

Mr Laurent Schmitt
Secretary General
ENTSO-E

Cc: Dr. Klaus-Dieter Borchardt
Director
Internal Energy Market, DG ENER
European Commission

Cc: Mr Alberto Pototschnig
Director
ACER

By email only

19 December 2018

Subject: all regulatory authority position on the all TSOs proposal for the key organisational requirements, roles and responsibilities (KORRR) relating to data exchange (Art. 40(6) of Commission Regulation (EU) 2017/1485)

Dear Mr Schmitt,

I write on behalf of all regulatory authorities regarding the all TSOs' proposal for on the all TSOs' proposal for the Key Organisational Requirements, Roles and Responsibilities (KORRR) relating to data exchange in accordance with Article 40(6) of the Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on Electricity Transmission System Operation (SO GL), as amended on 1 October 2018.

The attached document sets out the agreement of all regulatory authorities reached on 19 December 2018, which shall provide evidence that a decision on the KORRR does not need to be adopted by ACER pursuant to Article 6(8) of the SO GL at this stage. This agreement is intended to constitute the basis upon which all regulatory authorities will each subsequently adopt an approval decision on the amended KORRR pursuant to Article 7(1) of the SO GL.

Please find enclosed the position paper of all regulatory authorities in which further details are provided.

Yours sincerely,



Garrett Blaney

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

ON

**THE ALL TSOs' PROPOSAL FOR THE KEY
ORGANISATIONAL REQUIREMENTS, ROLES AND
RESPONSIBILITIES (KORRR) RELATING TO DATA
EXCHANGE IN ACCORDANCE WITH ARTICLE 40(6) OF
THE COMMISSION REGULATION (EU) 2017/1485 OF 2
AUGUST 2017 ESTABLISHING A GUIDELINE ON
ELECTRICITY TRANSMISSION SYSTEM OPERATION
AS AMENDED ON 1 OCTOBER 2018**

11 December 2018

I. Introduction and legal context

This document elaborates an agreement of all regulatory authorities of the European Union made on 11 December 2018 on the all TSOs' proposal for the Key Organizational Requirements, Roles and Responsibilities (KORRR) relating to data exchange in accordance with Article 40(6) of the Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on Electricity Transmission System Operation (SO GL), as amended on 1 October 2018.

This agreement of all regulatory authorities shall provide evidence that a decision on the KORRR does not need to be adopted by ACER pursuant to Article 6(8) of the SO GL at this stage. This agreement is intended to constitute the basis upon which all regulatory authorities will each subsequently adopt an approval decision on the amended KORRR pursuant to Article 7(1) of the SO GL.

The legal provisions forming the basis for the submission, amendment and approval of the KORRR - and for this agreement among all regulatory authorities - can be found in Articles 4, 6, 7 and 40(6) of the SO GL. They are set out here for reference.

Article 4 – Objectives and regulatory aspects

1. *This Regulation aims at:*

- (a) determining common operational security requirements and principles;*
- (b) determining common interconnected system operational planning principles;*
- (c) determining common load-frequency control processes and control structures;*
- (d) ensuring the conditions for maintaining operational security throughout the Union;*
- (e) ensuring the conditions for maintaining a frequency quality level of all synchronous areas throughout the Union;*
- (f) promoting the coordination of system operation and operational planning;*
- (g) ensuring and enhancing the transparency and reliability of information on transmission system operation;*
- (h) contributing to the efficient operation and development of the electricity transmission system and electricity sector in the Union.*

2. *When applying this Regulation, Member States, competent authorities, and system operators shall:*

- (a) apply the principles of proportionality and non-discrimination;*
- (b) ensure transparency;*
- (c) apply the principle of optimisation between the highest overall efficiency and lowest total costs for all parties involved;*
- (d) ensure TSOs make use of market-based mechanisms as far as possible, to ensure network security and stability;*
- (e) respect the responsibility assigned to the relevant TSO in order to ensure system security, including as required by national legislation;*
- (f) consult with relevant DSOs and take account of potential impacts on their system; and*
- (g) take into consideration agreed European standards and technical specifications.*

