Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration (Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003[(1)], and in particular Article 6(11) thereof,

Whereas:

(1) A fully functioning and interconnected internal energy market is crucial for maintaining security of energy supply, increasing competitiveness and ensuring that all consumers can purchase energy at affordable prices.

(2) Regulation (EC) No 714/2009 sets out non-discriminatory rules governing access to the network for cross-border exchanges in electricity with a view to ensuring the proper functioning of the internal market in electricity.

(3) Commission Regulation (EU) 2017/1485[(2)] sets out harmonised rules on system operation for transmission system operators ('TSOs'), regional security coordinators ('RSCs'), distribution system operators ('DSOs') and significant grid users ('SGUs'). It identifies different critical system states (normal state, alert state, emergency state, blackout state and restoration). It also includes requirements and principles to ensure the conditions for maintaining operational security throughout the Union and promote the coordination of system operation, requirements and principles for operational planning and scheduling processes required to anticipate real-time operational security difficulties and requirements and principles for Union-wide load frequency control and reserves.

(4) A common set of minimum requirements and principles needs to be developed for the procedures and actions to be carried out specifically when in the emergency, blackout and restoration states.

(5) Even though each TSO is responsible for maintaining operational security in its control area, the secure and efficient operation of the Union's electricity system is a task shared between all the Union TSOs since all national systems are, to a certain extent, interconnected and a fault in one control area could affect other areas. The efficient operation of the Union's electricity system also requires a close collaboration and coordination between stakeholders.

Changes to legislation: *Commission Regulation (EU) 2017/2196 is up to date with all changes known to be in force on or before 19 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) It is therefore necessary to set out harmonised requirements concerning technical and organisational measures in order to prevent the propagation or deterioration of an incident in the national system and to avoid the spread of the disturbance and blackout state to other systems. It is also necessary to set out harmonised procedures that TSOs should implement in order to restore the alert or normal state after the spread of the disturbance or blackout state.

(7) Each TSO should establish a system defence plan and a restoration plan, through a three steps approach: a design phase, consisting of defining the detailed content of the plan; an implementation phase, consisting in the development and installation of all necessary means and services for the activation of the plan; and an activation phase, consisting of operational use of one or more measure(s) from the plan.

(8) The harmonisation of the requirements for the establishment by TSOs of their respective system defence plan and restoration plan should ensure the overall efficiency of those plans at Union level.

(9) TSOs should ensure the continuity of energy transactions during emergency, blackout or restoration state and only suspend market activities and market's accompanying processes as a last resort. Clear, objective and harmonised conditions under which energy transactions could be suspended and subsequently restored should be established.

(10) Each TSO should support any other TSO in emergency, blackout or restoration state, upon request, where such support does not lead the system of the requested TSO into emergency or blackout state.

(11) In Member States where public communication systems are used, TSOs, DSOs, SGUs and restoration service providers should endeavour to obtain telecommunication priority status from their respective telecommunication provider.

(12) On 20 July 2015, the Agency for the Cooperation of Energy Regulators (‘the Agency’) recommended the adoption by the Commission of the Network Code on Electricity Balancing, subject to the requirements contained in the recommendation of the Agency No 3/2015.

(13) In addition to the general provisions of Regulation (EU) 2017/1485, specific requirements are needed to guarantee the information exchange and communication during the emergency, blackout or restoration states, as well as the availability of critical tools and facilities necessary to operate and restore the system.

(14) This Regulation has been adopted on the basis of Regulation (EC) No 714/2009 which it supplements and of which it forms an integral part. References to Regulation (EC) No 714/2009 in other legal acts should be understood as also referring to this Regulation.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 23(1) of Regulation (EC) No 714/2009,

HAS ADOPTED THIS REGULATION:

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CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

For the purposes of safeguarding operational security, preventing the propagation or deterioration of an incident to avoid a widespread disturbance and the blackout state as well to allow for the efficient and rapid restoration of the electricity system from the emergency or blackout states, this Regulation establishes a network code which lays down the requirements on:

(a) the management by TSOs of the emergency, blackout and restoration states;

(b) the coordination of system operation across the Union in the emergency, blackout and restoration states;

(c) the simulations and tests to guarantee a reliable, efficient and fast restoration of the interconnected transmission systems to the normal state from the emergency or blackout states;

(d) the tools and facilities needed to guarantee a reliable, efficient and fast restoration of the interconnected transmission systems to the normal state from the emergency or blackout states.

Article 2

Scope

1 This Regulation shall apply to TSOs, DSOs, SGUs, defence service providers, restoration service providers, balance responsible parties, balancing service providers, nominated electricity market operators (‘NEMO’) and other entities designated to execute market functions pursuant to Commission Regulation (EU) 2015/1222[(3)] and to Commission Regulation (EU) 2016/1719[(4)].

