

ENTSO-E consultation on the draft Electricity Balancing NC - EFET response 16/08/2013

Article	Paragraph	Initial	Proposed	Justification
1	1	new recital	(8) Well functioning electricity markets require all network users, including suppliers of final customers and generators, and in particular producers of electricity from renewable sources, the same opportunities and responsibilities in terms of both providing balancing resources as BSPs and in being subject to balance responsibility requirements	Need to clarify that this applies to renewables (i.e. all injections and withdrawals needs to be explained
1	1	This Network Code establishes common rules for Electricity Balancing. This will involve the establishment of common principles for procurement and common methodology for the activation and settlement of Frequency Containment Reserves, Frequency Restoration Reserves and Replacement Reserves.	To be revised depending on the extent to which the code changes following consultation.	The current draft is a very long way from establishing common principles or methodologies.
1	2	The requirements set forth by this Network Code shall apply in particular to Transmission System Operators, National Regulatory Authorities, the Agency, Distribution System Operators, Designated Entities, where applicable, and Market Participants.	The requirements set forth by this Network Code shall apply to Transmission System Operators, National Regulatory Authorities, the Agency, Distribution System Operators, Designated Entities, where applicable, and Network Users.	'in particular' makes the scope unclear. Change from 'market participants' to 'network users' to avoid confusion with the definition of 'market participants' in REMIT, which is only wholesale market participants.
2	2	New definition	Balancing Gate Closure Time: : the time after which Balancing Responsible Parties may no longer change their positions.	Definition according to Article 14
2	2	New definition	Balancing Energy Gate Closure Time: : the time after which Balancing Service providers may no longer change their energy bids.	Definition according to Article 13, needs to be applied to Article 20
2	2	New definition	Balancing Reserves Gate Closure Time: : the time after which Balancing Service providers may no longer change their reserve bids.	Definition according to Article 13

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2	2	Balancing Reserve means obligation of a Balancing Service Provider to place Balancing Energy Bids according to contractual specifications.	Balancing Reserve means the amount of FCR, FRR or RR resources available to TSOs.	Balancing Reserve shall not be defined by an obligation to offer energy bid, which is more a consequence, but by the need of TSOs according to NC LFCR.
2	2	Balancing Energy Bids means a product on a Common Merit Order List that entails an option to accept an Imbalance Adjustment on the Position of the associated Balance Responsible Party due to activation and specificities of the Balancing Energy activated from the product.	Balancing Energy Bids means a product offered by a Balancing Service Provider that represents an option to accept an Imbalance Adjustment to the Position of the associated Balance Responsible Party at Intraday Market Gate Closure due to activation and specificities of the Balancing Energy activated from the product.	To improve the clarity of the definition. Balancing Energy does not need to be on the CMO list (that does not yet exist).
2	2	Balancing Service Provider means a market participant providing Balancing Services to its Connection Transmission System Operator.	Balancing Service Provider means a network user providing Balancing Services.	A level playing field for all providers of Balancing Services should be ensured. Until the target model of an EU wide CoBA is in place, Balancing Service Providers must not be limited to provide Balancing Services only to their Connecting TSO.
2	2	Central Dispatch System means a dispatch arrangement in a Relevant Area where the Transmission System Operator determines the commitment and output of a majority of generation or demand and issues dispatch instructions directly to them.	Central Dispatch System means a dispatch arrangement in a bidding zone where the Transmission System Operator determines the commitment and output of a majority of generation or demand and issues dispatch instructions directly to them and which has been permitted via a derogation under Article 61 of this network code	Central dispatch should be per bidding zone, not 'relevant area' and should be subject to the derogation process.
2	2	TSO-TSO Model means a model for the Exchange of Balancing Services with Transmission System Operators being the only entities involved in the Exchange of Balancing Services between areas. The TSO-TSO Model is the standard model for the Exchange of Balancing Services.	TSO-TSO Model means a model for the Exchange of Balancing Services with Transmission System Operators being the only entities involved in the Exchange of Balancing Services between areas. The TSO-TSO Model is the standard model for standard products for the Exchange of Balancing Services once an EU-wide Common Merit Order List is operational.	TSO to BSP should be developed and promoted for exchanges of Balancing Energy and Reserve as long as the CMO is not available.

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2	2	Co-optimisation Process means Cross Zonal Capacity will be allocated in an existing auction or an electricity market in which Cross Zonal Capacities are allocated in the same time for market purposes and for Balancing purposes.	Delete	TSOs receive the congestion income from the Allocation process and in any case can easily outbid any market participant in any allocation process, which they are moreover also in charge of organising. Also this would be a convenient way for TSOs to bypass their obligation to offer all Available Cross Zonal Capacity to the market for each timeframe. It is therefore essential that TSOs do not interfere with the various Cross Zonal Capacity allocation processes: no Cross Zonal Capacity reservation ahead of ID GCT.
2	2	Counteracting Activation Minimisation Function means the responsibility to operate the algorithm developed to be applied for the minimisation of counteracting Activation of Balancing Energy between two or more Relevant Areas.	Counteracting Activation Minimisation Function means the responsibility to operate the algorithm developed to be applied for the minimisation of counteracting Activation of Balancing Energy between two or more Relevant Areas or between different timeframes, even in the same area.	Counteracting activations also relate to TSOs having to revert some of their actions later in time.
2	2	Exchange of Balancing Services means the Exchange of Balancing Energy and the Exchange of Balancing Reserves.	Exchange of Balancing Services means the Exchange of Balancing Energy or the Exchange of Balancing Reserves.	TSOs may exchange both Balancing Energy and Balancing Reserves or only one of them.
2	2	Relevant Area means the Area which is operated by a single Transmission System Operator in accordance with the Area Process Obligations pursuant to the Network Code on Load-Frequency Control and Reserves. In systems where Imbalance is determined on nodal level and/or energy prices are determined on nodal or zonal level, the Relevant Area for Imbalance pricing and Relevant Area for Imbalance calculation are the areas identified by the Connection Transmission System Operator. It implies that the Relevant Area for Imbalance Price may differ from the Relevant Area for Imbalance calculation.	Please delete or specify that a Relevant Area covers the same geographical area as a Bidding Zone.	The code must not introduce new concepts such as 'nodal' balancing. Furthermore, balancing should be done per Bidding zone, so there is no need to define Relevant Area.

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2	2	Specific Product means a product different from a Standard Product.	Specific Product means a product different from a Standard Product, defined by different characteristics than the minimum set of Standard Product ones and available only for the Connecting TSO.	Incomplete definition. A nonstandard product shall also be understood as a product which is not in use in other relevant areas. It shall be provided by all BSP in a relevant area so that it is at the end a standard product in this specific relevant area. Its availability shall not be restricted.
2	2	Standard Products means a set of harmonised Balancing products defined by all Transmission System Operators for the Exchange and Sharing of Balancing Services.	Standard Product means a set of harmonised Balancing products defined by all Transmission System Operators for the Exchange and Sharing of Balancing Services.	Grammatical correction (standard Product is singular).
2	2	TSO-TSO Model means a model for the Exchange of Balancing Services with Transmission System Operators being the only entities involved in the Exchange of Balancing Services between areas. The TSO-TSO Model is the standard model for the Exchange of Balancing Services.	TSO-TSO Model means a model for the Exchange of Balancing Services with Transmission System Operators being the only entities involved in the Exchange of Balancing Services between areas.	A TSO-TSO model can only be regarded as the standard model if and when its core tool (CMO) is in place. Moreover, the TSO-TSO model could be the standard model only in the targetted EU wide CoBA : until then, TSO-BSP model shall be allowed for exchanges of Balancing Energy and Reserve.
2	-	Imbalance Adjustment means the correction applied to the Position of a Balancing Service Provider or a Balance Responsible Party by Connection Transmission System Operator for the calculation of the Imbalance.	Imbalance Adjustment means the correction applied to the Position of a Balance Responsible Party by Connection Transmission System Operator for the calculation of the Imbalance.	Imbalance adjustment can be applied only to a BRP, a BSP does not have a Position (only his associated BRP does).
3	1	The requirements established in this Network Code and their applications are based on the principle of non-discrimination and transparency as well as the principle of optimisation between the overall efficiency and total cost for all involved parties.	Please delete	Superfluous. Principles belong in the parent legislation (i.e. the Regulation). And it is market participants' job to optimise, not something that it set out in legislation.

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3	2	Notwithstanding the above, the application of the non-discrimination principle and the principle of optimisation between the overall efficiency and total costs for all involved parties shall be balanced with the aim of achieving transparency in issues of interest for the market and the assignment to the real originator of the costs.	Please delete	Superfluous and unhelpful. It is often not possible to assign costs to particular market participants and trying to do this usually fragments the market.
6	1	The following shall be publically consulted on for a period of at least four weeks by the party or parties responsible for developing the following proposals:	All items set out in Article 7 shall be publically consulted on for a period of at least eight weeks by the party or parties responsible for developing the following proposals:	Market parties should be provided with sufficient time to study proposals and supply an answer. There should be consultation on all issues.
7	2	New sub article	o) Reservation of Cross Zonal Capacity pursuant the capacity provision and pricing methodologies for Balancing Reserves pursuant to Article 30, Article 31 and Article 32:	Move from Art.7(3) to Art.7(2). All transmission capacity issues should be dealt with at EU level. Also Article 31 must be mentioned too.
7	2	a) the proposals for Standard Products pursuant to Article 17:	a) the common proposals for Standard Products pursuant to Article 17:	All NRA's should approve common proposals to ensure harmonization
7	2	c) the methodologies for the creation of a common function for the Activation of Balancing Energy pursuant to Article 26:	c) the common methodologies for the creation of a common function for the Activation of Balancing Energy pursuant to Article 26:	All NRA's should approve common methodologies to ensure harmonization
7	2	e) the proposal for amendments to the annual report pursuant to Article 57(9):	e) the common proposal for amendments to the annual report pursuant to Article 57(9):	All NRA's should approve common proposal to ensure harmonization
7	2	f) the proposal of the target model for the exchanges of Balancing Energy from automatically activated Frequency Restoration Reserves as well as the proposal for modification of this target model, pursuant to Article 58:	f) the common proposal of the target model for the exchanges of Balancing Energy from automatically activated Frequency Restoration Reserves as well as the proposal for modification of this target model, pursuant to Article 58:	All NRA's should approve common proposal to ensure harmonization

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7	2	g) the proposal for modification of the features of the target model for the exchanges of Balancing Energy from manually activated Frequency Restoration Reserves and Replacement Reserves, pursuant to Article 58: and	g) the common proposal for modification of the features of the target model for the exchanges of Balancing Energy from manually activated Frequency Restoration Reserves and Replacement Reserves, pursuant to Article 58: and	All NRA's should approve common proposal to ensure harmonization
7	2	h) the criteria and methodology for the Cost-Benefit Analysis pursuant to Article 59.	h) the common criteria and common methodology for the Cost-Benefit Analysis pursuant to Article 59.	All NRA's should approve common criteria and a common methodology to ensure harmonization
7	2	New sub-articles	i) the existence and use of Specific Products pursuant to Article 17 and Article 18: <del>h</del> the common methodology and associated parameters for the procurement of Balancing Reserves pursuant to Article 22: <del>h</del> the amount of Unshared Bids pursuant to Article 26: Common Imbalance Settlement mechanisms, in particular: <del>h</del> the Imbalance Settlement Period pursuant to Article 48: <del>h</del> the procedure to define Imbalance pursuant to Article 49: and <del>h</del> the procedure to define Imbalance Prices pursuant to Article 50: <del>h</del> a common proposal to oblige Balance Responsible Parties to provide balanced programs in the Day-Ahead timeframe pursuant to Article 16	Move from Art.7(4) to Art.7(2)
7	2	New sub article	m) all proposals for Coordinated Balancing Areas pursuant to Article 10:	Move from Art.7(3) to Art.7(2). The whole COBA system should be signed off at EU level.
7	2	New sub article	n) amendments to the capacity provision and pricing methodology pursuant to Article 32(2):	Move from Art.7(3) to Art.7(2). All transmission capacity issues should be dealt with at EU level.

