline (17 November 2016) Italian Regulatory Authority has published a press release with the description of the procedure for the request for classification as emerging technologies on the website (www.autorita.energia.it/it/comunicati/16/161111.htm).
LT	Yes, NCC provided their point of contact for manufacturers to submit their emerging technologies applications. It was agreed that the contact would be published on the ACER webpage: http://www.acer.europa.eu/en/Electricity/FG_and_network_codes/GridConnection/Documents/NRAs%20contact%20list.pdf
LU	No specific guidance provided.
LV	No specific guidance provided prior to the application deadline. During the assessment process PUC asked the manufacturer to explain and to clarify the information regarding the PGMs and commercial availability. The information on board meeting and draft decision was sent to manufacturers prior PUC issued the decision. PUC published the decision https://www.sprk.gov.lv/uploads/doc/LemumsN051D11052017.pdf
NO	From 13th September to 17th November 2016 NVE conducted a survey to identify which manufacturers or importers may have products considered "emerging technology" in terms of Articles 66-69 of the NC RfG in Norway. NVE published information on nve.no, and informed relevant

	stakeholders in Norway about the survey. The respondents to the survey were informed that they would be contacted by NVE after the implementation of the NC RfG in Norway.
NL	• Prior to the application deadline of 17 November 2016 ACM has not published any guidance documents or taken any other specific actions, since it was not deemed necessary. • During the assessment process ACM has contacted some of the applicants to verify information or to receive additional information (please see below). • Together with the publication of the ACM decisions on classification of emerging technologies ACM has published a document with: o a brief explanation about the background of the decisions, eligibility criteria, regulatory coordination process; o a reference to the NRA monitoring process of the sales of the classified power generating modules; o the calculation of the cumulative maximum capacity of classified power generating modules, according to article 70(1) of the NC RfG. Please find the hyperlink to the information (in English) that was published on the ACM- website: https://www.acm.nl/en/publications/publication/17270/ACM-decisions-on-Emerging-Technologies/
PT	The Decree of law 215-b/2012, October 8th, states in article 60 e 61 that Transport Network Regulation and Distribution Network Regulation establishes the general and particular technical conditions applicable to the connection of installations connected to the transmission and distribution network, as well as to the support, measurement, protection and testing systems of that network and of those facilities and, thus, the conditions and limitations to the reactive power injection resulting from the need to ensure the reliability and safety of the network. Those two regulations are within competence of Portuguese government, whose application is under the scope of “Direção-Geral de Energia e Geologia” (DGEG, which is the public administration branch for energy matters), according to article 67. Prior to the application deadline there was no coordination with stakeholders. DGEG received 3 applications for classification as emerging technology. During the assessment process, the eligibility of each application was verified in accordance with Article 66 (2) as well as the establishment of thresholds for classifications as emerging technology in accordance with Article 67. DGEG sent to interested parties the document “Mod_MinDSEE_TecEmerg_Pedido_v0.1.docx“, in order to clarify and harmonize all data for applications. The publication of the decision was made in DGEG website (in highlights/news of www.dgeg.pt).
RO	ANRE organised the workshop Emerging Technology at University POLITECHNICA Bucharest (UPB), on 6.10.2016, with participation of Romanian Academy, National Regulatory Authority from Romania (ANRE), Distribution System Operators (DSO), Transport and System Operators (TSO), research centers (hydrogen research center, engine center etc) and Mechanical and Power Systems Faculties within UPB. It was presented: - new technology and materials – Romanian Academy; - the chapters (66 – 70) concerning emerging technology from Regulatory 631/2016 – ANRE; - technical requirements for synchronous generators (A type) – CNTEE Transelectrica SA (OTS); - problems in the distribution network due to small generators - Muntenia Nord (DSO); - double rotor wind turbine - INCDIE. See link : http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg/tehnologii-emergente-intalnire-6-10-2016-upb

	ANRE invited potential manufacturers from Romania to apply for obtaining emerging technology classification for their PGM in Romania or in other EU countries - Invitatie candidatura pentru categoria Unitati generatoare -Tehnologii emergente document. It was supplied the email address from NRA's contact list (ACER webpage) where manufacturers could apply. See link : http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg/aplicare-tehnologii-emergente-model-cerere ANRE elaborated guidance documents Ghid Cerere Tehnologii Emergente (TE) where information concerning eligibility criteria for granting emerging technology status was presented, content of manufacturer's appliance, end data for appliance, obligation of manufacturer to report the quantities sold (PGMs granted with emerging technology status), what is understood by commercially available (by ANRE) etc. See link : http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg/aplicare-tehnologii-emergente-model-cerere ANRE elaborated application model, both in Romanian and in English, where was presented very concentrated the basic conditions for obtaining emerging technology classifications, respecting requirements of articles no. 66÷68 from RfG code. Obligation of manufacturer was fulfilling in requirements from application model. One of the problem, risen by application models send by manufacturers, consisted in sending to ANRE information according to other NRA's model which covered partially ANRE's requirements. ANRE asked to the manufacturers to respect application model (English, it was not asked Romanian model). Some manufacturers respected, some not. See link : http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg/aplicare-tehnologii-emergente-model-cerere *During the assessment process* First of all, the link where all documents mentioned could be find, was posted on NRA's contact list, before of 17.11.2016. ANRE communicated registration number for each application to the manufacturers after manufacturer applications receiving. ANRE send questions to the manufacturers when it was in situation to consider unclear items fulfilled in the applications. The purpose was to clarify information send according to 66-68 requirements (RfG code). It was necessary additional questions for manufacturers due to the reasons: a) information wasn't well organised into some applications; b)one manufacturer applied for different PGMs and communicated information only for some PGMs; c) one manufacturer applied and mentioned other manufacturers. In the process of assessment manufacturers didn't sent questions to ANRE. One of them keeping quiet (didn't answer at all – phone or email) around two months to 17.05.2017. ANRE started this process of clarifying questions from 18.11.2017 (i.e at once). Additional to requirements from ANRE application model, into SOGC meetings it was recommended that each NRA to have proof of commercially availability - like EU Declaration of Conformity CE

