

Mr Laurent Schmitt
Secretary General ENTSO-E

Cc: Mr Alberto Pototschnig
Director ACER

Cc: Mr Klaus-Dieter Borchardt
Director Internal Energy Market
DG ENER
European Commission

24 October 2017

Dear Mr Schmitt,

I write on behalf of all Regulatory Authorities regarding the All TSO Proposal for the Generation and Load Data Provision Methodology submitted in accordance with Article 4.6(a) and Article 17 of the Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation (Regulation 2016/1719). The attached document elaborates an agreement of All Regulatory Authorities, agreed by the Energy Regulators' Forum on 23 October 2017, on the all TSO Proposal for the Generation and Load Data Provision Methodology.

This agreement of All Regulatory Authorities shall provide evidence that a decision on the Generation and Load Data Provision Methodology does not, at this stage, need to be adopted by ACER pursuant to Article 4.10 of the Regulation 2016/1719.

This agreement is intended to constitute the basis on which All Regulatory Authorities will each subsequently make national decisions pursuant to Article 4.9 of Regulation 2016/1719 to approve Generation and Load Data Provision Methodology, submitted by TSOs in line with Article 17 of Regulation 2016/1719.

Please find enclosed the position paper of All Regulatory Authorities in which further details are provided.

Yours sincerely,

Lord Mogg

A handwritten signature in black ink, appearing to read 'John Mogg', written in a cursive style.

Attachment: All Regulatory Authorities' position on the All TSO Proposal for the Generation and Load Data Provision Methodology

**APPROVAL BY ALL REGULATORY AUTHORITIES
AGREED AT THE ENERGY REGULATORS' FORUM**

OF

**THE ALL TSO PROPOSAL FOR
GENERATION AND LOAD DATA PROVISION
METHODOLOGY (GLDPM) IN ACCORDANCE WITH
ARTICLE 17 OF THE COMMISSION REGULATION (EU)
2016/1719 OF 26 SEPTEMBER 2016 ESTABLISHING A
GUIDELINE ON FORWARD CAPACITY ALLOCATION**

23 October 2017

I. Introduction and legal context

This document elaborates an agreement of All Regulatory Authorities made at the Energy Regulators' Forum on 23 October 2017, on the All TSO Proposal for the Generation and Load Data Provision Methodology (GLDPM proposal) submitted in accordance with Article 4.6(a) of the Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation (Regulation 2016/1719).

This agreement of All Regulatory Authorities shall provide evidence that a decision on the GLDPM does not, at this stage, need to be adopted by ACER pursuant to Article 4.10 of Regulation 2016/1719. It is intended to constitute the basis on which All Regulatory Authorities will each subsequently make national decisions pursuant to Article 4.9 to approve the GLDPM proposal, submitted by TSOs.

The legal provisions relevant to the submission and approval of the GLDPM, and this All Regulatory Authority agreed opinion of the GLDPM proposal, can be found in Articles 3, 4 and 17 of Regulation 2016/1719 and in Article 16 of the Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a Guideline on Capacity Allocation and Congestion Management (Regulation 2015/1222). They are set out here for reference.

Article 3 of Regulation 2016/1719:

This Regulation aims at:

- (a) promoting effective long-term cross-zonal trade with long-term cross-zonal hedging opportunities for market participants;*
- (b) optimising the calculation and allocation of long-term cross-zonal capacity;*
- (c) providing non-discriminatory access to long-term cross-zonal capacity;*
- (d) ensuring fair and non-discriminatory treatment of TSOs, the Agency, regulatory authorities and market participants;*
- (e) respecting the need for a fair and orderly forward capacity allocation and orderly price formation;*
- (f) ensuring and enhancing the transparency and reliability of information on forward capacity allocation;*
- (g) contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector in the Union.*

Article 4 of Regulation 2016/1719:

- 1. TSOs shall develop the terms and conditions or methodologies required by this Regulation and submit them for approval to the competent regulatory authorities within the respective deadlines set out in this Regulation. Where a proposal for terms and conditions or methodologies pursuant to this Regulation needs to be developed and agreed by more than one TSO, the participating TSOs shall closely cooperate. TSOs, with the assistance of ENTSO for Electricity, shall regularly inform the competent regulatory authorities and the Agency about the progress of developing these terms and conditions or methodologies.*
- 2. (...)*
- 3. (...)*
- 4. (...)*

