



ELEXON's response to the ENTSO-E consultation on the draft Electricity Balancing Network Code

ENTSO-E required consultation responses to be in a set format – either loaded into a web interface or into a spreadsheet.

The format required was:

- Article Number/para/sub para
- Original Text
- Revised Text
- Comment/justification for revision
- Type of comment: with a choice of technical or legal
- Nature of comment: with a choice of fundamental or editorial
- Level of detail of comment: with a choice of general remark or specific detail

This Word document was used to develop the ELEXON response in the above format and represents the submission made.

Steve Wilkin, 15 August 2013

1) Article Number: 2 (1)

- Original Text:

For the purpose of this Network Code, the definitions contained in Article 2 of Directive 2009/72/EC and in Article 2 of Regulation (EC) No 714/2009 shall apply. The definitions contained in Article 2 of the Network Codes for Requirements for Grid Connection applicable to all Generators, Capacity Allocation and Congestion Management, Demand Connection, Operational Security, Operational Planning and Scheduling, and Load-Frequency Control and Reserves and Forward Capacity Allocation shall also apply.

- Revised Text:



Consultation Response

For the purpose of this Network Code, the definitions contained in Article 2 of Directive 2009/72/EC and in Article 2 of Regulation (EC) No 714/2009 shall apply. The definitions contained in ~~Article 2 of the Network Codes for Requirements for Grid Connection applicable to all Generators, Capacity Allocation and Congestion Management, Demand Connection, Operational Security, Operational Planning and Scheduling, and Load-Frequency Control and Reserves and Forward Capacity Allocation~~ Definitions for Electricity Network Codes shall also apply.

- Comment/justification for revision

Article 2(1) requires the reader to check up to nine separate Network Codes for definitions if not found in this Network Code. This is not compatible with an effective and efficient public consultation or for the future development of the Network Codes. For this reason we welcome ENTSO-E's commitment in the Supporting Document that it is striving to grant easy access to the full body of definitions. However, we suggest that definitions should be best included into another new Network Code so that users can rely on the definitions in that Network Code, knowing that they are the correct and legally definitive definitions to use in every other Electricity Network Code. The definitions in Article 2 in all existing electricity Network Codes should now be deleted and placed in this new Network Code, which I have named the Definitions for Electricity Network Codes. It may be that this is not practical at this stage in the Network Code development process, but we put it forward as an idea in case it is still feasible.

We also note that the draft Electricity Balancing Network Code uses various capitalised terms which do not appear to be defined in this or any other Network Code.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: general remark

2) Article Number: 2 (definition of "Designated Entity")

- Original Text:

Designated Entity means a legal entity which is performing tasks delegated by a Connection Transmission System Operator.

- Revised Text:

Designated Entity means a legal entity which is performing tasks ~~that delegated by~~ a Connection Transmission System Operator is required to delegate in accordance with Article 11(4).

- Comment/justification for revision:



Consultation Response

This aligns with our suggested rewording of Article 11(4).

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

3) Article Number: 2 (definition of "Position")

- Original Text:

Position means a sum of commercial trades, and physical injections and withdrawals were appropriate, of a Balance Responsible Party in a relevant Imbalance Settlement Period.

- Revised Text:

Position means a sum of commercial trades, ~~and physical injections and withdrawals were appropriate,~~ of a Balance Responsible Party in a relevant Imbalance Settlement Period.

- Comment/justification for revision

The original definition of Position, when combined with the definition of Allocated Volume to give Imbalance, is not consistent with the Framework Guidelines' definition of Imbalances. The Supporting Document's description of Position (on page 12) is also inconsistent with the Framework Guidelines on this point. Physical injections/withdrawals already appear in the definition of Allocated Volume (which we understand to be a physical delivered position). Additionally including these in the definition of Position (which we understand to be a commercial traded position) therefore gives the potential for double-counting of physical volume and an erroneous Imbalance calculation, as well as being inconsistent with the Framework Guidelines.

For example, consider a generator (acting as their own Balance Responsible Party) who sells 100 MWh but generates 80 MWh (i.e. a shortfall of 20 MWh). In order to achieve consistency with the Framework Guidelines on Electricity Balancing definition of Imbalances this Balance Responsible Party should have an Allocated Volume of +80 MWh, a Position of +100 MWh, and an Imbalance of -20 MWh. Including the physical injection of 80 MWh in the Position (as allowed for by the current definition) would not lead to a correct calculation of Imbalance.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail



Consultation Response

4) Article Number: 2 (definition of "Transfer of Obligations")

- Original Text:

Transfer of Obligations means the Transfer of Obligations of Balancing Service Providers for procured Balancing Reserves, in order to ensure an adequate amount of Balancing Energy and accurate delivery.

- Revised Text:

[No suggestion]

- Comment/justification for revision:

The definition refers to itself, which cannot work legally.

- Type of comment: legal
- Nature of comment: editorial
- Level of detail of comment: specific detail

5) Article Number: 2 (definition of "TSO-BSP Model")

- Original Text:

TSO-BSP Model means a model for Exchange of Balancing Reserves where the Requesting Transmission System Operator has an agreement with a Balancing Service Provider in another Relevant Area.

- Revised Text:

[The name TSO-BSP Model should be changed to avoid confusion with TSO-BSP settlements. We suggest changing it to "TSO-BSP Reserve Agreement" or similar; or alternatively creating a definition for TSO-BSP settlements.]

