

# Public Consultation - Network Code on Demand Response

Fields marked with \* are mandatory.

## Introduction

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### 1. Objective

The objective of this consultation is to gather views and information from stakeholders regarding ACER's revisions on the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response (related documents 'E' below). The input from the consultation will be used by ACER to further amend the draft network code and related legal framework before submitting the final recommendation to the European Commission by March 2025.

### 2. Target group

This consultation is addressed to Electricity Transmission System Operators (TSOs), electricity Distribution System Operators (DSOs), Regional Coordination Centres (RCCs), Nominated Electricity Market Operators (NEMOs), investors, network users, producers, suppliers, new market players, exchanges, balancing providers, public authorities, academics, think tanks, environmental groups, civic society and other interested parties.

### 3. Contact and deadline

You are kindly asked to submit your responses through the survey tool by **31 October 2024, 23:59 hrs (CET)**.

Apart from replying to the survey questions, expressing your level of agreement/disagreement with the revisions, and providing your comments, you are also welcome to submit proposed amendments to the public consultation documents, through the 'file upload' section of this survey. In this case, **please use the following Word files** (can be downloaded from Section 6 on this page):

- A. "20240905 DR NC ACER public consultation"** with ACER's revisions to the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response;

**B. “20240905 EB Regulation amendments DR NC”** with ACER's revisions to the Commission Regulation (EU) 2017/2195 establishing a guideline on electricity balancing (Electricity Balancing Regulation);

**C. “20240905 SO Regulation amendments DR NC incl CACM 2.0”** with ACER's revisions to the Commission Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operation (System Operation Regulation); and

**D. “20240905 NC DC 2.0 amendments DR NC”** with ACER's revisions to the Commission Regulation (EU) 2016/1388 establishing a network code on demand connection (Demand Connection Regulation).

In this case, and while providing your suggested amendments in **track changes** mode, please **use as “Author”** for your edits the name of the organisation/association/company on behalf of which the survey submission is made (“**entity name**” in the survey fields). Also, please use this approach (i.e. uploading a file) to **only** propose amendments to the text, NOT for providing comments, as the comments should only be submitted through the survey fields. Correspondingly, the survey fields should NOT be used for proposing amendments to the text.

In case of submissions that do not respect any of the above rules, they will be rejected and not be taken into consideration.

In case of questions on the public consultation you may send a request for clarification to **ACER-ELE-2024-008@acer.europa.eu**.

## 4. Identification data and confidential information

\* Name of entity

Finnish Energy

\* Name of the respondent

Miia Miettinen

\* Email

mii.miettinen@energia.fi

\* Country of the entity's seat

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark

- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden

**\* Activity**

- Trader (or association)
- Energy supplier (or association)
- Aggregator (or association)
- Generator (or association)
- Utility (or association)
- End-user (or association)
- Market operator (or association)
- Transmission network operator (or association)
- Distribution network operator (or association)
- Regulatory authority
- Other (please specify)

**\* Please specify other activity**

Finnish Energy represents companies that produce, acquire, transmit and sell electricity, gas, district heat and district cooling and offer related services.

**\* Does your submission into this consultation contain confidential information?**

- Yes
- No

## 5. Publication of responses and privacy

The Agency will publish all non-confidential responses, and it will process personal data of the respondents in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, taking into account that this processing is necessary for performing the Agency's consultation task. For more details on how the contributions and the personal data of the respondents will be dealt with, please see the specific privacy statement attached to this consultation.

I confirm having read the [Data Protection Notice](#)

## 6. Consultation documents

**Consultation note (Important: please read this document before responding to the survey)**

[20240905 Note on public consultation on DR NC.pdf](#)

**A. "20240905 DR NC ACER public consultation"** with ACER's revisions to the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response

[20240905 DR NC ACER public consultation.docx](#)

**B. "20240905 EB Regulation amendments DR NC"** with ACER's revisions to the Commission Regulation (EU) 2017/2195 establishing a guideline on electricity balancing (Electricity Balancing Regulation)

[20240905 EB Regulation amendments DR NC.docx](#)

**C. "20240905 SO Regulation amendments DR NC incl CACM 2.0"** with ACER's revisions to the Commission Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operation (System Operation Regulation)

[20240905 SO Regulation amendments DR NC incl CACM 2.0.docx](#)

**D. "20240905 NC DC 2.0 amendments DR NC"** with ACER's revisions to the Commission Regulation (EU) 2016/1388 establishing a network code on demand connection (Demand Connection Regulation).

[20240905 NC DC 2.0 amendments DR NC.docx](#)

**E. Article mapping table** of the network code on demand response (consultation document 'A' vs related document 'E')

[Article mapping table\\_PC.xlsx](#)

## 7. Related documents

A. [Regulation \(EU\) 2019/942](#) of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators.

B. [Regulation \(EU\) 2019/943](#) of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast).

C. [Directive \(EU\) 2019/944](#) of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive (EU) 2012/27 (recast).

D. ACER [Framework Guideline](#) on Demand Response, 20 December 2022.

E. EU DSO entity and ENTSO-E [proposal for a network code on demand response](#) (full proposal package)

## DR NC Articles 1-18 (Title I)

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What is your general opinion on the following Articles of ACER's revisions to the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response?

Opinion table

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* Article 1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 2	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 3	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 4	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 5	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 6	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 7	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 8	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 9	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 10	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 11	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 12	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 13	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 14	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 15	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 16	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 17	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 18	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you wish, please explain your answers in the comment table below.

