

EU DSO Entity – Rules of procedure on consultations

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1. Introduction – Objectives

The EU DSO Entity recognises the importance of consultations in gathering experts' input and views on draft proposals. Effective rules and best practices can only be designed with the involvement of all relevant stakeholders. Many of these stakeholders are customers of Distribution System Operators (DSOs). An open and effective stakeholder involvement and consultation is indispensable for customer-oriented DSOs.

In order to facilitate an efficient process for all stakeholders, a flexible approach for the consultation process is needed. This flexibility can then be used according to the significance and urgency of the topic to obtain valuable inputs. The rules of procedure on consultations aim at ensuring an effective, transparent, consistent, practical and inclusive process. Furthermore, they need to be clear regarding confidentiality.

The goal of transparency is supported by the Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (hereafter mentioned as "Regulation (EU) 2019/943"), which outlines the process for public consultations during network code development. According to Art. 56 of Regulation (EU) 2019/943, the EU DSO Entity shall conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant stakeholders, and, in particular, organisations representing such stakeholders.

Although Regulation (EU) 2019/943 only mentions the consultation process within the scope of the elaboration of network codes, the EU DSO Entity will also organise other consultations where appropriate.

The EU DSO Entity will review this document and the consultation process on a regular basis to ensure that the consultations stay effective, comply with the most recent regulation, take into account best practices and also the experience gained from its stakeholders.

2. Scope - Types of consultations

The consultations conducted by the EU DSO Entity are:

- (1) Network codes elaboration as identified in Art. 56 of Regulation (EU) 2019/943.
- (2) Best practices on areas identified in Art. 55§1 of Regulation (EU) 2019/943, e.g. renewable energy resources, distributed generation integration, demand side flexibility, digitalisation.
- (3) Best practices regarding coordinated operation and planning of the transmission and distribution systems including data exchange and coordination of distributed energy resources as identified in Art. 55§2(b) of Regulation (EU) 2019/943.
- (4) Other reports, such as the annual work program as defined in Art. 55§2(d) of Regulation (EU) 2019/943, opinions and position papers.

3. Timing and duration of the consultation

On the timing for consultation, the EU DSO Entity will:

- publish the annual work programme to indicate to all interested parties the planned consultations for the coming year;
- maintain a rolling annual calendar of public consultations on its website;
- consult at a sufficiently early stage to take responses into account.

On the duration of the consultation, the EU DSO Entity will:

- allow consulted stakeholders adequate time to respond, taking into account the complexity of the issue and any deadlines set. The duration of the consultation can range from four weeks to four months depending on the complexity of the subject, the urgency of the response and requests from stakeholders.

4. Stakeholders

In the frame of the consultation on a network code the stakeholders to be consulted are mentioned in Art. 56 of Regulation (EU) 2019/943, namely all relevant stakeholders, and, in particular, organisations representing such stakeholders. This type of consultation shall also involve regulatory authorities and other national authorities, supply and generation undertakings, system users including customers, technical bodies and stakeholder platforms. In addition, stakeholders might also be: ENTSO-E, system operators, flexibility service providers, traders, power exchanges, policy makers, academics.

If the consultation is targeted at specific stakeholders, the EU DSO Entity will explicitly mention it.

All consultations from the EU DSO Entity are open to the full range of affected and interested stakeholders. The EU DSO Entity will make the consultation proposals widely known to all stakeholders through all appropriate means, but mainly through its website. In addition, identified specific stakeholders will be made aware by a more directed communication, such as e-mail.

5. Consultation process

In preparation for public consultations the EU DSO Entity can, at the drafting stage, take the following actions:

- when necessary, indicate publicly their thinking on specific initiatives at various stages, to test preliminary analysis or thinking;
- seek stakeholder engagement during the development process through workshops, open to all interested stakeholders;
- use appropriate processes in order to better target consultations at those who are most affected by organising discussions or workshops at an early drafting stage.

On the way to consult, the EU DSO Entity will:

- hold formal consultations to seek feedback on a draft document, network code or workplan. The consultation document will be made available and announced on the EU DSO Entity's website and stakeholders will be informed in an appropriate way;

- produce reasoned consultative proposals drafted as clearly and concisely as possible and indicating the objectives pursued:
 - o a thorough analysis including information on the impact of the proposals will be provided and, to the extent possible, a relevant economic analysis;
 - o where appropriate, the proposals consulted upon should inform about related consultations carried out by ENTSO-E, ACER, the European Commission or others;
- use a variety of tools in conducting the consultation:
 - o workshops might be organised and may focus on important details or have a broader scope depending on the subject matter;
 - o other forums, such as hearings, roundtables and occasionally conferences, may be used to increase topic awareness and understanding;
 - o internet-based consultations which ask stakeholders to submit responses;
- indicate clearly in the consultation the deadline for responding and other relevant information, including the timing of the next steps;
- publishing clear, concise and reasoned documents. Standard templates, including a summary of key questions, can be used;
- respondents may submit a background document (e.g. an e-mail, letter or a document), which could be uploaded alongside the online response, which may complement and better explain their position. These will be treated as supplementary background documents.

6. Treatment of the responses in the consultation

In the evaluation of responses, the EU DSO Entity will only consider responses that comply with the consultation requirements and are received through the proper channels described therein.

The EU DSO Entity will indicate on its website and/or in the public consultation document the next steps in the process (e.g. inform when the non-confidential responses, the evaluation of responses or conclusions are likely to be published).

On how feedback to the consultation will be provided, the EU DSO Entity will:

- give an appropriate consideration to all responses received;
- make public all non-confidential responses to formal consultations and the total number of all responses;
- publish an evaluation of responses through short summaries of aggregated responses, per topic;
- indicate how it has taken the proposals received during the consultation into consideration. It will provide reasons where it has not taken such proposals into account;
- state its position following the consultation;

- communicate whether the EU DSO Entity position is based on confidential information and why the relevant information cannot be disclosed.

The EU DSO Entity takes the suggestions received during the formal consultation into account and if necessary, and where the timescale permits, consults a second time if the response to the first consultation indicates significant problems or where revised proposals are substantially different from the original proposals.

The EU DSO Entity publishes and justifies all formal proposals and advices, normally in the form of a conclusions paper.

All public documents resulting from the consultation shall be available online for at least five years.

7. Confidentiality of information

The EU DSO Entity has been created with a mandate of full transparency on the important issue of public consultation. Art. 56§2 of Regulation 943/2019 states that “all documents and minutes of meetings related to the consultations referred to in Paragraph 1 shall be made public” as a default.

The EU DSO Entity will abide by the following rules when dealing with confidentiality requests:

- 1) The list of names of all respondents/organisations will be made public.
- 2) Confidentiality requests for the content of responses, or parts thereof, will be considered. Stakeholders who request confidentiality, should indicate it upon submission of the contribution. It is also possible to submit both a confidential and a public version of your contribution.
- 3) A reason for each confidentiality request must be provided by the author of the response.
- 4) The EU DSO Entity will disclose/publish the number of confidential responses;
- 5) In case of confidential responses, the analysis of the response will not be made public. However, the outcome of the analysis and changes to documents arising from the response may be made public.

Despite the confidentiality request process, the EU DSO Entity encourages all the participants in public consultations to make their responses public for maximum transparency.