

European Commission consultation on Network Code on Demand Response (NC DR) - deadline 12 Sept 2025

https://energy.ec.europa.eu/consultations/targeted-consultation-support-establishment-new-network-code-demand-response_en



BDEW responses 12 Sept 2025

Question			BDEW answers 12/09/2025
no.	text	answer options	Is answer compulsory?
PART 1: General objective			
6	How satisfied are you with ACER's proposal ...?	0 - 10	yes (slider position)
7	Do you consider the allocation of content between each network code and guideline in the ACER proposal to be appropriate?	yes/no	yes
8	Is the scope of the network code on demand response in the ACER proposal regarding local services, including congestion management and voltage control services, for DSOs and TSOs adequate?	yes/no	yes
8.i	If no: Why?		Detailed rules on DNDPs, ownership and operation of energy storage as well as market-based procurement of reactive power should not be treated in the NC DR. They have already been adequately and sufficiently covered in Directive (EU) 2019/944 and in Regulation (EU) 2019/943.

9	To what extent does the ACER proposal adequately address the roles and responsibilities of all key stakeholders? TSOs DSOs Regulatory authorities Balance responsible parties Service providers	very adequately adequately inadequately very inadequately	no	adequately
9.i	If you have answered "Inadequately" or Very inadequately" to the previous question for at least one type of stakeholder, please explain.	free text (500 characters maximum)	no	---
10	Do you consider that the cooperation of DSOs at national level could benefit from a new entity to facilitate such cooperation or from other governance changes?	yes/no	yes	no
10.i	Please explain why yes/no.	free text (500 characters maximum)	no	The implementation of the network code on demand response (NC DR) will require intensive cooperation between DSOs at national level. A structured framework for this cooperation seems advisable. Yet, BDEW asks not to oblige DSOs to install a new entity. In many countries formats for DSO cooperation on national level already exist. These can be used to fulfil the different tasks resulting from the NC DR. The decision how to organise the cooperation work should be left up to the DSOs in each country.
11	Which specific articles or elements of the ACER proposal do you support and would you like to keep the current wording?	tick one or several of the elements listed	yes	observability areas

12	What are your main concerns regarding the ACER proposal? Please list max. 3 concerns by order of priority	free text (750 characters maximum)	no	<p>1. Ambitious timelines for developing TCMs. Certain requ.mts (inapprpr. alloc. of responsib., non-aligned deadlines, fixed-in-time harmonised EU methodologies) are challenging + detrimental to implementing NCDR at nat. level</p> <p>2. Procuremt of services requires smooth interaction between all stakeholders and well-performing inform. systems = high requ.mts on top of existing data exchange. Timeline for harmonised data formats (see TSO/DSO proposal May 2024) is missing</p> <p>3. Ensure multi-market access for flex serv providers across WS, flex and bal markets while avoiding combined markets with bid forwarding. Efficient market coord. can be best achieved by process standardis., product compatibility, technical standards, efficient TSO-DSO coordination</p>
13	Which areas would benefit from additional harmonisation and standardisation at EU level compared to the ACER proposal?			
13a	aggregation models	0-10	yes (slider position)	0
13a.i	What would be the most effectice way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13b	National rules of procedure to develop common proposals	0-10	yes (slider position)	0

13b.i	Indicate which area would benefit most from EU harmonisation.	free text (500 characters maximum)	no	For developing national TCMs according to Art. 5, TSOs and DSOs should define the working structure on their own. However, as TCMs directly and indirectly affect the market (new obligations, implementation timelines, etc), it is vital that market participants are involved in the entire process. Thus, there must be transparent stakeholder processes where all affected parties are adequately heard to reach a balanced solution.
13c	Balancing services	0-10	yes (slider position)	2
13c.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13d	TSO-DSO coordination	0-10	yes (slider position)	0
13d.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13e	DSO-DSO coordination	0-10	yes (slider position)	0
13e.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13f	National framework for dedicated measurement devices (DMDs)	0-10	yes (slider position)	0
13f.i	What should be the appropriate governance for defining and approving the EU framework?	free text (500 characters maximum)	no	---