Comment table

	Comment
<p>Article 1</p>	<p>Recital (5)            [...] cost-efficient manner that increases both the security of supply of the power system and integrates effectively with existing power markets i.e. enhancing the liquidity and transparency of the organised wholesale energy market.</p> <p>Finnish Energy Recital (5)</p> <ul style="list-style-type: none"> <li>• comment</li> <li>o We strongly support these principles. Cost-efficiency and ensuring the functionality of the markets and the fair roles and rules for all parties involved is extremely important.</li> </ul> <p>Finnish Energy ART 1. Par. 1.</p> <ul style="list-style-type: none"> <li>• comment</li> <li>o It should be considered that when flexibility is addressed in the network code, it should include all kind of flexible resources, such as demand response, energy storages and production. Needed flexibility should be activated where it is most cost-efficient, which may involve either production, demand response and energy storages.</li> <li>o Articles and recitals must be written uniformly in this respect. Now, some of the recitals can be interpreted as not taking into account production, thus being in conflict with the articles, which clearly also take into account the production in the scope of this regulation.</li> </ul>
	<p>Finnish Energy, Recital (12)</p> <ul style="list-style-type: none"> <li>• comment</li> <li>o The recital refers to metering point, but should it refer to accounting point? In the network code, the terminology is consistently unclear when referring to metering point, accounting point, and connection point. The network code should clearly state that flexibility is always validated according to the smallest balance settlement point. For example, in Finland, this is the accounting point.</li> <li>• Proposal</li> <li>o This Regulation enables market participants to develop demand response behind [ADDED: accounting point] [DELETED: metering point](s) of connection point and [...]</li> </ul> <p>Finnish Energy, ART 2. Par. (2)</p> <ul style="list-style-type: none"> <li>• comment</li> </ul>

Article 2

- o It is unclear if the energy supply provided by the supplier can include both injection and consumption from the grid. Accounting point should be able to include either or both.

Finnish Energy ART 2. Par. (10)

- Comment
- o 'market-based procurement' or 'market-based mechanism'. It is important that public procurement can also be considered a market-based procurement. Does the term bidding process include public procurement? Or should we use the term tender process instead?

Finnish Energy ART 2. Par. (18)

- Comment
- o We propose that the term 'Flexibility information system' is changed back to 'flexibility register,' which better describes the system.
- Proposal
- o 'flexibility [ADDED; register] [DELETED: information system]' means a system to record at least the qualification of service providers, the product prequalification, product verification and grid prequalification of SPUs and SPGs, the temporary limits set by system operators and the switch of controllable units for the provision of balancing and local services and to exchange of data for such processes;

Finnish Energy ART 2 Par (25)

- Comment:
- o 'service providing unit' or 'SPU'. The definition refers to units behind the same single connection agreement point. Connection point should be replaced with accounting point.
- Proposal
- o 'service providing unit' or 'SPU' means a single controllable unit or an ensemble of controllable units connected to the same single [ADDED: accounting] [DELETED: connection agreement] point. SPU is defined by the service provider to provide balancing or local services;

Finnish Energy ART 2 par (26)

- Comment
- o 'service providing group' or 'SPG'. The definition refers to units connected to more than one Connection agreement point. Connection point should be replaced with accounting point.
- Proposal
- o 'service providing group' or 'SPG' means an aggregation of controllable units or service providing units

connected to more than one [ADDED: accounting] [DELETED: connection agreement] point within the same scheduling area. SPG is defined by the service provider to provide balancing or local services;

Finnish Energy ART 2 Par (35)

- Comment
  - o 'compensation effect'. Definition refers to other non-activated controllable units and via CU definition (21) it again refers to definition (4) in demand connection code (NC DC). The definition of NC DC is not suitable when considering compensation effect. The definition should be wider, e.g. electricity consumption of accounting point would be a more appropriate term. In the NC DC definition (4) is as follows: 'demand unit' means an indivisible set of installations containing equipment which can be actively controlled by a demand facility owner or by a CDSO, either individually or commonly as part of demand aggregation through a third party. We see that the DC definition includes the idea that demand unit can be actively controlled by the demand facility owner. However, we see that with this definition, for example electrical heating devices could be unintentionally left out of the scope of the compensation effect. A common case for compensation effect would be for example a heat pump providing demand flexibility, where the compensation effect comes from the rest of the house's electrical heating (e.g. regulate radiators with a thermostat). The radiators need to be seen as non-activated controllable units in respect to this article and we see the definition of NC DC may unintentionally limit them out of scope.
- Proposal
  - o 'compensation effect' means the alteration of injection or withdrawal of other [ADDED: electricity consumption of accounting point] [DELETED: non-activated controllable units] during the activation period of a local or balancing service, that counteracts the effects of the activation;

Article 3

Article 4

Finnish Energy, ART 4 Par 1.

- Comment
  - o We propose that NRA be added here in the list of possible parties to establish the rules of procedure at national level as well, so that this can be taken into account in national implementation . Without specifically listing NRA here, assigning the task to the NRA would require a change in national legislation at least in our country. The process of changing national legislation cannot start before entry into force of the network code and the process takes at least several months, more likely half a year. Without adding NRA to the article directly, the proposed schedule is completely impossible.
  - o The schedule is too tight if the national role allocation has to be assigned to the right party through a legislative change.