- Comment/justification for revision

The name "TSO-BSP Model" is very general and therefore confusing because it is so similar to TSO-BSP settlements. TSO-BSP settlements is something very different as Article 34(5) states "All Balancing Energy procured by the Connection Transmission System Operator in its Relevant Area shall be subject to TSO-BSP settlements." So we recommend that the name TSO-BSP Model should be changed to avoid confusion with TSO-BSP settlements; or that TSO-BSP settlements becomes a defined term.

- Type of comment: legal
- Nature of comment: editorial
- Level of detail of comment: specific detail



Consultation Response

6) Article Number: 4(1)

- Original Text:

The costs related to the obligations referred to in this Network Code which are to be borne by regulated Network Operators and Designated Entities, where applicable, shall be assessed by National Regulatory Authorities.

- Revised Text:

The costs related to the obligations referred to in this Network Code which are to be borne by regulated Network Operators and Designated Entities, where applicable, shall be assessed on a case by case basis by the National Regulatory Authorities of the Member State in which the Network Operators and Designated Entities perform the obligations.

- Comment/justification for revision:

The original text is unclear as to which National Regulatory Authorities are involved on a case by case basis. The change is also consistent with the clarification given by the Supporting Document "with sufficient proof to its NRA".

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

7) Article Number: 4(2)

- Original Text:

Costs assessed as reasonable and proportionate shall be recovered in a timely manner via network tariffs or appropriate mechanisms as determined by National Regulatory Authorities.

- Revised Text:

Costs assessed as reasonable and proportionate shall be recovered in a timely manner via network tariffs or appropriate mechanisms as determined by the National Regulatory Authorities of the Member State concerned on a case by case basis.

- Comment/justification for revision:



Consultation Response

The original text is unclear as to which National Regulatory Authorities are involved on a case by case basis. The change is also consistent with the clarification given by the Supporting Document "with sufficient proof to its NRA".

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

8) Article Number: 4(3)

- Original Text:

If requested to do so by National Regulatory Authorities, regulated Network Operators and Designated Entities shall, within three months of such a request, use best endeavours to provide such additional information as reasonably requested by National Regulatory Authorities to facilitate the assessment of the costs incurred.

- Revised Text:

If requested to do so by its National Regulatory Authorities, a regulated Network Operator or Designated Entity shall, within three months of such a request, use best reasonable endeavours to provide such additional information as reasonably requested by its National Regulatory Authorities to facilitate the assessment of the costs incurred.

- Comment/justification for revision:

The original text is unclear as to which National Regulatory Authorities are involved on a case by case basis. The change is also consistent with the clarification given by the Supporting Document "with sufficient proof to its NRA".

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

9) Article Number: 5(1)

- Original Text:

All entities referred to in Article 1(2) shall preserve confidentiality of the information and data submitted to them in the fulfilment of the obligations arising from this Network Code and shall use them exclusively for the purpose they have been submitted in compliance with this Network Code.

- Revised Text:



Consultation Response

[No specific revised text proposed.]

- Comment/justification for revision:

The original text is unclear as to what the confidentiality requirements are. The word “exclusively” would appear to prevent the use of data in fulfilment of, for example, the Transparency Regulation, REMIT and other Member State legal and regulatory requirements. We presume this is not the intention.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

10) Article Number: 6(1)(i) onwards

- Original Text:

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:

- (a) terms and conditions related to Balancing pursuant to Article 16;
- (b) the list of Standard Products pursuant to Article 17;
- (c) common pricing methods within a Coordinated Balancing Area of Balancing Reserve products pursuant to Article 23(3);
- (d) amendments to the common pricing methods within a Coordinated Balancing Area of Balancing Reserve products pursuant to Article 23;
- (e) the common pricing method for Balancing Energy Standard Products pursuant to Article 25;
- (f) the amount of Unshared Bids pursuant to Article 26;
- (g) a proposal for the Activation Optimisation Function pursuant to Article 28;
- (h) capacity provision methodologies for Balancing Services pursuant to Article 32;
- (i) a proposal for each algorithm developed pursuant to Article 55(1);
- (j) the proposal on the target model for the exchanges of Balancing Energy from automatically activated Frequency Restoration Reserves pursuant to Article 58(1);
- (k) a proposal for modification of targets pursuant to Article 58(1);
- (l) a proposal for the implementation of the transitional arrangements pursuant to Article 58; and
- (m) the methodology for the Cost-Benefit Analysis pursuant to Article 59.

- Revised Text:

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:

- (a) terms and conditions related to Balancing pursuant to Article 16;
- (b) the list of Standard Products pursuant to Article 17;



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- (c) common pricing methods within a Coordinated Balancing Area of Balancing Reserve products pursuant to Article 23(3);
- (d) amendments to the common pricing methods within a Coordinated Balancing Area of Balancing Reserve products pursuant to Article 23;
- (e) the common pricing method for Balancing Energy Standard Products pursuant to Article 25;
- (f) the amount of Unshared Bids pursuant to Article 26;
- (g) a proposal for the Activation Optimisation Function pursuant to Article 28;
- (h) capacity provision methodologies for Balancing Services pursuant to Article 32;
- [\(i\) the design of the Imbalance Settlement mechanism pursuant to Article 47;](#)
- [\(j\) the Cost-Benefit Analysis on harmonisation of the Imbalance Settlement Period pursuant to Article 48;](#)
- [\(k\) the procedure for Imbalance calculation pursuant to Article 49;](#)
- [\(l\) the procedure for the calculation of Imbalance Prices pursuant to Article 50;](#)
- [\(m\)](#) a proposal for each algorithm developed pursuant to Article 55(1);
- [\(n\)](#) the proposal on the target model for the exchanges of Balancing Energy from automatically activated Frequency Restoration Reserves pursuant to Article 58(1);
- [\(o\)](#) a proposal for modification of targets pursuant to Article 58(1);
- [\(p\)](#) a proposal for the implementation of the transitional arrangements pursuant to Article 58; and
- [\(q\)](#) the methodology for the Cost-Benefit Analysis pursuant to Article 59.

