

GC.9 DEROGATIONS

GC.9.1 If a **User** finds that it is, or will be, unable to comply with any provision of the **Grid Code**, then it shall without delay report such non-compliance to the **TSO** and shall, subject to the provisions of the relevant derogation procedure, make such reasonable efforts as are required to remedy such non-compliance as soon as reasonably practicable.

GC.9.1.1 Where the **TSO** is aware or should reasonably be aware that a non-compliance may have an impact on the **Other Transmission System** or on the operation of the **SEM**, the **TSO** shall provide details of the non-compliance to the Other **TSO**.

GC.9.1.2 Where the non-compliance is:

- (a) with reference to **Plant** and/or **Apparatus** connected to the **Transmission System** and is caused solely or mainly as a result of a revision to the **Grid Code**;
or
- (b) with reference to **Plant** and/or **Apparatus** which is connected, approved to connect, or for which approval to connect to the **Transmission System** is being sought,

and the **User** believes either that it would be unreasonable (including cost and technical considerations) to require it to remedy such non-compliance or that it should be granted an extended period to remedy such non-compliance, it shall promptly submit to the **TSO** a request for a derogation from such provision in accordance with the requirements of the relevant derogation procedure. In consideration of a derogation request by a **User**, the **TSO** may contact the relevant **User** to obtain clarification of the derogation request, or to obtain further information regarding the request, or to discuss changes to the request. Once the derogation request has been validated by the **TSO**, the reference number is assigned.

Where the derogation request may have an impact on the **Other Transmission System** or the operation of the **SEM**, the **TSO** shall liaise with the Other **TSO** prior to providing an assessment to the CRU.

The **TSO** will assess the derogation request and provide to the CRU an assessment and a recommendation.

On receipt of a derogation assessment from the **TSO**, the CRU will consider the derogation request, the **TSO's** assessment and the **TSO's** recommendation.

In its consideration of a derogation request by a **User**, the CRU may contact the relevant **User** and/or the **TSO** to obtain clarification of the request, or to obtain further information regarding the request, or to discuss changes to the request.

Where the CRU identifies that a derogation request may impact on the **Other Transmission System** or the operation of the **SEM**, the CRU shall keep the **Regulatory Authority** in Northern Ireland informed in its consideration of the request.

Provided that the CRU considers that the grounds for the derogation are reasonable, then the CRU shall grant such derogation unless the derogation would, or it is likely that it would, have a materially adverse impact on the security and stability of the **Transmission System** or the **Other Transmission System** or impose unreasonable costs on the operation of the **Transmission System** or on other **Users**.

GC.9.1.3 To the extent of any derogation granted in accordance with this GC.9.3, the **TSO** and/or the **User** (as the case may be) shall be relieved from its obligation to comply with the applicable provision of the **Grid Code** and shall not be liable for failure to so comply but shall comply with any alternate provisions as set forth in the derogation.

GC.9.1.4 Where a material change in circumstance has occurred a review of any existing derogations, and any derogations under consideration, may be initiated by the CRU at the request of the CRU, the **TSO**, or **Users**.

GC.9.2 Request for a Derogation by the **TSO**, for the **TSO**

GC.9.2.1 If the **TSO** finds that it is, or will be, unable to comply with any provision of the **Grid Code**, then it shall make such reasonable efforts as are required to remedy such non-compliance as soon as reasonably practicable.

GC.9.2.2 In the case where the **TSO** requests a derogation, the **TSO** shall submit the following information to the CRU:

- (a) the version number of the **Grid Code**;
- (b) where relevant, identification of **Plant** and/or **Apparatus** in respect of which a derogation is sought;

- (c) identification of the provision with which the **TSO** is, or will be, unable to comply;
- (d) the extent of the non-compliance;
- (e) the reason for the non-compliance; and
- (f) the date by which compliance will be achieved.

GC.9.3 Non-RfG Generation/Non-DCC/Non-HVDC Unit Clause Derogation Procedure



In the case of **Users** with **Non-RfG Generation Units**, **Non-DCC Units** or **Non-HVDC Units** to which some **RfG Generation Unit**, **DCC Unit** or **HVDC Unit** requirements apply, such **Users** will find that the relevant requirements demarcated for **RfG Generation Units**, **DCC Unit** and/or **HVDC Units** are also applicable to them.¹

The following derogation procedure applies to:

- **Generators with Non-RfG Generation Units** when seeking a derogation from a **Grid Code** clause that applies to either:
 - both **RfG Generation Units** and **Non-RfG Generation Units**, or
 - **Non-RfG Generation Units** but not **RfG Generation Units**;
- **Demand Facility Owners, Closed Distribution System Operators and Distribution System Operator** with **Non-DCC Unit Demand Facilities**, **Non-DCC Unit Closed Distribution Systems** or **Non-DCC Unit Distribution Systems** when seeking a derogation from a **Grid Code** clause that applies to either:
 - both **DCC Units** and **Non-DCC Units**, or
 - **Non-DCC Units** but not **DCC Units**;
- **Interconnector Owners with Non-HVDC Unit Interconnectors** when seeking a derogation from a **Grid Code** clause that applies to either:
 - both **HVDC Units** and **Non-HVDC Units**, or
 - **Non-HVDC Units** but not **HVDC Units**.