	<ul style="list-style-type: none"> <li>• Proposal</li> <li>o By [six months] after entry into force of this Regulation, each Member States [ADDED: , NRA] or the designated entity shall establish the rules of procedure at national level according to which the system operators shall develop the proposals for the common national terms and conditions referred to in Article 6.</li> </ul>
Article 5	<p>Finnish Energy, ART 5 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We propose that the term ‘all system operators’ should be changed to ‘all competent system operators’. The term ‘all system operators’ is used in the articles 5, 9, 19, 22, 33, 41 and 54. When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term ‘ALL COMPETENT SYSTEM OPERATORS’ can be defined nationally in the national terms and conditions for each market.</li> <li>• Proposal</li> <li>o All [ADDED: competent] system operators of each Member State shall develop proposals for the common national terms and conditions required by this Regulation and jointly submit them for approval to the regulatory authority within the respective deadlines set out in this Regulation following the approval of the national rules of procedure referred to in Article 6.</li> </ul>
Article 6	<p>Finnish Energy, ART 6 Par 2.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We assume that the 12-month implementation period applies to the adoption of the conditions and terms. If the terms and conditions include requirements that necessitate changes in the parties IT-systems, there shall be a right to set the required transition periods in the national terms and conditions.</li> </ul> <p>Finnish Energy, ART 6 Par 4.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o This section 4 is unclear and unnecessary. We propose its removal. Dispute resolution and the authority of national regulators should be decided nationally. It does not fall within the scope of this network code. Additionally, this section has been placed under Article 6, which deals with approval of common national terms and conditions. From our perspective, this section 4 does not belong to the rest of the content of the article 6.</li> <li>• Proposal</li> <li>o [DELETED Par 4: Any party may complain against system operators in relation to that system operators’ obligations or decisions under this Regulation and may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. That period</li> </ul>

	<p>may be extended by a further two months where additional information is sought by the regulatory authority. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall be binding unless and until overruled on appeal.]</p>
Article 7	
Article 8	
Article 9	<p>Finnish Energy, ART 9 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We propose that the term 'all system operators' should be changed to 'all competent system operators'. The term 'all system operators' is used in the articles 5, 9, 19, 22, 33, 41 and 54. When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term 'ALL COMPETENT SYSTEM OPERATORS' can be defined nationally in the national terms and conditions for each market.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o All [ADDED: competent] system operators of each Member State responsible for submitting proposals for the common national terms and conditions or their amendments in accordance with this Regulation shall consult stakeholders, including the relevant authorities of the Member State, on the draft proposals for common national terms and conditions listed in Article 6(1) of this Regulation. The public consultation shall last for a period of not less than [one month].</li> </ul> </li> </ul> <p>Finnish Energy, ART 9 Par 2.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We propose that the term 'all system operators' should be changed to 'all competent system operators'. The term 'all system operators' is used in the articles 5, 9, 19, 22, 33, 41 and 54 . When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term 'ALL COMPETENT SYSTEM OPERATORS' can be defined nationally in the national terms and conditions for each market.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o All system [ADDED: competent] operators of each Member State, responsible for developing the proposal for the common national terms and conditions shall duly consider the views of stakeholders resulting from the consultations prior to its submission for regulatory approval. In all cases, a sound justification for including or not the views resulting from the consultation shall be provided together with the submission of the proposal to the regulatory authority for approval and published in a timely manner before, or simultaneously with the submission for approval of the proposal for common national terms and conditions.</li> </ul> </li> </ul>

Article 10	<p>Finnish Energy, ART 10 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o European harmonization via Union-wide methodologies shall only be developed based on a separate needs assessment that considers at least the functioning of the market and costs and benefits for SOs, market parties and society.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o [ADDED: If the needs assessment indicates that this is necessary,] ENTSO-E and EU DSO Entity, or all TSOs if so specified, shall develop the proposals for the Union-wide methodologies required by Article 11 and submit them for approval to ACER. [ADDED: A separate assessment considers at least functioning of the market and costs and benefits for SOs, market parties and society.]</li> </ul> </li> </ul>
Article 11	<p>Finnish Energy, ART 11 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o It is proposed that the union-wide method for pre-qualifications should be developed only if a separate needs assessment supports it, rather than doing it regardless of the needs assessment.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o [ADDED: If the needs assessment indicates that this is necessary,] The proposals developed by ENTSO-E and EU DSO Entity for the following Union-wide methodologies shall be subject to approval by ACER: [..]</li> </ul> </li> </ul>
Article 12	
Article 13	
Article 14	
Article 15	
Article 16	<p>Finnish Energy, ART 16 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We do not support requiring: “publish this decision on the internet.” It shall be enough to inform the relevant regulatory authority.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o In the event that all or part of any tasks specified in this Regulation are delegated to another party, the delegating system operator shall ensure that suitable confidentiality agreements in accordance with the confidentiality obligations of the delegating system operator have been put in place prior to the delegation. After</li> </ul> </li> </ul>

delegating all or part of any tasks to another party, the delegating system operator shall inform the relevant regulatory authority [DELETED: and publish this decision on the internet].

Article 17

Article 18

## DR NC Articles 19-37 (Titles II, III)

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What is your general opinion on the following Articles of ACER's revisions to the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response?

Opinion table

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* Article 19	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 20	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 21	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 22	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 23	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 24	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 25	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 26	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 27	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 28	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 29	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 30	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 31	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 32	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 33	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 34	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 35	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 36	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 37	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you wish, please explain your answers in the comment table below.

Comment table

	Comment
<p>Article 19</p>	<p>Finnish Energy, ART 19 Par 2.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We propose that the term ‘all system operators’ should be changed to ‘all competent system operators’. The term ‘all system operators’ is used in the articles 5, 9, 19, 22, 33, 41 and 54 . When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term ‘ALL COMPETENT SYSTEM OPERATORS’ can be defined nationally in the national terms and conditions for each market.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o No later than [12 months] after the approval of the national rules of procedure of a Member State pursuant to Article 4, all [ADDED: competent] system operators of a Member State shall develop a proposal for national terms and conditions for service providers.</li> </ul> </li> </ul>
<p>Article 20</p>	<p>Finnish Energy, ART 20 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o The service bought by a TSO/DSO is delivered at the accounting point, so the this service should also be verified at the accounting point. The use of DMD should be enabled if the DSO meter at the accounting point is not sufficient to verify flexibility at the accounting point level. This varies a lot also between member states and the code shall leave room for national assessment of the applicability.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o The injections and withdrawals for the settlement of the system operation services and the imbalance settlement shall be calculated based on the metering equipment of the [ADDED: accounting] [DELETED: connection] point, unless the controllable unit uses its own method of calculating injections and withdrawals of energy, including a dedicated measurement device [ADDED: , if nationally applicable].</li> </ul> </li> </ul>
	<p>Finnish Energy, ART 21 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o The use of DMD should be enabled if the DSO meter at the accounting point is not sufficient to verify flexibility at the accounting point level. This varies a lot also between member states and the code shall leave room for national assessment of the applicability.</li> <li>o</li> </ul> </li> <li>• Proposal</li> </ul>

