

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 IV

COMPLIANCE

CHAPTER 1

Compliance monitoring

Article 40

Responsibility of the power-generating facility owner

1 The power-generating facility owner shall ensure that each power-generating module complies with the requirements applicable under this Regulation throughout the lifetime of the facility. For type A power-generating modules, the power-generating facility owner may rely upon equipment certificates, issued as per Regulation (EC) No 765/2008.

2 The power-generating facility owner shall notify to the relevant system operator any planned modification of the technical capabilities of a power-generating module which may affect its compliance with the requirements applicable under this Regulation, before initiating that modification.

3 The power-generating facility owner shall notify the relevant system operator of any operational incidents or failures of a power-generating module that affect its compliance with the requirements of this Regulation, without undue delay, after the occurrence of those incidents.

4 The power-generating facility owner shall notify the relevant system operator of the planned test schedules and procedures to be followed for verifying the compliance of a power-generating module with the requirements of this Regulation, in due time and prior to their launch. The relevant system operator shall approve in advance the planned test schedules and procedures. Such approval by the relevant system operator shall be provided in a timely manner and shall not be unreasonably withheld.

5 The relevant system operator may participate in such tests and record the performance of the power-generating modules.

Article 41

Tasks of the relevant system operator

1 The relevant system operator shall assess the compliance of a power-generating module with the requirements applicable under this Regulation, throughout the lifetime of the power-generating facility. The power-generating facility owner shall be informed of the outcome of this assessment.

For type A power-generating modules, the relevant system operator may rely upon equipment certificates issued by an authorised certifier for this assessment.

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2 The relevant system operator shall have the right to request that the power-generating facility owner carry out compliance tests and simulations according to a repeat plan or general scheme or after any failure, modification or replacement of any equipment that may have an impact on the power-generating module's compliance with the requirements of this Regulation.

The power-generating facility owner shall be informed of the outcome of those compliance tests and simulations.

3 The relevant system operator shall make publicly available a list of information and documents to be provided as well as the requirements to be fulfilled by the power-generating facility owner within the framework of the compliance process. The list shall cover at least the following information, documents and requirements:

- a all the documentation and certificates to be provided by the power-generating facility owner;
- b details of the technical data on the power-generating module of relevance to the grid connection;
- c requirements for models for steady-state and dynamic system studies;
- d timeline for the provision of system data required to perform the studies;
- e studies by the power-generating facility owner to demonstrate the expected steady-state and dynamic performance in accordance with the requirements set out in Chapters 5 and 6 of Title IV;
- f conditions and procedures, including the scope, for registering equipment certificates; and
- g conditions and procedures for the use of relevant equipment certificates issued by an authorised certifier by the power-generating facility owner.

4 The relevant system operator shall make public the allocation of responsibilities between the power-generating facility owner and the system operator for compliance testing, simulation and monitoring.

5 The relevant system operator may totally or partially delegate the performance of its compliance monitoring to third parties. In such cases, the relevant system operator shall continue ensuring compliance with Article 12, including entering into confidentiality commitments with the assignee.

6 If compliance tests or simulations cannot be carried out as agreed between the relevant system operator and the power-generating facility owner due to reasons attributable to the relevant system operator, then the relevant system operator shall not unreasonably withhold the operational notification referred to in Title III.

Article 42

Common provisions for compliance testing

1 Testing of the performance of individual power-generating modules within a power-generating facility shall aim at demonstrating that the requirements of this Regulation have been complied with.

2 Notwithstanding the minimum requirements for compliance testing set out in this Regulation, the relevant system operator is entitled to:

- a allow the power-generating facility owner to carry out an alternative set of tests, provided that those tests are efficient and suffice to demonstrate that a power-generating module complies with the requirements of this Regulation;

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- b require the power-generating facility owner to carry out additional or alternative sets of tests in those cases where the information supplied to the relevant system operator in relation to compliance testing under the provisions of Chapter 2, 3 or 4 of Title IV, is not sufficient to demonstrate compliance with the requirements of this Regulation; and
- c require the power-generating facility owner to carry out appropriate tests in order to demonstrate a power-generating module's performance when operating on alternative fuels or fuel mixes. The relevant system operator and the power-generating facility owner shall agree on which types of fuel are to be tested.

3 The power-generating facility owner is responsible for carrying out the tests in accordance with the conditions laid down in Chapters 2, 3 and 4 of Title IV. The relevant system operator shall cooperate and not unduly delay the performance of the tests.

4 The relevant system operator may participate in the compliance testing either on site or remotely from the system operator's control centre. For that purpose, the power-generating facility owner shall provide the monitoring equipment necessary to record all relevant test signals and measurements as well as ensure that the necessary representatives of the power-generating facility owner are available on site for the entire testing period. Signals specified by the relevant system operator shall be provided if, for selected tests, the system operator wishes to use its own equipment to record performance. The relevant system operator has sole discretion to decide about its participation.

Article 43

Common provisions on compliance simulation

1 Simulation of the performance of individual power-generating modules within a power-generating facility shall aim at demonstrating that the requirements of this Regulation have been fulfilled.

2 Notwithstanding the minimum requirements set out in this Regulation for compliance simulation, the relevant system operator may:

- a allow the power-generating facility owner to carry out an alternative set of simulations, provided that those simulations are efficient and suffice to demonstrate that a power-generating module complies with the requirements of this Regulation or with national legislation; and
- b require the power-generating facility owner to carry out additional or alternative sets of simulations in those cases where the information supplied to the relevant system operator in relation to compliance simulation under the provisions of Chapter 5, 6 or 7 of Title IV, is not sufficient to demonstrate compliance with the requirements of this Regulation.

3 To demonstrate compliance with the requirements of this Regulation, the power-generating facility owner shall provide a report with the simulation results for each individual power-generating module within the power-generating facility. The power-generating facility owner shall produce and provide a validated simulation model for a given power-generating module. The scope of the simulation models is set out in point (c) of Article 15(6).

4 The relevant system operator shall have the right to check that a power-generating module complies with the requirements of this Regulation by carrying out its own compliance simulations based on the provided simulation reports, simulation models and compliance test measurements.

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5 The relevant system operator shall provide the power-generating facility owner with technical data and a simulation model of the network, to the extent necessary to carry out the requested simulations in accordance with Chapter 5, 6 or 7 of Title IV.

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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)

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](#)