GC.9.3.1 Power to Grant Derogations

¹ [Guideline-for-the-Application-of-Connection-Network-Codes-to-Existing-Users-V1.0.pdf](#)

CRU may, at the request of a **User**, grant the **User** derogation from one or more **Grid Code** clauses that apply to, or are relevant to, a **Non-RfG Generation Unit**, **Non-DCC Unit** or **Non-HVDC Unit** in accordance with GC.9.2.2 and GC.9.3.3.



GC.9.3.2 General Provisions

The criteria specified by CRU to assess derogations pursuant to GC.9.3.3 are specified in forms GC9-1 and GC9-2.

GC.9.3.3 Request for a Derogation by a relevant **User**

GC.9.3.3.1 **Users** may request a derogation from one or several clauses in the **Grid Code** that apply to a **Non-RfG Generation Unit**, **Non-DCC Unit** or **Non-HVDC Unit** within their **Facility**.

GC.9.3.3.2 A request for derogation from any such provision of the **Grid Code** shall contain:

- (a) the version number of the **Grid Code**;
- (b) identification of the **Plant** and/or **Apparatus** in respect of which a derogation is sought;
- (c) identification of the provision with which the **User** is, or will be, unable to comply;
- (d) the extent of the non-compliance;
- (e) the reason for the non-compliance; and
- (f) the date by which compliance will be achieved (if remedy of the non-compliance is possible) subject to GC.9.1.2.

GC.9.3.3.3 The **TSO** shall confirm to the **User** whether their request for a derogation is complete. However, if the **TSO** considers that additional information is required to complete the derogation application, or that additional information is required over the course of the derogation application assessment to support that assessment, the **User** shall submit the additional required information to the **TSO** as soon as reasonably possible.

GC.9.3.3.4 The **TSO** shall assess the request for derogation and any additional information submitted by the **User**, taking into account the criteria determined by the CRU pursuant to GC.9.2.2.

GC.9.3.3.5 Once the **TSO** has completed the derogation application assessment, the **TSO** shall forward the request to the CRU and submit the assessment(s) prepared in accordance with GC.9.2.3.4.

GC.9.3.3.6 The CRU shall adopt a decision concerning a request for derogation.



GC.9.3.3.7 If the CRU considers that additional information is required from the **User** to support a decision concerning the **Users** request for a derogation, the **User** shall submit any additional information requested by the CRU as soon as reasonably possible.

GC.9.3.3.8 The CRU shall issue a reasoned decision concerning a request for derogation. Where the CRU grants a derogation, it shall specify its duration.

GC.9.3.3.9 The CRU shall notify its decision to the relevant **User** and the **TSO**.

GC.9.3.3.10 The CRU may revoke a decision granting a derogation if the circumstances and underlying reasons no longer apply.

GC.9.3.3.11 To the extent of a derogation granted in accordance with this GC.9.2, the **User** shall be relieved from its obligation to comply with the applicable provision of the **Grid Code** and shall not be liable for failure to so comply but shall comply with any alternate provisions as set forth in the derogation.

GC.9.3.4 Register of Derogations

GC.9.3.4.1 The **TSO** shall:

- (a) keep a register of all derogations which have been granted, identifying the company and **Plant** in respect of whom the derogation has been granted, the relevant provision of the **Grid Code** and the **Grid Code** version number, the period of the derogation and the extent of compliance to the provision;
- (b) on request from any **User** or **User** of the **Other Grid Code**, provide a copy of such register of derogations to such **User**; and
- (c) publish this register on the **TSO's** website.