13f.ii	Are there cross-border or EU-wide use cases where harmonised access to measurement data would be critical?	yes/no	yes	no
13g	Grid prequalification and temporary limits	0-10	yes (slider position)	0
13g.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13h	Table of equivalences	0-10	yes (slider position)	0
13h.i	Would a standardised guiding help streamline national implementation?	yes/no	yes	no
13i	Observability areas	0-10	yes (slider position)	0
13g.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13j	Baselining methods	0-10	yes (slider position)	0
13j.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13k	Qualification, verification and prequalification requirements and processes	0-10	yes (slider position)	0
13k.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---

13k.ii	Do you see a need for further harmonisation of cross-border aspects in these processes?	yes/no	yes	no
13l	Flexibility information systems	0-10	yes (slider position)	0
13l.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13m	Market-based procurement of local services	0-10	yes (slider position)	5
13m.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	<p>Some harmon. through flex product standardis. could help unlock flex potential. E.g. defining 3 standard product categories: flex reservation, flex activation, and a combin. of both. This would be beneficial for market part. active in diff. countries, while leaving room for local specif.</p> <p>Concerning reactive power, new rules from the NC DR should be avoided. In Germany, operators of HV and eHV grids already procure reactive power in a market-based way. The system which is in place mustn't be put at risk by harmon. Europ. provisions in the NC DR.</p>
13n	Data exchange and standards	0-10	yes (slider position)	10
13n.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	BDEW recommends using European standards such as IEC CIM / ESMP (Common Information Model / European Style Market Profile) and HEMRM (Harmonised Electricity Market Role Model) to ensure interoperability throughout the Member States.

13n.ii	Do you support a EU methodology on standardised data exchange formats?	yes/no	yes	yes
13o	Common information platforms on market-based procurement of local services	0-10	yes (slider position)	0
13o.i	What would be the most effective way of achieving this harmonisation?	free text (500 characters maximum)	no	---
13p	Is there any other area (not listed above) where additional harmonisation or transition would be highly needed? Please explain	free text (500 characters maximum)	no	On flexibility product standardisation: A certain level of standardisation should be stipulated by the Network Code on Demand Response to ensure simple access for flex service providers to sell flexibility and for SOs to procure flexibility. Too much standardisation needs to be avoided to leave sufficient room for future innovation.
13q	Overall, how satisfied are you with the harmonisation at EU level in the ACER proposal?	0-10	yes (slider position)	6
PART 2: Title I and Title II A) National T&Cs				
14	Is the ACER proposal, to first set up a national process for the development, amendment and approval of national TCMs, adequate to ensure a timely implementation while allowing for national specificities?	yes/no	yes	yes
PART 2: Title I and Title II B) National vs. EU TCMs (EU TCMs: Art. 5ff.; national TCMs: Art. 5ff., 11ff.)				
15	Do you consider that the timing and sequence for the development of national and EU terms and conditions or methodologies is adequate?	yes/no	yes	no

16	Is there any other element to share on Title I and Title II of the ACER proposal?	free text (750 characters maximum)	no	<p>Qu. 15: When developing EU TCMs on market-based procuremt 3y after entry into force of NC DR, take into account experiences from nat.TCM for local service providers (incl. rules for market-based procuremt). Ensure good+efficient coord. between nat.TCM and EU TCM on market-based procuremt and a timely+swift developmt of TCMs.</p> <p>Art.1.1: Avoid extending the NCDR scope to transmiss.gen. units since this goes beyond mandate in Art.59.1e) of Reg.2019/943.</p> <p>Art.1.2 correctly exempts Art.32-39 from application to non-market based procuremt. Other articles e.g. 54 can't be applied either and should also be exempted.</p> <p>Developmt of nat.TCMs in Art.11,14,24,45 must be consistent with approach of art. 4.2 to include the relevant SOs and not all SOs of a MS.</p>
PART 3: Title III A) Prequalification (Art. 16-23)				
17	Should product verification at service providing unit or service providing group be established as a default requirement for all products?	yes/no	yes	no
18	Do you find the rules for switching the controllable units between service providers adequate, as proposed in Article 23 of the ACER proposal?	yes/no	yes	yes
19	Would you recommend implementing additional duration limits to facilitate switching of controllable units between service providers?	yes/no	yes	no