	marking. Therefore, ANRE contacted manufacturer interested in emerging technology classification, both by mail and by phone. We underline situation: even it was the interest of manufacturer to supply the information required, for a correct information of NRA which intended to take a decision, it was necessary cooperation between ANRE and NRA correspondent from the country where manufacturer had address, in order to obtain the documents required, not something else. ANRE posted on TWproject (dedicated ACER platform for access codes implementation) decision projects for emerging technology, before their approval, in order to be transparent in decisional process and to receive other opinions for a correct evaluation. *During the publication of the decision* ANRE communicated to the manufacturers (official contact person) : number of decision for granting emerging technology classifications, full decision, the link where it is posted decision on ANRE website and the template necessary for reporting the quantities sold (PGMs classified with emerging technology status). See link http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg
SE	The 27 June 2016 Ei (the Swedish regulator) published news on possibility to apply for classification of PGM as an emerging technology. In that news Ei informed the deadline 17 November 2017. Please see the link. http://ei.se/sv/nyhetsrum/nyheter/nyhetsarkiv/Nyhetsarkiv-2016-Internationella-nyheter/overgangsbestammelser-for-ny-teknik-enligt-rfg/ In that news Ei also facilitated with the link to the application formulary. The stakeholders could find more information in the link below (Ei's home page). http://www.ei.se/sv/for-energiforetag/el/Natforeskrifter-och-kommissionsriktlinjer-for-el/natkod-requirements-for-generators-rfg/pagaende-arenden-rfg/artikel-66-69-klassificering-som-ny-teknik-overgangsbestammelser/ 2 Considering Article 68(4)1
SI	Energy agency has published e-mail address for collecting applications before the deadline 17th November and supported applicants during assessment process by explanations about the details of Slovenian administrative procedure and other requirements.
SK	No measures have been taken by the Regulatory Office for Network Industries (RONI).

2.2 NRAs empowerment to decide on emerging technology statuses

(94) ***Q: Considering Article 68(4) of the NC RfG, please confirm that the regulatory authority is respectively responsible or specify other authorities involved including, if applicable, how the responsibility is shared and exercised.***

(95) 20 NRAs confirmed that they are empowered to assess, approve and withdraw of classification as an emerging technology as indicated in Article 68(4): ACM (NL), AGEN-RS (SI), ANRE (RO), BNetzA (DE), CER (IE), Commission for Energy Control and Prices (LT), PUC (LV), CRE (FR), E-Control (AT), EV (FI), DERA (DK), EI (SE), ERO (CZ), Ofgem (GB), UR (GB-NIR), HERA (HR), HEA (HU), ILR (LU), AEEGSI (IT), and RONI (SK).

(96) 1 NRAs is only partly empowered: CREG (BE).

(97) 1 NRA negated: ERSE (PT). The approval and withdrawal of classification as emerging technology is carried out by the DGEG.

(98) 1 NRA reported that a decision on the responsibility has not yet been reached at the MS level: ECA (EE).

2.3 NRA coordination on a synchronous area level

(99) ***Q: Considering Article 69(1) of the NC RfG, and in particular the obligation to coordinate on a synchronous area level, describe the regulatory authority's engagement in coordination in case that coordination took place outside ACER's working bodies (SOGC TF, AEWG and BoR).***

(100) Coordination under ACER's working bodies was confirmed by most of responding NRAs. In addition, a couple of regulators (DERA(DK) and ACM(NL)) from the Continental Europe SA reported on coordination on specific issues with neighbouring regulators.

(101) Besides coordination in ACER internal bodies NRAs from the NORDIC synchronous area coordinated through NordREG taskforce CCTF where Denmark, Finland, Norway and Sweden are members.

(102) As reported by ECA (EE), PUC (LV) and NCC (LT), similar coordination as in NORDIC was established by Baltic regulatory authorities.

(103) Regarding the Ireland and Northern Ireland synchronous area, CER and UR engaged on the thresholds for classification as "Emerging Technologies" and shared all papers related to the RfG prior to publication.