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7	3	c) the application for a contract on Balancing Reserves longer than twelve consecutive months and earlier than twelve months before the first time unit of the contract period in a Coordinated Balancing Area pursuant to Article 23(2):	c) the common application for a contract on Balancing Reserves longer than twelve consecutive months and earlier than twelve months before the first time unit of the contract period in a Coordinated Balancing Area pursuant to Article 23(2):	All NRA's should approve common proposal to ensure harmonization
7	3	f) requests for transitional exemptions for the procurement of Balancing Reserves pursuant to Article 24:	Please delete	The arrangements set out in Article 24 should be permitted automatically as long as no CMO is in place.
7	3	new sub Article	m) the terms and conditions related to Balancing pursuant to Article 16:	Move from Art. 7(4) to Art. 7(3). Balancing T and Cs must be harmonised across COBAs This is clear from Art. 10(2)
7	3	new sub Article	n) the selection and conversion of bids pursuant to Article 19:	Move from Art. 7(4) to Art. 7(3). Selection of bids etc. must be harmonised across COBAs
7	3	new sub Article	o) the methodology and associated parameters for the procurement of Balancing Reserves pursuant to Article 22:	Move from Art. 7(4) to Art. 7(3). Methodologies must be harmonised across COBAs
7	3	a) all proposals for Coordinated Balancing Areas pursuant to Article 10:	Please delete	Move to Article 7(2).
7	3	h) the capacity provision and pricing methodologies for Balancing Reserves pursuant to Article 30 and Article 32: i) amendments to the capacity provision and pricing methodology pursuant to Article 32(2): j) Reservation of Cross Zonal Capacity pursuant the capacity provision and pricing methodologies for Balancing Reserves pursuant to Article 30 and Article 32:	Please delete	Move to Article 7(2). And 3h and 3j are duplicated.
7	3	New paragraphs	p) the procedures for settlement amendment pursuant to Article 54 q) the application by a Transmission System Operator for a contract on Balancing Reserves longer than twelve consecutive months and earlier than twelve months before the first time unit of the contract period pursuant to Article 22(4):	Moved from Art. 7(4)

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7	4	a) the permission for Transmission System Operators to offer Balancing Services themselves pursuant to Article 11: b) the application by a Transmission System Operator to offer the Balancing Services if system security is threatened due to insufficient bids from Balancing Service Providers pursuant to Article 11:	Please delete	TSOs shall not be allowed to offer Balancing Services, in line with Directive 2009/72 and the unbundling principle, the Framework Guidelines and Article 11 of this Network Code. TSOs are central buyers and therefore can not be sellers at the same time, and should not under any circumstances be allowed to produce electricity. This is clearly against the Third Energy Package, which stipulates that TSOs can neither own, nor operate liberalized assets, i.e. generation assets. Member states can not legislate against the European legislation regarding the Third Energy Package, which includes the unbundling principle. This exception of national law is also not foreseen in the Framework Guidelines.
7	4	d) the terms and conditions related to Balancing pursuant to Article 16:	Please delete	Move to Article 7(3). This needs to be harmonised within COBAs
7	4	e) the proposal to oblige Balance Responsible Parties to provide balanced programs in the Day-Ahead timeframe pursuant to Article 16:	Please delete	Move to Art. 7(2). This should be harmonized on a EU-level basis. Creates market distortions Imbalances could help the system
7	4	f) the existence and use of Specific Products pursuant to Article 17 and Article 18:	Please delete	Move to Art. 7(2)
7	4	g) the selection and conversion of bids pursuant to Article 19:	Please delete	Move to Article 7(3). This needs to be harmonised within COBAs
7	4	h) the methodology and associated parameters for the procurement of Balancing Reserves pursuant to Article 22:	Please delete	Move to Art.7(2)
7	4	j) the application by a Transmission System Operator for a contract on Balancing Reserves longer than twelve consecutive months and earlier than twelve months before the first time unit of the contract period pursuant to Article 22(4):	Please delete	Move to Article 7(3). This should be harmonised across COBAs



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7	4	k) the application by a Transmission System Operator to require a Balancing Service Provider to offer unused generation capacity in the Balancing Markets pursuant to Article 25:	Please delete	It should not be mandatory to offer balancing services. Market participants should have the opportunity to keep own reserves to cover potential outages. Balance Service Providers should be able to price the unused generation capacity: A price for the Balancing Energy is needed for the settlement
7	4	m) the amount of Unshared Bids pursuant to Article 26: Imbalance Settlement mechanisms, in particular: the Imbalance Settlement Period pursuant to Article 48: the procedure to define Imbalance pursuant to Article 49: and the procedure to define Imbalance Prices pursuant to Article 50:	Please delete	Move to Art.7(2)
7	4	n) the application by a Transmission System Operator for an Imbalance Settlement Period deviating from the decision pursuant to Article 48:	Please delete	This should not be permitted in the code.
7	4	n) the procedures for settlement amendment pursuant to Article 54	Please delete	Move to Art. 7(3). The text clearly refers to this being at COBA level.
7	4	o) the application for derogation in respect of one or more provisions of this Network Code pursuant to Article 61.	Please delete	The derogation process must be controlled by the EU Commission under normal EU processes.
7	6	National Regulatory Authorities shall, after having received the proposals pursuant to paragraphs 1 to 5, provide Transmission System Operators with an approval or request to amend the proposals within:	National Regulatory Authorities shall, after having received the proposals pursuant to paragraphs 1 to 5, provide Transmission System Operators with an approval or requirement to amend the proposals within:	NRAs should have the final decision over these subjects. They are responsible for Balancing methodologies under the Directive.

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7	8	The relevant National Regulatory Authorities shall inform the Agency of the outcome of any approval of fixing procedures.	The relevant National Regulatory Authorities shall inform the Agency of the outcome of any approval set out in Articles 7(3) and 7(4) in view of ACER's role in promoting harmonisation of balancing markets at European level. The Agency should make this information publicly available in English on the ACER website.	ACER should promote the harmonization process of balancing markets across Europe. NRA decisions should not only be informed to ACER but made publicly available to ensure transparency. 'Fixing procedures' not clear.
8	3	b) information on Cross Zonal Capacity Reservation for each Delivery Period without undue delay before the Cross Zonal Gate Opening Time of the relevant timeframe, including the amount of Cross Zonal Capacity Reservation pursuant to Article 32: a) a description of the functional requirements of any algorithm developed and amendments to it, pursuant to Article 55: information related to Cross Zonal Capacity Reservation pursuant to Article 32: and	delete b) and d) which should not be needed any more	No Cross Zonal Capacity reservation should be allowed for TSOs (see comments on chapter 4).
8	4	Each Transmission System Operator shall publish the following information on Specific Products: a) the volumes of Specific Products procured in their Relevant Area: b) the volumes of Specific Products activated in their Relevant Area: and c) the amount of Unshared Bids pursuant to Article 26.	Each Transmission System Operator shall publish at least in English the following information on Specific Products:	Request to allow all market participants to be efficiently informed (on the model of Art. 8-3).
8	5	ENTSO-E shall publish the information referred to in this Article on the central information transparency platform	ENTSO-E shall publish at least in English the information referred to in this Article on the central information transparency platform	Request to allow all market participants to be efficiently informed (on the model of Art. 8-3).
8	-	New paragraph	Transmission System Operators shall publish following information to enable BRP's to help to balance the system and/or restore its balance: LIST	Required in FG Balancing (p25prgr4): The Network Code on Electricity Balancing shall describe the necessary information to be published by the TSOs that is needed for BRPs to be able to help to balance the system and/or to restore its balance.

9	1	<p>All entities referred to in Article 1(2) shall cooperate in fulfilling the obligations specified within this Network Code, in order to safeguard operational security, promote the completion and efficient functioning of the internal market in electricity and to ensure the optimal management, coordinated operation and sound technical evolution of the European electricity transmission system.</p>	<p>Please delete</p>	<p>The text is too general and should not be part of a binding code. It is not appropriate to require 'market participants' to 'co-operate' with each other. They are competitors.</p>
9	2	<p>of the following objectives, in particular:  <del>(a)</del> safeguard operational security;  <del>(b)</del> foster effective competition, non-discrimination and transparency in Balancing Markets;  <del>(c)</del> promote the Exchange of Balancing Services;  <del>(d)</del> ensure that the procurement of Balancing Services is fair, objective, transparent and market-based, fosters the liquidity of Balancing Markets, avoids undue entry barriers for new entrants and prevents undue distortions from within the internal market in electricity and especially between adjacent Coordinated Balancing Areas;  <del>(e)</del> facilitate the efficient functioning of other electricity markets, in time frames different from the Balancing Markets;  <del>(f)</del> facilitate wide participation of Demand Side Response and supporting the achievement of the European Union target for the penetration of renewable generation;  <del>(g)</del> increase efficiency of the operation and functioning of Balancing Markets, avoiding undue market fragmentation whilst promoting the Exchange of Balancing Services and Sharing of Balancing Services;  <del>(h)</del> provide benefits for consumers;  <del>(i)</del> contribute to the efficient long-term operation and development of the European electricity Transmission System and electricity sector; and  <del>(j)</del> facilitate the integration of renewable energy sources in the Balancing Markets in order to enhance pan-European Social Welfare.</p>	<p>This Network Code shall facilitate the achievement the objectives set out in Article 1 of Regulation 714/2009.</p>	<p>The objectives need to be focused. The provisions should be made consistent with Regulation 714/2009]. Everything else is just unhelpful and confusing padding.</p>

10	1	<p>Each Transmission System Operator shall cooperate with at least one other Transmission System Operator operating in two different Member States in the form of a Coordinated Balancing Area. Such cooperation shall comprise the Exchange of Balancing Energy from at least Standard Product, or Imbalance Netting.</p>	<p>Each Transmission System Operator shall cooperate with at least one other Transmission System Operator operating in two different Member States in the form of a Coordinated Balancing Area. Such cooperation shall comprise, as a minimum, the Exchange of Balancing Energy from all Standard Products and some Specific products or and Imbalance Netting if agreed between more than one TSO. Coordinated Balancing Areas should correspond exactly to the area covered by one or more Bidding Zones. Transmission System Operators of a Coordinated Balancing Area for the Exchange of Balancing Energy should be encouraged to form also a Coordinated Balancing Area for the Exchange of Balancing Reserves.</p>	<p>Delete 'two' to avoid misunderstanding (a TSO operating in two Member States).          Replace 'or' by 'and': CoBA is about exchange of reserves - Imbalance Netting does not exchanges reserves          Specific products shall be also put at disposal of other TSO/BSP within a COBA.          We should not have overlapping CoBAs and bidding zones. In order to reach the objective of CoBA integration TSOs should be incited to exchange and share Balancing Reserves and not only Balancing Energy. Even if the Framework Guidelines are not prescriptive on this point, the NC could develop appropriate incitations.</p>
10	3	<p>All Transmission System Operators of two or more interconnected Coordinated Balancing Areas shall be entitled to exchange all Balancing Services between these Coordinated Balancing Areas, which are already exchanged within these Coordinated Balancing Areas. Cooperation of Coordinated Balancing Areas in terms of Exchange of Balancing Services between them shall be encouraged in order to facilitate the achievement of the targets established in Article 58.</p>	<p>Cooperation of Coordinated Balancing Areas in terms of Exchange of Balancing Services between them, in a transparent way and after market consultation, shall be encouraged in order to facilitate the achievement of the targets established in Article 58.</p>	<p>The first part of the text is confusing and it wouldn't make sense to think that all TSOs will cooperate, otherwise the CoBA should just be extended... Transparency and market consultation is essential and more important than widespread non transparent arrangements. This should allow for specific cooperations to be developed in a transparent way.</p>

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10	4	All Transmission System Operators shall cooperate loyally in promoting the creation, enlargement, and merging of Coordinated Balancing Areas in order to facilitate the achievement of the targets established in Article 58. Where two or more Coordinated Balancing Areas for a Standard Product merge, the result shall have the form of a single Coordinated Balancing Area replacing the previous ones.	All Transmission System Operators shall cooperate in promoting the creation, enlargement, and merging of Coordinated Balancing Areas in order to facilitate the achievement of the targets established in Article 58. Where two or more Coordinated Balancing Areas for a Standard Product merge, the result shall have the form of a single Coordinated Balancing Area replacing the previous ones.	Loyally should be replaced by a measurable term
10	6	Transmission System Operators of a Coordinated Balancing Area shall perform and share, amongst themselves, close-to-real-time short-term predictive forecasts of system conditions including at least information on generation, load, reserve requirements and the transmission network, in a harmonised way, in order to coordinate and optimise the Balancing actions taken.	Transmission System Operators of a Coordinated Balancing Area shall perform and publish, close-to-real-time short-term predictive forecasts of system conditions including at least information on generation, load, reserve requirements and the transmission network, in a harmonised way, in order to coordinate and optimise the Balancing actions taken.	This information shall be published
10	7	All Transmission System Operators shall report to the Agency as soon as incompatibilities are identified.	All Transmission System Operators shall report to the Agency as soon as incompatibilities are identified. The Agency decides on remedies to tackle those incompatibilities and ensure harmonization of the different Coordinated Balancing Areas, when necessary.	ACER should not only be notified of incompatibilities but also take action.
11	1	New paragraph 1 bis	TSOs shall ensure that Relevant Areas adopted for the purposes of this network code correspond exactly to one or more Bidding Zones.	Consistency is required between Relevant Areas for the purposes of Balancing and Imbalance Settlement and the Bidding Zones in day-ahead or intraday markets. If not there will be inconsistent incentives of different market participants .
11	1	New paragraph 1 ter	TSOs shall not activate Balancing Energy prior to the Balancing Gate Closure Time unless specified in the activation rules adopted under Section 5 of this network code.	Activation of balancing energy before gate closure should be avoid and, where it does occur, should be within an agreed framework approved by Regulators within a COBA.