Article 6 - Approval of terms and conditions or methodologies of TSOs

1. *Each regulatory authority shall approve the terms and conditions or methodologies developed by TSOs under paragraphs 2 and 3. The entity designated by the Member State shall approve the terms and conditions or methodologies developed by TSOs under paragraph 4. The designated entity shall be the regulatory authority unless otherwise provided by the Member State.*

2. *The proposals for the following terms and conditions or methodologies shall be subject to approval by all regulatory authorities of the Union, on which a Member State may provide an opinion to the concerned regulatory authority:*
- (a) *key organizational requirements, roles and responsibilities in relation to data exchange related to operational security in accordance with Article 40(6);*
- [...]
- [...]
6. *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 3 months on the proposals for terms and conditions or methodologies.*
7. *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 to reach an agreement. Where the Agency issues an opinion, the competent regulatory authorities shall take that opinion into account. Regulatory authorities shall take decisions concerning the submitted terms and conditions or methodologies in accordance with paragraphs (2) and (3), within 6 months following the receipt of the terms and conditions or methodologies by the regulatory authority or, where applicable, by the last regulatory authority concerned.*
8. *Where the regulatory authorities have not been able to reach an agreement within the period referred to in paragraph 7 or upon their joint request, the Agency shall adopt a decision concerning the submitted proposals for terms and conditions or methodologies within 6 months, in accordance with Article 8(1) of Regulation (EC) No 713/2009.*

Article 7 – Regulation 2017/1485 – Amendments to the terms and conditions or methodologies of TSOs

1. *Where one or several regulatory authorities require an amendment in order to approve the terms and conditions or methodologies submitted in accordance with paragraphs 2 and 3 of Article 6, the relevant TSOs shall submit a proposal for amended terms and conditions or methodologies for approval within 2 months following the requirement from the regulatory authorities. The competent regulatory authorities shall decide on the amended terms and conditions or methodologies within 2 months following their submission.*
- [...]

Article 40 – Organisation, roles, responsibilities and quality of data exchange

[...]

6. *By 6 months after entry into force of this Regulation, all TSOs shall jointly agree on key organisational requirements, roles and responsibilities in relation to data exchange. Those organisational requirements, roles and responsibilities shall take into account and complement where necessary the operational conditions of the generation and load data methodology developed in accordance with Article 16 of Regulation (EU) 2015/1222. They shall apply to all data exchange provisions in this Title and shall include organisational requirements, roles and responsibilities for the following elements:*
- (a) *obligations for TSOs to communicate without delay to all neighbouring TSOs any changes in the protection settings, thermal limits and technical capacities at the interconnectors between their control areas;*
 - (b) *obligations for DSOs directly connected to the transmission system to inform the TSOs they are connected to, within the agreed timescales, of any changes in the data and information pursuant to this Title;*

- (c) obligations for the adjacent DSOs and/or between the downstream DSO and upstream DSO to inform each other within agreed timescales of any changes in the data and information pursuant to this Title;
- (d) obligations for SGUs to inform their TSO or DSO, within agreed timescales, about any relevant changes in the data and information established pursuant to this Title;
- (e) detailed contents of the data and information established pursuant to this Title, including main principles, type of data, communication means, format and standards to be applied, timing and responsibilities;
- (f) the time stamping and frequency of delivery of the data and information to be provided by DSOs and SGUs, to be used by TSOs in the different timescales. The frequency of information exchanges for real-time data, scheduled data and update of structural data shall be defined; and
- (g) the format for the reporting of the data and information established pursuant to this Title.

The organisational requirements, roles and responsibilities shall be published by ENTSO for Electricity.

[...]

