

Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators (Text with EEA relevance)

TITLE V

DEROGATIONS

Article 62

Request for a derogation by a power-generating facility owner

- 1 Power-generating facility owners, or prospective owners, may request a derogation to one or several requirements of this Regulation for power-generating modules within their facilities.
- 2 A request for a derogation shall be filed with the relevant system operator and include:
 - a an identification of the power-generating facility owner, or prospective owner, and a contact person for any communications;
 - b a description of the power-generating module or modules for which a derogation is requested;
 - c a reference to the provisions of this Regulation from which a derogation is requested and a detailed description of the requested derogation;
 - d detailed reasoning, with relevant supporting documents and cost-benefit analysis pursuant to the requirements of Article 39;
 - e demonstration that the requested derogation would have no adverse effect on cross-border trade.
- 3 Within two weeks of receipt of a request for a derogation, the relevant system operator shall confirm to the power-generating facility owner, or prospective owner, whether the request is complete. If the relevant system operator considers that the request is incomplete, the power-generating facility owner, or prospective owner, shall submit the additional required information within one month from the receipt of the request for additional information. If the power-generating facility owner, or prospective owner, does not supply the requested information within that time limit, the request for a derogation shall be deemed withdrawn.
- 4 The relevant system operator shall, in coordination with the relevant TSO and any affected adjacent DSO or DSOs, assess the request for a derogation and the provided cost-benefit analysis, taking into account the criteria determined by the regulatory authority pursuant to Article 61.
- 5 If a request for a derogation concerns a type C or D power-generating module connected to a distribution system, including a closed distribution system, the relevant system operator's assessment must be accompanied by an assessment of the request for a derogation by the relevant TSO. The relevant TSO shall provide its assessment within two months of being requested to do so by the relevant system operator.
- 6 Within six months of receipt of a request for a derogation, the relevant system operator shall forward the request to the regulatory authority and submit the assessment(s) prepared in accordance with paragraphs 4 and 5. That period may be extended by one month where the relevant system operator seeks further information from the power-generating facility owner, or

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prospective owner and by two months where the relevant system operator requests the relevant TSO to submit an assessment of the request for a derogation.

7 The regulatory authority shall adopt a decision concerning any request for a derogation within six months from the day after it receives the request. That time limit may be extended by three months before its expiry where the regulatory authority requires further information from the power-generating facility owner, or prospective owner, or from any other interested parties. The additional period shall begin when the complete information has been received.

8 The power-generating facility owner, or prospective owner, shall submit any additional information requested by the regulatory authority within two months of such request. If the power-generating facility owner, or prospective owner, does not supply the requested information within that time limit, the request for a derogation shall be deemed withdrawn unless, before its expiry:

- a the regulatory authority decides to provide an extension; or
- b the power-generating facility owner, or prospective owner, informs the regulatory authority by means of a reasoned submission that the request for a derogation is complete.

9 The regulatory authority shall issue a reasoned decision concerning a request for a derogation. Where the regulatory authority grants a derogation, it shall specify its duration.

10 The regulatory authority shall notify its decision to the relevant power-generating facility owner, or prospective owner, the relevant system operator and the relevant TSO.

11 A regulatory authority may revoke a decision granting a derogation if the circumstances and underlying reasons no longer apply or upon a reasoned recommendation of the Commission or reasoned recommendation by the Agency pursuant to Article 65(2).

12 For Type A power-generating modules, a request for a derogation under this Article may be made by a third party on behalf of the power-generating facility owner, or prospective owner. Such a request may be for a single power-generating module or multiple, identical power-generating modules. In the case of the latter, and provided the cumulative maximum capacity is specified, the third party may substitute the details required by point (a) of paragraph 2 with their details.