Article 21

- o The national terms and conditions for service providers or, as applicable, the respective national legislation shall define at least the following rules for the use of data from dedicated measurement devices, pursuant to [Article 7b(3) of Regulation (EU) 2019/943, as amended by Regulation (EU) 2024/1747 ] [ADDED: , if nationally applicable]: [..]

Finnish Energy, ART 21 Par 2.

- Comment
- o It should be noted that measurement data for balance settlement is not provided to the system operator in all countries. In Finland, measurement data for the electricity retail market is delivered to the Datahub for balance settlement.
- Proposal
- o When data from a dedicated measurement device is used for settlement or validation, the service provider shall be responsible for acquiring the relevant measurement data from the dedicated measurement device and make the relevant measurement data available to the procuring system operator, [ADDED: unless otherwise agreed in national terms and conditions or respective national legislation].

Finnish Energy, ART 21 Par 3.

- Comment
- o National differences in the allocation of responsibilities for measurement must be taken into account.
- Proposal
- o When data from a dedicated measurement device data is used for validation or settlement, system operators, [ADDED: or other designated entity] shall be entitled to verify the quality of measurements provided by dedicated measurement devices.

Article 22

Finnish Energy, ART 22 Par 1.

- Comment
- o We propose that the term ‘all system operators’ should be changed to ‘all competent system operators’. The term ‘all system operators’ is used in the articles 5, 9, 19, 22, 33, 41 and 54 . When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term ‘ALL COMPETENT SYSTEM OPERATORS’ can be defined nationally in the national terms and conditions for each market.
- Proposal
- o No later than [12 months] after the approval of the national rules of procedure of a Member State pursuant to Article 4 of this Regulation, all [ADDED: competent] system operators of a Member State shall develop a common

	<p>proposal regarding the processes for the definition, calculation and validation of the baselining methods.</p> <p>Finnish Energy, ART 22 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We strongly support these principles listed for baselining methods. Recital 11 also makes good points about a properly designed baseline methodology.</li> </ul>
Article 23	<p>Finnish Energy, ART 23 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o There may be service providers products in markets where measurement needs to be done at a more detailed level than the imbalance settlement period.</li> <li>• Proposal</li> <li>o Where the data used for determining the provision of a service is based on measurement, the granularity of the data used shall be [ADDED: at least] the imbalance settlement period, unless higher resolution is required for determining the activation of a service by the procuring system operator.</li> </ul> <p>Finnish Energy, ART 23 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We find the sentence unclear. What does this ‘customers upon consent’ authorization refer to? We do not see a situation where a separate authorization would be needed for the parties to fulfill tasks if the service has been agreed upon with the customer.</li> </ul>
Article 24	
Article 25	
	<p>Finnish Energy, ART 26 Par 5.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o The network code shall not categorically decline the SOs right to require prequalification to any product. The need for prequalification shall be defined based on the needs of the product and the requirement for prequalification shall be justified by the SO.</li> <li>o Par 5 standard balancing products need regular prequalification (this was originally also stated in FWGL). It is of utmost importance that SPUs and SPGs intending to provide standard balancing services are being checked upfront, to ensure a high degree of reliability. Otherwise (imagining a less reliable service delivery), the balancing capacity would have to be increased, leading to higher costs for the system and the society. The prequalification process for standard balancing products has proven to be the right approach in the past. The rules on</li> </ul>



<p>Article 26</p>	<p>prequalification should be harmonized amendments for EBGL. The allocation of balancing products (standard and specific) shall be treated as part of the EBGL</p> <p>Finnish Energy, ART 26 Par 6.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o The current proposal would cause additional burden on the national regulatory authority as well as on system operators in terms of exemption applications or incorrect flexibility activations, for products where it is essential to ensure the operational security of the power system through prequalification. We propose that exemptions from the prequalification required for the delivery of each product/service be solely at the discretion of the procuring system operator.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o The procuring system operator shall have the right to [DELETED: propose, subject to the approval of the regulatory authority], a product prequalification instead of product verification on SPU or SPG level according to paragraph 5, where at least one of the following criteria is fulfilled: [..]</li> </ul> </li> </ul>
<p>Article 27</p>	<p>Finnish Energy, ART 27 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o Product verification is a new concept discussed in the context of 'new rules for DR', that should be incorporated for specific balancing services, in line with ACER Framework Guidelines. The necessary references to this Article 27 should therefore be proposed in EBGL. The specifications for product verification should be described separately for balancing services in the national TCs for BSPs and for local services in the national TCs for LSPs.</li> </ul> </li> </ul> <p>Finnish Energy, ART 27 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o If minimum verification criteria are not reached, this could also mean that service provider is not able to provide the service and therefore instead of conducting activation test, a full prequalification process for a given product should be performed.</li> </ul> </li> </ul>
	<p>Finnish Energy, ART 28 Par 3</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o This Article should be clarified as a requirement for TCs for LSPs. While the relevant requirements to prequalify SPUs and SPGs should be included in Article 18 of EBGL and applicable articles of SOGL (155, 159, 162).</li> </ul> </li> </ul>

