

Derogations from Network Codes and Grid Codes / Standards in Electricity Generation, Distribution and Transmission Licences

Guidance Document

17 February 2017



About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Queens House in the centre of Belfast. The Chief Executive leads a management team of directors representing each of the key functional areas in the organisation: Corporate Affairs; Electricity; Gas; Retail and Social; and Water. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.

Our Mission

Value and sustainability in energy and water.

Our Vision

We will make a difference for consumers by listening, innovating and leading.

Our Values

Be a best practice regulator: transparent, consistent, proportionate, accountable, and targeted.

Be a united team.

Be collaborative and co-operative.

Be professional.

Listen and explain.

Make a difference.

Act with integrity.

Abstract

A derogation is a direction from the Utility Regulator (**the UR**) relieving the applicant, licensee or non-licensee from its obligation to comply with a technical standard or code which may be required by a licence or by legislation. Derogations are issued in specific circumstances and have a specified duration.

This document provides guidance on the process for requesting a derogation and also sets out the criteria that the UR will take into account when considering such requests.

Audience

This Document will be of particular interest to Licensees; Distribution System Operators, Transmission System Operators, Network Operators, Generators, Developers, and Asset Owners required to comply with the Network Codes or technical codes or standards required by a licence.

Consumer impact

Compliance with technical codes and standards is in the interests of electricity consumers, as failure to comply can have a direct and adverse impact on the security and quality of electricity supplied and may have health and safety implications. Requests for derogations from technical codes and standards must therefore be given due consideration, following the relevant process set out in this document.

Executive Summary

A derogation is a direction from the Utility Regulator (**the UR**) relieving a licensee from a licence requirement to comply with a technical standard, distribution code or grid code. Derogations may also be granted by the UR to those required to comply with a European Network Code Regulation. The Network Codes Regulations¹ place obligations on parties who may be licensees or non licensees. As such, we have used the term “applicant” when referring to parties submitting derogation requests, who may be licensees or non-licensees, depending on the type of derogation requested. Derogations are granted in specific circumstances and have a specified duration.

This document summarises the processes for requesting a derogation from a Network Code or a technical grid code, distribution code or standard within electricity generation, transmission and distribution licences. It also sets out the criteria UR will take into account when considering a derogation request, and the process that will be followed.

The application and assessment process will vary depending on the type of derogation requested. There are informational requirements set out on section 2 which the UR requires as a minimum in all derogation requests. Further information is required by the Network Codes Regulations and this is set out in section 3 of this document. Derogation requests should be submitted in writing including all the required information before they can be assessed.

Each derogation request will be assessed by the UR individually on its merits and in line with any relevant legislation, having regard to the URs principal objectives and statutory duties. If the UR is satisfied that the information received meets the minimum requirements, the UR will follow the relevant process to consider whether or not the derogation is justified. The UR will aim to issue decisions on derogation requests as soon as is reasonably practicable and within the time frames set out in section 3 of this document. The UR will publish information on its website on derogation applications which have been either granted or refused.

¹ These Codes are:- The **Network Code on Requirements for Grid Connection of Generators** which can be found at <https://www.ents.oe.eu/major-projects/network-code-development/requirements-for-generators/Pages/default.aspx>; The **Network Code on Requirements for Connection of High Voltage Direct Current (HVDC) Systems and Direct Current (DC) Connected Power Park Modules** which can be found at <https://www.ents.oe.eu/major-projects/network-code-development/high-voltage-direct-current/Pages/default.aspx>; and **The Network Code on Demand Connection** which can be found here <https://www.ents.oe.eu/major-projects/network-code-development/demand-connection/Pages/default.aspx>

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Acronyms

SO	System Operator
TSO	Transmission System Operator
DSO	Distribution System Operator
CDSO	Closed Distribution System Operator
PGM	Power-Generating Module
HVDC	High Voltage Direct Current
DC	Direct Current
UR	Utility Regulator
NIE	Northern Ireland Electricity Networks Ltd (NIE Networks)
SONI	System Operator Northern Ireland Ltd

