



**RED**  
**ELÉCTRICA**  
DE ESPAÑA

**Regulation EC nº 714/2009 on conditions  
for Access to the network for cross-border  
exchanges in electricity.**

**International Energy Law Seminar**

**ENERCLUB**

**Inés de la Barreda, 12th May 2017**

# 1. Internal Energy Market, Third Package & Regulation 714

- **EU policy objective** : Creation of an **Internal Energy Market**
- **Pillars** :
  - Real Choice for all **consumers** – (citizens or businesses)
  - More **cross-border trade** – efficiency gains
  - Competitive **prices** and higher **standard of services**;
  - **Security** of supply and **sustainability**
- **Third Energy Package**:
  - Directive 72/2009/EC, Regulation EC nº 713/2009, **Regulation EC nº 714/2009 – *Regulation on conditions for cross-border exchanges in electricity.***
- **Main elements in Regulation 714/2009**:
  - Creation of ENTSO-E;
  - Establishment of Network Codes;
  - Others...

## 2. Network Codes & Guidelines

- **Common features** to Network Codes & Guidelines:
  - **Implementing acts** of the Commission deriving from the Electricity Directive and Regulation,
  - **Legal instrument:** EU regulations,
  - **Same legal value**
  - **Scope :**
    - **Cross border** Network Issues (not intended to replace national codes for non cross-border issues);
    - **Market integration** issues
- **Network Codes:**
  - **Article 8 of the Electricity Regulation**
  - Do not require further steps for their implementation
  - Only implementation measures at national level
- **Guidelines:**
  - **Article 8 list can be finally adopted as guidelines**
  - Require the development (TSO proposal) and approval (NRAs) of methodologies at EU level
  - Other guidelines foreseen in articles of Directive 2009/72 EC, Regulation EC nº 714/2009

### 3. Network codes and Guidelines – State of play

<b>Connection Codes</b>	<ul style="list-style-type: none"><li>• <b>Requirements for Generators (RfG)</b></li><li>• <b>Demand Connection Code (DCC)</b></li><li>• <b>HVDC Connection Code (HVDC)</b></li></ul>	<b>In force (Implementation Phase)</b>
<b>Operational Network Codes</b>	<ul style="list-style-type: none"><li>• <b>Emergency and Restoration (ER)</b></li><li>• <b>System Operations (SO)</b></li></ul>	<b>Approved in Comitology (MMSS)</b> <b>Pending scrutiny of EP and Council</b>
<b>Market Codes</b>	<ul style="list-style-type: none"><li>• <b>Capacity Allocation &amp; Congestion Management (CACM)</b></li><li>• <b>Forward Capacity Allocation (FCA)</b></li><li>• <b>Electricity Balancing (EB)</b></li></ul>	<b>In force (Implementation Phase)</b>  <b>Approved in Comitology</b> <b>Pending scrutiny of EP and Council</b>

## 4. Network codes implementation

- **Connection Network codes:**
  - National Implementation in course for all three connection codes
  - Using national legal instruments
- **System operation guidelines:**
  - Early implementation projects between TSOs
  - Through contracts and agreements between TSOs
- **Market Guidelines:**
  - Implementation of approved guidelines (CACM and FCA)
  - Early implementation of non approved guidelines

## 5. Network Codes and Guidelines - Next steps

- **Network Codes Conference:** Brussels 4 May 2017: Foster of implementation tasks
- **KD Borchardt** : “Implementation and application are important to deliver benefits for consumers”
- **Building Block** for the New CEP
- **Coordinated approach** – different players at development
- **Correct implementation** requirements:
  - **Implementation and monitoring group** - high level coordination between ACER, ENTSO-E and EC;
  - Coordinated implementation **guidance**
  - **Stakeholder involvement** maintained;
  - Specific **roles and responsibilities** for different parties (national, regional and EU level)
- Importance of **National Authorities** in implementation: MMSS and NRAs underlined for implementation process.

## 6. Summary

- **Most of the 3rd Package obligations have been delivered:**
  - Creation of ENTSO-E
  - Network Codes approval
- **Pending Activities:**
  - Publication of pending Guidelines
  - Implementation of NCs at national level
  - Implementation of Guidelines at EU level
- **Next:**
  - Implementation of the package
  - Tight follow up by EC
  - But... MMSS and NRAs are the responsible entities to implement and monitor that the legislative measures deliver their purposes.
  - Clean energy package for all europeans...



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**Thank you for your attention!**

Inés de la Barreda

[ibarreda@ree.es](mailto:ibarreda@ree.es)