Article 28	<ul style="list-style-type: none"> <li>o Par 3: It heavily depends on the capabilities of the SP whether the service is reliable. Track change from “any” to “same” is deemed as very important!</li> <li>• Proposal</li> <li>o When the potential SPU or SPG exclusively consists of small controllable units, controllable units that are identical to controllable units being part of other SPUs or SPGs previously prequalified by [ADDED: same] [DELETED: any] SP for the relevant product, or a combination of both: [..]</li> </ul>
Article 29	<p>Finnish Energy, ART 29 Par 2.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o It is unclear how it affects the definition of national methodologies if a Union-wide methodology for further simplification of the product prequalification is being prepared simultaneously with a national methodology? We hope ACER clarifies this.</li> </ul>
Article 30	<p>Finnish Energy, ART 30 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o The proposed one business day timeframe is seen as an unreasonable requirement. It may lead to requests being made just in case, as there is not enough time to assess the genuine need. A more suitable timeframe can be defined nationally in the national terms and conditions.</li> <li>• Proposal</li> <li>o The procuring system operator shall notify the service provider on the need to pass a full or partial repetition of the product prequalification or product verification on SPU or SPG level pursuant to paragraph 2 [ADDED: within national time frame] [DELETED: within 1 business day] after the notification of the change pursuant to paragraph 1.</li> </ul>
Article 31	
Article 32	
	<p>Finnish Energy, ART 33 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment 1</li> <li>o We propose that the term ‘all system operators’ should be changed to ‘all competent system operators’. The term ‘all system operators’ is used in the articles 5, 9, 19, 22, 33, 41 and 54 . When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term ‘ALL COMPETENT SYSTEM OPERATORS’ can be defined nationally in the national terms and conditions for each market.</li> <li>• Comment 2</li> </ul>

Article 33	<ul style="list-style-type: none"> <li>o The proposed 18 months schedule is too tight to develop a proposal for national terms and conditions for a flexibility register.</li> <li>• Comment 3</li> <li>o We propose that the term 'Flexibility information system' be changed back to 'flexibility register.'</li> <li>• Proposal</li> <li>o No later than [18 months] after the approval of the national rules of procedure of a Member State pursuant to Article 4, all [ADDED: competent] system operators of a Member State shall develop a proposal for national terms and conditions for a flexibility [ADDED: register] [DELETED: information system].</li> </ul>
Article 34	<p>Finnish Energy, ART 34 Par 5.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o The data shall be portable, but it can be partially confidential and/or require authorization. We are not sure what is meaning of 'portable'. When delivering data, strict adherence to data protection and privacy protection is essential.</li> </ul>
Article 35	<p>Finnish Energy, ART 35 Par 2(a).</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Shall make data available, but it can be partially confidential and/or require authorization. We are not sure what is meaning of 'make available'. When delivering data, strict adherence to data protection and privacy protection is essential.</li> </ul> <p>Finnish Energy, ART 35 Par 3(a).</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Shall make data available, but it can be partially confidential and/or require authorization. We are not sure what is meaning of 'make available'. When delivering data, strict adherence to data protection and privacy protection is essential.</li> </ul>
Article 36	
Article 37	<p>Finnish Energy, ART 37 Par (g).</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Definition refers to Connection point, when it should be accounting point.</li> <li>• Proposal</li> <li>o a 'revocation procedure' allowing system users to revoke the entitlement for the access of a service provider to their controllable unit(s) and ensuring that all affected parties are notified [without undue delay]. If the entitlement</li> </ul>

of a system user to a [ADDED: accounting] [DELETED: connection] point is invalidated, the 'revocation procedure' shall automatically and implicitly be enacted;

## DR NC Articles 38-53 (Titles IV, V, VI)

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What is your general opinion on the following Articles of ACER's revisions to the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response?

Opinion table

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* Article 38	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 39	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 40	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 41	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 42	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 43	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 44	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 45	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 46	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 47	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 48	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 49	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 50	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 51	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 52	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 53	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you wish, please explain your answers in the comment table below.

Comment table

	Comment
Article 38	<p>Finnish Energy, ART 38 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o we support these principles.</li> </ul>
Article 39	
Article 40	<p>Finnish Energy, ART 40 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o A flexible connection agreement should not restrict the offering of flexibility to the market, and offering flexibility to the market must not violate the terms of the flexible connection agreement. Flexible connection agreement must be adhered to primarily.</li> <li>• Comment 2</li> <li>o In our view, the concept of a permanent flexible connection agreements would bring benefits introduced alongside the flexible connection agreements in accordance with the directive. The article shall not limit the possibilities to find the most cost efficient flexibility solutions nationally.</li> <li>• Proposal</li> <li>o [...] except for the cases where such flexible connection agreements are established as permanent solution in accordance with Article 6a(1) of Directive (EU) 2019/944 [ADDED: or in accordance with other relevant national or EU legislation].</li> </ul> <p>Finnish Energy, ART 40 Par 2 (c).</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o In our view, this is overly detailed regulation and may limit the utilization of the most effective flexibility measures.</li> </ul>
Article 41	<p>Finnish Energy, ART 41 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We propose that the term ‘all system operators’ should be changed to ‘all competent system operators’. The term ‘all system operators’ is used in the articles 5, 9, 19, 22, 33, 41 and 54 . When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term ‘ALL COMPETENT SYSTEM OPERATORS’ can be defined nationally</li> </ul>