1. Introduction

- 1.1. Unless the UR directs otherwise, electricity generation, transmission and distribution licensees are required to comply with relevant Network Codes, the Distribution Code and the Grid Code. There are some parties required to comply with Network Codes who are not licensees. In this Guidance Document we have therefore used the term “applicant”, when referring to relevant affected parties (licensees and non-licensees) who may submit a derogation request.
- 1.2. Compliance with technical codes and standards is in the interests of electricity consumers as failure to comply can have a direct and adverse impact on the security and quality of electricity supplied and may have health and safety implications.
- 1.3. There may be occasions where an applicant assesses that it is not in a position to comply with a particular code or standard, or that the requirements placed upon it by a code or standard may result in an inefficient outcome either in the short or longer term. In these circumstances, the applicant may submit a request to the UR for a derogation from a licence requirement to comply with a relevant code or standard or from an obligation under a Network Code.
- 1.4. This document summarises the processes for requesting a derogation from a Network Code or a technical grid code, distribution code or standard within electricity generation, transmission and distribution licences. It also sets out the criteria the UR will take into account when considering a derogation request, and the process that will be followed.
- 1.5. A request for a derogation should be submitted in writing including all the required information before it can be assessed. The application and assessment process will vary depending on the type of derogation requested. There are informational requirements set out on section 2 which the UR requires as a minimum in all derogation requests. Further information is required by the Network Codes Regulations and this is set out in section 3 of this document.
- 1.6. Each derogation request will be assessed by the UR individually on its merits and in line with any relevant legislation, having regard to the URs principal objectives and statutory duties. If the UR is satisfied that the

information received meets the minimum requirements, the UR will follow the relevant process to consider whether or not the derogation is justified. The UR will publish information on its website on derogation applications which have been either granted or refused.

- 1.7. The UR will aim to issue decisions on derogation requests as soon as is reasonably practicable and within the time frames set out in section 3 of this document.
- 1.8. The processes for application and assessment of derogation requests may be updated from time to time to reflect changes in licences, the technical grid codes and standards referred to in this document, legislation and UR processes. Any subsequent changes to the guidance document will not affect any derogations that have already been granted.

What is a derogation?

- 1.9. A derogation is a direction from the UR relieving the licensee, or a relevant party (in the case of the Network Codes) from its obligation to comply with a technical standard or code which may be required by a licence or by legislation. Derogations are issued in specific circumstances and have a specified duration.
- 1.10. Each derogation will normally have an expiry date so that the need for it can be systematically reviewed and performance towards compliance can be monitored. The derogation will not apply to a period before the date the direction is issued.
- 1.11. A derogation is granted to an individual licensee, or a relevant party (in the case of the Network Codes) and cannot be transferred. Thus, if a non-compliant system or plant item is sold, resulting in the transfer of the item to a new licensee, the UR must be informed so that the derogation can be allocated to the appropriate party.
- 1.12. If a licensee or relevant party would gain a competitive advantage from a derogation, then a direction would not be issued without the UR assessing what measures might be appropriate to offset that advantage. Such measures may also include requirements to monitor the impact of the derogation on the applicant and other parties who may be affected.

- 1.13. The granting of a derogation will not set a precedent for future derogations in similar circumstances. Each derogation request will be considered on its own merit.

When would a derogation be required?

- 1.14. The UR recognises there may be occasions when an applicant assesses that it is not in a position to comply with a particular code or standard, or that the requirements placed upon it by a code or standard may result in an inefficient outcome either in the short or longer term. There are a number of circumstances in which a derogation may be required, for example:

- To prevent a breach of a licensee's obligations while a system or plant item is restored to compliance with a code or standard. Such a derogation is likely to be limited to a timescale in which the compliance could reasonably be expected to be restored.
- To prevent a breach of a licensee's obligations while changes to a code, standard or licence condition are made. Such a derogation is likely to be limited to a timescale in which the compliance could reasonably be expected to be restored.
- To permit a system or plant item to operate out of compliance with a standard or code either indefinitely or for the lifetime of the system or plant item.