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11	3	Transmission System Operators shall not offer the Balancing Services themselves except, if there are insufficient bids with respect to dimensioning requirements contained in the Network Code on Load-Frequency Control and Reserves from Balancing Service Providers or if foreseen under national law. If a Transmission System Operator is submitting a proposal for regulatory approval regarding the provision of Balancing Services following Article 7, it shall at the same time submit all relevant information and documents related to the opening of this approval to the Agency.	Transmission System Operators shall not offer the Balancing Services themselves.	TSOs are central buyers of balancing services and therefore can not be sellers at the same time, and should not under any circumstances be allowed to produce electricity. Furthermore, this is against the Third Energy Package, which stipulates that TSOs can not neither own, nor operate liberalized assets, e.g. generation assets. The code does not include any provision that would address the issue of how to prove insufficiency in balancing bids and does not propose a Stakeholder Consultation on the topic. Finally, Member states should not be able to legislate against market based balancing. This would hinder the development of the internal market.
11	3	New paragraph	4. Each Transmission System Operator shall provide each of its connected Balancing Responsible Party with the appropriate informations on their own imbalances as well as System Imbalance.	Since there is an important financial incitation for BRP to be balanced, appropriate information from TSOs should support BRPs best vision of their imbalances.
11	5	Transmission System Operators shall use best endeavours to facilitate the Exchange of Balancing Energy within a Coordinated Balancing Area and ensure its applicability.	Transmission System Operators shall ensure the Exchange of Balancing Energy within a Coordinated Balancing Area and ensure its applicability.	Exchange of balancing energy shall be ensured. This is the purpose of this code. Or could be deleted as it is not specified in Art. 10(1).
11	6	All decisions by Transmission System Operators within a Coordinated Balancing Area, or any other cooperation between two or more Transmission System Operators dealing with the Exchange and Sharing of Balancing Services or an Imbalance Netting Process as stipulated in this Network Code, shall be unanimous.	All decisions by Transmission System Operators within a Coordinated Balancing Area, or any other cooperation between two or more Transmission System Operators dealing with the Exchange and Sharing of Balancing Services or an Imbalance Netting Process as stipulated in this Network Code, shall be referred to NRAs made by a qualified majority or referred to ACER for a decision under Art 7(9).	Development in a Coordinated Balancing Area should not be obstructed by a minority. Disagreements have to be referred to ACER under 7(9).

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11	7	Where Transmission System Operators are required to adopt a decision in accordance with this Network Code, all Transmission System Operators shall cooperate loyally to adopt the decision.	Where Transmission System Operators are required to adopt a decision in accordance with this Network Code, all Transmission System Operators shall cooperate to adopt the decision.	Loyally should be replaced by a measurable term.
13	1	Each Balancing Service Provider shall submit its Balancing Reserve Bids, or where Article 22(1)(c) is applicable, the capacities of their Providing Group and Reserve Providing Units, to the Connection Transmission System Operator in which the Balancing Service Provider is associated with a Balance Responsible Party.	Each Balancing Service Provider shall submit its Balancing Reserve Bids, or where Article 22(1)(c) is applicable, the capacities of their Providing Group and Reserve Providing Units, to the Connection Transmission System Operator in which the Balancing Service Provider is associated with one or more Balance Responsible Party.	Clarification that a BSP can be associated with more than one BRP. This is important in case of, for example, an aggregator sourcing from clients across several BRPs. Each of these associated BRPs should receive an Imbalance Adjustment according to Article 39.
13	3	Balancing Service Provider with a contract on a Balancing Reserve shall be obliged to submit at least the procured volume of Balancing Energy Bids respecting terms and conditions related to Balancing to its Connection Transmission System Operator.	Balancing Service Provider with a contract on a Balancing Reserve shall be obliged to submit at least the procured volume of Balancing Energy Bids, for the corresponding Product and time period, respecting terms and conditions related to Balancing to its Connection Transmission System Operator.	The obligation to offer the procured shall be valid only for the corresponding product and time period, and not in general.

13	4	<p>All Balancing Service Providers shall be entitled to submit and update their Balancing Energy Bids until the Balancing Energy Gate Closure Time. Balancing Energy Standard Products cannot be activated prior to the Balancing Energy Gate Closure Time.</p>	<p>All Balancing Service Providers shall be entitled to submit and update their Balancing Energy Bids from Balancing Energy products until activation or until the Balancing Energy Gate Closure Time, unless a different approach is agreed within a coordinated balancing area in line with Article 25. Activation of Balancing Energy in anticipation of the Balancing Energy Gate Closure Time, and especially prior to the Intraday Gate Closure Time, should be discouraged as long as the market can be expected to act in order to rebalance positions through intraday markets. Rules and conditions for the activation of Balancing Energy offers, as part of Reserve products or of Balancing Energy products, should be described in the activation rules adopted under Section 5 of this network code.</p>	<p>This article should cover all reserve products, including Specific Products.</p>
13	5	<p>Balancing Service Providers are allowed to provide Standard Products or Specific Products for the Exchange of Balancing Energy and Balancing Reserves, only to the Connection Transmission System Operator.</p>	<p>Balancing Service Providers are allowed to provide Standard Products or Specific Products for the Exchange of Balancing Energy and Balancing Reserves, only to the Connection Transmission System Operator once an EU-wide TSO-TSO model including a Common Merit Order List is in place pursuant to Article 58 , for the corresponding Product, and with regard to Article 35.</p>	<p>A reference to the TSO-BSP model. TSO-BSP model shall be maintain until the implementation of the target model of exchanges</p>



14	1	Each Balance Responsible Party shall be entitled to change its Position in the Intraday timeframe. Transmission System Operators shall be entitled to refuse a change of Position after the Balancing Gate Closure Time.	1. Each Balance Responsible Party shall be financially (i) required to submit notification on its Positions to the Connection transmission system operator, (ii) entitled to change its notifications at any point up to Balancing Gate Closure Time by submitting revised information to the Connection Transmission System Operator (iii) responsible for Imbalance to be settled with the Connection Transmission System Operator 2. Transmission System Operators shall be entitled to refuse a change of Position after the Balancing Gate Closure Time.	To clarify that BRPs are responsible for Imbalance. Point moved from 16(7)(b)
14	2	Any modification of the Position declared by the Balance Responsible Party shall be submitted to the Connection Transmission System Operator.	Please delete	Has been incorporated into 14(1)
15	3	b) Reserve Procurement Optimisation Function, in case Balancing Reserves are exchanged:	b) Reserve Procurement Optimisation Function:	Exchange of reserves should be the base case in all CoBA
15	3	c) Transfer of Reserve Optimisation Function, in case a secondary market with the possibility to transfer obligations of Balancing Service Providers for providing Balancing Reserves from one Relevant Area to another is established:	Please delete	There should be no obligations for BSP's to offer Balancing Services and thus no secondary market and a Transfer of Reserve Optimisation Function
15	3	The cooperation processes in all Coordinated Balancing Areas shall involve the following functions:	The cooperation processes in all Coordinated Balancing Areas shall involve the following common functions:	Clarification that these functions are common across the CoBA

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16	1	Within the proposal for a Coordinated Balancing Area following Article 10, all Transmission System Operators of a Coordinated Balancing Area shall develop a framework for the establishment of the terms and conditions related to Balancing, taking into account specificities of Central Dispatch, where applicable. This framework shall ensure a sufficient level of coordination between all Transmission System Operators of the Coordinated Balancing Area in order to foster effective competition.	Please delete	Not needed here since the general terms and conditions are related to balancing and should be applicable to all markets and participants, irrespective of central dispatch or not.
16	2	d) oblige all Balancing Service Providers to appoint at least one Balance Responsible Party to accept application of an adjustment according to Article 39, at least for each Balancing Service product, that requires settlement of Balancing Energy according to CHAPTER 5, SECTION 2. Transmission System Operators shall be entitled to require Balancing Service Providers to appoint one Balance Responsible Party for all Balancing Service Products.	d) oblige all Balancing Service Providers to appoint at least one Balance Responsible Party to accept application of an adjustment according to Article 39, at least for each Balancing Service product, that requires settlement of Balancing Energy according to CHAPTER 5, SECTION 2.	TSO should not be able to oblige a BSP to associate with only one BRP. This is important in case of for example an aggregator sourcing from clients across several BRPs. Each of these associated BRPs should receive an Imbalance Adjustment according to Article 39. Requiring a BSP to be associated with only one BRP would strongly inhibit such arrangements.
16	5	Each Transmission System Operator shall ensure that the frameworks for the development of terms and conditions related to Balancing are consistent, in case the Transmission System Operator is part of more than one Coordinated Balancing Areas for different Standard Products.	Each Transmission System Operator shall ensure that the frameworks for the development of terms and conditions related to Balancing are consistent, in case the Transmission System Operator is part of more than one Coordinated Balancing Areas.	Also valid if part of more than one CoBA for the same Standard Products
16	5	Each Transmission System Operator shall ensure that the frameworks for the development of terms and conditions related to Balancing are consistent, in case the Transmission System Operator is part of more than one Coordinated Balancing Areas for different Standard Products.	Each Transmission System Operator shall ensure that the frameworks for the development of terms and conditions related to Balancing are consistent.	It is not clear how TSOs can be a member of two different CoBAs for different products.

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16	6	d) the requirement that the Balancing Service Provider submits information on the Balance Responsible Party, financially responsible for its Imbalances per product, pursuant to paragraph 2(d):	Move to Article 13	Move to Article 13
16	7	b) the requirement that Balance Responsible Party shall be financially responsible for the Imbalance to be settled with the Connection Transmission System Operator: and	Please delete	Moved into Article 14 as it should be a requirement on BRPs and need not be developed in Terms and Conditions.
16	8	Each Transmission System Operator shall be entitled to launch a reassessment of the terms and conditions on the basis of their own judgment or following a request from its National Regulatory Authority.	Each Transmission System Operator shall be entitled to launch a reassessment of the terms and conditions on the basis of their own judgment or following a request from its National Regulatory Authority, and start a public consultation. All stakeholders shall be entitled to launch a request for the reassessment of the terms and conditions.	public consultation on terms and conditions is crucial and shall be noticed here (even if listed in article 6). Moreover, stakeholders should be entitled to ask for a reassessment of these terms and conditions.
16	9	Each Connection Transmission System Operator shall be entitled to oblige Balance Responsible Parties to provide a balanced Position in the Day-Ahead timeframe.	Please delete	It should be further clarified what is meant by obliging to provide a Balanced Position. What is exactly obliged? Undermines the intraday market and not useful.
17	1	No later than twelve months after entry into force of this Network Code, all Transmission System Operators shall prepare a common initial proposal for standard Balancing Reserve and Energy products.	No later than three months after entry into force of this Network Code, all Transmission System Operators shall prepare a common initial proposal for standard Balancing Reserve and Energy products.	We believe TSOs shall be already working on that proposal so no need to allow such a long time
17	4	The standard Balancing Reserve and Energy products shall consist of at least the following standard characteristics: (a) Preparation Period (b) Ramping Period (c) Full Activation Time (d) minimum and maximum quantity (e) Deactivation Period (f) Price of the Bid (g) Divisibility (h) Delivery Period, including minimum and maximum duration of activation (i) location (j) Validity Period: and (k) Mode of Activation.	The standard Balancing Reserve and Energy products shall consist of the following standard characteristics: (a) Preparation Period (b) Ramping Period (c) Full Activation Time (d) minimum and maximum quantity (e) Deactivation Period (f) Price of the Bid (g) Divisibility (h) Delivery Period, including minimum and maximum duration of activation (i) location (j) Validity Period: and (k) Mode of Activation.	The characteristics should be applied by all TSOs. If one region wants to use preparation period (for exemple) and one regions does not want to use it, it is better if the products in both zones have a 'preparation period', the value will simply be 0 in the region that does not want to use it. If the products have the same format, it might be easier to couple them in the future.