	<p>in the national terms and conditions for each market.</p> <ul style="list-style-type: none"> <li>• Proposal <ul style="list-style-type: none"> <li>o All [ADDED: competent] system operators of a Member State procuring local services in a market-based way shall define the rules for the market-based procurement of local services in the proposal for the terms and conditions for service providers developed pursuant to Article 19.</li> </ul> </li> </ul>
Article 42	<p>Finnish Energy, ART 42 Par 4.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We do not support the current wording of the Par 4 and therefore recommend adopting the formulation in the ENTSO-E and DSO Entity proposal in Article 77 (Ensuring system balance), where the requirement was stated as a mandate to solve power imbalances due to the activation of local services as soon as possible.</li> </ul> </li> </ul> <p>Finnish Energy, ART 42 Par 6.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We see that this article requires simplification and clarification. We propose the removal of paragraph 6 or changes wording.</li> <li>o Forwarding bids shall be an option, not a mandate, since there are other means to ensure the coordination between markets that allows service providers to participate with same resources in different markets.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o Each procuring system operator shall coordinate with other procuring system operators in accordance with the rules for the market-based procurement of local services pursuant to Article 41. Subject to the service provider's consent, the procuring system operator [ADDED: may] [DELETED: shall] forward bids – combined or not – to other markets, while ensuring the necessary transparency and following the pricing mechanism and settlement principles pursuant to Article 44.</li> </ul> </li> </ul>
Article 43	
Article 44	
	<p>Finnish Energy, ART 45 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We see that national data exchange models may vary and 'on request' may not necessarily be the model used. We propose that this is left to national terms and conditions to define, at least allowing the freedom to determine according to the national data exchange model.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o Where required for the validation of the activated volume of local services, each relevant system operator, as</li> </ul> </li> </ul>

Article 45	<p>specified in the national terms and conditions pursuant to Article 41, shall [DELETED: , on request,] receive [ADDED: the information in accordance with the national data exchange model].</p> <p>Finnish Energy, ART 45 Par 4.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Wording of the requirement is very unclear. We agree with the right of procuring system operator to receive information on temporary limits. We understand the requirement may fit better as part of article 58. We hope ACER clarifies this.</li> </ul>
Article 46	
Article 47	<p>Finnish Energy, ART 47 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We see that the list should be made in the same way as EB GL Art. 25, meaning some attributes are 'may set out at least' and some parts are 'shall set out at least'.</li> </ul> <p>Finnish Energy, ART 47 Par 2.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We see that the list should be made in the same way as EB GL Art. 25, meaning some attributes are 'may set out at least' and some parts are 'shall set out at least'.</li> </ul> <p>Finnish Energy, ART 47 Par 3.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We see that there should not be an obligation for the entire lists if the attribute is not needed for the product.</li> </ul>
Article 48	
Article 49	<p>Finnish Energy, ART 49.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We support the main principle that the ownership and operation of storages is always primarily a competitive business. Therefore, network companies should not own or use storages, but acquire corresponding flexibility features as services in a competitive market. Where it is proven that the necessary flexibility services are not available on the market and the national regulator grants a derogation on a case-by-case basis, it shall be ensured that the arrangement does not cause market disruption.</li> </ul>
Article 50	



Article 51	
Article 52	<p>Finnish Energy, ART 52.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o In a fundamental level we want to raise the question whether there is a mandate to set rules for Distribution Network Development Plans (DNDP) in this NC. As we see the regulation doesn't give a mandate to regulate DNDPs in this network code. In case there however is a mandate to regulate DNDPs in this NC we want to highlight that the network code shall not set rules beyond the existing EU legislation.</li> <li>o All overlaps with existing EU legislation shall be avoided.</li> <li>o Delete section TITLE VI Distribution Network Development Plans from NC or (if existing mandate is proven) assess and remove all overlaps with existing regulation (namely Electricity directive Article 32 point 3).</li> </ul> </li> <li>• Proposal 1 <ul style="list-style-type: none"> <li>o Delete section TITLE VI Distribution Network Development Plans from NC</li> </ul> </li> <li>• Proposal 2 (if existing mandate is proven) <ul style="list-style-type: none"> <li>o Delete Par 1 (a) (iv)</li> <li>o Delete Par 1 (b)</li> <li>o Delete Par 1 (c)</li> </ul> </li> </ul>
Article 53	<p>Finnish Energy, ART 53.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o In a fundamental level we want to raise the question whether there is a mandate to set rules for Distribution Network Development Plans (DNDP) in this NC. As we see the regulation doesn't give a mandate to regulate DNDPs in the network code. In case there however is a mandate to regulate DNDPs in this NC we want to highlight that the network code shall not set rules beyond the existing EU legislation.</li> </ul> </li> <li>• Proposal 1 or <ul style="list-style-type: none"> <li>o Delete section TITLE VI Distribution Network Development Plans from NC</li> </ul> </li> <li>• Proposal 2 (if existing mandate is proven) <ul style="list-style-type: none"> <li>o Delete Article 53</li> </ul> </li> </ul>

## DR NC Articles 54-66 (Titles VII-XI)

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What is your general opinion on the following Articles of ACER's revisions to the EU DSO Entity's and ENTSO-E's proposal for a network code on demand response?

Opinion table

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* Article 54	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 55	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 56	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 57	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 58	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 59	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 60	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 61	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 62	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 63	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 64	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 65	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Article 66	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you wish, please explain your answers in the comment table below.