Table 7: NRA coordination on a synchronous area level

MS	Response
AT	/
BE	The coordination took only place inside ACER's working bodies and was done via the NRA (CREG). The CREG informed the regional regulators of the discussions in these working bodies and coordinated the questions and responses to several questions through the platform FORBEG. The regional regulators also considered the opinion of ACER in the position paper "NRA Coordination of emerging technology classification decision" regarding the interpretation of article 69, while making the decisions for the classifications. The regional regulators followed the reasoning and recommendations of ACER.
CZ	ERÚ coordinates its obligation arising from Art. 69 under ACER´s working bodies (SOGC TF, AEWG and BoR).
DE	a. NRA's participation in Task Force meetings and telcos Bundesnetzagentur was represented in the following Meetings of SOGC Taskforce: 10th October 20106; 8thDecember 2016 (via phone); 13th March 2017; 31th May 2017. Bundesnetzagentur was represented in the following telcos: 22nd November 2017; 26th January 2017; 6th February 2017; 4th May 2017 but not in the following telcos: 24th of March, 20th of April. b. NRA's involvement in the drafting of the Position Paper Bundesnetzagentur was involved in drafting the position paper by sending comments e.g. on 30th

	December 2016 and discussing in the meetings, telcos. c. NRA's use of the ACER tool, TW Platform Bundesnetzagentur published 26 documents on the TW platform regarding the issue of emerging technologies, including the applications and the decision. d. Any other coordination efforts made at Synchronous Area level by NRA Bundesnetzagentur informed other NRAs of synchronous area via e-mail about the withdrawal of applications by manufacturer #2 and received other such e-mails from other NRA.
DK	We participated in the SOGC TF talks on the matter, and further had a number of telco's with the other Nordic regulators through a NordREG taskforce CCTF. We have also informally sparred with Germany on the matter of sales reporting.
EE	Considering Article 69(1) of the NC RfG, the ECA engaged in coordination with the Public Utilities Commission of Latvia (PUC) and the National Commission for Energy Control and Prices (NCC)(Lithuania) mostly by e-mail. Also, the Baltic regulatory authorities coordinated their decisions for emerging technologies.
FI	The coordination on a synchronous area level has been done in a NordREG task force called Connection code task force (CC TF). Our task force has been following the work of SOGC TF and their views and decisions. We have coordinated and discussed in our meetings the emerging technology applications, national requirements and national decisions in Finland, Sweden, Norway and Denmark and reached a mutual understanding on the matter.
FR	CRE participated in the various coordination meetings which took place in the ACER's working bodies.
GB	"Great Britain" forms its own synchronous area. We are therefore not required to coordinate with any others NRAs. Regardless, we actively engaged with ACER's working bodies (SOGC TF, AEWG, and BoR).
GB-NIR	The Utility Regulator engaged with the CER in relation to the thresholds for classification as "Emerging Technologies". We shared all papers related to the RfG with CER prior to publication.
HR	No coordination was initiated outside ACER's working bodies
HU	No coordination was initiated outside ACER's working bodies.
IE	The CER engaged with Utility Regulator of Northern Ireland (UR) in relation to the thresholds for classification as "Emerging Technologies". The CER shared all papers related to the RfG with UR prior to publication.
IT	The coordination took only place inside ACER's working bodies.
LT	Yes, all the questions concerning article 69.1 were coordinated between Baltic synchronous area member states. The coordination was performed by official meetings (Baltic countries' forum in Ryga, Latvia), official letters, emails, regional working groups (within Baltic countries' forum).
LU	ILR was involved in the TF meetings and telco, made comments to the position paper and shared documents in the project place TW. Before taking its decisions regarding the manufacturers, ILR had also a look to decisions of other NRAs already available, notably the German decision.

LV	PUC engaged in coordination with the Estonian Competition Authority (ECA) and the National Commission for Energy Control and Prices (NCC) (Lithuania) mostly by e-mail. Also, the Baltic regulatory authorities coordinated their decisions for emerging technologies.
NO	The Nordic regulators have coordinated the process for classification as "emerging technology" in a task force within NordREG. The task force have had regular meetings since December 2016.
NL	ACM has been closely involved in the SOGC TF coordination process, and has also initiated contacts with individual NRAs from Belgium and Germany to coordinate during the assessment process, e.g. about the extent to which requirements were met by applicants and about the possible need for additional information. Moreover, ACM has been in touch with neighbouring NRAs to exchange views and arguments about which type of PGMs should be classified (Stirling Engine producer or micro-CHP manufacturer).
PT	There was no coordination on the synchronous area level although we took notice of the methodologies and application procedures throughout Europe.
RO	In the case of Romania, ANRE participated to all SOGC TF meetings where it was discussed harmonised NRAs position (including to the process of paper position elaboration, NRA coordination of emerging technology classification decision).
SE	Ei has coordinated with two groups (ACER's SOGC TF and Synchronous area's task force CC TF). The coordination on our synchronous area NORDIC was arranged through NordReg, there Denmark, Finland, Norway and Sweden are members. We have had regular meetings. Most of them were video conferences in which we coordinated about ET.
SI	No coordination was initiated outside ACER's working bodies.
SK	Not applicable – not any application was received by the Office.

2.4 Eligibility criteria

(104) ***Q: Considering the criteria in Article 66(2)b of the NC RfG, what were manufacturers required to provide to the NRA to prove that their request complies with this eligibility criteria in accordance with Article 68(3) of the NC RfG?***

(105) CE certificate and/or Declaration of conformity has been accepted, in part or in full, as a proof of compliance with the eligibility criteria by ANRE (RO), DERA (DK), E-Control (AT), EV (FI), ERO (CZ), ILR (LU) and Ofgem (GB).

(106) Sales of PGMs has been accepted, in part or in full, as a proof of compliance with the eligibility criteria by ANRE (RO), ILR (LU) and CRE (FR).