- Comment/justification for revision:

Transmission System Operators are responsible for the design and various aspects of Imbalance Settlement pursuant to Articles 47, 48, 49 and 50. It is therefore important that these proposals are subject to public consultation and thereafter approval by the appropriate National Regulatory Authority. The changes we have proposed to Article 6(1) address the consultation aspect; and the changes we have proposed to Article 7(4) address the regulatory approval aspect.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

11) Article Number: 6(2)

- Original Text:

The views of stakeholders emerging from the consultations undertaken pursuant to paragraph 1 shall be duly considered by the party to whom the obligation is addressed prior to the submission of the document for regulatory approval if required or prior to publication in all other cases. In all cases, a clear and robust justification of the reasons for including or not including the views emerging from the consultation in the submission shall be developed and published in a timely manner.

- Revised Text:



Consultation Response

The views of stakeholders emerging from the consultations undertaken pursuant to paragraph 1 shall be duly considered by the party to whom the obligation is addressed prior to the submission of the document for regulatory approval if required or prior to publication in all other cases. ~~In all cases, a~~ clear and robust justification of the reasons for including or not including the views emerging from the consultation in the submission shall be developed and published ~~in a timely manner no later than the day on which the document is submitted for regulatory approval or published in all other cases.~~

- Comment/justification for revision

The original text allows for a delay between a publication of the document itself and the justification for the changes made to that document. Article 6(2) should be clear about the timing of publication of justifications for including, or not including, the views emerging from the consultation. Presumably the justifications would have been developed in making the decision to include or exclude the views emerging from the consultation; therefore, there should not be a significant delay in publication.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

12) Article Number: 7(4)(c)

- Original Text:

The following shall be subject to approval by the National Regulatory Authority of each Member State concerned on a case-by-case basis:

- 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;
- c) the delegation of tasks to Designated Entities pursuant to Article 11;

- Revised Text:

The following shall be subject to approval by the National Regulatory Authority of each Member State concerned on a case-by-case basis:

- 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;



Consultation Response

~~e) the delegation of tasks to Designated Entities pursuant to Article 11;~~

- Comment/justification for revision

Article 7(4)(c) should **ONLY** be deleted **IF (AND ONLY IF)** the change we have proposed to Article 11(4) is also made. Our change to Article 11(4) requires that the “the relevant National Regulatory Authority may require, or may have approved arrangements that require, a Connection Transmission System Operator to delegate all or part of the tasks” so if this is the case the National Regulatory Authority would not need to approve a request from the Transmission System Operator, because it has already required it.

- Type of comment: legal
- Nature of comment: editorial
- Level of detail of comment: specific detail

13) Article Number: 7(4)(m) (second 7(4)(m))

- Original Text:

m) 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;

- Revised Text:

~~m)~~ Imbalance Settlement mechanisms [pursuant to Article 47, and](#) 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;

- Comment/justification for revision:

Transmission System Operators are responsible for the design and various aspects of Imbalance Settlement pursuant to Articles 47, 48, 49 and 50. It is therefore important that these proposals are subject to public consultation and thereafter approval by the appropriate National Regulatory Authority. The changes we have proposed to Article 6(1) address the consultation aspect; and the changes we have proposed to Article 7(4)(m) address the regulatory approval aspect.

We also note that there are two paragraphs called 7(4)(m). This is the second and so should actually be renumbered as 7(4)(n), with subsequent paragraphs and any cross-references renumbered accordingly.



Consultation Response

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

14) Article Number: 8(4)(a) – *the subparagraph identifier was required even though it was not relevant*

- Original Text:

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.

- Revised Text:

Each Transmission System Operator or, where applicable, a Designated Entity 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.

- Comment/justification for revision:

There are existing platforms in Europe for the publication of data on energy balancing products not all of which are owned/maintained by the Transmission System Operator of the Relevant Area. For example, in Great Britain, the Balancing and Settlement and Code administrator (ELEXON) publishes this data on www.bmreports.com. It would be inefficient and costly for consumers to require these platforms (some of which may be used to support the Transparency Regulation and/or REMIT publication requirements as well) to close down; or to require the Transmission System Operator to replicate what already exists. The Supporting Document makes clear that this publication is closely related to the Transparency Regulation. The Transparency Regulation allows that entities other than the Transmission System Operator can publish information (Article 4(1)) of the Transparency Regulation). Requiring the same information to be published twice is inefficient.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail



Consultation Response

15) Article Number: 11(4)(a) – the subparagraph identifier was required even though it was not relevant

- Original Text:

Notwithstanding paragraph 1, each Connection Transmission System Operator shall be entitled to delegate all or part of the tasks, including the responsibility for performing these tasks subject to National Regulatory Authority approval, necessary for the application of Imbalance Settlement between the Connection Transmission System Operator and the Balance Responsible Party, pursuant to CHAPTER 5 SECTION 4, to a Designated Entity. In case of the delegation of selected tasks only:

- (a) the Transmission System Operator shall remain responsible for all tasks related to Imbalance Settlement;
- (b) the delegating Transmission System Operator shall monitor the compliance with delegated tasks; and
- (c) the delegating Transmission System Operator shall ensure that suitable confidentiality arrangements have been put in place prior to delegation.