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17	5	a) satisfy the needs of all Transmission System Operators of a Coordinated Balancing Area in order to safeguard operational security:	a) include at least a set of harmonised characteristics defined and approved by all TSOs for the Exchange and Sharing of Balancing Services according to article 7 Â§2 a)	Clearly define what Standard Product should cover and be approved by all NRA's
17	6	Each Transmission System Operator shall be entitled to define and use Specific Products. The following requirements shall be respected when defining Specific Products and evaluated for approval by the relevant National Regulatory Authority: (c) Specific Products shall be visible for other Transmission System Operators of the Coordinated Balancing Area: and	Each Transmission System Operator shall be entitled to define and use Specific Products. The following requirements shall be respected when defining Specific Products and evaluated for approval under Article 7(2): (c) Specific Products shall be available for cross-borders exchanges and visible for other Transmission System Operators of the Coordinated Balancing Area: and	- Specific products shall be available for cross-border exchanges according to the Framework Guidelines. To this end, Specific products shall be defined in a transparent way and put at common disposal within a COBA so other Balance Service Providers/TSOs
17	6	b) the Specific Products defined shall not create significant inefficiencies and distortions in national market or in the Coordinated Balancing Area:	b) the Specific Products defined shall not create significant inefficiencies and distortions in national and neighbouring markets or in the Coordinated Balancing Area:	Specific products can create inefficiencies and distortions in neighboring markets that are not in the CoBA
17	6	c) Specific Products shall be visible for other Transmission System Operators of the Coordinated Balancing Area: and	c) Specific Products shall be visible for other Transmission System Operators of the Coordinated Balancing Area and the requirements will be publicly available to market participants on ENTSO-E in English: and	Specific products should be visible to all market participants.

19	1	<p>Where Transmission System Operators use Specific Products for the Balancing of the system, they shall be entitled to submit these Specific Products into the common procurement of Balancing Services, provided these are converted into a Standard Product exchanged in the relevant Coordinated Balancing Area.</p>	<p>Where Transmission System Operators use Specific Products for the Balancing of the system, they shall be listed in the common procurement of Balancing Services, so that other TSOs/BSPs can procure/sell them.</p>	<p>Specific products shall be available for cross-border exchanges according to the Framework Guidelines. To this end, Specific products shall be defined in a transparent way and put at common disposal within a COBA so other Balance Service Providers/TSOs can provide/purchase such products. Otherwise if every TSO can define its own products and are allowed to not share them, the integration of the Balancing market will never be a reality. TSOs should act as market facilitators not as intermediates so no product conversion is acceptable.</p>
19	2	<p>Transmission System Operators operating in Central Dispatch Systems shall select and, if necessary, convert the bids into Standard Products submitted by Balancing Service Providers taking into account their technical availability for the Exchange of Balancing Services.</p>	<p>Please delete all references to Central Dispatch other than in the derogations section and then list the Articles covered.</p>	<p>Central Dispatch should not be allowed in the European internal electricity market where generators, storage operators and demand response operators should be allowed to compete on an equal basis. It could only be considered as derogations, not as an "alternative target model". A closed list of the TSOs applying for that derogation should be published along with the Network Code, even in the drafting stage.</p>
19	-	<p>New paragraph</p>	<p>When a specific product is converted into a standard product by a TSO, the BSP is only responsible for providing a service with the technical characteristics of the original specific product and should not be subject to any penalty arising from the discrepancies between the original specific product and the converted standard product (e.g. imbalance, lack of proper remuneration...)</p>	<p>The TSO should be fully responsible for the conversion and bear any potential cost/penalty related to the conversion.</p>

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20	1	Volumes of Balancing Energy Bids given by a Balancing Service Provider shall be firm after the Balancing Gate Closure Time. Unexpected unavailable volumes of Balancing Energy Bids of a Balancing Service Provider after the Balancing Gate Closure Time shall be reported to the Connection Transmission System Operator without delay. Connection Transmission System Operators shall qualify such bids as invalid within the relevant Common Merit Order Lists.	Prices and volumes of Balancing Energy Bids given by a Balancing Service Provider shall be firm after the Balancing Energy Gate Closure Time. Unexpected unavailable volumes of Balancing Energy Bids of a Balancing Service Provider after the Balancing Gate Closure Time shall be reported to the Connection Transmission System Operator without delay. Connection Transmission System Operators shall qualify such bids as invalid within the relevant Common Merit Order Lists.	To be consistent with definitions of gate closure
20	2	The Balancing Gate Closure Time shall be applicable for each Exchange of Balancing Energy of Standard Products.	The Balancing Gate Closure Time shall be applicable for each Exchange of Balancing Energy of Products. Each product shall define among its specifications the Balancing Gate Closure Time.	Clarification
20	3	The Balancing Gate Closure Time shall separate and be consistent with the timeframe for cross-border intraday trade from the Balancing timeframe, in order to avoid cross -border intraday trade taking place at the same time as the Exchange of Balancing Energy.	Please delete	Equivalent to 20.4.
20	4	The Balancing Gate Closure Time shall be after Intraday Cross Zonal Gate Closure Time and must ensure sufficient time for Transmission System Operators to perform balancing actions, including cross border optimisation and local planning.	The Balancing Gate Closure Time shall be after Intraday Cross Zonal Gate Closure Time.	The "Sufficient time" must not be too long, otherwise there's a risk that Intraday Gate Closure moves further away from the operation hour. Requirements are: BRP position can be changed and ID trading is possible up to 15min before real time
20	-	New paragraph	The Balancing Gate Closure Time shall be as close as possible to real time, and, in any case, no further than one hour prior to real time.	Clarification of Balancing Gate Closure Time

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20	-	New paragraph	Unless a different approach is agreed within a coordinated balancing area in line with Article 25, the Balancing Energy Gate Closure time shall be the same as the Balancing Gate Closure time	Introduces scope for earlier closure of the possibility to modify energy bids in order that Balancing Gate closure does not have to be brought forward and can be as late as possible.
21	2	In case the procurement of Balancing Services fails prior to the activation period, all Transmission System Operators of a Coordinated Balancing Area shall use their best endeavours to perform repetition of the procurement process while respecting the objectives of this Network Code. Transmission System Operators shall use their best endeavours to inform market participants that fall-back procedures are used as soon as reasonably practicable. In case the coordinated Activation of Balancing Energy fails, Transmission System Operators may bypass the Common Merit Order List activation.	In case the procurement of Balancing Services fails prior to the activation period, all Transmission System Operators of a Coordinated Balancing Area shall perform repetition of the procurement process while respecting the objectives of this Network Code. Transmission System Operators shall inform market participants that fall-back procedures are used as soon as reasonably practicable.	The fall back solution shall be performed and market participants shall be informed. TSO's can adopt extraordinary solutions taking into account the failure
21	2	In case the procurement of Balancing Services fails prior to the activation period, all Transmission System Operators of a Coordinated Balancing Area shall use their best endeavours to perform repetition of the procurement process while respecting the objectives of this Network Code. Transmission System Operators shall use their best endeavours to inform market participants that fall-back procedures are used as soon as reasonably practicable. In case the coordinated Activation of Balancing Energy fails, Transmission System Operators may bypass the Common Merit Order List activation.	Best endeavours should be replaced by a measurable term.	Best endeavours should be replaced by a measurable term.

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22	1	Each Transmission System Operator shall use at least one of the following market based methods for the procurement of Frequency Containment Reserves, Frequency Restoration Reserves and Replacement Reserves: <del>(a)</del> a call for tender with price caps; or <del>(b)</del> a call for tender with price caps; or <del>(c)</del> an obligation for Balancing Service Providers to provide reserves, linked to a liquid secondary market for the Transfer of Obligations.	Transmission System Operator shall not place any obligations on market participants to offer or to keep certain amounts of reserves. Transmission System Operator shall use market based methods for the procurement of Frequency Containment Reserves, Frequency Restoration Reserves and Replacement Reserves based on a call for tender.	Call for tender with price caps and an obligation for Balancing Service Providers can not be regarded as market based methods for the procurement of reserves. With regard to the (c), it is more economically efficient to set up a tender paid by the former 'obliged' BSPs
22	2	Transmission System Operators operating Central Dispatch Systems may apply integrated procedures containing the procurement of Balancing Reserves according to the terms and conditions related to Balancing pursuant to Article 15.	Please delete.	Central Dispatch should not be allowed in the European internal electricity market where generators, storage operators and demand response operators should be allowed to compete on an equal basis.
22	3	Each Transmission System Operator shall consider all Balancing Reserve Bids from Balancing Service Providers, or where paragraph 1(c) is applicable, all Reserve Providing Group and Reserve Providing Units, respecting terms and conditions related to Balancing in the procurement of Balancing Reserves.	Each Transmission System Operator shall consider all Balancing Reserve Bids from Balancing Service Providers respecting terms and conditions related to Balancing in the procurement of Balancing Reserves.	Paragraph 1c should be removed.
22	4	Each Transmission System Operators shall be entitled to procure Balancing Reserves for a contract period longer than twelve months and earlier than twelve months before the first relevant unit of the contract period for products not exchanged within a Coordinated Balancing Area.	Each Transmission System Operators shall be entitled to procure Balancing Reserves for a contract period longer than twelve months and earlier than twelve months before the first relevant unit of the contract period for products not exchanged within a Coordinated Balancing Area but in accordance to Article 7(3).	Rules on Specific Products have to be agreed by all NRA's of the CoBA.



22	5	<p>The terms and conditions related to Balancing for the procurement of Balancing Reserves shall establish that the procurement of upwards and downwards Balancing Reserves is done through separated processes. Notwithstanding that, each Transmission System Operator shall be entitled to combine procurement and accept additional bids linking upwards and downwards Balancing Reserve products if:</p> <p>(a) in case of procurement of Frequency Containment Reserves: or (b) it can be demonstrated that a combination of upwards and downwards Balancing Reserve Bids does not decrease Social Welfare and combined procurement does not hinder participation of Demand Side Response in the procurement of Balancing Reserves.</p>	<p>The terms and conditions related to Balancing for the procurement of Balancing Reserves shall establish that the procurement of upwards and downwards Balancing Reserves is done through separated processes. Notwithstanding that, each Transmission System Operator shall be entitled to combine procurement and accept additional bids linking upwards and downwards Balancing Reserve products if it can be demonstrated that a combination of upwards and downwards Balancing Reserve Bids improves Social Welfare from renewables and intermittent sources.</p>	<p>In agreement with the Framework Guidelines.</p>
22	9	<p>In case a secondary market for the Transfer of Obligations in a Coordinated Balancing Area is implemented, the following principles shall be respected:</p>	<p>In case a call for tender with a secondary market is implemented in a Coordinated Balancing Area, the following principles shall be respected:</p>	<p>Although a secondary market may be helpful in case of insufficient bids (e.g. unplanned outage event), an obligation with secondary market should not be included as a procurement method.</p>
23	1	<p>In accordance with the general objectives of this Network Code set forth in Article 9, each Transmission System Operator shall have the right to decide for the Exchange or Sharing of Balancing Reserves, respecting the Network Code on Load-Frequency Control and Reserves and CHAPTER 4 of this Network Code. Each Transmission System Operator is entitled to combine the Exchange and</p> <p>Sharing of Balancing Reserves.</p>	<p>In accordance with the general objectives of this Network Code set forth in Article 9, each Transmission System Operator shall exchange or share Balancing Reserves, respecting the Network Code on Load-Frequency Control and Reserves and CHAPTER 4 of this Network Code.</p>	<p>TSO's should not have the right to decide for the Exchange and Sharing of Balancing Reserves. It distorts the market and competition, prevents harmonization and integration of balancing markets, is against the 3th energy package and against free movement of goods. Exchange and sharing are not the same thing.</p>

23	2	New provision	All Transmission System Operators of a Coordinated Balancing Area shall coordinate and procure at the same time a volume of Balancing Reserves at least equal to the maximum volume for Exchange of Reserves set in the LFCR network code.	Exchanges of Reserves can only be efficient if the procurements in the different zones of a CoBA are performed at the same time. All players would bid in a single market for the procurement of reserves and the Reserve Procurement Optimisation Function could then select the bids optimally. (BSP wishing to take part in cross-border exchange of reserves could procure themselves the interconnection capacity and bid with 2 prices: one for local Reserve and one for cross-border reserve)
23	2	All Transmission System Operators of a Coordinated Balancing Area shall be entitled to procure Balancing Reserves for a contract period longer than twelve months and earlier than twelve months before the first relevant unit of the contract period for products exchanged within a Coordinated Balancing Area.	All Transmission System Operators of a Coordinated Balancing Area shall be entitled to procure Balancing Reserves for a contract period longer than twelve months and earlier than twelve months, subject to approval according to Article 7(3), before the first relevant unit of the contract period for products exchanged within a Coordinated Balancing Area.	Such long contracts should be subject to approval by all NRA's of the relevant CoBA since it can have a distortive impact in the balancing markets.