The following derogation procedure applies to:

- **Generators** when seeking a derogation for their **RfG Generation Unit(s)**;
- **Generators** with **Non-RfG Generation Units** to which some **RfG Generation Unit** clauses apply, when seeking a derogation from an **RfG Generation Unit Grid Code** clause;
- **Demand Facility Owners, Closed Distribution System Operators and Distribution System Operator** with **DCC Unit Demand Facilities, DCC Unit Closed Distribution Systems or DCC Unit Distribution Systems** when seeking a derogation for their **DCC Unit(s)**;
- **Demand Facility Owners, Closed Distribution System Operators and Distribution System Operator** with **Non-DCC Unit Demand Facilities, Non-DCC Unit Closed Distribution Systems or Non-DCC Unit Distribution Systems** to which some **DCC Unit** clauses apply, when seeking a derogation from a **DCC Unit Grid Code** clause;
- **Interconnector Owners** with **HVDC Unit Interconnectors** when seeking a derogation for their **HVDC Unit(s)**;
- **Interconnector Owners** with **Non-HVDC Unit Interconnectors** to which some **HVDC Unit** clauses apply, when seeking a derogation from a **HVDC Unit Grid Code** clause;
- **Generators** with **HVDC Unit DC-Connected PPMs** when seeking a derogation for their **HVDC Unit(s)**;
- The **TSO** when seeking derogations for classes of **RfG Generation Units**, classes of **DCC Units** or classes of **HVDC Units**.

GC.9.4.1 Power to Grant Derogations

CRU may, at the request of one of the **Users** listed under GC.9.3, or the **TSO**, grant the **User** or the **TSO** derogations from one or more **RfG Generation Unit, DCC Unit or HVDC Unit** clauses in the **Grid Code** in accordance with GC.9.3.2, GC.9.3.3 and GC.9.3.4.

Derogations may be granted and revoked in accordance with GC.9.3.2, GC.9.3.3 and GC.9.3.4 by other authorities than the CRU.



GC.9.4.2 General Provisions

GC.9.4.2.1 The criteria specified by CRU to assess derogations pursuant to GC.9.3.3 and GC.9.3.4 are specified in the following forms:

- CNCD1 – DSO Connection Network Code (DCC) Derogation Application Form;
- CNCD2 – TSO Connection Network Code (RfG/DCC/HVDC) Derogation Application Form;
- CNCD3 – TSO Connection Class Derogation Network Code (RfG/DCC/HVDC) Derogation Application Form;
- CNCD4 – DSU Connection Network Code Derogation Application Form.

GC.9.4.2.2 If CRU deems that it is necessary due to a change in circumstances relating to the evolution of system requirements, it may review and amend at most once every year the criteria for granting derogations as referenced in GC.9.3.2.1. Any changes to the criteria shall not apply to derogations for which a request has already been made.

GC.9.4.2.3 The CRU may decide that **Users** for which a request for a derogation has been filed pursuant to GC.9.3.3 or GC.9.3.4 do not need to comply with clauses in the **Grid Code** from which a derogation has been sought from the day of filing the request until the CRU's decision is issued.

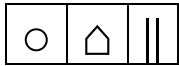
GC.9.4.3 Request for a Derogation by User

GC.9.4.3.1 **Users** as listed under GC.9.3 may request a derogation from one or several **RfG Generation Unit, DCC Unit or HVDC Unit** clauses in the **Grid Code** for **Plant** within their **Facility**.

GC.9.4.3.2 A request for derogation from any such provision of the **Grid Code** shall be filed using the relevant form as listed under GC.9.3.2.1, and include:

- (a) an identification of the **User**, and a contact person for any communications;
- (b) a description of the **Plant** for which a derogation is requested;

- (c) a reference to the **RfG Generation Unit**, **DCC Unit** or **HVDC Unit** clauses in the **Grid Code** from which a derogation is requested and a detailed description of the requested derogation;
- (d) detailed reasoning, with relevant supporting documents and cost-benefit analysis;



- (e) demonstration that the requested derogation would have no adverse effect on cross-border trade;
- (f) In the case of a DC-connected **PPM** connected to one or more remote-end **Interconnector 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. In the case where a DC-connected **PPM** has, or will only have, a single connection to a single synchronous area, (e) above will not apply.

GC.9.4.3.3 Within two weeks of receipt of a request for a derogation, the **TSO** shall confirm to the **User** whether the request is complete. If the **TSO** considers that the request is incomplete, the **User** shall submit the additional required information within one month from the receipt of the request for additional information. If the **User** does not supply the requested information within that time limit, the request for derogation shall be deemed withdrawn.

GC.9.4.3.4 The **TSO** shall assess the request for derogation and the provided cost-benefit analysis, taking into account the criteria determined by the CRU pursuant to GC.9.3.2.

GC.9.4.3.5 Within six months of receipt of a request for derogation, the **TSO** shall forward the request to the CRU and submit the assessment(s) prepared in accordance with GC.9.3.3.4. That period may be extended by one month where the **TSO** seeks further information from the **User**.

GC.9.4.3.6 The CRU shall adopt a decision concerning any request for derogation within six months from the day after it receives the request. That time limit may be extended by three months before its expiry where the CRU requires further information from the **User**, or from any other interested parties. The additional period shall begin when the complete information has been received.

