

**CRITERIA FOR GRANTING DEROGATIONS FOR
POWER GENERATING MODULES**

Approved with ERE Board Decision No.85, Dated 12.05.2020

The basis for granting the Criteria for Derogations about the power generation modules

The Energy Regulator Authority (ERE) in granting the criteria for derogations for the power generation modules, is based on the competences defined on Articles 19(e), 23(1) and 63(1) of Law no. 43/2015 “On Power Sector” as amended, on the Permanent High Level Group of Energy Community decision no. 2018/03/PHLG-EnC dated 12 January 2018, on the Transmission Code, as well as on the “Network code on demand connection with the generators network”, approved with ERE Board Decision no. 129 dated 04.06.2018.

Article 61 of the Commission Regulation (EU) 2016/631 transposed in the national legislation with ERE Board Decision no 129 dated 04. 06. 2018, defines that ERE approves the criteria for granting derogations in conformity with the provisions of Articles 62 and 63 of this regulation.

On Article 9 of this Regulation or the “Network Code on Requirements for Grid Connection of Generators” transposed it is specified that *“The costs borne by system operators subject to network tariff regulation and stemming from the obligations laid down in this Regulation shall be assessed by the relevant regulatory authorities. Costs assessed as reasonable, efficient and proportionate shall be recovered through network tariffs or other appropriate mechanisms”*. On these conditions ERE shall specify the criteria for granting derogations from the requirements for the connection of the generating modules on a specific decision.

Article 60 of the “Network Code On Requirements for the Grid Connection of Generators” as a transposition of the Commission Regulation 2016/631 with Decision no.129 dated 04. 06. 2018, approved by ERE, on the request of the:

1. Owner of the power generation module in operation,
2. Prospective owner of the generation module; and
3. Respective network operators, TSO and DSO companies.

ERE may issue or remove the granted derogations. The specific criteria that shall be implemented to grant derogations shall be published on ERE official website, www.ere.gov.al and shall be notified to Energy Community Secretariat within two months.

Definition of the Derogation

Derogation: shall mean the right of a party for not implementing, complying a request or specific standard or obligation deriving from the implementation of ERE Board Decision no. 129 dated 04.06.2018, for a specific time period.

I– Criteria for granting derogations

When ERE shall decide upon the submitted request for derogations from the generating modules currently connected with the network or that require to be connected with the network, ERE shall take into consideration the following circumstances:

1. Whether the consistent application of some or all provisions of the transposed Commission Regulation (EU) 2016/631 of 14 April 2016 may have any adverse effect on operational security and the power system stability,
2. Whether power-generating facility owners in operation or prospective owners of the power generating modules require to connect in the power system are able to fulfil some or all requirements of the Regulation, if faced with the technical or economical justifiable issues in terms of :
 - a) Type of the primary source of energy of a generating unit,
 - b) Type of synchronous or asynchronous generator.

Criteria that shall be applied for the derogation shall be transparent and not discriminatory for all the existing generators or for those that require to connect to the power system. The request for derogation shall be refused if there are elements of the discriminatory behavior of the respective system operator regarding the identical cases of the modules connection, similar or identical of generation. Energy Regulator Authority may review or amend the criteria for derogation if it judges as necessary because of the circumstances regarding with the requirements for network development. In specific cases ERE may abrogate the decision for a granted derogation.

II – Additional recommendation for applicants

Albanian Energy Regulator Authority (ERE) recommends prospective applicants for derogations to consult the recommendations titled “*Cost Benefit Analyses – Guidance document for national implementation for network codes on grid connection of ENTSO-E*”. This document is published on ENTSO – E website under section “Connection Network Codes”.

https://www.entsoe.eu/network_codes/cnc/cnc-igds/

III – The requests for derogation shall be filed using the forms which are annexed to the document as follows:

ANNEX 1 – Request form for derogation by power-generating facility Owners,

ANNEX 2 – Request form for derogation by relevant system operator.

Request form for derogation by power-generating facility owners

I– General data about the applicant

Name	
Premises	
Address	
Email address	
Telephone	
Fax	
Applicant: Identification number at the National Registration Center	<input type="checkbox"/> Power generating facility owner <input type="checkbox"/> Third party (if the module is type A)
Licensed by ERE with Decision nodate Date of connecting the Connection Agreement	
Data provided pertain to: <i>(mark as appropriate)</i>	<input type="checkbox"/> Generating facility owner <input type="checkbox"/> Third party (if the module is of type A)

II– Contact person of the applicant

Name and surname	
Position	
Email address	
Telephone numbers	
Data provided pertain to: <i>(mark as appropriate)</i>	<input type="checkbox"/> Generating facility owner <input type="checkbox"/> Third party

III–Basic data about the project

Name	
Type of power generating module (A, B, C, D, synchronous, not in synchrony)	
Type of the primary source of energy	
Location /Connection point	
Installed capacity [kW]or (MW)	
Voltage of connection [kV]	
Equipment certificate issued by an authorized certifier <i>(mark if needed)</i>	Yes No
Expected lifetime	
Expected commencement of operations	

Provisions for which derogation is requested and the detailed causes		
Proposed period for the duration of the derogation (week, month, year)		Nga

IV– List of documents

a) Basic documents

Evidence	Submitted	
	<i>(mark below when appropriate)</i>	
Description of power-generating modules for which derogation is requested	Yes	No
Detailed description of the requested derogation	Yes	No
Detailed reasoning with relevant supporting documents and cost-benefit analysis	Yes	No
Demonstration that the requested derogation would have no adverse effect on cross-border trade	Yes	No

b) Other documents

No.	Title of the document
1.	Cost analysis in cooperation with the system operator where the generator is connected
2.	
3.	
4.	
5.	

Place and date of filing the request	Place:	Date:
Name and surname of responsible Person		
Signature of responsible person and seal		

Request form for derogation by the relevant system operator

I– General data about the system operator

Name	
Premises	
Address	
Email address	
Telephone	
Fax	

II– System operator's contact person

Name and surname	
Position	
Email address	
Telephone numbers	

III– Basic data about the facility

Name	
Type of power-generating modules (A, B,C, or D,)	
Type of the primary source of energy	
Location	
Number of power-generating modules	
Total installed capacity [kW]	
Voltage of connection [kV]	<input type="checkbox"/> <input type="checkbox"/>
Equipment manufacturer's certificate issued by an authorized certifier	Yes <input type="checkbox"/> No <input type="checkbox"/>
Expected lifetime	
Expected commencement of operation	
Provisions for which derogation is requested	
Expected lifetime declared from the applicant to remove derogation	From _____ To _____

IV– List of the documents

a) Basic documents

Evidence	Submitted (mark Yes or No)	
Description of power-generating modules for which derogation is requested and total installed capacity and number of power-generating modules	Yes	No
Detailed description of the requested derogation	Yes	No
Detailed reasoning with relevant supporting documents and cost-benefit analysis	Yes	No
Demonstration that the requested derogation would have no adverse effect on electricity cross-border trade	Yes	No

Cost-benefit analysis (if applicable, cost-benefit analysis is performed by the respective network operator where the generating TSO or DSO is connected) YES or NO.

b) Other documents

No.	Title of the Document
1.	
2.	
3.	
4.	
5.	

Place and time of Filling the request	Place: _____ Date: _____
First name and surname of the responsible person	
Signature of responsible person and seal	