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24	1	<p>into force of this Network Code, each Transmission System Operator and each Balancing Service Provider may, upon request, be exempted, from the application of the following provisions: Article 13(5), Article 22(11) and (11), Article 36(1), Article 37(1) and (2), Article 38(1) and (2), Article 49(3) and (5). In case the exemption is granted, they shall establish contractual arrangements in the form of a TSO-BSP Model, under the following conditions:  <del>(a)</del> settlement between Transmission System Operators in accordance to SECTION 3 of CHAPTER 5 shall be applicable, ensuring a fair distribution of costs and benefits resulting from Exchange of Balancing Reserves:  <del>(b)</del> a Cost-Benefit Analysis shall be performed by the contracting Transmission System Operator indicating Social Welfare implications of the application of a TSO-BSP Model for the procurement of Balancing Reserves for at least the Relevant Areas of the contracting and Connection Transmission System Operator:  <del>(c)</del> an agreement between the contracting Transmission System Operator and the Connection Transmission System Operator about technical and contractual requirements and the settlement of Balancing Services shall be established:  <del>(d)</del> the request for transitional exemptions is approved by both National Regulatory Authorities of the Relevant</p>	<p>The transitional procurement of balancing reserves in the form of a TSO-BSP model shall be maintained until Specific products are available in the market. TSOs shall do their best endeavors to eliminate Specific products. Until such time as the CMO is in place for Balancing service as set out in Article XX , each Transmission System Operator and each Balancing Service Provider shall be exempted, from the application of the following provisions: Article 13(5), Article 22(11), Article 36(1), Article 37(1) and (2), Article 38(1) and (2), Article 49(3) and (5). In this event they may establish contractual arrangements in the form of a TSO-BSP Model, under the following conditions.  <del>(a)</del> settlement between Transmission System Operators in accordance to SECTION 3 of CHAPTER 5 shall be applicable, ensuring a fair distribution of costs and benefits resulting from Exchange of Balancing Reserves:  <del>(b)</del> an agreement between the contracting Transmission System Operator and the Connection Transmission System Operator about technical and contractual requirements and the settlement of Balancing Services shall be established. <del>(c)</del></p>	<p>The transitional procurement in the form of a TSO-BSP model should remain in place until all elements of the TSO-TSO model (including the Common Merit Order List) are in place. This should not be limited by a theoretical deadline, but by the actual achievement of the key elements of the TSO-TSO model. Otherwise, there is a serious risk that cross-zonal exchange of Balancing Services becomes impossible after six years, in case the TSO-TSO model faces delays or other obstacles.  <del>(b)</del> The TSO-BSP model should not be subject to a Cost-Benefit Analysis but should instead be allowed as the transitional arrangement for cross-zonal exchange of Balancing Services until a TSO-TSO model is in place. Likewise it should also not be subject to a request, but should be (automatically) available to BSPs until the TSO-TSO model is in place.</p>
24	2	<p>Every request for exemption shall contain:  <del>(a)</del> the detailed reasons on the basis of which the exemption was granted or refused, including the financial information justifying the need for the exemption: and  <del>(b)</del> the Cost-Benefit Analysis undertaken pursuant to Article 58.</p>	<p>Please delete.</p>	<p>TSO-BSP is a requirement until the CMO is established.</p>
25	1	<p>(d) take into account markets of previous timeframes.</p>	<p>(d) facilitate markets of previous timeframes and in particular intraday markets</p>	<p>TSOs must facilitate markets under the codes.</p>

25	2	<p>No later than twelve months after the entry into force of this Network Code, all Transmission System Operators shall develop an initial proposal for the pricing method of each Balancing Energy Standard Product and submit it to the Agency. The initial pricing method shall be based on marginal pricing (pay-as-cleared), unless Transmission System Operators provide all National Regulatory Authorities with a detailed analysis demonstrating that a different pricing method is more efficient for EU-wide implementation in pursuing the general objectives defined in Article 9.</p>	<p>No later than twelve months after the entry into force of this Network Code, all Transmission System Operators within a COBA shall develop an initial proposal for the pricing method of each Balancing Energy Standard Product and submit it to the Agency. The proposal shall be duly justified by Transmission System Operators to all National Regulatory Authorities with a detailed analysis demonstrating its efficiency in terms of, in particular, maintaining efficient market functioning and intraday market liquidity and ensuring gate closure remains at H-1 or shorter. Transmission system operators should, as part of this proposal, include consideration of a marginal pricing (pay-as-cleared) methodology as a approach against which alternatives should be evaluated.</p>	<p>Price methodology for balancing energy should not undermine ID markets and there is a possibility that pay-as-cleared might be a disincentive to trade in the ID market, which needs to be considered carefully.</p>
25	4	<p>After entry into force of the pricing method of Balancing Energy Standard Products as foreseen in paragraph 2, all Transmission System Operators shall be entitled to propose a change to the pricing method of Balancing Energy Standard Products.</p>	<p>After entry into force of the pricing method of Balancing Energy Standard Products as foreseen in paragraph 2, all Transmission System Operators shall be entitled to propose a change to the pricing method of Balancing Energy Products if TSOs provide all NRAs with detailed analysis demonstrating that a different pricing method is more efficient for EU-wide implementation in pursuing the general objectives defined in Article 9.</p>	<p>- The pricing method shall be the same for all the products. The price will be different depending on each product. To be able to change the pricing method a reasonable analysis have to be realized in agreement with the Framework Guidelines and Art.</p>
25	5	<p>Subject to its National Regulatory Authority's approval, each Transmission System Operator shall be authorised to require information on unused generation capacity and other Balancing resources from Balancing Service Providers after Day-Ahead and Intraday Gate Closure Time.</p>	<p>Please delete</p>	<p>It shall be attractive to be a Balancing Service Provider and this requirement would be burdensome, especially for aggregators with many small generation, demand response and storage applications.</p>

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25	6	Subject to its National Regulatory Authority's approval, each Transmission System Operator shall be authorised to require Balancing Service Providers to offer their unused generation capacity or other Balancing resources through bids in the Balancing Markets after Day-ahead and Intraday Gate Closure Time.	Please delete	Balancing is a market based activity and Balancing Service Providers could be expected to offer their capacities if they see benefits in it.
25	7	Each Transmission System Operator of a Central Dispatch System shall be entitled to propose amendments to the rules for submission, activation and updating Balancing Energy Bids pursuant to Article 13(4)	Please delete	Central Dispatch should not be allowed in the European internal electricity market where generators, storage operators and demand response operators should be allowed to compete on an equal basis. To be dealt with in derogation section.
26	1	New provision	TSOs shall ensure that activation of balancing energy complies with the requirements set out in Article 11 and shall, in any case, avoid activation before balancing gate closure wherever possible for both standard and specific products.	To ensure consistency with Article 11 on activation.
26	4	The Exchange of Balancing Energy shall be based on a TSO-TSO Model.	The target model for the Exchange of Balancing Energy shall be based on a TSO-TSO Model which is dependent on the CMO being established as envisaged in Article XX.	TSO-TSO model is target model, conditional on realisation of necessary components such as CMOL
26	11	The limitation as defined in paragraph 10 shall not be applicable in case the Requesting Transmission System Operator has declared an Alert State, or in case all Transmission System Operators of the relevant Coordinated Balancing Area agree on cases where this limitation is not to be applied. In any case, each Transmission System Operator requesting Balancing Energy beyond this limitation, all other Transmission System Operators of the relevant Coordinated Balancing Area shall be informed in a timely manner.	Please delete	Alert State should be described in NC SO and not be redefined here.

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26	13	<p>In case of reserve sharing, the Requesting Transmission System Operator shall be entitled to request additional volumes comparing to the volumes defined in paragraph 10. These additional volumes shall not exceed the shared reserve volumes and may not be used in case the other Transmission System Operator participating in the reserve sharing is already using these shared volumes.</p>	<p>Please delete</p>	<p>This paragraph suggests sharing is not really a very sensible thing at all since if the so-called shared reserve cannot be called by the non-connection TSO is it not of any use.</p>
27	2	<p>Common Merit Order Lists shall consist of Balancing Energy Bids from a Balancing Energy Standard Product as defined in Article 17. All Transmission System Operators of a Coordinated Balancing Area shall define the necessary Common Merit Order Lists based on the Standard Products defined in Article 17. Upward and downward Balancing Energy Bids shall be separated in different Common Merit Order Lists.</p>	<p>Common Merit Order Lists shall consist of Balancing Energy Bids from exchanged Balancing Energy Products as defined in Article 17 within a CoBA. All Transmission System Operators of a Coordinated Balancing Area shall define the necessary Common Merit Order Lists for each product. Upward and downward Balancing Energy Bids shall be separated in different Common Merit Order Lists.</p>	<p>Specific products shall be available for cross-border exchanges according to the Framework Guidelines. To this end, Specific products shall be defined in a transparent way and put at common disposal within a COBA so other Balance Service Providers/TSOs can provide/purchase such products. Otherwise if every TSO can define its own products and are allowed to not share them, the integration of the Balancing market will never be a reality.</p>
27	4	<p>Depending on the needed Balancing Energy Standard Products, Transmission System Operators shall be entitled to create more Common Merit Order Lists.</p>	<p>Depending on the needed Balancing Energy Products exchanged within a COBA, Transmission System Operators shall be entitled to create more Common Merit Order Lists.</p>	<p>In consistency with Atr. 27.2, Art. 27.4 and Art. 27.6.</p>

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27	5	Each Transmission System Operator of a Coordinated Balancing Area shall submit all Balancing Energy Bids compliant with the terms and conditions related to Balancing as specified in accordance with Article 16 to the Activation Optimisation Function until the Gate Closure Time of Transmission System Operator Energy Bid Submission. Transmission System Operators shall not modify or withhold bids from Balancing Service Providers, notwithstanding the exemptions set forth in Article 19.	Please amend	Gate Closure Time of TSO Energy Bid Submission not defined. Has to be harmonized: included in Article 7(2).
27	6	Each Transmission System Operator shall submit activation requests for Balancing Energy Standard Products to the Activation Optimisation Function.	Each Transmission System Operator shall submit activation requests for Balancing Energy Products to the Activation Optimisation Function in line with requirements on Art. 26	In consistency with Atr. 27.2 and Art. 27.4
28	1	All Transmission System Operators of a Coordinated Balancing Area shall establish an Activation Optimisation Function in accordance with Article 17 and Article 26 for the optimisation of the activation from different Common Merit Order Lists. The function shall define an assessment for the activation compatibility from Balancing Energy Standard Products of different Common Merit Order Lists. ...	All Transmission System Operators of a Coordinated Balancing Area shall establish an Activation Optimisation Function in accordance with Article 17 and Article 26 for the optimisation of the activation from different Common Merit Order Lists. The function shall define an assessment for the activation compatibility from Balancing Energy Products of different Common Merit Order Lists. ...	In consistency with Atr. 27.2, Art. 27.4 and Art. 27.6
29	1	The use of Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves by Transmission System Operators shall not endanger the secure operation of the system.	The use of Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves by Transmission System Operators shall be consistent with the requirements of the LFCR code and OS NC	The Balancing code should not duplicate the system operation codes.
29	2	Cross Zonal Capacities provided in accordance with this Chapter are firm in a Normal State.	Please delete	The Balancing code should not duplicate the system operation codes. And in any case, firm Cross Zonal Capacity should not be taken away from the market so that it can be used and fully optimised until Intraday GCT.

