



- Ruling Chamber 6 -

**Reference:** BK6-16-139

23 June 2016

**Implementation of the EU Regulation establishing a network code on requirements for grid connection of generators (RfG Regulation)**

**Procedure for classification as an emerging technology**

On 17 May 2016 a regulation establishing a network code on requirements for grid connection of generators (Commission Regulation (EU) 2016/631) was adopted. The RfG Regulation is the second of ten electricity network codes that have been developed in accordance with the European third energy package. As a European Union regulation, the RfG Regulation is a legal act directly binding on all stakeholders and is immediately applicable in Germany without the need for transposition into national law or a national regulative document.

The RfG Regulation provides for harmonised rules throughout the whole of Europe for the grid connection of power-generating modules. In the interests of legal certainty, this regulation's set of requirements generally apply only to new power-generating facilities. For recognised "emerging technologies" the regulation contains provisions that for the most part exempt "emerging technologies" from the regulation's set of requirements.

This document sets out the approach that is planned in Germany for the classification of an "emerging technology" pursuant to the RfG Regulation.

**Establishing the threshold for classification as an emerging technology as per Article 67 of the RfG Regulation.**

Before any classification as an emerging technology can be made, a threshold must be established as per Article 67 Commission Regulation (EU) 2016/631. Should the accumulated sales exceed this threshold, this in itself will give rise to ineligibility for recognition as an emerging technology (see Article 66(2)(c) of Commission Regulation (EU) 2016/631).

The reference figures used for the calculation of the threshold will be the annual maximum level in the synchronous area and the annual electrical energy generated in the synchronous area and in Germany. Germany belongs to the "Continental Europe" synchronous area<sup>1</sup>.

The maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies in Germany as per Article 67(2) of Commission Regulation (EU) 2016/631 is 85,876 MW.

The maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies in synchronous areas as per Article 67(1) of Commission Regulation (EU) 2016/631 is 393,525 MW.

Please refer to Annex 1 for the calculation details.

### **Procedure for the classification as an emerging technology as per Articles 66 and 68 f. RfG Regulation.**

Within six months of the entry into force of the RfG Regulation, manufacturers of power-generating modules may submit a request to the Bundesnetzagentur for classification of their power-generating module technology as an emerging technology. This shall always be eligible for classification if

- it is of type A,
- it is a commercially available power-generating module technology and
- the cumulated sales of the power-generating module technology within a synchronous area at the time of application for classification as an emerging technology do not exceed 25% of the maximum level of cumulative maximum capacity established pursuant to Article 67(1) (see above).

As proposals are still outstanding for the maximum capacity thresholds for power-generating modules of types B, C and D as per Article 5(3) of Commission Regulation (EU) 2016/361, it will initially be assumed that any power-generating module with effective output of 0.8 kW to 1 MW and a connection point below 110 kV could fall under the type A category and thus could be eligible for classification.

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<sup>1</sup> [https://www.entsoe.eu/Documents/Publications/ENTSO-E%20general%20publications/entsoe\\_at\\_a\\_glance\\_2015\\_web.pdf](https://www.entsoe.eu/Documents/Publications/ENTSO-E%20general%20publications/entsoe_at_a_glance_2015_web.pdf), page 15

From the regulatory authority's perspective, commercial availability can be assumed if the power-generating module

- is commercially available in Germany (eg sales brochures, offer lists, internet pages) and
- meets all necessary safety, health, environmental and technological standards to have permission to sell the power-generating module in Germany (eg Article 5(1) Machinery Directive (2006/42/EC)).

The cumulated total effective output of a technology within a synchronous area of power-generating modules already sold may not exceed 25% of 393,252 MW (see above), thus 98,381 MW.

The appropriate documentation for meeting the criteria must be provided.

Requests must be submitted in German, both in writing and electronically for processing with standard software (Word, Excel) in a format that can be printed and copied, and should be addressed to Ruling Chamber 6, Tulpenfeld 4, 53113 Bonn. Insofar as the documents submitted contain trade and operating secrets, reference is made to section 71 of the German Energy Act (EnWG).

The ruling chamber plans to implement the procedure for classification as an emerging technology in line with the following time schedule

- **23 June 2016** – This open letter invites the manufacturers affected to submit a request for classification as emerging technology and also explains the proposed procedure as well as the understanding of the criteria.
- The period for submitting requests is from **17 May 2016 to 16 November 2016**. If the total of the requests submitted during this period exceeds the maximum level of the cumulated maximum capacity of power-generating modules in Germany that are to be classified as emerging technologies as per Article 67(2) of Commission Regulation (EU) 2016/631, the requests will be processed on a first-come, first-served basis according to the date of receipt until the maximum level attributed to Germany has been reached. Requests that are received after the submission period stated above will not be eligible for classification as an emerging technology.
- A final decision will be taken before or by the deadline (**16 May 2017**).

We will be pleased to answer any questions about the procedure from any manufacturers affected. Please send any questions to [poststelle.bk6@bnetza.de](mailto:poststelle.bk6@bnetza.de).

**Annex 1: Calculating the threshold for classification as an emerging technology as per Article 67 of the RfG Regulation.**

<b>Member State</b>	<b>Maximum level [MW]<sup>2</sup> on 29.01.2014, 19:00</b>	<b>Annual electrical energy generated 2014 [TWh]<sup>3</sup></b>
AT	11 021	65.5
BA	1 908	14.5
BE	12 729	67.7
BG	6 796	41.7
CH	7 445	69.7
CZ	9 868	80.0
DE	80 660	548.5
DK	5 837	30.6
ES	37 540	266.5
FR	82 463	541.2
GR	7 585	40.8
HR	2 746	12.0
HU	5 735	26.1
IT	49 930	266.9
LU	779	2.8
ME	547	4.1
MK	1 335	4.9
NL	17 270	96.2
PL	23 297	145.6
PT	7 231	49.0
RO	8 006	60.7
RS	6 663	36.8
SI	2 129	16.3
SK	4 005	25.4
<i>Total</i>	393 525	2 513.5

The maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies in the Continental Europe synchronous area (Article 67(1) of Commission Regulation (EU) 2016/631):

$$H\ddot{o}chstanteil_{67 I} = 393\,525 \text{ MW} \times 0,1 \% = 39,3525 \text{ MW}$$

The maximum level of cumulative maximum capacity of power-generating modules classified as emerging technologies in the Germany (Article 67(2) of Commission Regulation (EU) 2016/631):

$$H\ddot{o}chstanteil_{67 II} = 393,525 \text{ MW} \times \frac{548,5 \text{ TWh}}{2\,513,5 \text{ TWh}} = 85,876 \text{ MW}$$

<sup>2</sup> [https://www.entsoe.eu/Documents/Publications/Statistics/Factsheet/entsoe\\_sfs2014\\_web.pdf](https://www.entsoe.eu/Documents/Publications/Statistics/Factsheet/entsoe_sfs2014_web.pdf), page 13

<sup>3</sup> [https://www.entsoe.eu/Documents/Publications/Statistics/Factsheet/entsoe\\_sfs2014\\_web.pdf](https://www.entsoe.eu/Documents/Publications/Statistics/Factsheet/entsoe_sfs2014_web.pdf), page 3