20	Do you find the rules regarding the threshold on service providing unit or service providing group modification (10% or 5 MW whichever is lower and at least 500 kW) as proposed in Article 18 of the ACER proposal to be appropriate?	yes/no	yes	yes
21	Would you consider further specifying the maximum timeframe of three weeks for the procuring system operator to perform product verification in Article 19(2)(a) as appropriate?	yes/no	yes	no
PART 3: Title III B) Flexibility Information System (Art. 24-28)				
22	ACER proposal in Article 25(4) requires each procuring system operator to operate and maintain one or more service provider modules and one or more controllable unit modules. Do you agree with the proposed governance, or do you consider that another distribution of responsibilities would be more adequate? Please explain.	free text (750 characters maximum)	no	---
23	Is there any other element to share on Title III of the ACER proposal?	free text (750 characters maximum)	no	Flexibility information system: We generally support the idea to standardize criteria for the participation in local flexibility markets. However, the necessity and the role of flexibility information systems that are to be established according to Art. 24, remain unclear to us. What shall definitely be avoided are redundancies and overlaps between new flexibility information systems and local flexibility market platforms which offer already today parts of the intended functionalities of flexibility information system. There is no need to reinvent the wheel. Such redundancies would lead to inefficiencies and delay the development of local flexibility markets.

PART 4: Title IV A) Market-based procurement of local services (Art. 29-39)			
24	Do you support the ACER proposal regarding the governance and delegation of tasks for operating local markets?	yes/no yes	no
25	Do you see a need for further clarification regarding Article 31 and the coordination of flexible connection agreements with local markets?	yes/no yes	no
25.i	Please provide additional comments if needed	free text (750 characters maximum) no	---
26	Do you consider the proposed framework in Article 34 for coordination and interoperability between local and day-ahead, intraday, and balancing markets sufficiently flexible while opening the market?	yes/no yes	no

27	Is there any other element to share on Title IV ?	free text (750 characters maximum)	no	<p>Art.29: GER applies Art.13.3 (EU)2019/943 due to predict.congestion and INC/DEC gaming risk. Rules-based procuremt for distr.gen. is essential to ensure syst.security + prevent distorted markets. Market-based may apply to demand+storage where techn.feasible. Extend assessmt intervals to reduce administr.burden.</p> <p>Art.30: Derog from market-based procuremt of local serv shall apply equally to all SOs. But they must not prevent individual SOs from procuring market-based local serv.</p> <p>Art.33/34: We reject bid forwarding because of serious implemt.concerns, e.g. Forw. at which prices+quantities? Who is responsible? Concept bases on false understanding of WS market bids.</p> <p>Local market operators must fulfil basic requ.mts, see BDEW proposal 31/10/24</p>
PART 5: Title V and Title VI A) Ownership of energy storage by system operators (Art. 40-42)				
28	Is the ACER proposal in Article 40 and Article 41 regarding ownership, development or operation of energy storage by system operators, including rules for shared ownership of energy storage, adequate to ensure market-based and competitive storage services when the national market allows it?	yes/no	yes	no
	If no: Why?	free text (500 characters maximum)		Detailed rules on ownership and operation of energy storage should not be treated in the NC DR. They have already been adequately and sufficiently covered in Directive (EU) 2019/944.

29	Do you consider Article 42 of the ACER proposal and the conditions for assessing the phase out of the system operators' ownership of energy storage facilities to be adequate for enabling third-party market entry and reducing the regulated asset base of system operators?	yes/no	yes	no
	If no: Why?	free text (500 characters maximum)		Detailed rules on ownership and operation of energy storage should not be treated in the NC DR. They have already been adequately and sufficiently covered in Directive (EU) 2019/944.
PART 6: Title V and Title VI B) Distribution system development plans (DNDPs) (Art. 43-44)				
30	Do you envisage DSO observability areas, as described in Article 46, as dynamic concepts that adapt to production/consumption patterns or as fixed areas maintained over extended periods?	dynamic / fixed	yes	fixed
31	Is there any other element to share on Titles V and VI of the ACER proposal?	free text (750 characters maximum)	no	---
PART 7: Title VII - Title X and other network codes A) TSO-DSO and DSO-DSO coordination (Art. 45-52)				
32	Regarding Article 49 of the ACER proposal, should cooperation between system operators on prequalification for service providing units or groups be limited to local services or extend to broader ancillary services?	limited / extended	yes	Extend to broader ancillary services