29	3	<p>Each Transmission System Operator shall be entitled to use Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves, in accordance with the methodology specified in Article 32 using the approaches specified in Article 31, where Cross Zonal Capacity is: (a) available after the Intraday Gate Closure Time: or (b) provided for Balancing Services, in accordance with this Chapter.</p>	<p>Transmission System Operators shall not use Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves, unless after Intraday GCT if Cross Zonal Capacity is still available in some directions.</p>	<p>Cross Zonal Capacity should not be reserved for some TSOs optional Balancing needs and should be left available for the market for balancing individual positions, thus directly contributing to reducing the overall system imbalance, and to ensure maximum cross border pooling of intraday market liquidity without any artificial Cross border restriction at the time of use.</p>
29	4	<p>The provision of Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves shall be consistent with Cross Zonal Capacities as defined in the Network Code on Capacity Allocation and Congestion Management.</p>	<p>Please delete</p>	<p>That would be equivalent to requesting a change to the UIOSI Rule which is applied in D-1. This would be a massive change to the current market design and would raise substantial questions and problems, including around the potential impacts on D-1 prices. There should be no provision of Cross Zonal Capacity for Exchange and Sharing of balancing reserves since this would have a direct effect on D-1 and Intraday prices</p>
29	5	<p>Allocated or reserved Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves shall be used exclusively for Balancing purposes.</p>	<p>Please delete</p>	<p>There shall be no reservation of cross-border capacity for balancing that withdraws capacity from the markets. TSOs should be allowed to release cross-border capacity but not to allocate or reserve capacity for Balancing purposes before the intra-day market gate closure.</p>



30	1	Cross Zonal Capacities allocated or reserved for the Exchange and Sharing of Balancing Reserves shall be priced in consistency with pricing methods for other purposes for similar timeframes.	Please delete	No pricing should be needed to use freely available capacity after intraday GCT (no congestion). In any case TSOs should not compete with market Participants during any Cross Zonal Capacity Allocation process (including intraday), especially since TSOs receive the income from the congestion and would in any case be insensitive to prices. A Cross Zonal Allocation of Capacity to TSOs would be equivalent to an imposed Capacity Curtailment for the Market, with very little transparency.
30	2	Cross Zonal Capacity shall be priced in a manner which:(a) reflects Market Congestion: and (b) is based on actual bids for Balancing Reserves in the relevant timeframe.	Please delete	No pricing should be needed to use freely available capacity after intraday GCT (no congestion). In any case TSOs should not compete with market Participants during any Cross Zonal Capacity Allocation process (including intraday), especially since TSOs receive the income from the congestion and would in any case be insensitive to prices. A Cross Zonal Allocation of Capacity to TSOs would be equivalent to an imposed Capacity Curtailment for the Market, with very little transparency.
30	3	For the Exchange of Balancing Energy additional charges for losses can be charged if the charge is consistent with other timeframes and approved by relevant National Regulatory Authorities	Please delete	No need to further complicate by bringing in the controversial issue of losses. Why should losses be charged several times, potentially in opposite directions in D-A, Intraday, Balancing, maybe Forward also? Any introduction of loss factors should be justified and applied in both directions (both increasing or decreasing the energy flow) We do not agree with the reference to loss factors in the binding Network Code.

30	4	The pricing mechanism for Cross Zonal Capacity allocated or reserved pursuant to Article 31(1)(b) and (c) shall provide an adequate compensation for Cross Zonal Capacity.	Please delete	There shall be no reservation of cross-border capacity for balancing that withdraws capacity from the markets. In case a party buys the capacity for balancing market purposes this party shall bear the risks of the possible welfare losses. TSOs should be allowed to release cross-border capacity by countertrading after the intra-day market gate closure. but not to allocate or reserve capacity before the intra-day market gate closure.
30	5	No later than twelve months before its implementation, Transmission System Operators providing Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves shall develop the applicable pricing mechanism, including a congestion income distribution methodology consistent with the arrangements established under the Network Code Capacity Allocation and Congestion Management.	No later than twelve months before its implementation, Transmission System Operators providing Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves shall develop the applicable operational mechanism to be published and submitted for consultation, including potential cost sharing agreements not interfering with the market design, as defined in the Network Code Capacity Allocation and Congestion Management.	Balancing should not interfere with Forward or CACM market design. BRPs should have priority to balance their individual perimeter through market based mechanisms, thus decreasing the need for TSOs to balance the overall System. There should be no congestion income out of balancing activity but only cost sharing arrangements

31	1	<p>Each Transmission System Operator shall apply one or more of the following approaches for providing Cross Zonal Capacity for the Exchange and Sharing of Balancing Reserves, safeguarding operational security, avoiding undue discrimination between Transmission System Operators and market participants, and taking into account:</p> <p>(a) Probabilistic Approach, where no capacity from energy markets needs to be used for it;</p> <p>(b) Allocation of Cross Zonal Capacity through a market-based Co-optimisation Process, taking into account cost and benefits of Cross Zonal Capacity provided for the Exchange and Sharing of Balancing Reserves; or</p> <p>(c) Reservation of Cross Zonal Capacity, means the provision of Cross Zonal Capacity outside timeframes open for other market participants than Transmission System Operators, under methodologies agreed by all Transmission System Operators of a Coordinated Balancing Area. Cross Zonal Capacity shall be rereleased to the market at later timeframes if not used.</p>	<p>Each Transmission System Operator shall apply a Probabilistic Approach, where Cross Zonal capacity is expected not to be fully used from the energy markets in some directions after intraday GCT, for providing cross border Exchange and Sharing of Balancing Reserves, while safeguarding operational security.</p>	<p>Reservation of cross-border capacity for optional balancing purposes should not be allowed.</p>
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32	1	<p>No later than twelve months before its implementation, all Transmission System Operators providing Cross Zonal Capacity for the Exchange of Balancing Services shall develop capacity provision and pricing methodologies based on an approach defined in Article 31. The capacity provision methodologies shall meet the objectives defined in Article 9 and shall contain at least the following elements for each Cross Zonal Capacity provision methodology: <del>(a)</del> the relevant time frame: <del>(b)</del> a process description: and <del>(c)</del> the criteria for required Social Welfare improvements.</p>	<p>No later than twelve months before its implementation, all Transmission System Operators providing Cross Border Exchange of Balancing Services shall develop available capacity use methodologies based on an approach defined in Article 31. The capacity provision methodologies shall meet the objectives defined in Article 9 and shall contain at least the following elements for each Cross Zonal Capacity provision methodology: <del>(a)</del> the relevant time frame: <del>(b)</del> a process description: and <del>(c)</del> the optimisation criteria</p>	<p>Cross Border Exchange of Reserves should come as an addition to the market and local balancing market optimisation and not as a conflicting 'social welfare' interaction</p>
32	2	<p>For reservations of Cross Zonal Capacity for a specific Delivery Period for timeframes shorter than a month ahead, relevant Transmission System Operators providing capacity for Exchange of Balancing Reserves shall develop a modification to the capacity provision methodology developed pursuant to paragraph 1 in order to allow an accelerated application of the methodology close to real time, including the criteria for its application.</p>	<p>Please delete</p>	<p>There shall be no reservation of cross-border capacity for balancing (this would withhold capacity from the markets for an optional usage at a later timeframe).</p>

32	3	<p>If a Transmission System Operator is submitting a proposal for regulatory approval regarding the reservation of cross border capacity following Article 7, it shall at the same time submit all relevant information and documents related to the opening of this approval to the Agency.</p>	Please delete	<p>No Cross Zonal capacity reservation should be allowed. According to the Framework Guidelines: 'The Network Code on Electricity Balancing shall forbid TSOs to reserve cross-border capacity for the purpose of balancing, except for cases where TSOs can demonstrate that such reservation would result in increased overall social welfare and provide a robust evaluation of costs and benefits...., and market consultation, in a transparent, non-discriminatory, fair and objective manner.' As an alternative, TSOs should be allowed to release cross-border capacity by countertrading after the intra-day market gate closure, but not to allocate or reserve capacity before the intra-day market gate closure.</p>
33	1	<p>Allocated and reserved capacity for Exchange of Balancing Services and Sharing of Balancing Reserves shall be considered in the calculations of Cross Zonal Capacity for later Delivery Periods as previously Allocated Cross Zonal Capacity.</p>	Please delete	<p>No Cross Zonal capacity reservation should be allowed. According to the Framework Guidelines: 'The Network Code on Electricity Balancing shall forbid TSOs to reserve cross-border capacity for the purpose of balancing, except for cases where TSOs can demonstrate that such reservation would result in increased overall social welfare and provide a robust evaluation of costs and benefits...., and market consultation, in a transparent, non-discriminatory, fair and objective manner.' As an alternative, TSOs should be allowed to release cross-border capacity by countertrading after the intra-day market gate closure, but not to allocate or reserve capacity before the intra-day market gate closure.</p>

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33	2	A Common Grid Model for calculations of Cross Zonal Capacity for Balancing shall be used, based on the grid model of the latest available Delivery Period.	A Common Grid Model, as defined in the Network Code Capacity Allocation and Congestion Management, for calculations of Cross Zonal Capacity for Balancing shall be used, based on the grid model of the latest available Delivery Period.	Consistency with other NC's
34	1	(e) increase of the Social Welfare:	(e) increase of the Social Welfare in accordance with the Network Code on Capacity Allocation and Congestion Management:	Link to the definition of Social Welfare in the CACM NC to be added.
34	5	All Balancing Energy procured by the Connection Transmission System Operator in its Relevant Area shall be subject to TSO-BSP settlements.	All Balancing Energy procured by the Connection Transmission System Operator shall be subject to either TSO-TSO or TSO-BSP settlements.	Clarification
34	6	All injections and withdrawals within a Relevant Area other than those mentioned in paragraph 4 and paragraph 5 shall be subject to Imbalance Settlement.	All injections and withdrawals, by all generators and all consumers within a Relevant Area other than those mentioned in paragraph 4 and paragraph 5 shall be subject to Imbalance Settlement.	Just to really emphasise the no exceptions point.
37	2	The Balancing Energy from Frequency Restoration Reserve to be settled by the Connection Transmission System Operator with each Balancing Service Provider shall be based on the requested activation of Frequency Restoration Balancing Bids from the Balancing Service Provider for Frequency Restoration Process for each direction.	The Balancing Energy from Frequency Restoration Reserve to be settled by the Connection Transmission System Operator with each Balancing Service Provider shall be based on the requested and metered activation of Frequency Restoration Balancing Bids from the Balancing Service Provider for Frequency Restoration Process for each direction.	Should be the actual activated balancing energy, not the requested. Otherwise, in the settlement process, a BRP may have an Imbalance Adjustment for energy that in practice was not activated (and thus creates an artificial imbalance for the BRP). Not in line with Balancing Energy definition: 'energy activated by [...]' Settlement should be based on the minimum of requested and metered activation not be paid for what is not delivered / what was not requested

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38	2	The Balancing Energy from Replacement Reserve to be settled by the reserve Connection Transmission System Operator with each Balancing Service Provider shall be based on the requested activation of Reserve Replacement Balancing Bids from the Balancing Service Provider for Reserve Replacement Process for each direction.	The Balancing Energy from Replacement Reserve to be settled by the reserve Connection Transmission System Operator with each Balancing Service Provider shall be based on the requested and metered activation of Reserve Replacement Balancing Bids from the Balancing Service Provider for Reserve Replacement Process for each direction.	Should be the actual activated balancing energy, not the requested. Otherwise, in the settlement process, a BRP may have an Imbalance Adjustment for energy that in practice was not activated (and thus creates an artificial imbalance for the BRP). Not in line with Balancing Energy definition: 'energy activated by [...]' Settlement should be based on the minimum of requested and metered activation not be paid for what is not delivered / what was not requested
40	3	No later than two years after the entry into force of this Network Code all Transmission System Operators shall develop common rules for TSO-TSO Settlement of all energy exchanged between Relevant Areas resulting from Unintentional Deviations.	Please amend	Unintentional deviations: definition needs to be clarified
40	4	No later than two years after the entry into force of this Network Code Transmission System Operators exchanging energy through agreed Ramping Period or agreed Ramp Rate Process shall develop common rules for TSO-TSO Settlement of all energy exchanged between Relevant Areas resulting from intended exchange of energy through agreed Ramping Period or agreed Ramp Rate Process.	Amend to ensure no variable ramping rate can be implemented	Ensure no variable ramping rate can be implemented
40	4	No later than two years after the entry into force of this Network Code Transmission System Operators exchanging energy through agreed Ramping Period or agreed Ramp Rate Process shall develop common rules for TSO-TSO Settlement of all energy exchanged between Relevant Areas resulting from intended exchange of energy through agreed Ramping Period or agreed Ramp Rate Process.	Please delete	If ramp rates are needed they should should be defined in a product

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40	5	fair and equal distribution of costs and benefits resulting from Exchange of Balancing Energy and Unintentional Deviation: and	Please amend	Unintentional deviations: definition needs to be clarified
41	1	Transmission System Operators in a Coordinated Balancing Area applying an Imbalance Netting Process as defined in Article 58 shall settle among themselves the intentionally exchanged energy due to this process.	Transmission System Operators in a Coordinated Balancing Area applying an Imbalance Netting Process shall settle among themselves the intentionally exchanged energy due to this process.	Reference to Article 58 is wrong: Imbalance Netting Process not defined in Article 58, nor in Article 2(2) where all other definitions are.
45	1	No later than two years after entry into force of this Network Code all Transmission System Operators shall define the pricing method of Unintentional Deviation Energy.	Please amend	Unintentional deviations: definition needs to be clarified
48	1	No later than three years after entry into force of this Network Code, all Transmission System Operators shall submit to all National Regulatory Authorities and the Agency a Cost-Benefit Analysis on harmonisation of the Imbalance Settlement Period within and between Synchronous Areas. This Cost-Benefit Analysis shall at least take into consideration: <del>(a)</del> the need of consistency between the Delivery Period and the Imbalance Settlement Period: and <del>(b)</del> the need of consistency between the Imbalance Settlement Period and the resolution of the metering devices available in each system.	No later than three two years after entry into force of this Network Code, all Transmission System Operators shall submit to all National Regulatory Authorities and the Agency a Cost-Benefit Analysis on harmonisation of the Imbalance Settlement Period within and between Synchronous Areas. This Cost-Benefit Analysis shall at least take into consideration: <del>(a)</del> the need of consistency between the Delivery Period and the Imbalance Settlement Period: and <del>(b)</del> the need of consistency between the Imbalance Settlement Period and the resolution of the metering devices available in each system	1. According to the Framework Guidelines: The Network Code on Electricity Balancing shall impose that the main features of the imbalance settlement are harmonised no later than three years after the entry into force of the Network Code on Electricity Balancing.'. If we have to wait for the proposal of the TSOs three years, then the deadline of three years is not met. And in fact it needs to be done sooner than that. <del>It</del> is also necessary to clarify whether this Article addresses harmonisation of imbalance settlement period within Synchronous Areas or at European level.