(107) Information on where and how can a customer purchase the PGM in question was used by EV (FI) in assessing the commercial availability.

(108) Commercial catalogue has been accepted as a proof of compliance with the eligibility criteria in PT.

Table 8: Eligibility criteria

MS	Response
AT	Manufacturers were required to provide proof (if not publically available) that their power-generating module technology was either available for purchase in the Member State or met all the necessary safety, health, environmental and technology standards necessary to sell or distribute it in Austria. Most manufacturers provided this proof by submitting a manufacturer's EC Declaration of Conformity.
BE	Manufacturers were required to provide the needed information. This information included mainly the three eligibility criteria: the PGM had to be type A in size, commercially available (including evidence such as certification, safety reports etc.) and the total accumulated sales in the NRA's competence scope had to be stated. The VREG made no requirements in advance, but used the wording of the article 68 in the NC RfG that proof of the commercial availability should be submitted, for this criterion: proof that the power-generating module is commercially available. The VREG obtained from 3 manufactures and one other organisation the request for classification for several power-generating modules with a power of 1 kW and 2 kW. For all the 1 kW-modules, proof of commercial availability in the form of leaflets, webpages and sales figures was provided.
CZ	ERÚ required CE certificate and Declaration of conformity whether the product is in line with the national requirements for sale on the Czech market. Additionally, the applicants were asked to provide to the ERÚ an evidence that the product is possible to buy on the Czech market. With regard to above mentioned, ERÚ asked for above mentioned to be in Czech language, because of national legislation requirements.
DE	From Bundesnetzagentur's perspective, commercial availability was be assumed if the power-generating module • is commercially available in Germany (eg sales brochures, offer lists, internet pages) and • meets all necessary safety, health, environmental and technological standards to have permission to sell the power-generating module in Germany (eg Article 5(1) Machinery Directive (2006/42/EC)). As proposals were still outstanding for the maximum capacity thresholds for power generating modules of types B, C and D as per Article 5(3) of Commission Regulation (EU) 2016/361, it was assumed that any power-generating module with effective output of 0.8 kW to 1 MW and a connection point below 110 kV could fall under the type A category and thus could be eligible for classification.
DK	In general, the starting point would be that DERA needed some sort of indication that the unit was available. Since there was no application form to fill out, it had to come from the applicant by their own doing in the application. We received CE-certificates along with the application, which stating that the PGM models are compatible for connection in Denmark, and on our own we investigated the products availability for ordering to DK online. This was sufficient for us.
EE	The ECA did not establish any requirements for what the manufacturers were obligated to provide. The ECA gave the manufacturers the right of choice.
FI	They were required to provide us with evidence of PGM being commercially available in Finland and information on the combined sales of the PGM in a synchronous area. To prove the commercial availability, we required the applicant to deliver a document of the CE mark and information on where and how can a Finnish customer purchase the PGM in question.

FR	We have only indicated in our guide that the three eligibility criteria have to be respected. When they applied, the four manufacturers were able to show that their 1 kW PGM were already sold in Europe as they reported sales volumes in MW.
GB	The majority of manufacturers were able to provide EC Type Examination Certificates to demonstrate that the product was commercially available. Some manufacturers also provided installation guides and product catalogues.
GB-NIR	The Utility Regulator published a template document however this was not utilised as we did not receive any applications for generator classification as "emerging technology". https://www.uregni.gov.uk/sites/uregni/files/media-files/RfG%20Emerging%20Technology%20Application%20Guidance%20Final%20Draft.pdf
HR	Commercially availability of a power-generating module technology could be documented with CE declarations for the complete product, declarations of conformity or test reports in accordance with relevant European norms but also with price lists, product folders or offers in the internet.
HU	We received in all three cases Application forms (based on the structure previously published by Ofgem), and we deemed the information given therein well founded for the basis to grant the classification. We found additional supporting documents in the ACER SOGC TF shared folder and we used it complementary to the Application forms thus we saw no need to request additional evidence from any applicants. We highly estimates the Agency's efforts to establish an internal shared folder for NRAs to ease the sharing of relevant information among themselves regarding EM TECH classification process.
IE	Manufacturers were required to provide a filled emerging technology application template.
IT	Manufacturers provided technical certificates or brochure and commercial dépliant in order to demonstrate that the product was commercially available. Manufacturers provided also information about sales volume.
LT	Regulatory authorities received this information along with the application.
LU	ILR required manufacturers to provide CE certificates and conformity certificates, as well as the link between the group and the final manufacturer in some cases to determine which party builds what (e.g. link between manufacturer #4, manufacturer #9 and manufacturer #7). If some products were already sold in Luxembourg (e.g. manufacturer #3), it also proved that the technology was commercially available.
LV	PUC received this information along with the application.
NO	The manufacturers should ensure that the technology is commercially available.
NL	As follows from the Regulation (article 66(2)) manufacturers were required to provide proof of having a PGM of type A, that is commercial available and of which accumulated sales within the synchronous area at the time of application does not exceed 25% of the maximum level of cumulative capacity. ACM has contacted several applicants in order to verify if they complied with these eligibility criteria (also see answer to question 5).
PT	*Manufacturers sent DGEG the "Mod_MinDSEE_TecEmerg_Pedido_v0.1.docx", duly filled in, mentioned in point 1 and they sent their commercial catalogue.*