- 1.15. In general, where there has been a failure to comply with obligations imposed by a licence, standard or code but the relevant party has remedied the matter before an application for a derogation could reasonably be made, a derogation would not be issued by the UR retrospectively.

- 1.16. The UR will consider such instances of non compliance to determine if any further action is required by the UR in line with our Enforcement Procedure and statutory duties. The UR would expect to be notified of any such situations as soon as possible.

Types of Derogation

1.17. Table 1 below shows the three main types of derogation that may arise.

Table 1

Definite	<ul style="list-style-type: none"> • Continues for a period of time specified in the UR's direction.
Lifetime	<ul style="list-style-type: none"> • Specific to a system or plant item and continues for the lifetime of the equipment forming that system or plant item. • Would cease should the equipment or plant item be replaced or a further derogation is made or the derogation is revoked. • Would only be granted when there are strong grounds for not taking action to restore compliance. • May be made where all parties materially affected by the non-compliance agree in writing to accept the consequences or are protected from the effects of the non-compliance.
Indefinite	<ul style="list-style-type: none"> • Continues until a further derogation is made or the derogation is revoked. • Would only be granted if there are strong grounds for omitting an expiry date. • May be made where all parties materially affected by the non-compliance agree in writing to accept the consequences or are not affected by the derogation. • To the extent that it does not set out the actions that would be required to restore compliance, this will need to be justified against the UR's principal objectives and statutory duties and the licence obligations of the applicant.

1.18. It should be noted that a lifetime or indefinite derogation would only be issued in very limited circumstances. It is usual practice for derogations to be limited for a period of time that is specified in the direction. The UR may issue further directions that can vary or withdraw previous derogations. This would be done following consultation with the affected licensee (and more widely if required) and may be initiated by a request from a licensee or by the UR.

2. Submitting a derogation request

Minimum requirements of the derogation request

- 2.1. All derogation requests should include as a minimum the following criteria:
- a) Details of the applicant, including the full name and address of the licensee concerned;
 - b) A clear description of the non-compliance including:-
 - The provision(s) of the relevant code, standard or licence to which the non-compliance relates²;
 - An identification of the particular asset to which the derogation relates;
 - The required performance;
 - The existing capability of the system or plant;
 - c) A clear description of the reasons why the non-compliance has occurred or is expected to occur;
 - d) The **proposed duration** of the derogation requested;
 - e) A comprehensive and, wherever possible, quantitative assessment³, of the impact and risks of the non-compliance on:
 - **Consumers**; the extent to which the non-compliance impacts on consumers, for example through increased costs.
 - **Security of supply**; the extent to which the proposed derogation may impact upon security of supply;
 - **Competition**: for example, details of any competitive advantage that may arise if the derogation request is approved;
 - **Sustainable development**: the potential environmental costs or benefits if the derogation request is approved and/or the

² The non-compliance may span across the Grid and Network Codes and we would expect each relevant Code and provision(s) to be identified in the derogation request.

³ The UR would expect the assessment to follow the principles and criteria within the Northern Ireland Guide Expenditure Appraisal and Evaluation (<https://www.finance-ni.gov.uk/topics/finance/northern-ireland-guide-expenditure-appraisal-and-evaluation-nigeae>)”

implications if the request is not approved;

- **Health and safety:** Demonstrate that there are no health and safety implications that may arise due to the derogation along with relevant risk management measures. In this regard, the UR may seek expert advice from the relevant government bodies and other organisations;
 - **Other parties affected:** parties affected by the non-compliance, including the ability of the system operator to operate its system;
 - **Government Policy:** the extent to which the non-compliance impacts on the implementation of Government Policy.
- f) A description of the **alternative actions** that have been considered, for example in restoring compliance, and the associated costs; and
- g) If applicable, a description of the proposal for restoring compliance including a timetable of works.