II. The KORRR Proposal History

The draft KORRR proposal was publicly consulted on by all TSOs through ENTSO-E from 31 October 2017 to 1 December 2017¹, in line with Article 11 of the SO GL. All regulatory authorities provided informal written feedback and suggestions to the content of the draft KORRR proposal on 13 December 2017 and in subsequent bilateral exchanges. The KORRR proposal (dated 27 February 2018), submitted by all TSOs to their regulatory authorities for approval, was received by the last regulatory authority on 6 April 2018.

Article 6(7) of the SO GL requires all regulatory authorities to consult and closely cooperate and coordinate with each other in order to reach an agreement, and make decisions within six months following the receipt of the submitted proposal by the last regulatory authority.

Due to a number of unresolved issues and clarification needs in the submitted KORRR proposal, all NRAs agreed on 23 July 2018 to request an amendment to the KORRR by issuing their national decision by 15 August 2018. The last national decision for the request for amendment was issued on 4 September 2018.

All TSOs should have submitted the amended proposal within two months following the receipt of the request for amendment from all regulatory authorities as set out in Article 7(1) of the SO GL. All regulatory authorities shall then decide on the amended proposal within two months following its receipt.

The amended KORRR proposal, dated 1 October 2018, was received by the last regulatory authority on 20 November 2018.

III. Agreed position of all regulatory authorities

All regulatory authorities acknowledge the efforts made by all TSOs to incorporate in their amended KORRR proposal all the suggestions made and clarification requested by all regulatory authorities in their Request for Amendment of 23 July 2018 and during the subsequent intense and productive bilateral cooperation with ENTSOE.

¹ The public consultation included a stakeholder workshop held by ENTSO-E on 14 November 2017. The consultation documents are available on ENTSO-E's website:

<https://consultations.entsoe.eu/system-operations/korrr/>

Next to numerous agreed smaller changes and adaptations, the amended KORRR proposal now provides sufficient room for national specifics in relation to data exchange as provided by the SO GL.

The amended proposal appropriately reflects the following main amendment requests agreed by all regulatory authorities, that is to:

- allow for national decisions on the appropriate data exchange models and processes in accordance with Article 40 of the SO GL and leave the specification of data quality checks at national level as well;
- not disproportionately and generally put the responsibility for installation, configuration, security and maintenance of communications systems, which is beyond the control of the SGU/DSO, only on the SGU/DSO, but rather have it defined at a national level;
- specify better the cases in which confidential data may be shared among involved TSOs (i.e. for operational security analyses and for maintaining the operational security of their observability areas);
- remove the unjustified limitations/hurdles for DSOs for accessing data from TSOs necessary for the DSOs' operational security analyses and maintaining the operational security of their grids in accordance with Article 40(10) SO GL (reciprocity of data exchange);
- cover the communication by TSOs of planned and unplanned unavailability of network elements to transmission connected SGUs;
- clarify that both the list and format of detailed content for real time data exchange is to be published by TSOs;
- limit the review of structural data to network elements of the TSO's observability area to connected SGUs (and not to all PGMs and demand facilities);
- readapt the advance notice period for any planned changes in structural data for TSOs, DSOs, SGUs from 6 to 3 months to avoid customers waiting too much for new connections or other changes so that the DSO can notify the TSO;
- include SGUs in the coordination for the format specification for structural data to be exchanged and endeavor to use the same formats for TSOs and DSOs; and
- add a clarification and justification why which kind of scheduled data (i.e. planned / unplanned unavailability) is required by TSOs from DSOs and for which timeframes.

Finally, the amended KORRR proposal exhibits more clarity and accurateness by improving the quality of the content, structure, wording and consistency throughout the document (incl. by avoiding unnecessary duplications). The amended KORRR proposal also better specifies, in its 'whereas' section, the purpose and achievements of KORRR as well as its impact on the objectives of the SO GL.

IV. Conclusions

Based on the above rationale, **all regulatory authorities agreed to approve the amended KORRR proposal.**

According to Article 7(1) of the SO GL, all regulatory authorities should issue their national decisions, on the basis of this agreement, within two months after the receipt of the amended proposal by the last regulatory authority, i.e. at the latest by 21 January 2019.