- Revised Text:

Notwithstanding paragraph 1, each the relevant National Regulatory Authority may require, or may have approved arrangements that require, a Connection Transmission System Operator ~~shall be entitled to~~ delegate all or part of the tasks, including the responsibility for performing these tasks ~~subject to National Regulatory Authority approval~~, necessary for the settlement of Balancing Energy and for the application of Imbalance Settlement between the Connection Transmission System Operator and the Balance Responsible Party, pursuant to CHAPTER 2 and CHAPTER 5 ~~SECTION 4~~, to a Designated Entity. In case of the delegation of ~~selected tasks only~~:

- (a) the Transmission System Operator shall, where required by its National Regulatory Authority, remain responsible for all tasks related to Imbalance Settlement;
- (b) the delegating Transmission System Operator shall, where required by its National Regulatory Authority, monitor the compliance with delegated tasks; and
- (c) the delegating Transmission System Operator shall ensure that suitable confidentiality arrangements, where required by its National Regulatory Authority, have been put in place prior to delegation.

- Comment/justification for revision

The original text takes away powers from National Regulatory Authorities to require entities other than Transmission System Operators to operate imbalance settlement and the settlement of balancing energy and instead gives the powers to Transmission System Operators to decide whether or not to ask the National Regulatory Authority for approval to delegate imbalance settlement only. The original text is unnecessarily restrictive for those Member States with existing concept of market operator.

We have proposed revised wording which retains the existing powers of National Regulatory Authorities to decide whether to require other entities to operate imbalance settlement and the settlement of balancing energy, as used by at least one Member State.



Consultation Response

We also suggest that the restriction to only those tasks contained in Chapter 5 Section 4 is unduly narrow as there are existing arrangements in at least one Member State to delegate tasks relating to the settlement of Balancing Energy. We therefore propose widening the restriction to cover those activities in Chapter 2 and Chapter 5 which may be assigned to a market operator. Finally, we propose rewording (a), (b) and (c) to allow flexibility for those Member States where monitoring of market operators is currently undertaken by the National Regulatory Authority.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

16) Article Number: 12(3)

- Original Text:

Distribution System Operator shall provide all necessary information to perform system Balancing, monitoring and Allocated Volumes, to the Connection Transmission System Operator or any delegated third party according to Article 10(4) and Article 15(3).

- Revised Text:

Distribution System Operators shall provide all necessary information to perform system Balancing, monitoring and [calculation of](#) Allocated Volumes, to the Connection Transmission System Operator or, [where applicable, the any Designated Entity according to Article 11\(4\) or](#) delegated third party according to [Article 101\(4\) and](#) Article 15([43](#)).

- Comment/justification for revision:

The original text contains typographical and grammatical errors, including an incorrect cross references. We assume that the reference to Article 10(4) should be to Article 11(4), in which case we suggest that the Designated Entity should be specifically referenced. We assume that the reference to Article 15(3) should be to Article 15(4) after the numbering in Article 15 is corrected, as it is this Article which permits a Transmission System Operator to delegate certain tasks to a "competent third party".

- Type of comment: legal
- Nature of comment: editorial
- Level of detail of comment: specific detail



Consultation Response

17) Article Number: 14(1)

- Original Text:

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.

- Revised Text:

Each Balance Responsible Party shall be entitled to change its Position in the Intraday timeframe. Each Transmission System Operators or, where required by the National Regulatory Authority, the Designed Entity pursuant to Article 11(4), -shall, subject to the approval of its National Regulatory Authority, be entitled to refuse a change of Position after the Balancing Gate Closure Time.

- Comment/justification for revision:

We believe that Position should be defined as a sum of commercial trades excluding any reference to physical injections and withdrawals – see our comments on the Article 2 definition of Position. Because of this, we suggest that it should be up to the relevant National Regulatory Authority as to whether a Transmission System Operator (or Designated Entity) if it is operating imbalance settlement can refuse a change of Position after the Balancing Gate Closure.

We also note that the term “Balancing Gate Closure” is not defined.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

18) Article Number: 14(2)

- Original Text:

Any modification of the Position declared by the Balance Responsible Party shall be submitted to the Connection Transmission System Operator.

- Revised Text:

Any modification of the Position declared by the Balance Responsible Party shall be submitted to the Connection Transmission System Operator or, where applicable, the Designed Entity pursuant to Article 11(4).



