

National Grid ESO
Faraday House
Gallows Hill
Warwick
CV34 6DA

Kyle Martin

Kyle.Martin1@nationalgrideso.com
www.nationalgrideso.com

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New Response Services Terms and Conditions

Dear Industry and Colleagues,

In accordance with Commission Regulation (EU) 2017/2195 of 23 November 2017 (as converted into retained EU law) (EBR), National Grid ESO is proposing to amend its terms and conditions relating to balancing specifically to consolidate the separate terms and conditions applicable to each of the new responses services (Dynamic Containment, Dynamic Moderation and Dynamic Regulation) and to make some updates to those consolidated terms and conditions.

The proposed consolidated terms and conditions will comprise a single set of Procurement Rules and Service Terms, to replace the separate documentation - Auction Rules, Service Terms, Testing Rules and Guidance Document - currently applying to each of the 3 new response services. There is no change proposed to the Balancing Services General Terms and Rules of Interpretation which will continue to apply.

In accordance with EBR, the ESO is now consulting on these consolidated Procurement Rules and Service Terms, and on the updates to those new terms and conditions. The consultation will be undertaken from 28 September 2022 to 28 October 2022.

Please respond by 28 October 2022 using the proforma available on our website to box.europeancodes.electricity@nationalgrideso.com

If you have any queries regarding this proposal, please contact us using the above email address.

Yours sincerely,

Kyle Martin

Market Change Delivery Manager

Annex 1

EBR Article 18 mapping for the New Response Services Terms and Conditions

Please note: In accordance with EBR Article 18, this table provides references to relevant parts of the GB codes and additional contractual terms and conditions which place obligations on registered service providers.

This document does not constitute compliance with Article 18 of the EBR. Its purpose is to demonstrate where Terms and Conditions for the New Response Services are in the scope of EBR Article 18. Where there is any conflict between this document, the GB codes and the additional contractual terms and conditions, the GB codes and the additional contractual terms and conditions shall take precedence.

Table 1

Article	Text	Code or Document	Section
18.2	The terms and conditions pursuant to paragraph 1 shall also include the rules for suspension and restoration of market activities pursuant to Article 36 of Regulation (EU) 2017/2196 and rules for settlement in case of market suspension pursuant to Article 39 of Regulation (EU) 2017/2196 once approved in accordance with Article 4 of Regulation (EU) 2017/2196.	Grid Code	OC9.4
		BSC	G3
18.4	The terms and conditions for balancing service providers shall:	-	-
18.4.a	Define reasonable and justified requirements for the provisions of balancing services;	New Response Services Procurement Rules	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets 6 – Allocation of Eligible Assets to Response Units 12 – Formation of Response Contracts
		New Response Services Service Terms	New Response Services Service Terms 5 – Service Availability
		BSC	BSC Section A, H3, H4.2, H4.7, H4.8, H5.5, H6, H10, J3.3, J3.6, J3.7 and J3.8

Article	Text	Code or Document	Section
		CUSC	Section 4.1.3
18.4.b	allow the aggregation of demand facilities, energy storage facilities and power generating facilities in a scheduling area to offer balancing services subject to conditions referred to in paragraph 5 (c);	BSC	K3.3, K8, S6.2, S6.3 and S11
		Grid Code	DRSC 4.2, BC1.4
		New Response Services Procurement Rules	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets Schedule 2 – Registration and Pre-Qualification Procedure
18.4.c	allow demand facility owners, third parties and owners of power generating facilities from conventional and renewable energy sources as well as owners of energy storage units to become balancing service providers;	BSC	K3.2, K3.3, K8
		New Response Services Procurement Rules	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets 6 – Allocation of Eligible Assets to Response Units Schedule 2 – Registration and Pre-Qualification Procedure
18.4.d	require that each balancing energy bid from a balancing service provider is assigned to one or more balance responsible parties to enable the calculation of an imbalance adjustment pursuant to Article 49.	BSC	T4, Q7.2, Q6.4
18.5	The terms and conditions for balancing service providers shall contain:	-	-
18.5.a	the rules for the qualification process to become a balancing service provider pursuant to Article 16;	New Response Services Procurement Rules	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets 6 – Allocation of Eligible Assets to Response Units Schedule 2 – Registration and Pre-Qualification Procedure
		Grid Code	BC5, BC4.4.2