48	2	<p>No later than six months after receiving the Cost-Benefit Analysis, all National Regulatory Authorities shall submit their decision on the harmonisation of the Imbalance Settlement Period to all Transmission System Operators and, if applicable, a date for the implementation of this decision. In any case, this implementation date shall not be prior to the implementation date of the terms and conditions related to Balancing according to Article 16.</p>	<p>No later than six months after receiving the Cost-Benefit Analysis, considering a harmonization of the Imbalance Settlement Period of 30 minutes or less, all National Regulatory Authorities shall submit their decision on the harmonisation of the Imbalance Settlement Period to all Transmission System Operators and, if applicable, a date for the implementation of this decision. In any case, this implementation date shall not be prior to the implementation date of the terms and conditions related to Balancing according to Article 16.</p>	<p>The CBA should, in line with FG Balancing, only take into account a settlement period of 30 minutes or less. Imbalance settlement periods exceeding 30 minutes only as exceptions for individual TSO's, as mentioned in FG Balancing (p.25&amp;#1)</p>
49	3	<p>This procedure shall include specifications related to the determination of the finalised notified Position for each Imbalance Settlement Period by the Connection Transmission System Operators, for each Balance Responsible Party, for each Relevant Area. Specifications may include the determination of several finalised notified Positions for a single Balance Responsible Party.</p>	<p>This procedure shall include specifications related to the determination of the finalised notified Position for each Imbalance Settlement Period by the Connection Transmission System Operators, for each Balance Responsible Party. Specifications may include the determination of several finalised notified Positions for a single Balance Responsible Party.</p>	<p>Under certain conditions, several areas can agree on a joint calculation of the imbalances.</p>
49	8	<p>b) any curtailment or redispatch.</p>	<p>b) any curtailment or redispatch consistent with the requirements of the FCA code.</p>	<p>Need for a common methodology for remuneration of any curtailment or redispatching energy and principles to take curtailment/redispatch actions. And this needs to take into account firmness requirements in FCA code.</p>

50	1	<p>Within its terms and conditions for Balancing following Article 16 each Transmission System Operator shall define a procedure to calculate Imbalance Prices, to be paid or received by the Balance Responsible Party to the Connection Transmission System Operator, including a definition of the value of avoided Activation of Balancing Energy from Frequency Restoration Reserves or Replacement Reserves in its Relevant Area.</p>	<p>Within its terms and conditions for Balancing following Article 16 all Transmission System Operator shall define a common procedure to calculate Imbalance Prices, which should be commonly approved by NRAs in line with Article 7(2), to be paid or received by the Balance Responsible Party to the Connection Transmission System Operator, including a definition of the value of avoided Activation of Balancing Energy from Frequency Restoration Reserves or Replacement Reserves in its Relevant Area.</p>	<p>All TSO's should define the common procedure, instead of each TSO: Reference to Article 7(2) since all NRAs should decide on it together: Calculation of Imbalance prices should follow a common procedure to ensure harmonization and no market distortion.</p>
50	2	<p>Each Transmission System Operator shall determine an Imbalance Price for each Imbalance direction, shortage or surplus and for each Imbalance Settlement Period for each Relevant Area where Imbalance is calculated.</p>	<p>Each Transmission System Operator shall determine an Imbalance Price for each period which is the same for both shortage or surplus and for each Imbalance Settlement Period for each Relevant Area where Imbalance is calculated.</p>	<p>The code should specify a single imbalance price to encourage greater market participation and liquidity. Assymmetric cash-out is a demonstrable disincentive to non-physical players.</p>
50	3	<p>The Imbalance Price for shortage for each Relevant Area shall not be less than the weighted average price for activated Balancing Energy for Frequency Restoration Reserves and Replacement Reserves for this Relevant Area and the value of the avoided Activation of Balancing Energy for Frequency Restoration Reserves or Replacement Reserves for this Relevant Area during the Imbalance Settlement Period.</p>	<p>The Imbalance Price for each Relevant Area shall be at least equal to , or equivalent in effect to, the cost of the marginal activated Balancing Energy from Frequency Restoration Reserves and Replacement Reserves for this Relevant Area and the settlement period concerned.</p>	<p>Using marginal pricing as a basis for defining imbalance price will give right incentives to market participants to stay in balance and reflects the actual cost of the balancing energy. This basic rule might be modified depending on the precise requirements on BRPs in any COBA (e.g. legal requirements to balance). In addition code should allow for capacity costs of FRR and RR to be allocated to individual settlement periods to maintain appropriate incentives on BRPs.</p>
50	3	<p>New paragraph</p>	<p>To the extent that the Imbalance price methodology results in net revenues to TSOs, this must be refunded to network users.</p>	<p>TSOs should not retain any revenues from the settlement process.</p>

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50	4	The Imbalance Price for surplus for each Relevant Area shall not be greater than the weighted average price for activated Balancing Energy for Frequency Restoration Reserves and Replacement Reserves for this Relevant Area and the value of the avoided Activation of Balancing Energy for Frequency Restoration Reserves or Replacement Reserves for this Relevant Area during the Imbalance Settlement Period.	The Imbalance Price for surplus for each Relevant Area shall be marginal price, to be defined, for activated Balancing Energy for Frequency Restoration Reserves and Replacement Reserves for this Relevant Area. This price shall be at least the Day-Ahead market price in case of short position of the system and at most the Day-Ahead market price in case of long position of the system.	Using marginal pricing as a basis for defining imbalance price will give right incentives to market participants to stay in balance. Again: Imbalance prices should reflect the costs of balancing, neither more nor less to avoid undue revenues for the TSO.
50	-	New paragraph	Imbalance price shall not include additional costs linked to possible deviations from the merit order list to alleviate congestions internal to a bidding zone.	In agreement with the Framework Guidelines. It is true that the FG talks about control area, but it should be bidding zone.
51	1	Within its terms and conditions for Balancing following Article 16 each Transmission System Operator shall define rules for the settlement of Balancing Reserves in accordance with the principles set forth in Article 34. These rules shall be included in the terms and conditions related to Balancing according to Article 16	Within its terms and conditions for Balancing following Article 16 each Transmission System Operator shall define rules for the settlement of Balancing Reserves in accordance with the principles set forth in Article 34. These rules shall be defined in the specifications of each balancing product.	Clarification
51	1	Within its terms and conditions for Balancing following Article 16 each Transmission System Operator shall define rules for the settlement of Balancing Reserves in accordance with the principles set forth in Article 34. These rules shall be included in the terms and conditions related to Balancing according to Article 16	Within its terms and conditions for Balancing following Article 16 all Transmission System Operators shall define rules for the settlement of Balancing Reserves in accordance with the principles set forth in Article 34. These rules shall be included in the terms and conditions related to Balancing according to Article 16	All TSO's should define settlement rules to ensure harmonization and prevent market distortion. Reference to 'rules for the settlement of Balancing Reserves' is too vague.
51	2	Each Transmission System Operators shall perform settlement of Balancing Reserves in a manner which promotes the achievement of the objectives of this Network Code in a timely manner.	All Transmission System Operators shall perform settlement of Balancing Reserves in a manner which promotes the achievement of the objectives of this Network Code in a timely manner.	All TSO's should perform settlement in the same way to ensure harmonization and prevent market distortion.

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52	1	Each Transmission System Operator shall ensure the settlement of all Standard Balancing Reserve products and all Specific Products procured using methods defined in Article 22(1) from all Balancing Service Providers inside its Relevant Area.	All Transmission System Operator shall ensure the settlement of all Standard Balancing Reserve products and all Specific Products procured using methods defined in Article 22(1) from all Balancing Service Providers inside its Relevant Area.	All TSO's should ensure settlement of Standard Products based on a common method(s) to ensure harmonization and prevent market distortion.
52	2	Each Transmission System Operator shall define the rules for the settlement of the Balancing Reserve Products procured using methods defined in Article 22(1) provided by all Balancing Service Providers inside its Relevant Area.	All Transmission System Operator shall define the rules for the settlement of the Balancing Reserve Products procured using methods defined in Article 22(1) provided by all Balancing Service Providers inside its Relevant Area.	All TSO's should define rules for the settlement of Balancing Reserve Products based on a common method(s) to ensure harmonization and prevent market distortion.
55	1	All Transmission System Operators shall develop principles for the development of algorithms, applied for the minimisation of counteracting activation, optimised operation of common procurements of Balancing Reserves and Activation of Balancing Energy, compliant with the requirements specified in this Network Code.	All Transmission System Operators may develop common principles for the development of an algorithms, applied for the minimisation of counteracting activation, optimised operation of common procurements of Balancing Reserves and Activation of Balancing Energy, compliant with the requirements specified in this Network Code.	The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.

55	2	<p>No later than twelve months after the entry into force of this Network Code, all Transmission System Operators shall submit the principles for the development of algorithms, to all National Regulatory Authorities and the Agency.</p>	<p>If Transmission System Operators choose to develop an algorithm, they shall, no later than twelve months after the entry into force of this Network Code, submit the principles for the development of algorithms, to all National Regulatory Authorities and the Agency.</p>	<p>The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.</p>
55	3	<p>All Transmission System Operators of a Coordinated Balancing Area for Balancing Energy shall develop an algorithm to be applied for the minimisation of counteracting Activation of Balancing Energy, in accordance with the principles for the development of algorithms, developed in accordance with paragraph 1.</p>	<p>All Transmission System Operators of a Coordinated Balancing Area for Balancing Energy may develop an algorithm to be applied for the minimisation of counteracting Activation of Balancing Energy, in accordance with the principles for the development of the algorithms, developed in accordance with paragraph 1.</p>	<p>The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.</p>

55	4	<p>All Transmission System Operators of a Coordinated Balancing Area for Balancing Energy shall develop an algorithm to be applied for the optimised operation of the relevant Activation of Balancing Energy through the generation of Common Merit Order Lists, in accordance with the principles for the development of algorithms, developed in accordance with paragraph 1.</p>	<p>All Transmission System Operators of a Coordinated Balancing Area for Balancing Energy may develop an algorithm to be applied for the optimised operation of the relevant Activation of Balancing Energy through the generation of Common Merit Order Lists, in accordance with the principles for the development of the algorithms, developed in accordance with paragraph 1.</p>	<p>The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.</p>
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55	5	<p>In case a secondary market with the possibility to transfer obligations of Balancing Service Providers for providing Balancing Reserves from one Relevant Area to another is established, all Transmission System Operators of a Coordinated Balancing Area for Balancing Reserves shall develop an algorithm to be applied for the optimised Transfer of Obligations, in accordance with the principles for the development of algorithms, developed in accordance with paragraph 1.</p>	<p>In case a secondary market for providing Balancing Reserves from one Relevant Area to another is established, all Transmission System Operators of a Coordinated Balancing Area for Balancing Reserves may develop an algorithm, in accordance with the principles for the development of the algorithms, developed in accordance with paragraph 1.</p>	<p>Obligation with secondary market not market based and should thus not be used as a procurement method. The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.</p>
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55	6	<p>All Transmission System Operators of a Coordinated Balancing Area for Balancing Reserves shall develop an algorithm to be applied for the optimised operation of the relevant common procurement of Balancing Reserves through the generation of Common Merit Order Lists, in accordance with the principles for the development of algorithms, developed in accordance with paragraph 1.</p>	<p>All Transmission System Operators of a Coordinated Balancing Area for Balancing Reserves may develop an algorithm to be applied for the optimised operation of the relevant common procurement of Balancing Reserves through the generation of Common Merit Order Lists, in accordance with the principles for the development of the algorithms, developed in accordance with paragraph 1.</p>	<p>The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.</p>
56	1	<p>All Transmission System Operators of a Coordinated Balancing Area shall be entitled to amend the algorithms applied in the Coordinated Balancing Area.</p>	<p>All Transmission System Operators of a Coordinated Balancing Area shall be entitled to amend the algorithm applied in the Coordinated Balancing Area.</p>	<p>The development of the algorithm, as an optimization process, should be optional, as described in the Framework Guidelines on Balancing by ACER (page 17, Â§8): 'An optimisation process may be used to allow for a concrete and efficient implementation, [...]'. If the Standard Products on the different Common Merit Order Lists are sufficiently standardized, a (complicated) algorithm for the selection of bids can be avoided. This would allow maximum time for BRPs to balance themselves on the Intra-day market and the TSOs to do the residual balancing. If an algorithm is developed, it should be based on common principles to ensure harmonization: multiple algorithms make the market unnecessarily complex and development unnecessarily costly.</p>