Consultation Response

- Comment/justification for revision

In one of our other comments, on the Article 2 definition of Position, we have proposed changes that ensure that the definition of Position is consistent with the Framework Guidelines definition of imbalance, i.e. that Position should not include physical injections/withdrawals. For that reason the Position does not have to be submitted to the Connection Transmission System Operator alone, and can instead be submitted to the Designated Entity responsible for Imbalance Settlement and (in our proposed version of Article 11(4)) also settlement of Balancing Energy as is currently the practice in at least one Member State. So we have proposed wording which allows the Designated Entity to be the recipient where required by the National Regulatory Authority. If submitted to the Connection System Operator, it would need to be passed to the Designated Entity in those jurisdictions that use them, so this extra system step would be an inefficient and unnecessary change, with a cost to consumers.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

19) Article Number: 15(1)(a) – *the subparagraph identifier was required even though it was not relevant*

- Original Text:

[Not repeated here]

- Revised Text:

Paragraph 3 should be renumbered as paragraph 1.

Paragraph 4 should be renumbered as paragraph 2 and the references to 3(a) to 3(d) should be to 1(a) to 1(d).

Paragraph 5 should be renumbered as paragraph 3.

Paragraph 6 should be renumbered as paragraph 4.

- Comment/justification for revision:

The paragraph numbering in Article 15 is incorrect and the cross references are also wrong as a result.

- Type of comment: legal
- Nature of comment: editorial
- Level of detail of comment: specific detail



Consultation Response

20) Article Number: 16(7)(b)

- Original Text:

(b) the requirement that Balance Responsible Party shall be financially responsible for the Imbalance to be settled with the Connection Transmission System Operator; and

- Revised Text:

(b) the requirement that Balance Responsible Party shall be financially responsible for the Imbalance to be settled with the Connection Transmission System Operator or, where applicable, to be settled with the Designed Entity; and

- Comment/justification for revision:

Article 11(4) permits that imbalance settlement may be undertaken by a Designated Entity, so the Imbalance may be settled with the Designated Entity instead of the Connection Transmission System Operator.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

21) Article Number: 25(1)(b)

- Original Text:

(b) give correct price signals and incentives to market participants;

- Revised Text:

(b) give correct price signals and incentives to market participants that meet the objectives of this Network Code;

- Comment/justification for revision:

The word "correct" is unclear.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

22) Article Number: 27(5)

- Original Text:



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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.

- Revised Text:

[None proposed.]

- Comment/justification for revision:

As written, Article 27(5) will require each Transmission System Operator to submit all Balancing Energy Bids, including Unshared Bids and Specific Products unmodified. This is not consistent with Article 19 and Article 26(8).

There may be a modification of Bids required where Coordinated Balancing Area is wholly or partly outside the Euro zone. This could be developed as part of the terms and conditions related to balancing (Article 16).

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

23) Article Number: 34(2)

- Original Text:

Each Transmission System Operator shall define settlement mechanisms within the terms and conditions related to Balancing as defined in Article 16.

- Revised Text:

~~Each Transmission System Operator shall define settlement mechanisms within the terms and conditions related to Balancing as defined in Article 16.~~

[Delete Article 34(2).]

- Comment/justification for revision

Article 34(2) should be deleted in its entirety because it appears to add nothing above Article 16(4)(e) but may confuse and, indeed, it is not subject to National Regulatory Authority approval, whereas Article 16 is subject to such approval.

- Type of comment: legal



Consultation Response

- Nature of comment: fundamental
- Level of detail of comment: specific detail

24) Article Number: 34(5)

- Original Text:

All Balancing Energy procured by the Connection Transmission System Operator in its Relevant Area shall be subject to TSO-BSP settlements.

- Revised Text:

All Balancing Energy procured by the Connection Transmission System Operator in its Relevant Area shall be subject to [settlement between the Transmission System Operator \(or, where applicable, a Designated Entity\) and the BSP concerned- \(also known as TSO-BSP settlements\)](#).

- Comment/justification for revision:

The changes proposed address two points: (1) there are existing models among Member States where the settlement of balancing energy is done with a Designated Entity not directly between the TSO and the BSP, which it would be inefficient to change; and (2) the wording of TSO-BSP settlements (which is not a defined term) is confusing as it is not consistent with the definition of the TSO-BSP Model set out in Article 2, which specifically references a model "where the Requesting Transmission System Operator has an agreement with a Balancing Service Provider in another Relevant Area".

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

25) Article Number: 34(6)

- Original Text:

All injections and withdrawals within a Relevant Area other than those mentioned in paragraph 4 and paragraph 5 shall be subject to Imbalance Settlement.

- Revised Text:

All injections and withdrawals within a Relevant Area other than those mentioned in paragraph 4 ~~and paragraph 5~~ shall be ~~subject to~~ [taken into account in](#) Imbalance Settlement.

- Comment/justification for revision:



Consultation Response

The wording is unclear. Contracts for the injection or withdrawal of energy made between the Transmission System Operator and any other party should be taken account of in the Imbalance Settlement calculation otherwise the BRP will be subject to imbalance if the associated BSP delivers that injection or withdrawal. Imbalance must take account of all commercial transactions as foreseen by the Framework Guidelines definition of Imbalances, i.e. “deviations between generation, consumption and commercial transactions (in all timeframes – commercial transactions include sales and purchases on organised markets or between BRPs) of a BRP within a given imbalance settlement period.” The reference to “in all timeframes” must include the purchase or sale of Balancing Energy by the Transmission System Operator in its Relevant Area.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

26) Article Number: 35(1)

- Original Text:

Within its terms and conditions for Balancing following Article 16 each Transmission System Operator shall establish a procedure for the calculation of Balancing Energy by the Transmission System Operator, the challenging by the Balancing Service Provider of the calculated Balancing Energy and the reconciliation of the Balancing Energy calculation by the Transmission System Operator, the Balancing Energy settlement from at least the Frequency Restoration Processes and Reserve Replacement Processes.