Comment table

	Comment
<p>Article 54</p>	<p>Finnish Energy, ART 54 Par 1.</p> <ul style="list-style-type: none"> <li>• Comment 1 <ul style="list-style-type: none"> <li>o We propose that the term ‘all system operators’ should be changed to ‘all competent system operators’. The term ‘all system operators’ is used in the articles 5, 9, 19, 22, 33, 41 and 54. When changing the term, it should be noted that not all system operators are forced to participate in matters that only concern reserve markets or TSOs. This proposed change requires that the term ‘ALL COMPETENT SYSTEM OPERATORS’ can be defined nationally in the national terms and conditions for each market.</li> </ul> </li> <li>• Comment 2 <ul style="list-style-type: none"> <li>o The proposed 6 months schedule is too tight to develop a proposal for national terms and conditions for TSO-DSO and DSO-DSO coordination.</li> <li>o Preparation and alignment national rules within proposed 6 months seem unfeasible especially for member states with a lot of DSOs. We propose [12 months] We propose to add topic of methodology for calculation and coordination grid prequalification process to the scope of TC for coordination as it was proposed by EU DSO Entity and ENTSO-E. Grid Prequalification and temporary limits and shall be one process allowing access to the markets which requires cooperation between system operators.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o No later than [[DELETED: 6] [ADDED: 12] months] after the approval of the national rules of procedure of a Member State pursuant to Article 4, all [ADDED: competent] system operators of a Member State shall develop a proposal for national terms and conditions for TSO-DSO and DSO-DSO coordination.</li> </ul> </li> </ul>
<p>Article 55</p>	<p>Finnish Energy, ART 55 Par 3 (a).</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o We see that the process “The DSO shall invite all potentially impacted system operators, shall inform the relevant regulatory authority and shall include an announcement on its public website [within at least 2 weeks] prior to the beginning of the process to establish its DSO observability area” is not suitable for countries with approximately 100 DSOs.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o (a) the DSO shall transparently involve in the process of establishing the DSO observability area all potentially impacted system operators. As a minimum, all system operators with at least one electrical connection to the concerned DSO shall be treated as potentially impacted system operators. [DELETED: The DSO shall invite all potentially impacted system operators, shall inform the relevant regulatory authority and shall include an</li> </ul> </li> </ul>

	<p>announcement on its public website [within at least 2 weeks] prior to the beginning of the process to establish its DSO observability area];</p> <p>Finnish Energy, ART 55 Par 4 (a).</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o The proposed 6 months schedule is too tight to fulfil al requirements of proposed Art. 55 (4) (a)</li> </ul>
Article 56	
Article 57	
Article 58	
Article 59	<p>Finnish Energy, ART 59 Par 2.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Why is this requirement limited to only DSOs?</li> </ul> <p>Finnish Energy, ART 59 Par 7.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o It is unclear on what basis can a SO request the information?</li> </ul> <p>Finnish Energy, ART 59 Par 8.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We support that data to be exchanged shall be limited to the “necessary and usable data”.</li> </ul> <p>Finnish Energy, ART 59 Par 9.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We support these “Data exchanged pursuant to this Article shall be delivered with a granularity, periodicity and timing defined in the national terms and conditions for TSO-DSO and DSO-DSO coordination pursuant to Article 54, that shall be appropriate for the intended use and proportionate.”.</li> </ul>
Article 60	
	<p>Finnish Energy, ART 61 Par 2 (c).</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We are not sure what is meaning of “the potential contribution of each CU”. What is meant by “contribution” here?</li> </ul>

Article 61	<p>Finnish Energy, ART 61 Par 7.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We are not sure about the purpose of the DSO-specific process: “Each system operator shall establish a process to validate the quality of data provided by service providers against quality requirements.”.</li> </ul>
Article 62	<p>Finnish Energy, ART 62 Par 4.</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Have we understood correctly that a derogation cannot be applied for after the regulation has entered into force?</li> </ul>
Article 63	
Article 64	
Article 65	<p>Finnish Energy, ART 65</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o Article 65 defines the schedule for the implementation of the flexibility system. It is noteworthy that the overall implementation will require significant development efforts in several information systems and processes at a time when the need for development in other areas of the electricity distribution system is also increasing. We believe that the development work should be given a couple of years more than defined to ensure it is functional from the start.</li> </ul> <p>Finnish Energy, ART 65 Par 1</p> <ul style="list-style-type: none"> <li>• Comment</li> <li>o We support the principle “shall use existing or may operate IT solutions and tools meeting the basic functionalities of the flexibility information system to provide for the possibility of offering services on the basis of this Regulation”.</li> </ul>
Article 66	

## Revisions to Electricity Balancing (EB), System Operation (SO) and Demand Connection (DC) Regulations

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What is your general opinion on ACER's revisions to the Electricity Balancing (EB), System Operation (SO) and Demand Connection (DC) Regulations (per topic)?

### EB Regulation: Revision topics & related articles

Topic 1. Functions and responsibilities: Articles 15-18

Topic 2. Requirements for standard products: Articles 25 and 62

Topic 3. Settlement of balancing energy: Articles 45 and 49

Topic 4. Imbalance settlement: Articles 52 and 54

Topic 5. Financial transfer and compensation: Article 55A

### SO & DC Regulations: Revision topics & related articles

Topic 6. Moving provisions regarding demand units providing demand response from DC Regulation to SO Regulation: Articles 2, 52, 53, 54, 56, 81, 105, 107, 127, 154 and 156 (SO Regulation) / Articles 27-33, 41 and 45 (DC Regulation)

Topic 7. Consistency with demand response network code provisions regarding data exchange between TSOs and DSOs, in line with the DSO observability area: Articles 40, 51 (SO Regulation)

Topic 8. Consistency with demand response network code provisions regarding grid prequalification and temporary limits: Article 182 (SO Regulation)

Topic 9. Moving provisions regarding data exchange from system users from demand response network code to SO Regulation: Article 53 (SO Regulation)

### Opinion table

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	No opinion
* Topic 1	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 2	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 3	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 4	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 5	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 6	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 7	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 8	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topic 9	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you wish, please explain your answers in the comment table below.