Article	Text	Code or Document	Section
		CUSC	Section 4.1
		BSC	J3.3, J3.6, J3.7, J3.8, K3.2, K3.3 and K8
18.5.b	the rules, requirements and timescales for the procurement and transfer of balancing capacity pursuant to Articles 32, 33 and 34;	New Response Services Service Terms	New Response Service Terms 21 – Transfer of Response Contracts
18.5.c	the rules and conditions for the aggregation of demand facilities, energy storage facilities and power generating facilities in a scheduling area to become a balancing service provider;	New Response Services Procurement Rules	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets Schedule 2 – Registration and Pre-Qualification Procedure
		BSC	K3.3 and K8
		Grid Code	BC1.4 and BC1.A.10
18.5.d	the requirements on data and information to be delivered to the connecting TSO and, where relevant, to the reserve connecting DSO during the prequalification process and operation of the balancing market;	New Response Services Procurement Rules	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets 8 – Sell Orders Schedule 2 – Registration and pre-qualification Procedure
		New Response Services Service Terms	New Response Services Service Terms 6 – Service Delivery 15 – Monitoring and Metering Data
		BSC	BSC Section O
		Grid Code	DRC, BC5 BC1.4,
		CUSC	Section 4.1.3.14 and 4.1.3.19
18.5.e	the rules and conditions for the assignment of each balancing energy bid from a	BSC	T4

Article	Text	Code or Document	Section
	balancing service provider to one or more balance responsible parties pursuant to paragraph 4 (d);	New Response Services Procurement Rules New Response Services Service Terms	New Response Services Procurement Rules 12 – Formation of Response Contracts New Response Services Service Terms 20 – Assignment 21 – Transfer of Response Contracts
18.5. f	the requirements on data and information to be delivered to the connecting TSO and, where relevant, to the reserve connecting DSO to evaluate the provisions of balancing services pursuant to Article 154(1), Article 154(8), Article 158(1)(e), Article 158(4)(b), Article 161(1)(f) and Article 161(4)(b) of Regulation (EU) 2017/1485;	New Response Services Service Terms	New Response Services Service Terms 5 – Service Availability 6 – Service Delivery 15 – Monitoring and Metering Data
		Grid Code	Grid Code BC1.4, BC1.A.10,
		CUSC	4.1.3.19
18.5. g	the definition of a location for each standard product and each specific product taking into account paragraph 5 (c);	Grid Code	BC1.4
18.5. h	the rules for the determination of the volume of balancing energy to be settled with the balancing service provider pursuant to Article 45;	BSC	BSC T3
18.5. i	the rules for the settlement of balancing service providers defined pursuant to Chapters 2 and 5 of Title V;	New Response Services Service Terms	New Response Services Service Terms 7 – Availability Payments 8 – Payment Procedure Schedule 2 – Availability Payments Schedule 3 – Payment provisions
		BSC	T1.14, T3 and U
		CUSC	Section 4.1.3.9 and 4.1.3.9A
18.5. j	a maximum period for the finalisation of the settlement of balancing energy with a balancing service provider in accordance with Article 45, for any given imbalance settlement period;	New Response Services Service Terms	New Response Services Service Terms 7 – Availability Payments 8 – Payment Procedure Schedule 2 – Availability Payments Schedule 3 – Payment Provisions
		BSC	U2.2

Article	Text	Code or Document	Section
		CUSC	Section 4.3.2.6
18.5. k	the consequences in case of non-compliance with the terms and conditions applicable to balancing service providers.	New Response Services Procurement Rules & Service Terms	New Response Services Procurement Rules 4 – Registration of Registered Response Participants 5 – Prequalification of Eligible Assets Schedule 2 – Registration and Pre-Qualification Procedure New Response Services Service Terms 5 – Service Availability 6 – Service Delivery 14 – Termination of Response Contracts
		BSC	H3, Z7 and A5.2
		CUSC	Sections 4.1.3.9, 4.1.3.9A and 4.1.3.14
18.6	The terms and conditions for balance responsible parties shall contain:	-	-
18.6. a	the definition of balance responsibility for each connection in a way that avoids any gaps or overlaps in the balance responsibility of different market participants providing services to that connection;	BSC	K1.2, P3 and T4.5
18.6. b	the requirements for becoming a balance responsible party;	BSC	A, H3, H4.2, H4.7, H4.8, H5.5, H6, H10, J3.3, J3.6, J3.7, J3.8,, K2, K3.3 and K8
18.6. c	the requirement that all balance responsible parties shall be financially responsible for their imbalances, and that the imbalances shall be settled with the connecting TSO;	BSC	N2, N6, N8, N12, and T4,
18.6. d	the requirements on data and information to be delivered to the connecting TSO to calculate the imbalances;	BSC	BSC Section O, Q3, Q5.3, Q5.6, Q6.2, Q6.3, Q6.4
		Grid Code	BC1.4.2,3,4, BC1 Appendix 1 BC2.5.1,
18.6. e	the rules for balance responsible parties to change their schedules prior to and after the intraday energy gate closure time pursuant to paragraphs 3 and 4 of Article 17;	BSC	P2
		Grid Code	BC1.4.3,4,
18.6. f	the rules for the settlement of balance responsible parties defined pursuant to Chapter 4 of Title V;	BSC	T4, U2