- Revised Text:

Within its terms and conditions for Balancing following Article 16 each Transmission System Operator shall establish a procedure for the calculation of Balancing Energy by the Transmission System Operator ([or where applicable, by the Designated Entity](#)), the challenging by the Balancing Service Provider of the calculated Balancing Energy and the reconciliation of the Balancing Energy calculation by the Transmission System Operator ([or, where applicable, the Balancing Energy calculation by the Designated Entity](#)), the Balancing Energy settlement from at least the Frequency Restoration Processes and Reserve Replacement Processes.

- Comment/justification for revision

There are existing models among Member States for the settlement of balancing energy where settlement of bids and offers is done with a Designated Entity not directly between the TSO and the BSP, which it would be inefficient to change. The Network Code should allow for this.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail



Consultation Response

27) Article Number: 37(1)

- Original Text:

Each Reserve Connection Transmission System Operator shall calculate the Balancing Energy to be settled with each Balancing Service Provider for each direction from Frequency Restoration Process for each Imbalance Settlement Period, for its Relevant Area.

- Revised Text:

Each Reserve Connection Transmission System Operator [or, where applicable, the Designated Entity](#) shall calculate the Balancing Energy to be settled with each Balancing Service Provider for each direction from Frequency Restoration Process for each Imbalance Settlement Period, for its Relevant Area.

- Comment/justification for revision:

There are existing models among Member States for the settlement of balancing energy where settlement of bids and offers is done with a Designated Entity not directly between the TSO and the BSP, which it would be inefficient to change. The Network Code should allow for this.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

28) Article Number: 38(1)

- Original Text:

Each Reserve Connection Transmission System Operator shall calculate the Balancing Energy to be settled with each Balancing Service Provider for each direction from Reserve Replacement Process for each Imbalance Settlement Period, for each Relevant Area.

- Revised Text:

Each Reserve Connection Transmission System Operator [or, where applicable, the Designated Entity](#) shall calculate the Balancing Energy to be settled with each Balancing Service Provider for each direction from Reserve Replacement Process for each Imbalance Settlement Period, for each Relevant Area.

- Comment/justification for revision:

There are existing models for the settlement of balancing energy where settlement of bids and offers is done with a Designated Entity not directly between the TSO and the BSP, for example in the British Balancing Mechanism, which it would be inefficient to change and the Network Code should allow for this.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail



Consultation Response

29) Article Number: 39(1)

- Original Text:

Each Transmission System Operator shall calculate for Balancing Service Provider which have been activated an Imbalance Adjustment for each Imbalance Settlement Period, for each Relevant Area to be applied to the Balance Responsible Parties appointed by the Balancing Service Provider in accordance with Article 16 (2)(d).

- Revised Text:

Each Transmission System Operator [or, where applicable, the Designated Entity](#) shall calculate for Balancing Service Provider which have been activated an Imbalance Adjustment for each Imbalance Settlement Period, for each Relevant Area to be applied to the Balance Responsible Parties appointed by the Balancing Service Provider in accordance with Article 16 (2)(d).

- Comment/justification for revision

There are existing models among Member States for the settlement of balancing energy where settlement of bids and offers is done with a Designated Entity not directly between the TSO and the BSP, which it would be inefficient to change. The Network Code should allow for this.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

30) Article Number: 47(1)(a) - *the subparagraph identifier was required even though it was not relevant*

- Original Text:

Each Transmission System Operator shall design the Imbalance Settlement mechanism in order to:

- (a) encourage Balance Responsible Parties to be balanced as close to the physical reality as possible or help the system to restore its balance; and
- (b) avoid distortions of incentives or counterproductive incentives to Balance Responsible Parties, Balancing Service Providers and Transmission System Operators; and
- (c) facilitate harmonisation of Imbalance Settlement mechanisms.

- Revised Text:

Each Transmission System Operator shall design the Imbalance Settlement mechanism in order to:

- (a) encourage Balance Responsible Parties to be balanced as close to the physical reality as possible or help the system to restore its balance; and
- (b) avoid distortions of incentives or counterproductive incentives to Balance Responsible Parties, Balancing Service Providers and Transmission System Operators; and
- (c) facilitate harmonisation of Imbalance Settlement mechanisms.



Consultation Response

provided that the design shall be subject to public consultation and approval by the relevant National Regulatory Authority.

- Comment/justification for revision:

The proposed change aligns with the intent of Article 7(4)(m).

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

31) Article Number: 47(2)

- Original Text

Each Transmission System Operator shall settle all Imbalances according to the Imbalance Settlement mechanism, applicable to all Balance Responsible Parties.

- Revised Text

Each Transmission System Operator or, where applicable, the Designated Entity shall settle all Imbalances according to the Imbalance Settlement mechanism, applicable to all Balance Responsible Parties.

- Comment/justification for revision

The original text of Article 47(2) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

32) Article Number: 49(2)

- Original Text:

All Balance Responsible Parties shall be entitled to appeal against the Imbalance calculation results towards the Connection Transmission System Operator, under the terms and conditions related to Balancing developed in accordance with Article 16.