Comment table

	Comment
Topic 1	<p>Finnish Energy, EB Art 25 Par 7.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o In Finland, there are both pros and cons to reducing the size of balance management products, and therefore we do not have a single view on the matter. Allowing smaller balance management products may potentially complicate the system. It was considered whether it could be allowed to have one bid below 1 MW per operator if the bid size is reduced anyway. Another perspective was that this change would increase market supply, and this is seen as a positive aspect, with no identified problems or challenges in that regard.</li> </ul> </li> </ul>
Topic 2	
Topic 3	
Topic 4	<p>Finnish Energy, EB Art 54 Par 4 (e)</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o Connection, should it be accounting point? Metering point, should it be accounting point?</li> <li>o In the EB, the terminology is consistently unclear when referring to metering point, accounting point, and connection point. The network code should clearly state that flexibility is always validated according to the smallest balance settlement point. For example, in Finland, this is the accounting point.</li> </ul> </li> <li>• Proposal <ul style="list-style-type: none"> <li>o (e) claiming the recalculation of the imbalance by a balance responsible party. 4a. When setting up the rules pursuant to paragraph 4, each TSO shall specify when the corrections of points 4(a1) and 4(b1) apply. In particular, for each individual aggregation model implemented at national level, one or more corrections of the options in paragraph 4 shall apply for the correct calculation and allocation of the imbalance to the balance responsible party of each service provider and for the balance responsible party of the respective [ADDED: accounting point] [DELETED: connection]. The same option may be applied to both cases. 4b. The rules of paragraph 4 shall ensure that, in case of multiple balance responsible parties on a metering point, the balance responsible party registered with this metering point is fully responsible for the imbalances, when the service provider – being or being represented by a different balance responsible party – on this [ADDED: accounting] [DELETED: metering] point is not activated.</li> </ul> </li> </ul>
	<p>Finnish Energy, EB Art 55A Par 1.</p> <ul style="list-style-type: none"> <li>• Comment <ul style="list-style-type: none"> <li>o A suggestion to reinforce that the formula must be fair for both BRPs and cannot be used to undue barriers if it means not reimbursing a cost to a BRP.</li> </ul> </li> <li>• Proposal</li> </ul>

Topic 5	<ul style="list-style-type: none"> <li>o Each TSO shall calculate for each imbalance settlement period, for each imbalance area, a financial transfer for each balance responsible party for which a correction in the final position has been calculated pursuant to Article 54(4)(1 a). The calculation method of the financial transfer shall be based on a specific formula, [ADDED: objective, transparent and not discriminatory], included in the national terms and conditions for balance responsible parties pursuant to Article 18(6)(f). The financial transfer mechanism shall [ADDED: be neutral], not create undue barriers, [ADDED: nor benefit], to market entry for market participants engaged in aggregation.</li> </ul>
Topic 6	
Topic 7	
Topic 8	
Topic 9	



## General consultation topics and questions

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### Topic 1: Level of harmonisation

The aim of the new rules on demand response is to enable the participation of demand response including load, energy storage and distributed generation (individually or aggregated) in all electricity markets, contributing to market integration, non-discrimination, effective competition and the efficient functioning of the market. However, respecting the principle of proportionality, the new rules should not go beyond what is necessary to achieve this purpose. Following the requirements of the framework guideline, ACER tried to revise the proposal to achieve this balance, through the establishment of national TCMs, which will be further harmonised through European methodologies in the future.

### Consultation questions

1. Do you see any harmonisation requirements of the framework guideline not being covered by the demand response network code articles or the amendments to the existing regulations?

- Yes
- No

2. Do you see any areas of the demand response network code where stronger requirements are needed when it comes to harmonisation?

- Yes
- No

### Topic 2: Structure of terms and conditions or methodologies

As presented in Section 9.2 of the attached note on public consultation on DR NC, in the revised network code, ACER opted for splitting the various national TCMs, although the intention of the framework guideline was to have less TCMs. ACER considers that this merging should be the final goal, as it ensures higher consistency between the different TCMs and is beneficial for all involved parties: both administratively (development and approval of the respective proposal) and content wise (involvement of the stakeholders and implementation). Therefore, ACER considers potential merging and asks for the stakeholders' views on that.

### Consultation questions

3. Do you see benefit in further merging the different national TCMs?

- Yes
- No

4. Do you consider that some topic should be addressed in a different national TCM?

- Yes
- No

### Topic 3: Amendments to existing regulations

As mentioned in Section 9.3 of the attached note on public consultation on DR NC, ACER agrees with some of the system operators' proposed amendments to existing regulations, but further assesses the full

package, especially the amendments proposed by ENTSO-E alone. Although the stakeholders are invited to submit their views on the specific amendments proposed by ACER in the respective parts of the survey, below you are also invited to submit more general views on the amendment to existing regulations, as part of the new rules on demand response in the context of this process.

### Consultation questions

5. Do you see additional amendments needed in the System Operation Regulation?

- Yes
- No

6. Do you see additional amendments needed in the Electricity Balancing Regulation?

- Yes
- No

7. Title III of the DR NC covers the qualification of service providers, SPUs and SPGs, for balancing and local services procured in accordance with a market-based mechanism. Do you consider that part(s) of Title III should be transferred in another regulation?

- Yes
- No

## File upload

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### Important reminder

Before uploading proposed amendments to the consultation documents, please make sure that:

- the name of the organisation/association/company on behalf of which the survey submission is made (“**entity name**” in the survey fields) appears as “**Author**” for all edits made to the documents; and
- the documents to be uploaded include only proposed amendments to the text and not comments, which should only be submitted through the survey fields.

Please upload your proposed amendments to file “**20240905 DR NC ACER public consultation**”

Only files of the type doc,docx are allowed

Please upload your proposed amendments to file “**20240905 EB Regulation amendments DR NC**”

Only files of the type doc,docx are allowed

Please upload your proposed amendments to file “**20240905 SO Regulation amendments DR NC incl CACM 2.0**”

Only files of the type doc,docx are allowed

Please upload your proposed amendments to file “**20240905 NC DC 2.0 amendments DR NC**”

Only files of the type doc,docx are allowed

## **Contact**

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