

Assessment of Comments on BritNed Access Rules Consultation

Introduction

The consultation of the BritNed access rules was held by BritNed Interconnectors Limited (hereinafter referred to as 'BritNed') from 2nd March 2015 until 2nd April 2015. In conjunction with this consultation, the EU Harmonised Allocation Rules main document, border specific annexes (hereinafter referred to as 'BSA') and regional specific annexes were consulted upon by the European Network of Transmission System Operators for Electricity (hereinafter referred to as 'ENTSO-E'). Comments received by ENTSO-E and its assessment of those comments are described in a separate document entitled **"Summary of the assessment of the comments from the public consultation"**.

Market participants' comments

Only one market participant responded to the BritNed consultation, response as follows; *"Having considered them in the context of EU law we believe the changes that you propose are incompatible with EU Law. In particular your proposal is, in our view, a clear breach of Article 8(7) of Regulation 714/2009 as the propose changes will affect cross border trade"*

The same comment was received on the BritNed BSA at ENTSO-E level.

BritNed assessment

The comment was duly considered by BritNed and do not agree that any incompatibility exists between the BSA and article 8(7) of regulation 714/2009 as the latter states; *"The network codes shall be developed for cross-border network issues and market integration issues and shall be without prejudice to the Member States' right to establish national network codes which do not affect cross-border trade"*.

The whole purpose of European Network Codes as envisaged by Article 8/7 of regulation 714/2009 is to develop cross – border trading arrangements and this in addition to TSO rights to develop national codes also.