2 In particular, this Regulation shall apply to the following SGUs:

a existing and new power generating modules classified as type C and D in accordance with the criteria set out in Article 5 of Commission Regulation (EU) 2016/631[(5)];

b existing and new power generating modules classified as type B in accordance with the criteria set out in Article 5 of Regulation (EU) 2016/631, where they are identified as SGUs in accordance with Article 11(4) and Article 23(4);

c existing and new transmission-connected demand facilities;

d existing and new transmission connected closed distribution systems;

e providers of redispatching of power generating modules or demand facilities by means of aggregation and providers of active power reserve in accordance with Title 8 of Regulation (EU) 2017/1485; and

f existing and new high voltage direct current (‘HVDC’) systems and direct current-connected power park modules in accordance with the criteria set out in Article 4(1) of Commission Regulation (EU) 2016/1447[(6)].

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3 This Regulation shall apply to existing and new type A power generating modules, in accordance with the criteria set out in Article 5 of Regulation (EU) 2016/631, to existing and new type B power generating modules other than those referred to in paragraph 2(b), as well as to existing and new demand facilities, closed distribution systems and third parties providing demand response where they qualify as defence service providers or restoration service providers pursuant to Article 4(4).

4 Type A and type B power generating modules referred to in paragraph 3, demand facilities and closed distribution systems providing demand response may fulfil the requirements of this Regulation either directly or indirectly through a third party, under the terms and conditions set in accordance with Article 4(4).

5 This Regulation shall apply to energy storage units of a SGU, a defence service provider or a restoration service provider, which can be used to balance the system, provided that they are identified as such in the system defence plans, restoration plans or in the relevant service contract.

6 This Regulation shall apply to all transmission systems, distribution systems and interconnections in the Union except transmission systems and distribution systems or parts of the transmission systems and distribution systems of islands of Member States of which the systems are not operated synchronously with Continental Europe, Great Britain, Nordic, Ireland and Northern Ireland or Baltic synchronous area, provided that this non-synchronous operation does not result from a disturbance.

7 In Member States where more than one transmission system operator exists, this Regulation shall apply to all transmission system operators within that Member State. Where a transmission system operator does not have a function relevant to one or more obligations under this Regulation, Member States may provide that the responsibility for complying with those obligations is assigned to one or more different, specific transmission system operators.

8 The TSOs of Lithuania, Latvia and Estonia are, as long as and to the extent that they are operating in a synchronous mode in a synchronous area where not all countries are bound by Union legislation, exempted from the application of Articles 15, 29 and 33, unless otherwise provided for in a cooperation agreement with third country TSOs constituting the basis for their cooperation concerning secure system operation in accordance with Article 10.

Article 3

Definitions

For the purposes of this Regulation, the definitions provided for in Article 2 of Directive 2009/72/EC of the European Parliament and of the Council[(7)], Article 2 of Regulation (EC) No 714/2009, Article 2 of Commission Regulation (EU) No 543/2013[(8)], Article 2 of Regulation (EU) 2015/1222, Article 2 of Regulation (EU) 2016/631, Article 2 of Commission Regulation (EU) 2016/1388[(9)], Article 2 of Regulation (EU) 2016/1447 Article 2 of Regulation (EU) 2016/1719, and Article 2 of Regulation (EU) 2017/1485 shall apply.

In addition, the following definitions shall apply:

(1) ‘defence service provider’ means a legal entity with a legal or contractual obligation to provide a service contributing to one or several measures of the system defence plan;

(2) ‘restoration service provider’ means a legal entity with a legal or contractual obligation to provide a service contributing to one or several measures of the restoration plan;

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(3) ‘high priority significant grid user’ means the significant grid user for which special conditions apply for disconnection and re-energisation;

(4) ‘netted demand’ means the netted value of active power seen from a given point of the system, computed as (load — generation), generally expressed in kilowatts (kW) or megawatts (MW), at a given instant or averaged over any designated interval of time;

(5) ‘restoration plan’ means all technical and organisational measures necessary for the restoration of the system back to normal state;

(6) ‘re-energisation’ means reconnecting generation and load to energise the parts of the system that have been disconnected;

(7) ‘top-down re-energisation strategy’ means a strategy that requires the assistance of other TSOs to re-energise parts of the system of a TSO;

(8) ‘bottom-up re-energisation strategy’ means a strategy where part of the system of a TSO can be re-energised without the assistance from other TSOs;

(9) ‘resynchronisation’ means synchronising and connecting again two synchronised regions at the resynchronisation point;

(10) ‘frequency leader’ means the TSO appointed and responsible for managing the system frequency within a synchronised region or a synchronous area in order to restore system frequency back to the nominal frequency;

(11) ‘synchronised region’ means the fraction of a synchronous area covered by interconnected TSOs with a common system frequency and which is not synchronised with the rest of the synchronous area;

(12) ‘resynchronisation leader’ means the TSO appointed and responsible for the resynchronisation of two synchronised regions;

(13) ‘resynchronisation point’ means the device used to connect two synchronised regions, usually a circuit breaker.

Article 4

Regulatory aspects

1 When applying this Regulation, Member States, regulatory authorities, competent entities 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 that TSOs make use of market-based mechanisms as far as is possible to ensure network security and stability;

e respect technical, legal, personal safety and security constraints;

f respect the responsibility assigned to the relevant TSO in order to ensure system security, including as required by national legislation;

g consult with relevant DSOs and take account of potential impacts on their system; and

h take into consideration agreed European standards and technical specifications.