RO	According to application model, data/information/proof that eligible technology is present on the market and is marketable. The same specifications could be find in the guidance documents elaborated by ANRE , at the point 3.2.2. See link: http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg/aplicare-tehnologii-emergente-model-cerere Therefore, it was asked manufacturer: - if exist technical documentation of the PGMs candidate for emerging technology status; - if the PGMs mentioned in their application is operational or it will be developed in the future (including various kinds of fuels used); - if exist PGMs sold; - where posted the PGMs candidate for emerging technology status on their website (where can be find prices also). All questions and answers received by ANRE was posted on TWproject (ACER platform), into the project Commercial availability (NRA's requests/manufacturers' replies). According to SOGC TF recommendations (March meeting), ANRE asked also EU Declaration of Conformity CE marking from each candidate manufacturer in Romania for emergency technology status.
SE	Not applicable. The applicant applied the classification for their technology and not for a PGM. Ei asked the applicant to clarify whether they were applying on ET for the technology they are using in the PGM or for some of the PGM they specified as examples of PGM using their technology.
SI	EC type test examination certificate or adequate test report as a proof of commercial availability of PGM's.
SK	Not applicable – not any application was received by the Office.

2.5 Acceptability of manufacturers applications and implications on the decision

(109) ***Q: Were any of the original manufacturers' requests submitted by 17 November 2016 deemed insufficient for the NRA to undertake a final decision in accordance with Article 69(1) of the NC RfG? If yes, was additional information requested?***

Table 9: Eligibility criteria

MS	Response
AT	Yes, additional Information was requested before rendering a decision.
BE	Manufacturer #2 withdrew its application after the position paper of ACER. For the requests of the 2 kW power-generating modules by the 3 manufactures (manufacturer #3, manufacturer #4, manufacturer #1), the proof of commercial availability (i.e. leaflet with one manufacturer, but that was practically identical to the leaflet of the 1 kW module) was not as substantial as the proof that was given for the 1 kW power-generation models (webpages, sales

	figures, detailed technical information). The regional regulators asked the three manufacturers for this proof and received no answer. After a reminder, we received an answer from manufacturer #1 that the 2 kW power-generating module was not available, but that it could be in the near future, because they have plans to develop a CHP for a higher power with the use of already developed components. The conclusion is therefore that even though that the 2 kW modules of Manufacturer #1 might become commercially available in the near future based on developments of existing components, they were not on the date of 17 November 2017 (definition = available for sale). Out of legal prudence, investments in R&D cannot be considered to be "commercially available". The regional regulators received no direct answer from the other manufactures, but obtained through ACER (and CREG) answers given to other EU regulators. These answers also provided no satisfying answer that the 2 kW PGM's were commercially available.
CZ	Yes, all submitted applications were deemed insufficient for the final decision. Therefore, ERÚ requested additional information.
DE	No. Manufacturer #8 and manufacturer #2 withdrew their initial applications.
DK	Yes. A sample request has been shared with ACER for information not published here because of commercial sensitive information.
EE	No request was deemed insufficient.
FI	Yes, the one and only application was deemed insufficient. We required to provide a document of the CE mark and information on where and how can a Finnish customer purchase the PGM in question.
FR	/
GB	Yes. We contacted all applicants to ask additional questions about their applications. In particular, we asked all applicants to provide additional evidence to demonstrate that their product was commercially available. We also asked some applicants to clarify the scope of the applications (ie the exact product that they were applying for emerging technology status for), the maximum size of the PGM and the accumulated sales of their PGM in GB.
GB-NIR	We did not receive any applications for generator classification as "emerging technology".
HR	All manufacturer requests were deemed insufficient at the time of request submission for the HERA to undertake a final decision. Additional information was requested.
HU	No.
IE	Yes. The CER requested additional information.
IT	No.
LT	No.

LU	The application forms were not focused on Luxembourg despite the fact that it should have been. So we had to ask for more information about the sales in Luxembourg and confirm the level of sales at the continental Europe level. Moreover, we had to ask for more evidence of commercial availability (see previous answer).
LV	Yes, the first application was deemed insufficient. Additional Information was requested during the assessment.
NO	NVE has not requested additional information, as this first would be relevant after the implementation of the NC RfG in Norway.
NL	In two cases the information in the manufacturers' requests was insufficient to take a decision. ACM has asked these manufacturers for additional information: (1) on the commercial availability of the PGM, in particular of the 2 kW type and (2) on the total accumulated sales (in MW value) in continental Europe of the power generating modules at the time of their application.
PT	No, every manufacturer (3) submitted the request or asked for information prior to 17 November 2016. DGEG sent the document, referred in point 1, and obtained that information until the end of November. After that, it wasn't necessary to request additional information.
RO	No, in the case of Romania, all manufacturers supplied requested information by ANRE (or withdrawn their application) so that a final decision it was taken, according to harmonised position agreed in SOGC TF meetings.
SE	Yes
SI	All 4 manufacturer's requests were insufficient to undertake a final decision. NRA has requested additional clarifications and documents on following: - Clarification about the maximum output power of the PGM's, - EC type examination certificates as proof of commercial availability.
SK	Not applicable – not any application was received by the Office.