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57	2	Every second year the annual report can be published in a simpler version to review the progress made and update indicators but without performing detailed analysis.	Please delete	Since implementation period is short (6 years), an annual detailed analysis is warranted.
57	2	No later than six months after the entry into force of this Network Code, ENTSO-E shall define and send to the Agency its proposal concerning the years where a complete annual report and the years where simple updates of the annual report will be performed.	Please delete	Since implementation period is short (6 years) an annual detailed analysis is warranted.
57	4	h) include the costs and benefits from all capacity reservation for Balancing Services purposes:	h) include the costs and benefits from all capacity release for Balancing Services purposes:	There shall be no reservation of cross-border capacity for balancing that withdraws capacity from the markets. In case a party buys the capacity for balancing market purposes this party shall bear the risks of the possible welfare losses. TSOs should be allowed to release cross-border capacity by countertrading after the intra-day market gate closure, but not to allocate or reserve capacity before the intra-day market gate closure.
57	5	The annual report shall be published on the ENTSO-E website and submitted to the Agency no later than nine months after the end of the year it refers to.	The first annual report shall be made publicly available on the ENTSO-E website six months after entry into force this network code and all subsequent annual reports shall be made publicly available on the ENTSO-E website no later than nine three months after the end of the year it refers to.	Clearly define when what report will be available where: Reports need to be available with as little delay as possible.
57	6	The ENTSO-E shall define and submit to the Agency the indicators which will be followed and updated in the annual report process no later than six months before the publication of the first report.	The ENTSO-E shall define and submit to the Agency the indicators which will be followed and updated in the annual report process no later than six two months before the publication of the first report.	In light of deadline for first annual report, a closer deadline is necessary.

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58	1	a) no later than two years after the entry into force of this Network Code, all Transmission System Operators shall ensure that in their Coordinated Balancing Area: <input type="checkbox"/> the multilateral TSO-TSO Model with Common Merit Order Lists is implemented for the Exchange of Balancing Energy from resources that are used as Replacement Reserves; and <input type="checkbox"/> they cooperate to minimise, when economically efficient, counteracting activation of Balancing Energy between Relevant Areas, taking into account Cross Zonal Capacities, respecting the conditions of the Network Code on Load-Frequency Control and Reserves.	All TSO have to join a Coordinated Balancing Area as defined in Article 10:	No additional provision imposing an obligation/target for joining a CoBA is needed, as it is already set in the article 10, and it will enter into force with the code. Which includes exchange of (some?) Balancing Energy and netting. Art. 10 says RR. What if no RR?
58	1	b) no later than three years after the entry into force of this Network Code, all Transmission System Operators:	b) no later than three years after the entry into force of this Network Code, all Transmission System Operators shall, within their COBAs:	All TSO have to join a Coordinated Balancing Area as defined in Article 10:
58	1	b) [...] shall harmonise the principles for Imbalance calculation pursuant to Article 49 and Imbalance Price calculation pursuant to Article 50: and shall harmonise principles for the Imbalance Settlement Period pursuant to Article 48 and subject to the results of Cost-Benefit Analysis.	Please delete	Already specified in Article 48,50
58	1	d) [...] develop a proposal for modification of features of the target model for the exchanges of Balancing Energy from automatically activated Frequency Restoration Reserves, if all Transmission System Operators have identified that certain features are not feasible or do not ensure a positive Cost-Benefit Analysis result.	d) [...] develop a proposal for modification of features of the target model for the exchanges of Balancing Energy from automatically activated Frequency Restoration Reserves, if all Transmission System Operators have identified that certain features do not ensure a positive Cost-Benefit Analysis result.	'not feasible' is too vague and not in line with FG Balancing Difficult to change: literally in FG Balancing (p19&2). And remove COBAs?

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59	1	All Transmission System Operators shall apply a Cost-Benefit Analysis, before the implementation or use of mechanisms of the European wide TSO-TSO Model for Balancing and for the harmonisation of the Imbalance Settlement Period according to Article 48.	All Transmission System Operators shall apply a Cost-Benefit Analysis and market consultation, if they identify that features of the mechanisms of the European wide TSO-TSO Model for Balancing and for the harmonisation of the Imbalance Settlement Period according to Article 48. do not translate in a a positive net benefit.	- Appart from realizing the CBA, TSOs shall consult market participants. - In agreement with the Framework Guidelines, this analysis and consultation is not a pre-requisite to implement the target m
59	2	All Transmission System Operators of a Coordinated Balancing Area shall apply a Cost-Benefit Analysis, for any decision on the reservation of Cross Zonal Capacity as a part of the methodology for the provision of Cross Zonal Capacity, pursuant to Article 32.	All Transmission System Operators of a Coordinated Balancing Area shall apply a Cost-Benefit Analysis and consult to the market, for any decision on the reservation release of Cross Zonal Capacity as a part of the methodology for the provision of Cross Zonal Capacity, pursuant to Article 32.	There shall be no reservation of cross-border capacity for balancing that withdraws capacity from the markets. In case a party buys the capacity for balancing market purposes this party shall bear the risks of the possible welfare losses. TSOs should be allowed to reelease cross-border capacity by countertrading after the intra-day market gate closure, but not to allocate or reserve capacity before the intra-day market gate closure. Market shall be consulted on the methodology.
59	2	All Transmission System Operators of a Coordinated Balancing Area shall apply a Cost-Benefit Analysis, for any decision on the reservation of Cross Zonal Capacity as a part of the methodology for the provision of Cross Zonal Capacity, pursuant to Article 32.	All Transmission System Operators of a Coordinated Balancing Area shall apply a Cost-Benefit Analysis, for any decision on the release of Cross Zonal Capacity as a part of the methodology for the provision of Cross Zonal Capacity, pursuant to Article 32.	There shall be no reservation of cross-border capacity for balancing that withdraws capacity from the markets. In case a party buys the capacity for balancing market purposes this party shall bear the risks of the possible welfare losses. TSOs should be allowed to reelease cross-border capacity by countertrading after the intra-day market gate closure, but not to allocate or reserve capacity before the intra-day market gate closure. Market shall be consulted on the methodology.
59	5	e) the impact on market parties in terms of additional technical or IT requirements.	e) the impact on market parties.	Impact on markaet parties are broader than only costs of technical or IT requirements.

59	5	<p>The Cost-Benefit Analysis shall at least consider the objectives of this Network Code set forth in Article 9, and: (a) a Social Welfare quantification in accordance with the Network Code on Capacity Allocation and Congestion Management: (b) the cost and benefits of implementation of a new Balancing mechanism or platform: (c) the impact on European, regional and national Balancing costs: (d) the potential impact on regional energy market prices: and (e) the impact on market parties in terms of additional technical or IT requirements.</p>	<p>The Cost-Benefit Analysis shall at least consider the objectives of this Network Code set forth in Article 9, and: (a) a Social Welfare quantification in accordance with the Network Code on Capacity Allocation and Congestion Management: (b) the cost and benefits of implementation of a new Balancing mechanism or platform: (c) the impact on European, regional and national Balancing costs: (d) the potential impact on regional energy market prices: and (e) the impact on market parties in terms of additional administrative, technical or IT requirements: (f) the impact of imbalance settlement period on the retail market.</p>	<p>Administrative costs should be considered as well. CBA should explicitly include the impact on retail market, where imbalances settlement period can have significant effect (retail market practices, demand side participation in the electricity market on the whole and retailers' IT systems).</p>
59	6	<p>All Transmission System Operators of a Coordinated Balancing Area shall provide the result of the Cost-Benefit Analysis to the Relevant Regulatory Authorities, together with justified proposals on how to tackle possible issues with any of the targets identified by the Cost-Benefit Analysis. On that basis, the Relevant Regulatory Authorities shall decide on the way forward after public consultation.</p>	<p>All Transmission System Operators of a Coordinated Balancing Area shall provide the result of the Cost-Benefit Analysis to ACER, together with justified proposals on how to tackle possible issues with any of the targets identified by the Cost-Benefit Analysis. On that basis, ACER shall decide on the way forward after public consultation.</p>	<p>ACER should guard actively the harmonization process, of which the cost-benefit analyses are a key component.</p>
60	2	<p>The transition period shall apply for Article 18, Article 22, Article 34 to Article 44, Article 47 to Article 52, Article 54 and Article 57 (1) to (8).</p>	<p>The transition period shall apply for Article 18, Article 22, Article 34 to Article 44, Article 47 to Article 52 and Article 54.</p>	<p>ENTSO-E annual reporting should not be subject to a transition period and be published as soon as this code enters into force in order to monitor and follow the different pilot projects. It is also not consistent with article 57 Â§9.</p>

61	1	Each Transmission System Operator may apply for derogation in respect of one or more provisions of this Network Code by submitting a written request to the National Regulatory Authority.	Each Transmission System Operator may apply for derogation in respect of one or more provisions of this Network Code by submitting a written request to the European Commission. The European Commission shall notify and submit all relevant information and documents of the application for derogation to the National Regulatory Authorities within the Coordinated Balancing Area and to the Agency. All parties shall closely cooperate during the derogation in order to guarantee that the derogation does not create distortions on the balancing markets of the Coordinated Balancing Area.	- The EU Commission should control the derogation from EU-legislation, as in all other EU legislation. A derogation should be communicated clearly to ACER and the NRAs of the balancing zones which may be impacted (i.e. Within the CoBA). Furthermore, the
61	3	b) The implementation of the provisions for which derogation is requested would result in significant problems in Balancing the Relevant Area of the requesting Transmission System Operator.	b) The implementation of the provisions for which derogation is requested would result in significant problems, proved in a cost-benefit analysis, in Balancing the Relevant Area of the requesting Transmission System Operator. c. they are currently operating a central dispatch system - limited to Greece, Hungary, Italy, Ireland and Northern Ireland, Poland	Criteria need to be defined for significant problems! CBA should be performed and assessed by the Agency to define when significant problems are rising.
61	5	Derogation may be granted for a maximum period of two years.	Derogation may be granted once and for a maximum period of two years.	Clarification is needed that derogation can not be granted several times.
61	7	The National Regulatory Authority shall decide within six months following from the reception of an application for derogation on whether to grant the derogation. In assessing the request for derogation, the relevant National Regulatory Authority shall consider the following aspects:	The Commission shall decide within six months following from the reception of an application for derogation on whether to grant the derogation. In assessing the request for derogation, the Commission shall consider the following aspects:	The EU Commission should control the derogation from EU-legislation, as in all other EU legislation.
61	7	d) impacts on overall Social Welfare: and	d) impacts on overall Social Welfare in accordance with the Network Code on Capacity Allocation and Congestion Management: and	Link to the definition of Social Welfare in the CACM NC to be added.

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61	8	The National Regulatory Authority shall notify the Agency of the reception of applications for derogation.	The Commission may delegate the derogation decision to the Agency.	The EU Commission should control the derogation from EU-legislation, as in all other EU legislation.
61	9	The National Regulatory Authority shall notify the Agency and the European Commission of their decision with respect to applications for derogation and publish it on its web page.	Please delete	Not necessary
61	10	Each National Regulatory Authority shall maintain a register in which derogations are recorded, together with the reasons for their granting and the consequences of the derogations.	The Agency and the European Commission shall maintain a register in which derogations are recorded, together with the reasons for their granting and the consequences of the derogations.	Information should be kept centrally for transparency