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2019/533 reg. 5\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 revoked on the day before IP completion day by S.I. 2019/1104, regs. 1(2), 2)
- Art. 62(11) words omitted by [S.I. 2020/1006 Sch. 1 para. 31\(b\)](#)
- Art. 62(11) words substituted by [S.I. 2020/1006 Sch. 1 para. 31\(a\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Title 4 Ch. 8 omitted by [S.I. 2020/1006 Sch. 1 para. 28](#)
- Signature words omitted by [S.I. 2020/1006 Sch. 1 para. 41](#)
- Art. 2(1) word omitted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(a\)\(i\)](#)
- Art. 2(1) words substituted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(a\)\(ii\)](#)
- Art. 2(2) words omitted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(b\)](#)
- Art. 2(46) words substituted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(c\)](#)
- Art. 2(47) words inserted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(d\)\(ii\)](#)
- Art. 2(47) words omitted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(d\)\(i\)](#)
- Art. 2(66)-(69) inserted by [S.I. 2020/1006 Sch. 1 para. 2\(3\)\(e\)](#)
- Art. 3(2)(a) words substituted by [S.I. 2020/1006 Sch. 1 para. 3\(3\)](#)
- Art. 4(1)(a)(iii) word omitted by [S.I. 2020/1006 Sch. 1 para. 4\(2\)\(b\)\(i\)](#)
- Art. 4(1)(a)(iii) words omitted by [S.I. 2020/1006 Sch. 1 para. 4\(2\)\(b\)\(ii\)](#)
- Art. 4(1)(a)(ii) word omitted by [S.I. 2020/1006 Sch. 1 para. 4\(2\)\(a\)\(i\)](#)
- Art. 4(1)(a)(ii) words omitted by [S.I. 2020/1006 Sch. 1 para. 4\(2\)\(a\)\(ii\)](#)
- Art. 4(1)(b) words substituted by [S.I. 2020/1006 Sch. 1 para. 4\(2\)\(c\)](#)
- Art. 4(2)(b) words substituted by [S.I. 2020/1006 Sch. 1 para. 4\(3\)\(a\)\(i\)](#)
- Art. 4(2)(b) words substituted by [S.I. 2020/1006 Sch. 1 para. 4\(3\)\(a\)\(ii\)](#)
- Art. 4(2)(b) words substituted by [S.I. 2020/1006 Sch. 1 para. 4\(3\)\(a\)\(iii\)](#)
- Art. 4(4)(b) word omitted by [S.I. 2020/1006 Sch. 1 para. 4\(5\)\(a\)](#)
- Art. 4(4)(b) words omitted by [S.I. 2020/1006 Sch. 1 para. 4\(5\)\(b\)](#)
- Art. 5(2)(a) word substituted by [S.I. 2020/1006 Sch. 1 para. 5\(2\)\(a\)](#)
- Art. 6(4)(c) words substituted by [S.I. 2020/1006 Sch. 1 para. 6](#)
- Art. 7(3)(d) words omitted by [S.I. 2020/1006 Sch. 1 para. 7\(4\)\(b\)](#)
- Art. 7(3)(f) word substituted by [S.I. 2020/1006 Sch. 1 para. 7\(4\)\(c\)](#)
- Art. 13(2)(b) word omitted by [S.I. 2020/1006 Sch. 1 para. 13\(3\)\(a\)](#)
- Art. 13(2)(c) word substituted by [S.I. 2020/1006 Sch. 1 para. 13\(3\)\(b\)\(i\)](#)
- Art. 13(2)(c) word substituted by [S.I. 2020/1006 Sch. 1 para. 13\(3\)\(b\)\(ii\)](#)
- Art. 13(4)(b) word substituted by [S.I. 2020/1006 Sch. 1 para. 13\(4\)](#)
- Art. 15(2)(c)(i) word substituted by [S.I. 2020/1006 Sch. 1 para. 15\(2\)\(a\)\(i\)](#)
- Art. 15(2)(c)(i) word substituted by [S.I. 2020/1006 Sch. 1 para. 15\(2\)\(a\)\(ii\)](#)
- Art. 15(2)(d)(vii) word omitted by [S.I. 2020/1006 Sch. 1 para. 15\(2\)\(c\)\(i\)](#)
- Art. 15(2)(d)(vii) word omitted by [S.I. 2020/1006 Sch. 1 para. 15\(2\)\(c\)\(ii\)](#)
- Art. 15(5)(a)(i) words substituted by [S.I. 2020/1006 Sch. 1 para. 15\(3\)](#)
- Art. 15(6)(c)(i) words substituted by [S.I. 2020/1006 Sch. 1 para. 15\(4\)](#)
- Art. 16(2)(a)(v) omitted by [S.I. 2020/1006 Sch. 1 para. 16\(2\)\(b\)](#)
- Art. 16(2)(a)(iii) omitted by [S.I. 2020/1006 Sch. 1 para. 16\(2\)\(a\)](#)
- Art. 21(3)(d)(iii) word substituted by [S.I. 2020/1006 Sch. 1 para. 18\(e\)](#)
- Art. 21(3)(d)(ii) word substituted by [S.I. 2020/1006 Sch. 1 para. 18\(d\)\(aa\)](#)
- Art. 21(3)(d)(ii) word substituted by [S.I. 2020/1006 Sch. 1 para. 18\(d\)\(bb\)](#)
- Art. 21(3)(d)(ii) word substituted by [S.I. 2020/1006 Sch. 1 para. 18\(d\)\(cc\)](#)

- Art. 21(3)(d)(ii) word substituted by [S.I. 2020/1006 Sch. 1 para. 18\(d\)\(dd\)](#)
- Art. 21(3)(d)(vi) word substituted by [S.I. 2020/1006 Sch. 1 para. 18\(f\)](#)
- Art. 38(3)(b) words omitted by [S.I. 2020/1006 Sch. 1 para. 22\(2\)](#)
- Art. 39(2)(c) words substituted by [S.I. 2020/1006 Sch. 1 para. 23](#)
- Art. 43(2)(a) words substituted by [S.I. 2020/1006 Sch. 1 para. 25](#)
- Art. 48(7)(c)(ii) word substituted by [S.I. 2020/1006 Sch. 1 para. 26](#)
- Art. 53(2)(c)(ii) word substituted by [S.I. 2020/1006 Sch. 1 para. 27](#)
- Art. 66(2)(c) words substituted by [S.I. 2020/1006 Sch. 1 para. 35](#)