(110) ***Q: If the NRA requested additional information, please provide any relevant details that had an influence on the final decision.***

Table 10: Implications on the final decision

MS	Response
AT	E-Control mainly requested proof of commercial availability (with most manufacturers choosing to provide an EC Declaration of Conformity) and also the cumulative maximum capacity at the time of application pursuant to Article 66(2)(c) and Article 67(1).
BE	The fact that one manufacturer admitted in a response e-mail that the 2 kW PGM was not yet available had an influence on the decision to only give the classification to the 1 kW module. Another manufacturer did not respond at all to our questions about the 2 kW module, whereas the documents provided for the 1 kW module were very technically detailed.
CZ	As it was mentioned above, ERÚ can approve only the application if the application is in line with RfG requirements and simultaneously it must be in line with national legislation. Mostly all applications were not in line with national legislation. It means that ERÚ asked for example:

	- authorised signature of competent person which is permitted to act on behalf of the company; - an evidence that the technology is commercially available in Czech republic, is approved for sale on the Czech market, and evidence regarding realised sale; - to put their applications in line with the statute of § 16 (1) and (2) 500/2004 Sb., správní řád (for example all documents must be Czech language; participants can communicate with the authority only in Czech language etc.).
DE	/
DK	The first application was lacking in a number of ways. DERA and the applicant had a sensible dialogue for DERA to understand the PGM and its availability and for the applicant to understand what information they needed to provide. Ultimately, the applicant provided the mandatory information and DERA assumed the position that the criteria were fulfilled and that the classification therefore should be granted.
EE	Additional information was requested, because manufacturer provided more than one PGM technology, but only one technology was eligible to be used in Baltic states.
FI	They informed us that the PGM had been approved for other EU countries (they had the CE certificate for other countries) but they had omitted Finland. They also informed that they have not entered the Finnish market but are thinking about entering the market if the market becomes attractive enough. Their PGM was not available in Finland.
FR	CRE has considered the information received by the manufacturer on 17 November 2016 to be sufficient.
GB	The additional evidence submitted by the majority of parties to demonstrate that their product was commercially available (ie the EC certificates) had an influence on our final decision because it provided us with the necessary evidence to satisfy that criteria.
GB-NIR	Not applicable.
HR	HERA requested the following additional information: (a) That it is a commercially available power-generating module technology, which can be documented with CE declarations for the complete product, but also with price lists, product folders or offers in the internet; and (b) That the accumulated sales, in capacity, of the power-generating module technology within a synchronous area at the time of application for classification as an emerging technology do not exceed 25 % of the maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies in a synchronous area, which is 0,1 % of the annual maximum load in 2014 in synchronous area. The source of the data for calculation shall be the ENTSO for Electricity's Statistical factsheet published in 2015.
HU	Not applicable.
IE	• Detail of sales to date in the Ireland/Norther Ireland synchronous area; and • Evidence of commercial availability in Ireland.
IT	/
LT	Additional information was requested, because manufacturer provided more than one PGM technology, but only one technology was eligible to be used in Baltic states.

LU	The application forms were not focused on Luxembourg despite the fact that it should have been. So we had to ask for more information about the sales in Luxembourg and confirm the level of sales at the continental Europe level. Moreover, we had to ask for more evidence of commercial availability (see previous answer).
LV	Additional information was requested, because manufacturers provided more than one PGM technology, but only one technology was eligible for usage in Baltic states. Also the confirmation that the module is commercially available and the sales volume of the module in Europe were requested. After that, PUC received from the manufacturers a detailed application for the adoption of one module.
NL	ACM has received confirmation from parties that their 2 kWe products were not yet available at the time of application and that their accumulated sales in continental Europe did not exceed the threshold mentioned in the Regulation. Therefore, this additional information surely had an influence on ACMs final decision.
PT	Not applicable - it wasn't necessary to request additional information.
RO	According to our application model, guidance documents and our intentions expressed in SOGC TF discussions, it was important like PGMs (for which manufacturers applied) to be on the market and to be marketable.
SE	Not applicable.
SI	Under the provision of the first paragraph of Article 62 of the General Administrative Procedure Act in Slovenia, administrative procedures must be conducted in the Slovenian language. When the party or their statutory representative is abroad and does not have an authorized person in the country, they should be required on the occasion of the service of the first document to authorize in a specified time limit a person or receiver, and should be warned that a receiver or temporary representative shall be appointed to them by virtue of the office if they do not appoint their authorized person in the time limit determined (Article 89(4) of the General Administrative Procedure Act).
SK	Not applicable – not any application was received by the Office.

2.6 NRAs' final decisions

(111) ***Q: Regarding the NRA decision, provide the date of the NRA's final decision(s) and any relevant link(s) pursuant to Article 69 of the NC RfG.***

(112) 19 out of 27 NRAs provided the date of the decision to emerging technologies.

Table 11: Date(s) of NRA's final decision (2017)

MS	Response
AT	16th May
BE	Between 11 May and 18 May
CZ	Between 17 May and 12 July
DE	3 May

DK	17 May
EE	18 May
FI	17 May
FR	25 April
GB	17 May
GB-NIR	Not applicable.
HR	11 May
HU	Between 16 May and 17 May
IE	12 June
IT	28 July
LT	27 July
LU	17 May
LV	11 May
NL	31 May
PT	28 June
RO	Between 17 May and 25 May
SE	Not applicable - the applicant withdrew their own application. Then Ei did not undertook any decision.
SI	Three procedures were suspensive because all three applications were withdrawn.
SK	Not applicable – not any application was received by the Office.