Additional Information

- 2.2. Applicants should give as much notice as possible to enable the UR opportunity to fully consider all the relevant aspects to the application. All technical terms should be fully explained and the request should be presented in as clear a manner as possible to avoid unnecessary delays.
- 2.3. Where there are multiple parties who may be affected by the matters relating to the derogation request, the UR would expect that these parties have informal discussions prior to submitting a derogation request so that the UR is furnished with all relevant information.
- 2.4. The timeframes in which the UR aims to process applications are set out in section 3 of this document however the UR will endeavour to process applications as expeditiously as possible.
- 2.5. In addition to the information required in section 2.1 of this document, in reaching a decision the UR will also take into account:-
- The nature of derogations already granted by the UR;
 - The likelihood of similar derogation requests in the future;

- The effect of the decision on future derogation requests;
- Allowances that have been made in current and previous price controls (where relevant); and
- Any other relevant information.

Submitting a Derogation Request

2.6. Derogation requests should be submitted in writing to⁴:-

Electricity Networks
The Utility Regulator
Queen's House
Belfast
BT1 6ED

Or by email to:-

Electricity_Networks_Responses@uregni.gov.uk

Publishing Information on Derogations

2.7. Information on whether or not derogation requests have been granted or refused will be published on the Public Electricity Register as required by the Electricity (Northern Ireland) Order 1992⁵. The information will also be published on the UR's website.

The published information will include:-

- the requirement or requirements for which the derogation is granted or refused;
- the content of the derogation;
- commentary from the relevant system operators;
- the reasons for granting or refusing the derogation;
- the consequences resulting from granting the derogation.

⁴ Multiple parties may be affected by derogation requests and the UR may not be the first point of contact.

⁵ <http://www.legislation.gov.uk/nisi/1992/231/contents> Article 52

3. Procedures

Derogations from technical Grid Codes, Distribution Codes and standards

3.1 Table 2 below shows the process which will be followed for derogation requests from technical Grid codes, Distribution Codes and standards⁶. The technical codes and standards to which this section relates, together with the relevant licence conditions are set out in Table 3.

Table 2

Information required	Action	Timeframe
See section 2.1 of this document	Derogation request submitted to UR	
	UR determines if request is complete (seeking information from relevant affected parties as necessary)	Within 2 weeks (where additional information is required, it should be provided within 1 month)
	UR assessment of request	1 month
	UR adopts decision	Within 3 months from receipt of request (if additional information is required this may be extended by 1 month starting from when the information is received
	UR notifies licensee of decision and publishes	Within 1 week of decision

⁶ Where the derogation request is from a requirement that appears in both the Grid Code and a Network Code, the Network Code timeframes for assessment will apply if relevant.

Table 3⁷

Technical Code or Standard	Licence Condition
SONI Grid Code ⁸	SONI Transmission Licence ⁹ Condition 12
NIE Networks Limited Distribution Code ¹⁰	NIE Networks Limited Distribution Licence ¹¹ Condition 19 and 27
Wind Farm Power Station Settings Schedule ¹²	NIE Networks Limited Distribution Licence Condition 27
	NIE Networks Limited Transmission Licence ¹³ Condition 19

7 Where derogations occur from other licence conditions not mentioned in this table, they will be assessed by the UR based on the principles set out in this document as appropriate. Upon receipt of such requests, if not already furnished, the UR will specify the information required to assess the derogation request.

8 [http://www.soni.ltd.uk/media/documents/Operations/Grid-](http://www.soni.ltd.uk/media/documents/Operations/Grid-Code/SONI%20Grid%20Code%20Version%20Aug%202015.pdf)

[Code/SONI%20Grid%20Code%20Version%20Aug%202015.pdf](http://www.soni.ltd.uk/media/documents/Operations/Grid-Code/SONI%20Grid%20Code%20Version%20Aug%202015.pdf)

9 https://www.uregni.gov.uk/sites/uregni.gov.uk/files/media-files/SONI_Transmission_Licence_-_Clean_with_LMA_DBC_Incent_Tariff_restriction_EED_FSA_January_2016.pdf

10 <http://www.nienetworks.co.uk/documents/D-code/Distribution-Code-12-Feb-2015>

11 https://www.uregni.gov.uk/sites/uregni.gov.uk/files/media-files/NIE_Distribution_Licence_-_Condition_21_Modifications_-_effective_21_September_2016.pdf