- Revised Text:



Consultation Response

All Balance Responsible Parties shall be entitled to appeal [to the Connection Transmission System Operator or, where applicable, the Designated Entity](#) against the Imbalance calculation results ~~towards the Connection Transmission System Operator~~, under the terms and conditions related to Balancing developed in accordance with Article 16.

- Comment/justification for revision:

The original text of Article 49(2) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

33) Article Number: 49(3)

- Original Text:

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.

- Revised Text:

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 [or, where applicable, the Designated Entities](#), 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.

- Comment/justification for revision:

The original text of Article 49(3) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

34) Article Number: 49(5)

- Original Text:



Consultation Response

This procedure shall include specifications on how Connection Transmission System Operators, for each Balance Responsible Party, determine the Allocated Volume of all injections and withdrawals covered by this Balance Responsible Party, for each Imbalance Settlement Period, per finalised notified position pursuant Article 49(3), for each Relevant Area.

- Revised Text:

This procedure shall include specifications on how Connection Transmission System Operators [or, where applicable, Designated Entities](#), for each Balance Responsible Party, determine the Allocated Volume of all injections and withdrawals covered by this Balance Responsible Party, for each Imbalance Settlement Period, per finalised notified position pursuant Article 49(3), for each Relevant Area.

- Comment/justification for revision:

The original text of Article 49(5) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

35) Article Number: 49(7)(a)

- Original Text:

(a) the Connection Transmission System Operator shall not determine an Allocated Volume; or

- Revised Text:

(a) the Connection Transmission System Operator [or, where applicable, the Designated Entity](#) shall not determine an Allocated Volume; [and](#)

- Comment/justification for revision:

The original text of Article 49(7) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

We assume that Article 49(7) is referring to non-physical traders.

As an aside, it is unclear to us who the Balance Responsible Party is intended to be for trades made over an Interconnector, which we consider to be physical trades since they result in physical injections and withdrawals in a Relevant Area. A Balance Responsible Party is needed for such trades since there is the potential for Imbalance between the commercial trades and the physical injections and withdrawals. Any such Imbalances must be subject to Imbalance Settlement.



Consultation Response

The word "or" is incorrect – it should be "and".

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

36) Article Number: 49(8)(a) - *the subparagraph identifier was required even though it was not relevant*

- Original Text:

This procedure shall include specifications on how Connection Transmission System Operators, for each Balance Responsible Party, determine the Imbalance Adjustment for each Imbalance Settlement Period, for each finalised notified position pursuant Article 49(3), for each Relevant Area, due to:

- (a) the application of Article 39; and
- (b) any curtailment or redispatch.

- Revised Text:

This procedure shall include specifications on how Connection Transmission System Operators or, where applicable, Designated Entities, for each Balance Responsible Party, determine the Imbalance Adjustment for each Imbalance Settlement Period, for each finalised notified position pursuant Article 49(3), for each Relevant Area, due to:

- (a) the application of Article 39; and
- (b) any curtailment or redispatch.

- Comment/justification for revision:

The original text of Article 49(8) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

37) Article Number: 49(10)

- Original Text:

Transmission System Operator shall determine an Imbalance for each Balance Responsible Party, for each Imbalance Settlement Period, for each finalised notified position pursuant Article 49(3), for each Relevant Area from final notified Position, Allocated Volume and Imbalance Adjustment.

- Revised Text:

[The Connection](#) Transmission System Operator [or, where applicable, the Designated Entity](#) shall determine an Imbalance for each Balance Responsible Party, for each Imbalance Settlement Period, for each finalised notified position pursuant Article 49(3), for each Relevant Area from final notified Position, Allocated Volume and Imbalance Adjustment.

- Comment/justification for revision:

The original text of Article 49(10) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

38) Article Number: 49(11)

- Original Text:

An Imbalance for an Imbalance Settlement Period, for a Relevant Area shall have a magnitude and a direction, indicating the direction of the settlement transaction between Balance Responsible Party and Transmission System Operator, with negative indicating Balance Responsible Party shortage, and positive indicating Balance Responsible Party surplus.

- Revised Text:

An Imbalance for an Imbalance Settlement Period, for a Relevant Area shall have a magnitude and a direction, indicating the direction of the settlement transaction between Balance Responsible Party and Transmission System Operator [or, where applicable, the Designated Entity](#), with negative indicating Balance Responsible Party shortage, and positive indicating Balance Responsible Party surplus.

- Comment/justification for revision:

The original text of Article 49(11) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

39) Article Number: 50(1)

- Original Text:



Consultation Response

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.

- Revised Text:

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 [or, where applicable, the Designated Entity](#), including a definition of the value of avoided Activation of Balancing Energy from Frequency Restoration Reserves or Replacement Reserves in its Relevant Area.

- Comment/justification for revision:

The original text of Article 50(1) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

40) Article Number: 50(2)

- Original Text:

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.

- Revised Text:

Each Transmission System Operator [or, where applicable, Designated Entity](#) 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.

- Comment/justification for revision:

The original text of Article 50(2) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances.

Note that since Imbalance is defined in Article 2 by reference to the imbalance of an individual BRP, then this implies dual imbalance pricing unless the price in each direction is the same.



Consultation Response

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

41) Article Number: 50(3)

- Original Text:

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.

- Revised Text:

Subject to Article 50(5), the Imbalance Price for aggravating imbalances 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 during the Imbalance Settlement Period.