Article	Text	Code or Document	Section
18.6.g	the delineation of an imbalance area pursuant to Article 54(2) and an imbalance price area;	-	<i>GB constitutes one imbalance area and imbalance price area and they are equal to the synchronous area</i>
18.6.h	a maximum period for the finalisation of the settlement of imbalances with balance responsible parties for any given imbalance settlement period pursuant to Article 54;	BSC	U2.2
18.6.i	the consequences in case of non-compliance with the terms and conditions applicable to balance responsible parties;	BSC	H3,Z7 and A5.2
18.6.j	an obligation for balance responsible parties to submit to the connecting TSO any modifications of the position;	BSC	P2
18.6.k	the settlement rules pursuant to Articles 52, 53, 54 and 55;	BSC	T4, U2
18.6.l	where existing, the provisions for the exclusion of imbalances from the imbalance settlement when they are associated with the introduction of ramping restrictions for the alleviation of deterministic frequency deviations pursuant to Article 137(4) of Regulation (EU) 2017/1485.	Deterministic frequency deviation is a continental European concept and is not a characteristic of the GB system. Therefore, this requirement does not apply to GB.	N/A

Non- Mandatory elements

Article	Text	Comment
18.7. a	a requirement for balancing service providers to provide information on unused generation capacity and other balancing resources from balancing service providers, after the day-ahead market gate closure time and after the intraday cross-zonal gate closure time;	NG ESO does not expect to require this from Balancing Service Providers.
18.7. b	where justified, a requirement for balancing service providers to offer the unused generation capacity or other balancing resources through balancing energy bids or integrated scheduling process bids in the balancing markets after day ahead market gate closure time, without prejudice to the possibility of balancing service providers to change their balancing energy bids prior to the balancing energy gate closure time or the	NG ESO does not expect to require this from Balancing Service Providers, except where balancing capacity or energy has been contracted. Although in the BM defaulting rules apply if data is not updated, there is no legal requirement for parties to offer unused generation capacity or any other balancing resource.

	integrated scheduling process gate closure time due to trading within intraday market;	
18.7.c	where justified, a requirement for balancing service providers to offer the unused generation capacity or other balancing resources through balancing energy bids or integrated scheduling process bids in the balancing markets after intraday cross-zonal gate closure time;	NG ESO does not expect to require this from Balancing Service Providers, except where balancing capacity or energy has been contracted. Although in the BM defaulting rules apply if data is not updated, there is no legal requirement for parties to offer unused generation capacity or any other balancing resource.
18.7.d	specific requirements with regard to the position of balance responsible parties submitted after the day-ahead market timeframe to ensure that the sum of their internal and external commercial trade schedules equals the sum of the physical generation and consumption schedules, taking into account electrical losses compensation, where relevant;	NG ESO does not expect to require this from Balancing Service Providers. No BSC party is required to contract to match its Final Physical Notifications (FPNs).
18.7.e	an exemption to publish information on offered prices of balancing energy or balancing capacity bids due to market abuse concerns pursuant to Article 12(4)	NG ESO does not expect to require this exemption. Such data is published on BMRS.
18.7.f	an exemption for specific products defined in Article 26(3)(b) to predetermine the price of the balancing energy bids from a balancing capacity contract pursuant to Article 16(6)	-
18.7.g	An application for the use of dual pricing for all imbalances based on the conditions established pursuant to Article 52(2)(d)(i) and the methodology for applying dual pricing pursuant to Article 52(2)(d)(ii).	NG ESO does not expect to apply for the use of dual pricing for all imbalances. A single imbalance price was adopted by the GB market in November 2015.