12 http://www.soni.ltd.uk/media/documents/Operations/Grid-Code/SONI_GridCodeWFPS_SettingsScheduleVersion6_31.07.2015.pdf

13 https://www.uregni.gov.uk/sites/uregni.gov.uk/files/media-files/NIE_Transmission_Licence_-_EED_Modifications_-_effective_23_November_2015.pdf

Derogations from the Network Code on Requirements for Grid Connection of Generators¹⁴

Article 62 – Request for Derogation by a Power Generating Facility Owner

Information required

In addition to the information required by the UR set out in section 2.1, Article 62 requires:-

- An identification of the power-generating facility owner or prospective owner, and a contact person for communications;
- Description of the power generating module(s) (PGMs) for which the derogation is requested;
- Detailed description of the derogation and a reference to the provisions of the Regulation from which the derogation is requested;
- Detailed reasoning with supporting documents and cost benefit analysis set out in Article 39;
- Demonstration that the derogation would have no adverse impact on cross-border trade.

Process for Article 62 Derogation

Action	Time Frame
Request submitted to relevant System Operator (SO)	
Relevant SO confirms if request is complete	Within 2 weeks from receipt If further information is required, the PGM owner must submit this within 1 month or the request may be deemed withdrawn

¹⁴ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2016_112_R_0001

<p>Relevant SO assesses request in co-ordination with the relevant TSO and any affected Distribution System Operators (DSOs)</p> <p>(If the request refers to a type C or D PGM connected to the distribution system, the relevant SO's assessment must be accompanied by an assessment by the relevant Transmission System Operator (TSO). The relevant TSO must provide this assessment within 2 months)</p>	
<p>Relevant SO submits request to the UR</p>	<p>Within 6 months of receipt of request</p> <p>This period may be extended by 1 month where the relevant SO seeks further information from PGM owner and by 2 months where the relevant SO requests the TSO to submit an assessment of the request.</p>
<p>UR adopts and publishes decision</p>	<p>Within 6 months from the day after the request is received by UR. This period may be extended by 3 months (starting when the information is received) where the UR seeks further information to assess the request.</p> <p>Any additional information should be provided within 2 months or the request may be deemed withdrawn unless the UR decides to provide an extension or the (prospective) PGM facility owner makes a reasoned submission to the UR that the request is complete.</p>

Derogations from the Network Code on Requirements for Grid Connection of Generators¹⁵

Article 63 – Request for Derogation by a relevant System Operator (SO) or Transmission System Operator (TSO)

Information required

In addition to the information required by the UR set out in section 2.1, Article 63 requires:-

- Identification of the relevant SO or TSO and a contact person for any communications;
- Description of the power generating module(s) (PGMs) for which the derogation is requested and the total installed capacity and number of PGMs;
- Detailed description of the proposed derogations and a reference to the provisions of the Regulation from which the derogation is requested;
- Detailed reasoning with supporting documents and cost benefit analysis set out in Article 39 (if applicable, the cost-benefit analysis should be carried out in co-ordination with the relevant TSO and adjacent DSO(s));
- Demonstration that the derogation would have no adverse impact on cross-border trade;

¹⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2016_112_R_0001

Process for Article 63 Derogation

Action	Time Frame
Request Submitted to UR by relevant SO /TSO /DSO or CDSO	
Where request is submitted by the DSO or CDSO, UR asks relevant TSO to assess the request	Within 2 weeks from day after receipt
Relevant TSO confirms if request is complete	Within 2 weeks from day after receipt
Relevant TSO submits assessment to the UR	<p>Within 6 months of receipt of request</p> <p>This period may be extended by 1 month where the relevant TSO seeks further information from DSO/CDSO</p>
UR adopts and publishes decision	<p>Within 6 months from the day after the request is received by UR. This period may be extended by 3 months (starting when the information is received) where the UR seeks further information to assess the request.</p> <p>Any additional information should be provided within 2 months or the request may be deemed withdrawn, unless the UR decides to provide an extension or the relevant SO makes a reasoned submission to the UR that the request is complete.</p>