- Comment/justification for revision:

The original text of Article 50(3) does not correspond with the explanation given in the Supporting Document. The original text appears to confuse aggravating and supporting actions in one formula, whereas the Supporting Document states that “the price in the other unmentioned directions (not aggravating Imbalances) is not prescribed”. This suggests that avoided actions should not be covered.

The suggested rewording aligns with what we understand is the intention of the Supporting Document.

If adopted, “aggravating imbalances” should be defined in Article 2. We suggest: “aggravating imbalance” means an imbalance by a Balancing Responsible Party in a direction that increases the imbalance that the Transmission System Operator sees in its Relevant Area.

We also note that this definition does not appear to meet the Framework Guideline requirement that “imbalance pricing shall not include additional costs linked to possible deviations from the merit order list to alleviate congestions internal to a control area”. We have not proposed any words for this, but note it.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

42) Article Number: 50(4)

- Original Text:



Consultation Response

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.

- Revised Text:

[Subject to Article 50\(5\)](#), the Imbalance Price [for aggravating imbalances](#) 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 [during the Imbalance Settlement Period](#).

- Comment/justification for revision:

The original text of Article 50(4) does not correspond with the explanation given in the Supporting Document. The original text appears to confuse aggravating and supporting actions in one formula, whereas the Supporting Document states that “the price in the other unmentioned directions (not aggravating Imbalances) is not prescribed”. This suggests that avoided actions should not be covered.

The suggested rewording aligns with what we understand is the intention of the Supporting Document.

If adopted, “aggravating imbalances” should be defined in Article 2. We suggest: “aggravating imbalance” means an imbalance by a Balancing Responsible Party in a direction that increases the imbalance that the Transmission System Operator sees in its Relevant Area.

We also note that this definition does not appear to meet the Framework Guideline requirement that “imbalance pricing shall not include additional costs linked to possible deviations from the merit order list to alleviate congestions internal to a control area”. We have not proposed any words for this, but note it.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

43) Article Number: 50(5)

- Original Text:

In case both Balancing Energy for Frequency Restoration Reserves or Replacement Reserves for upward regulation and for downward regulation have been activated during the Imbalance Settlement Period, the Connection Transmission System Operator shall determine the Imbalance Prices for shortage and surplus based on at least one of the principles specified in paragraphs 1 to 4.



Consultation Response

- Revised Text:

In case both Balancing Energy for Frequency Restoration Reserves or Replacement Reserves for upward regulation and for downward regulation have been activated during the Imbalance Settlement Period, the Connection Transmission System Operator or, where applicable, the Designated Entity shall determine the Imbalance Prices for aggravating imbalances for shortage ~~and/or~~ for surplus as relevant to that Imbalance Settlement Period based on ~~at least one of the principles specified in paragraphs 1 to 4.~~ rules approved by its National Regulatory Authority.

- Comment/justification for revision:

The original text of Article 50(5) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances; and the original text of Article 50(5) as written allows the Transmission System Operator to make, what could be, a random choice as to which principles it follows to determine the Imbalance Price for a given Imbalance Settlement Period.

We have also aligned the text with our proposed rewording of Articles 50(3) and 50(4).

If adopted, "aggravating imbalances" should be defined in Article 2. We suggest: "aggravating imbalance" means an imbalance by a Balancing Responsible Party in a direction that increases the imbalance that the Transmission System Operator sees in its Relevant Area.

We also note that this definition does not appear to meet the Framework Guideline requirement that "imbalance pricing shall not include additional costs linked to possible deviations from the merit order list to alleviate congestions internal to a control area". We have not proposed any words for this, but note it.

- Type of comment: technical
- Nature of comment: fundamental
- Level of detail of comment: specific detail

44) Article Number: 52(1)

- Original Text:

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.

- Revised Text:

Each Transmission System Operator shall ensure the settlement of all Standard Balancing Reserve products and all Specific Balancing Reserve Products procured using methods defined in Article 22(1) from all Balancing Service Providers inside its Relevant Area.



Consultation Response

- Comment/justification for revision:

The original text extended to all Specific Products, but only to Balancing Reserve Standard Products.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

45) Article Number: 54(2)

- Original Text:

Each Transmission System Operator is responsible for shortcomings in its measurements and reporting and shall provide a mechanism for amendments to settlements with Balancing Service Providers and Balance Responsible Parties. These mechanisms shall state a maximum time period after delivery within which Balancing Service Providers and Balance Responsible Parties shall ask for amendments.

- Revised Text:

Each Transmission System Operator [or, where applicable, Designated Entity](#) is responsible for shortcomings in its measurements and reporting and shall provide a mechanism for [amendments to settlements amending the measurement values and reports](#) with Balancing Service Providers and Balance Responsible Parties. These mechanisms shall state a maximum time period after delivery within which Balancing Service Providers and Balance Responsible Parties shall ask for amendments.

- Comment/justification for revision:

The original text of Article 54(2) does not align with Article 11(4) because it does not recognise the possibility of a Designated Entity performing the settlement of Imbalances and (under our proposed revision to Article 11(4)) the settlement of Balancing Energy.

The original text of Article 54(2) was unclear as “amendments to settlements” could mean amendments to the settlement rules, whereas the Supporting Document makes clear that the intent of this Article 54(2) is to amend measurements and reports.

- Type of comment: legal
- Nature of comment: fundamental
- Level of detail of comment: specific detail

END