(113) 16 out of 27 NRAs provided the internet link to emerging technologies.

Table 12: Internet link(s) to NRA decision(s)

MS	Response
AT	https://www.e-control.at/recht/entscheidungen/vorstand-strom https://www.e-control.at/documents/20903/388512/Liste+der+Stromerzeugungsanlagen%2C+die+als+aufkommende+Technologien+anerkannt+wurden.pdf/1680d0bc-598f-1fe2-46f0-9197daae01ee
BE	www.brugel.be/Files/media/SIGI/592e952082c5c.pdf www.brugel.be/Files/media/SIGI/592e9294685c9.pdf www.brugel.be/Files/media/SIGI/592e94553ae0e.pdf http://www.cwape.be/?dir=0.2&docid=3133 http://www.cwape.be/?dir=0.2&docid=3134 http://www.cwape.be/?dir=0.2&docid=3132

CZ	Not applicable
DE	https://www.bundesnetzagentur.de/DE/Service-Funktionen/Beschlusskammern/1BK-Geschaeftszeichen-Datenbank/BK6-GZ/2016/2016_0001bis0999/BK6-16-292/BK6-16-292_Beschluss_vom_03_05_2017.html?nn=411978
DK	http://energitilsynet.dk/el/afgoerelser/sekretariatsafgoerelser/sekretariatsafgoerelser-oevrige/afgoerelse-om-klassificering-som-ny-teknologi/
EE	http://www.konkurentsiamet.ee/index.php?id=28855.
FI	/
FR	http://www.cre.fr/documents/deliberations/decision/technologies-emergentes
GB	https://www.ofgem.gov.uk/system/files/docs/2017/05/requirement_for_generators_-_emerging_technology_decision.pdf
GB-NIR	Not applicable.
HR	https://www.hera.hr/hr/html/odluke.html.
HU	Not yet available
IE	http://www.cer.ie/document-detail/EU-Electricity-Network-Codes/1113/8443,8587,8664,8731
IT	www.autorita.energia.it/it/docs/17/554-17.htm
LT	http://www.regula.lt/en/Pages/List-of-the-NCC-approved-power-generating-modules-%28PGMs%29-classified-as-emerging-technologies-.aspx
LU	https://assets.ilr.lu/energie/Documents/ILRLU-1685561960-386.pdf https://assets.ilr.lu/energie/Documents/ILRLU-1685561960-385.pdf https://assets.ilr.lu/energie/Documents/ILRLU-1685561960-384.pdf https://assets.ilr.lu/energie/Documents/ILRLU-1685561960-383.pdf
LV	https://www.sprk.gov.lv/uploads/doc/LemumsN051D11052017.pdf
NL	https://www.acm.nl/en/publications/publication/17270/ACM-decisions-on-Emerging-Technologies/
PT	https://dre.pt/application/conteudo/107584434.
RO	http://www.anre.ro/ro/energie-electrica/legislatie/coduri-paneuropene1476186098/regulamentul-ue-nr-631-2016-rfg
SE	Not applicable - the applicant withdrew their own application. Then Ei did not undertook any decision.
SI	Three procedures were suspensive because all three applications were withdrawn.
SK	Not applicable – not any application was received by the Office.

(114) ***Q: a. Were the classifications addressed to a specific type of a PGM or to a general type of a PGM. If neither of these options apply please specify and provide examples.***

(115) 18 NRAs addressed classifications to a specific type of PGM whereas for 5 NRAs this question was not applicable.

(116) DGEG classified both specific PGMs and primary PGM technology by Microgen Engine Corporation of 1 kW to 2 kW as emerging technologies[26].

(117) ***Q: b. Were any of the manufacturers' requests rejected? If yes, on what grounds?***

(118) Manufacturers' requests for 2 kW PGMs were accepted only in PT.

(119) Request from Quick Power Access for 5 to 500 kW PGMs was rejected by CRE (FR)[27] because the PGMs were not commercially available on 17 November 2016. EV (FI) rejected one manufacturer's request because the concerned PGMs were not commercially available in Finland.

(120) 11 NRAs reported that manufacturer #2 withdrew its applications. 2 NRAs rejected certain manufacturers' requests because they did not respond to further requests by the NRAs: AGEN-RS (SI) and ERO (CZ). For 1 NRA the question was not applicable.

Table 13: Rejection of application(s) and reason(s)

MS	Response
AT	Yes – the request from manufacturer #2 has been rejected because manufacturer #2 was only manufactured a part of the specifically given PGMs, and was not the 'manufacturer' of these specific PGMs with reference to Directive 2014/30/EU. Manufacturer #2 previously withdrew an application for its own products.
BE	No, however, manufacturer #2 has withdrawn his request. The requests of PGMs with an electrical output of 2 kWh were not accepted because of lack of proof of commercial availability.
CZ	Yes. Manufacturer #1 and #5 did not respond when the ERU invited him to remove all inconsistencies in the application. Manufacturer #7 did not meet all ERU's requirements for removing all inconsistencies in the application, nor after the second request to remove inconsistencies in the application. Manufacturer #4 and #2 withdrew their applications. One approval process regarding manufacturer #6 is still on-going.
DE	No
DK	No. The NRA received only one application, it was accepted for eVita models 25s and 28c, the other PGM's where withdrawn by applicant as they weren't for the Danish market according to the CE-certification.
EE	No
FI	Yes, the only application was rejected since the PGMs presented were not commercially available.
FR	CRE retained the micro-CHP with 1 kW Stirling engine from the 4 manufacturers who have applied. Among these 4 manufacturers some have applied for 2kW PGM but CRE did not retain them