Derogations from the Network Code on Requirements for Connection of High Voltage Direct Current (HVDC) Systems and Direct Current (DC) Connected Power Park Modules¹⁶

Article 79 – Request for Derogation by a HVDC system owner or DC connected power park module owner

Information required

In addition to the information required by the UR set out in section 2.1, Article 79 requires:-

- An identification of the HVDC system owner or DC-connected power park module owner, and a contact person for communications;
- Description of the HDVC system or DC connected power park module;
- Detailed description of the proposed derogations and a reference to the provisions of the Regulation from which the derogation is requested;
- Detailed reasoning with supporting documents and cost benefit analysis set out in Article 66;
- Demonstration that the derogation would have no adverse impact on cross-border trade;
- In the case of a DC-connected power park module connected to one or more remote-end HVDC converter stations, evidence that the converter station will not be affected by the derogation or, alternatively, agreement from the converter station owner to the proposed derogation.

¹⁶ This is a summary of the criteria and process. The full provisions and definitions can be found at the following link. Definitions are contained in Article 2:- <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1447>

Process for Article 79 Derogation

Action	Time Frame
Request submitted to relevant System Operator (SO)	
Relevant SO confirms if request is complete	<p>Within 2 weeks from receipt If further information is required, it must be submitted within 1 month or the request may be deemed withdrawn</p>
Relevant SO assesses request in co-ordination with the relevant TSO and any affected Distribution System Operators (DSOs) as necessary	
Relevant SO submits request to the UR	<p>Within 6 months of receipt of request</p> <p>This period may be extended by 1 month where the relevant SO seeks further information from HVDC system owner or DC connected power park module owner (or prospective owner) and by 2 months where the relevant SO requests the relevant TSO to submit an assessment of the request.</p>
UR adopts and publishes decision	<p>Within 6 months from the day after the request is received by UR. This period may be extended by 3 months (starting when the information is received) where the UR seeks further information to assess the request.</p> <p>Any additional information should be provided within 2 months or the request may be deemed withdrawn, unless the UR decides to provide an extension or the HVDC system owner or DC connected power park module owner (or prospective owner) makes a reasoned submission to the UR that the request is complete.</p>

Derogations from the Network Code on Requirements for Connection of High Voltage Direct Current (HVDC) Systems and Direct Current (DC) Connected Power Park Modules¹⁷

Article 80 – Request for Derogation by a relevant System Operator (SO) or Transmission System Operator (TSO)

Information required

In addition to the information required by the UR set out in section 2.1, Article 80 requires:-

- An identification of the relevant SO or relevant TSO and a contact person for any communications;
- Description of the HDVC systems or DC connected power park modules for which a derogation is requested and the total installed capacity and number of HDVC systems or DC connected power park modules;
- Detailed description of the derogation and a reference to the provisions of the Regulation from which the derogation is requested;
- Detailed reasoning with supporting documents and cost benefit analysis set out in Article 66 (if applicable, the cost-benefit analysis should be carried out in co-ordination with the relevant TSO and adjacent DSO(s);
- Demonstration that the derogation would have no adverse impact on cross-border trade.

¹⁷ This is a summary of the criteria and process. The full provisions can be found at the following link. Definitions are contained in Article 2:-<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1447>

Process for Article 80 Derogation

Action	Time Frame
Request Submitted to UR by relevant SO/TSO/DSO or CDSO	
Where the request is submitted by a DSO or CDSO, the UR asks the relevant TSO to assess the request	Within 2 weeks from day after receipt
Relevant TSO confirms if request is complete	Within 2 weeks from day after receipt (If further information is required from the relevant DSO or CDSO this must be submitted within 1 month)
Relevant TSO submits assessment to the UR	Within 6 months of receipt of request This period may be extended by 1 month where the relevant TSO seeks further information.
UR adopts and publishes decision	Within 6 months from the day after the request is received by UR. This period may be extended by 3 months (starting when the information is received) where the UR seeks further information to assess the request. Any additional information should be provided within 2 months or the request may be deemed withdrawn, unless the UR decides to provide an extension or the relevant SO makes a reasoned submission to the UR that the request is complete.