5. *Each regulatory authority shall be responsible for approving the terms and conditions or methodologies referred to in paragraphs 6 and 7.*
6. *The proposals for the following terms and conditions or methodologies shall be subject to approval by all regulatory authorities:*
 - (a) *the generation and load data provision methodology pursuant to Article 17;*
 - (b) (...)
 - (c) (...)
 - (d) (...)
 - (e) (...)
 - (f) (...)
 - (g) (...)
7. (...)
8. *The proposal for terms and conditions or methodologies shall include a proposed timescale for their implementation and a description of their expected impact on the objectives of this Regulation. Proposals on terms and conditions or methodologies subject to the approval by several or all regulatory authorities shall be submitted to the Agency at the same time that they are submitted to regulatory authorities. Upon request by the competent regulatory authorities, the Agency shall issue an opinion within three months on the proposals for terms and conditions or methodologies.*
9. *Where the approval of the terms and conditions or methodologies requires a decision by more than one regulatory authority, the competent regulatory authorities shall consult and closely cooperate and coordinate with each other in order reach an agreement. Where applicable, the competent regulatory authorities shall take into account the opinion of the Agency. Regulatory authorities shall take decisions concerning the submitted terms and conditions or methodologies in accordance with paragraphs 6 and 7, within six months following the receipt of the terms and conditions or methodologies by the regulatory authority or, where applicable, by the last regulatory authority concerned.*
10. (...)
11. (...)
12. (...)
13. *TSOs responsible for establishing the terms and conditions or methodologies in accordance with this Regulation shall publish them on the internet after approval by the competent regulatory authorities or, if no such approval is required, after their establishment, except where such information is considered as confidential in accordance with Article 7.*

Article 17 of Regulation 2016/1719 about the Generation and load data provision methodology:

1. *No later than six months after the approval of the generation and load data provision methodology established for the day-ahead and intraday time frames referred to in Article 9(6) of Regulation (EU) 2015/1222, all TSOs shall jointly develop a proposal for a single generation and load data provision methodology for delivering the generation and load data required to establish the common grid model for long-term time frames. The proposal shall be subject to consultation in accordance with Article 6. The methodology shall take into account and complement the generation and load data provision methodology according to Article 16 of Regulation (EU) 2015/1222.*
2. *When developing the generation and load data provision methodology, the requirements set in Article 16 of Regulation (EU) 2015/1222 shall apply.*

Article 16 of Regulation 2015/1222 about the generation and load data provision methodology:

1. *By 10 months after the entry into force of this Regulation all TSOs shall jointly develop a proposal for a single methodology for the delivery of the generation and load data required to establish the common grid model, which shall be subject to consultation in accordance with Article 12. The proposal shall include a justification based on the objectives of this Regulation for requiring the information.*
2. *The proposal for the generation and load data provision methodology shall specify which generation units and loads are required to provide information to their respective TSOs for the purposes of capacity calculation.*
3. *The proposal for a generation and load data provision methodology shall specify the information to be provided by generation units and loads to TSOs. The information shall at least include the following:*
 - (a) information related to their technical characteristics;*
 - (b) information related to the availability of generation units and loads;*
 - (c) information related to the schedules of generation units;*
 - (d) relevant available information relating to how generation units will be dispatched.*
4. *The methodology shall specify the deadlines applicable to generation units and loads for providing the information referred to in paragraph 3.*
5. *Each TSO shall use and share with other TSOs the information referred to in paragraph 3. The information referred to in paragraph 3(d) shall be used for capacity calculation purposes only.*
6. *No later than two months after the approval of the generation and load data provision methodology by all regulatory authorities, ENTSO for Electricity shall publish:*
 - (a) a list of the entities required to provide information to the TSOs;*
 - (b) a list of the information referred to in paragraph 3 to be provided;*
 - (c) deadlines for providing information.*

II. The All TSO proposal

The GLDPM draft proposal was consulted on by All TSOs through ENTSO-e for one month from 6 March 2017 to 6 April 2017 in line with Article 17.1 and Article 6 of Regulation 2016/1719¹. The final All TSO GLDPM proposal, dated 23 May 2017, was received by the last Regulatory Authority on 5 September 2017, together with a separate document providing justification for including or not the views resulting from the public consultation. Both of these documents are publically available on the ENTSO-e website². The proposal includes proposed timescales for its implementation and a description of its expected impact on the objectives of Regulation 2016/1719, in line with Article 4.8 of Regulation 2016/1719.

¹ The public consultation held from 6 March to 6 April 2017 is available on the ENTSO-e website: <https://www.entsoe.eu/news-events/announcements/announcements-archive/Pages/News/Public-consultation-on-revised-Generation-and-Load-Data-Provision-Methodology-and-Common-Grid-Model-Methodology.aspx>

² The GLDPM and the response to consultation comments are publically available on the ENTSO-e website: <https://www.entsoe.eu/major-projects/network-code-implementation/ /Pages/default.aspx>

Article 4.9 of Regulation 2016/1719 requires All Regulatory Authorities to consult and closely cooperate and coordinate with each other in order to reach an agreement, and subsequently take national decisions within six months following the receipt of the GLDPM proposal by the last Regulatory Authority. A national decision based on the agreement reached between All Regulatory Authorities is therefore required by each Regulatory Authority by 5 March 2018.