32.i	Please explain why	free text (500 characters maximum)	no	Next to local services, also other fields like balancing services require that system operators intensely cooperate in order to make best use of the services and guarantee the secure grid operation at any time. Any coordination mechanism shall be as lean as possible to avoid unnecessary burden on involved parties.
33	Regarding Article 45 of the ACER proposal, how often should each system operator update the grid prequalification status? Please precise a duration and a justification for such duration.	free text (750 characters maximum)	no	---
34	Do you consider that defining the concept of system operators' coordination areas, for which different system operators would need to coordinate, would be beneficial?	free text (750 characters maximum)	no	---
35	Is there any other element to share on Titles VII to Title X of the ACER proposal?	free text (750 characters maximum)	no	<p>On Data Exchange (qu. 36):</p> <p>The NC DR, D4E and Implementing Reg. for Demand Response do not propose a sufficient European standardisation of data exchange between SOs & service providers.</p> <p>One missing part is EU DSO Entity & ENTSO-E to be mandated to publish a list of European standards based on existing ETSI-CEN-CENELEC set of standards for the data exchange used in the following interactions provisioned by NC DR:</p> <ul style="list-style-type: none"> -operators of the flexibility register interacting with service providers, SOs and other relevant parties. -SOs interacting with local service providers for all relevant exchanges <p>Data exchange standards and communication protocols already nationally implemented may continue to be applied complementarily.</p>

PART 7: Title VII - Title X and other network codes B) Data exchange (relevant for both NC DR and Electricity Balancing GL) (Art. 53-54 and El. Balancing GL)				
36	Do you consider the topic of standardised data exchange and interoperability sufficiently covered in the ACER proposal, considering the activities of Expert Groups such as Data for Energy (D4E) and the implementing act on demand response?	yes/no	yes	no
PART 7: Title VII - Title X and other network codes C) Aggregation models (El. Balancing GL)				
37	How do you view Article 55A of the Electricity Balancing Guideline of the ACER proposal to differentiate financial compensation and financial transfer?	free text (750 characters maximum)	no	---
PART 7: Title VII - Title X and other network codes D) Others (Art. 55 - 58, NC Demand Connection, Syst. Operation GL, El. Balancing GL)				
38	Is there any element to share on the ACER proposal for the revision of the Electricity balancing guideline ?	free text (750 characters maximum)	no	---
39	Is there any element to share on the ACER proposal for the revision of the Demand Connection code ?	free text (750 characters maximum)	no	---

40	Is there any element to share on the ACER proposal for the revision of the System Operation Guideline ?	free text (750 characters maximum)	no	<p>uncertainties because no clear definition of "non-market-based procurement"; --> remove SO GL Art. 191a</p> <p>Art. 2: SGUs should also comprise large demand facilities independent of delivering services; accordingly, Art. 52 and 53 on data exchange needs to be adapted for those facilities. This is very important for reliable grid forecasts.</p>
41	Do you have any other element to share on the ACER proposal?	free text (750 characters maximum)	no	<p>Article 32.3(b): SOs shall not develop unilaterally without formal involvement of NEMOs provisions on the coordination between local market operators and operators of SDAC and SIDC. This could lead to 27 different provisions for each MS that NEMOs would have to consider and creates unnecessary complexity. Art. 32.3(b) shall be deleted and the target of market-coordination achieved by well-proven solutions, i.e. product compatibility, sound BRP rules, like it is already the case in the existing wholesale markets.</p> <p>Art. 39.1: It can be suitable in some cases to use existing day-ahead and intraday products. Though, the product development process shall remain sufficiently open also to new innovative products according to SOs' needs.</p>