Derogations from the Network Code on Demand Connection¹⁸

Article 52 – Request for a derogation by a demand facility owner, a distribution system operator (DSO) or a closed distribution system operator (CDSO)

Information required

In addition to the information required by the UR set out in section 2.1, Article 52 requires:-

- an identification of the demand facility owner or prospective owner, the DSO/CDSO or prospective operator, and a contact person for any communications;
- a description of the transmission-connected demand facility, the transmission-connected distribution facility, the distribution system, or the demand unit for which a derogation is requested;
- a reference to the provisions of this Regulation from which a derogation is requested and a detailed description of the requested derogation;
- detailed reasoning, with relevant supporting documents and cost-benefit analysis pursuant to the requirements of Article 49;
- demonstration that the requested derogation would have no adverse impact on cross-border trade.

¹⁸This is a summary of the criteria and process. The full provisions can be found at the following link. Definitions are contained in Article 2:- http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.223.01.0010.01.ENG&toc=OJ:L:2016:223:TOC

Process for Article 52 Derogation

Action	Time Frame
Request submitted to relevant System Operator (SO)	
Relevant SO confirms if request is complete	<p>Within 2 weeks from receipt If further information is required, it must be submitted within 1 month or the request may be deemed withdrawn</p>
Relevant SO assesses request in co-ordination with the relevant TSO and any affected DSOs as necessary	
Relevant SO submits request to the UR	<p>Within 6 months of receipt of request</p> <p>This period may be extended by 1 month where the SO seeks further information from DSO or CDSO and by 2 months where the relevant SO requests the TSO to submit an assessment of the request.</p>
UR adopts and publishes decision	<p>Within 6 months from the day after the request is received by UR. This period may be extended by 3 months (starting when the information is received) where the UR seeks further information to assess the request.</p> <p>Any additional information should be provided within 2 months or the request may be deemed withdrawn unless the UR decides to provide an extension or the demand facility owner or prospective owner, or the DSO/CDSO or prospective operator, makes a reasoned submission to the UR that the request is complete.</p>

Derogations from the Network Code on Demand Connection¹⁹

Article 53 – Request for a derogation by a relevant System Operator (SO) or Transmission System Operator (TSO)

Information required

In addition to the information required by the UR set out in section 2.1, Article 53 requires:-

- an identification of the relevant SO or relevant TSO and a contact person for any communications;
- a description of the transmission-connected demand facility, the transmission-connected distribution facility, the distribution system, or the demand unit for which a derogation is requested and the total installed capacity and number of transmission-connected demand facilities,
- a reference to the provisions of this Regulation from which a derogation is requested and a detailed description of the requested derogation;
- detailed reasoning, with relevant supporting documents and cost-benefit analysis pursuant to the requirements of Article 49 (if applicable, the cost-benefit analysis shall be carried out in coordination with the relevant TSO and any adjacent DSO);
- demonstration that the requested derogation would have no adverse impact on cross-border trade.

¹⁹ This is a summary of the criteria and process. The full provisions can be found at the following link. Definitions are contained in Article 2:- http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv:OJ.L_.2016.223.01.0010.01.ENG&toc=OJ:L:2016:223:TOC

Process for Article 53 Derogation

Action	Time Frame
Request Submitted to UR by the relevant SO/TSO/DSO	
Where request is submitted by DSO, UR asks the relevant TSO to assess the request	Within 2 weeks from day after receipt
Relevant TSO confirms if request is complete	Within 2 weeks from day after receipt (If further information is required from the DSO this must be submitted within 1 month)
Relevant TSO submits assessment to the UR	Within 6 months of receipt of request This period may be extended by 1 month where the relevant TSO seeks further information.
UR notifies relevant parties and publishes decision	Within 6 months from the day after the request is received. This period may be extended by 3 months (starting when the information is received) where the UR seeks further information to assess the request. Any additional information should be provided within 2 months or the request may be deemed withdrawn, unless the UR decides to provide an extension or the relevant SO makes a reasoned submission to the UR that the request is complete.