GC.9.4.3.7 The **User** shall submit any additional information requested by the CRU within two months of such a request. If the **User** does not supply the requested information within that time limit, the request for derogation shall be deemed withdrawn unless, before its expiry:

(a) the CRU decides to provide an extension; or



(b) the **User** informs the CRU by means of a reasoned submission that the request for a derogation is complete.

However, in the case of a DC-Connected **PPM**, the CRU may attach conditions to the derogation, including a condition that if a DC-connected **PPM** undergoes a development of a connection into a multi-terminal network or the connection of a further **PPM** at the same point, this will cause the derogation to be re-evaluated by the CRU or to expire. The CRU shall take into account the need to optimise the configuration between the DC-connected **PPM** and the remote-end **Interconnector Converter Station**, as well as the legitimate expectations of the **Generator** when adopting a decision concerning a request for a derogation.

GC.9.4.3.8 The CRU shall issue a reasoned decision concerning a request for derogation. Where the CRU grants a derogation, it shall specify its duration.

GC.9.4.3.9 The CRU shall notify its decision to the relevant **User** and the **TSO**.

GC.9.4.3.10 The CRU may revoke a decision granting a derogation if the circumstances and underlying reasons no longer apply or upon a reasoned recommendation of the European Commission or reasoned recommendation by ACER pursuant to GC.9.3.6.2.

GC.9.4.4 Request for a Derogation by the **TSO** for classes of **Users** and **Plant**

GC.9.4.4.1 The **TSO** may request derogations for classes of **Users** and **Plant** as listed under GC.9.3 that are connected, or are to be connected, to their **Network**.

GC.9.4.4.2 The **TSO** shall submit their requests for such derogations, using form CNCD3, to the CRU. Each request for a derogation shall include:

(a) identification of the **TSO**, and a contact person for any communications;

- (b) a description of the **Plant** for which a derogation is requested and the total installed capacity and number of **Plant**;
- (c) the clauses in the **Grid Code** for which a derogation is requested, with a detailed description of the requested derogation;
- (d) detailed reasoning, with all relevant supporting documents;
- (e) demonstration that the requested derogation would have no adverse effect on cross-border trade;
- (f) a cost-benefit analysis.



GC.9.4.4.3 The CRU shall adopt a decision concerning a request for derogation within six months from the day after it receives the request.

GC.9.4.4.4 The six-month time limit referred to in GC.9.3.4.3 may, before its expiry, be extended by an additional three months where the CRU requests further information from the **TSO** requesting the derogation or from any other interested parties. That additional period shall run from the day following the date of receipt of the complete information.

The **TSO** shall provide any additional information requested by the CRU within two months from the date of the request. If the **TSO** does not provide the requested additional information within that time limit, the request for derogation shall be deemed withdrawn unless, before expiry of the time limit:

- (a) the CRU decides to provide an extension; or
- (b) the **TSO** informs the CRU by means of a reasoned submission that the request for derogation is complete.

GC.9.4.4.5 The CRU shall issue a reasoned decision concerning a request for derogation. Where the CRU grants a derogation, it shall specify its duration.

GC.9.4.4.6 The CRU shall notify its decision to the **TSO** and ACER.

GC.9.4.4.7 The CRU may lay down further requirements concerning the preparation of requests for derogation by the **TSO**. In doing so, the CRU shall take into account the delineation between the **Transmission System** and the **Distribution System** at the national level

and shall consult with system operators, **Users** and stakeholders, including manufacturers.

GC.9.4.4.8 The CRU may revoke a decision granting a derogation if the circumstances and underlying reasons no longer apply or upon a reasoned recommendation of the European Commission or reasoned recommendation by ACER pursuant to GC.9.3.6.2.

GC.9.4.5 Register of Derogations

GC.9.4.5.1 The CRU shall maintain a register of all derogations they have granted or refused and shall provide ACER with an updated and consolidated register at least once every six months, a copy of which shall be given to ENTSO for Electricity.

GC.9.4.5.2 The register shall contain, in particular:

(a) the requirement or requirements for which the derogation is granted or refused;



(b) the content of the derogation;

(c) the reasons for granting or refusing the derogation;

(d) the consequences resulting from granting the derogation.

GC.9.4.6 Monitoring of Derogations

GC.9.4.6.1 ACER shall monitor the procedure of granting derogations with the cooperation of the CRU. The CRU shall provide ACER with all the information necessary for that purpose.

GC.9.4.6.2 ACER may issue a reasoned recommendation to the CRU to revoke a derogation due to a lack of justification. The European Commission may issue a reasoned recommendation to the CRU to revoke a derogation due to a lack of justification.

GC.9.4.6.3 The European Commission may request ACER to report on the application of GC.9.3.6.1 and GC.9.3.6.2 and to provide reasons for requesting or not requesting derogations to be revoked.