[26] http://www.dgeg.pt/pagina.aspx?js=0&codigono=6363644789338934AAAAAAAA

[27] http://www.cre.fr/documents/deliberations/decision/technologies-emergentes/consulter-la-deliberation

	because they were not yet available on the market (no sales volume across Europe and no certificate).
GB	No. We did not reject any requests. However, manufacturer #2 withdrew its application during the assessment process.
GB-NIR	Not applicable.
HR	No
HU	Manufacturer #2 withdrew its applications.
IE	Manufacturer #2 withdrew its application for classification as an emerging technology under the RfG in Ireland for its both generator technologies.
IT	No
LT	No
LU	We didn't reject any applications, as manufacturer #2 withdrew.
LV	No
NL	ACM had received 5 requests for classification. One of the requests from manufacturer #2 has been withdrawn during the assessment process. None of the 4 remaining requests were rejected. However, in a sense, the requests were only partly accepted, since only the 1 kWe PGMs were classified and not the 2 kWe PGMs. 2 kWe PGMs were rejected due to the fact that these were not yet commercially available.
PT	No
RO	Yes. Manufacturer #2 withdrawn their application for their units. Concerning their application for 1kW and 2 kW Stirling engines, ANRE respected harmonised point of view, expressed into ACER internal paper position, NRA coordination of emerging technology classification decision. Therefore, ANRE granted emerging technology status to the mCHP which are using linear free piston Stirling engine generator in the purpose to avoid double counting problems and from legal analysis reasons (article 66-70, RfG code), and not for Stirling engines.
SE	Not applicable
SI	Three procedures were suspensive because all three applications were withdrawn. One application was discarded, since it did not respond to the several requests to complete the application (not only because of the administrative conditions but also because the content of the application was not complete – missing test reports, etc.).
SK	Not applicable

Annex II: List of abbreviations & country codes

Acronym	Definition
ACER	Agency for the Cooperation of Energy Regulators
EC	European Commission
ENTSO-E	European Network of Transmission System Operators for Electricity
EU	European Union
NC	Network Code
NRA	National Regulatory Authority
TSO	Transmission System Operator

ISO code	Country
AT	Austria
BE	Belgium
BG	Bulgaria
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
ES	Spain
FI	Finland
FR	France
GB	Great Britain
GB-NIR	Northern Ireland
GR	Greece
HR	Croatia

ISO code	Country
IE	Ireland
LT	Lithuania
LV	Latvia
HU	Hungary
IT	Italy
LU	Luxembourg
NL	Netherlands
NO	Norway
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia

Abbreviation	NRA
ACM	Autoriteit Consument & Markt/Authority for Consumers & Markets
AEEGSI	Autorità per l'energia elettrica il gas e il sistema idrico
AGEN-RS	Agencija za Energijo/Energy Agency
ANRE	Autoritatea Naţională de Reglementare în Domeniul Energie/Regulatory Authority for Energy
BNetzA	Bundesnetzagentur/Federal Network Agency for Electricity, Gas, Telecommunications, Posts and Railways
CER	The Commission for Energy Regulation

Abbreviation	NRA
CRE	Commission de régulation de l'énergie
CREG	Commission de Régulation de l'Électricité et du Gaz/Commissie voor de Regulering van de Elektriciteit en het Gas
CNMC	La Comisión Nacional de los Mercados y la Competencia/The National Commission on Markets and Competition
DERA	Energistyrelsen/Danish Energy Regulatory Authority
E-Control	Energie-Control Austria
ECA	Konkurentsiamet/Estonian Competition Authority
EI	Energimarknadsinspektionen/Swedish Energy Markets Inspectorate
ERO	Energetický regulační úřad/Energy Regulatory Office
ERSE	Entidade Reguladora dos Serviços Energéticos/Energy Services Regulatory Authority
EWRC	комисия за енергийно и водно регулиране (КЕВР)/Energy and Water Regulatory Commission
EV	Energlavisto /Energy Authority
HEA	Magyar Energetikai és Közmű-szabályozási Hivatal/ The Hungarian Energy and Public Utility Regulatory Authority
HERA	Hrvatska energetska regulatorna agencija/Croatian Energy Regulatory Agency
ILR	Institut Luxembourgeois de Régulation
NCC	Valstybinė kainų ir energetikos kontrolės komisija/National Commission for Energy Control and Prices
Ofgem	Office of Gas and Electricity Markets
PUC	Sabiedrisko pakalpojumu regulēšanas komisija/Public Utilities Commission
RAE	Ρυθμιστική Αρχή Ενέργειας/The Regulatory Authority for Energy
RONI	Úrad pre reguláciu sieťových odvetví/Regulatory Office For Network Industries
UR	Utility Regulator of Northern Ireland
URE	Urząd Regulacji Energetyki/Energy regulatory Office

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