The main elements of the GLDPM proposal as understood by All Regulatory Authorities are summarized here for reference.

1. It sets out the generation and load data which may be required by TSOs in order to establish the common grid model (CGM). The CGM is defined by Regulation 2015/1222 as: a Union-wide data set agreed between various TSOs describing the main characteristic of the power system (generation, loads and grid topology) and rules for changing these characteristics during the capacity calculation process. In particular, the GLDPM sets out structural, infrequently changing variable data, and variable data from specific types of Generation, Load, Distribution and Closed Distribution System Operators, and HVDC links, together with default deadlines for data provision, in line with Articles 16.2, 16.3, and 16.4 of Regulation 2015/1222 pursuant to Article 17.2 of Regulation 2016/1719.
2. It provides each TSO the right but not the obligation to obtain these data from the owner of the corresponding network element or the party responsible for providing the information, as the case may be, if: the data is the minimum required by the TSO to build its individual grid model, or essential to establish the CGM, and if the data is not already available to the TSO through legislation or regulation, on a contractual basis, or based upon some other kind of legally binding mechanism or publically available through the requirements of Regulation 1227/2011 (REMIT).
3. It only relates to the provision of data and deadlines associated with the CGM, and does not affect wider existing or future obligations to provide data or deadlines related to any other system operation process if those obligations to provide data or those deadlines are based on national legislation or regulation, contractual arrangements, or some other kind of legally binding mechanism.
4. It requires each TSO to inform by one month after the approval of the GLDPM entities required to provide data about the information they are required to provide as well as the deadlines for providing the information, forward this information to ENTSO-E, and prepare draft implementation rules on the practicalities of data provision. The data provisions that are required to implement the GLDPM must be operational by twelve months after approval or 14 December 2017, whichever is later.

III. All Regulatory Authority position

On the draft GLDPM proposal

Regulatory Authorities did welcome in principle the draft GLDPM proposal consulted on by TSOs in March and April 2017. However, Regulatory Authorities had a concern regarding the chosen format for the proposal in which the methodology which was approved for Regulation 2015/1222 was used, and references to Regulation 2016/1719 as well as the impact of long-term rights on the objectives of this Regulation were added.

Regulatory Authorities³ indicated that they cannot approve the parts of the methodology which were already approved as this would lead in some countries to new possibilities for parties to legally challenge the methodology which was already approved for Regulation 2015/1222, while a proposal based on Regulation 2016/1719 should not have this affect.

³ The Regulatory Authority of the United Kingdom, OFGEM, disagree with this statement

Therefore, Regulatory Authorities asked TSOs to rewrite the proposal such that it includes elements of the GLDPM pursuant to Article 16 of the Regulation 2015/1222 only as far as it is necessary to take into account and complement it within the frame of the implementation of the Regulation 2016/1719.

On the final GLDPM proposal as submitted for approval

The All TSO GLDPM proposal submitted to All Regulatory Authorities in July 2017 has been rewritten to only require for approval based on Regulation 2016/1719.

All Regulatory Authorities consider that the GLDPM provides appropriate checks and balances by providing TSOs the right, but not the obligation, to request data, by requiring only the minimum, essential, and not otherwise already available data, and by requiring each TSO to consult on and establish implementation rules. All Regulatory Authorities consider that the provisions of GLDPM can be managed at a national level. The All Regulatory Authorities are therefore confident that the necessary data can be requested in an efficient and proportionate way to deliver the generation and load data required to establish the common grid model for long-term time frames.

All Regulatory Authorities therefore consider that the GLDPM proposal meets the requirements of Regulation 2016/1719.

Conclusions

All Regulatory Authorities welcome the submitted GLDPM proposal and the improvements adopted by All TSOs. All Regulatory Authorities have assessed, consulted and closely cooperated and coordinated to reach an agreement about the GLDPM proposal which meets the requirements of Regulation 2016/1719 and as such can be approved by All Regulatory Authorities.

All Regulatory Authorities therefore will issue their national decisions, on the basis of this agreement, by no later than 5 March 2018.

Following national decisions by All Regulatory Authorities, All TSOs will be required to publish the GLDPM on the internet in line with Article 4.13 of Regulation 2016/1719, and must meet the implementation deadlines required by Article 18 of the GLDPM.