

# Legal session

Papendal, 15 October 2015

TenneT, 16 October 2015

October-14-2015

Jaarsma, Saskia



# Stay tuned. Safety first!

For your safety as well as our own we would like to draw your attention to the following safety measures.

In case of an emergency, the following instructions also apply:

- Follow the escape route as indicated.
- Use the stairs instead of the lift.
- Go the assembly point.
- Follow the instructions of the in-company emergency worker who is present at that moment.



# Time schedule



## Thursday 15 October

- 09h00 Overview highlighting changes in position compared to first drafts  
Realisation Agreement (start)
- 12h00 Lunch
- 13h00-17h00 Realisation Agreement and Connection & Transmission Agreement  
(start)

## Friday 16 October

TenneT head office, Building M01, Utrechtseweg 310, Arnhem  
**Please note it is compulsory to bring your ID.**

- 08h30 Open for registration
- 09h00 Connection & Transmission Agreement (continued); Insurance and  
Annexes (start)
- 12h00 Lunch - *visit to the National Control Center*
- 13h00-17h00 Annexes and General Terms & Conditions

# Roles



- Participants from several backgrounds with several roles
  - TenneT TSO
  - Project developer
  - Legal counsel, representing *company*
- This time, the Ministry of Economic Affairs and ACM are unable to attend
- Please sign the participants list circulating in the room

# Rules



1. Session is held using the Chatham House Rule – we wish to guarantee that participants in a meeting can speak freely and exchange information
2. Session uses the English language
3. Final and binding documents will be in Dutch
4. It is a consultation session, looking for respectful dialogue
5. Session is based on the must-discuss topics as indicated by participants
6. TenneT's role is to clarify topics
7. Participant's role is to provide insight into hurdles or showstoppers of common interest to future connected parties
8. Participants are still welcome to provide written feedback
9. TenneT will assess feedback and publicly report the assessment of anonymised feedback
10. Do not expect conclusions and amendments by TenneT during the session as it is not a negotiation

# Since last meeting



- Feedback on first draft received until 18 September
- Technical Expert Meeting 23 September
- Publication of one anonymised Q&A overview on TenneT's website:

<http://www.tennet.eu/nl/grid-projects/projects-in-the-netherlands/grid-at-sea/consultation-process/legal-topics.html>

- Update meeting with ACM and Ministry of Economic Affairs
- Publication of second draft model agreements, general terms and conditions and first draft of Annexes
- 14 October Workshop wind farm zone Borssele

# Way forward



- After this session, opportunity exists until **27 October** to provide your feedback to TenneT via [netopzee@tennet.eu](mailto:netopzee@tennet.eu)
- Feedback report by TenneT summarizing main topics and conclusions from this session
- 21 October: technical expert meeting
- As the Dutch version of the offshore model agreements will become binding, a translation will be published for your review
- Prior to opening of the first offshore wind SDE+ subsidy tender TenneT will conclude and publish the model agreements for connection to Borssele Alpha
- The winner of each tender is to enter into individual realization and connection & transmission agreements including GTC's with TenneT, in accordance with the model agreements.

# Topic: Planning



- Dates to agree upon limited to the date set in the Scenario
- For information exchange, planning, access and operational matters, parties will jointly prepare a planning for information purposes, including the following milestones:
  - the period in which the Connected Party may install equipment on the Platform when it is under construction onshore;
  - the date as from which the Connected Party's inter-array cables may be hung to the Platform when it is under construction offshore;
  - the physical connection of each respective inter-array cable from the Installation to the Connection;
  - the energisation of the first inter-array cable;
  - the testing of the respective connected inter-array cables; and
  - the commissioning of each connected inter-array cable,or such other milestones as the Parties agree are necessary.
- Dates will be determined with each Connected Party, not in the model agreements



# Topic: Compensation



- Any consequences of delay or unavailability of the Connection or the Offshore Transmission System will be solely governed by section [5.27] of the Act
- No provision of the Agreement will affect or extend the Connected Party's rights for compensation under the Act or give rise to contractual liability in relation to delay or unavailability of the Connection or the Offshore Transmission System

# Topic: Tariffs



TenneT will charge only ex ante by ACM established tariffs and costs (fees) that are based on an ex ante ACM approved methodology or may be reviewed by ACM ex post

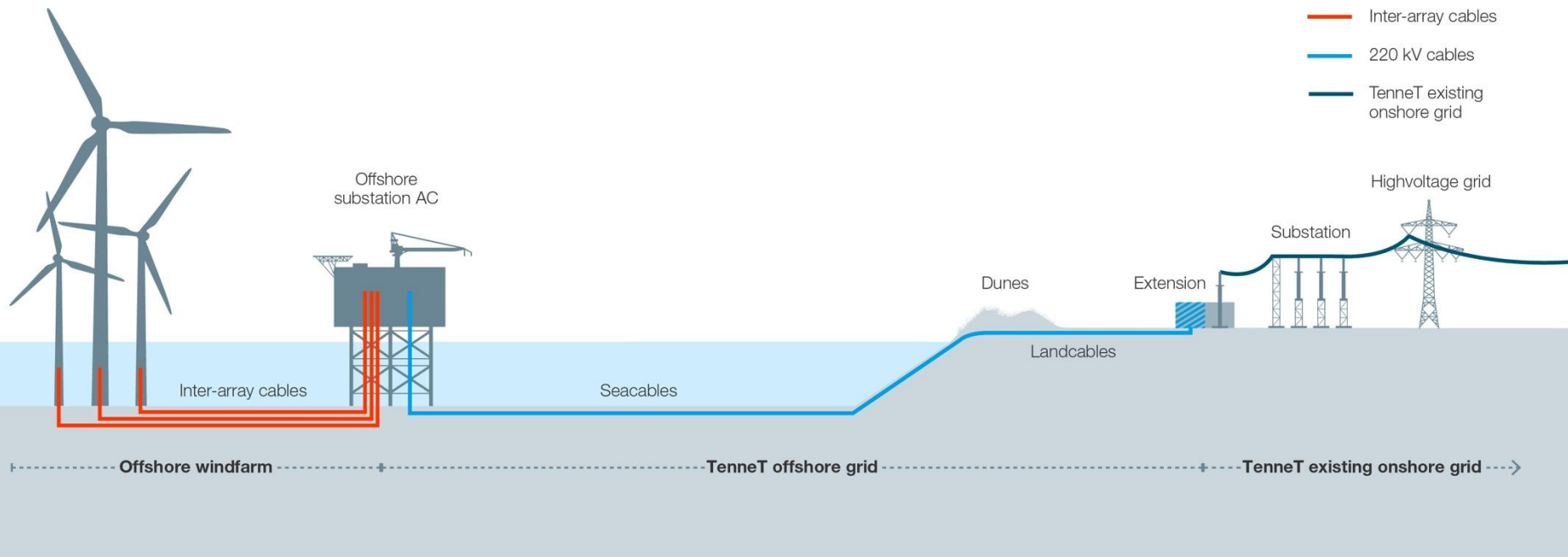
Currently foreseen (this might be subject to change in the future):

- Offshore Power Park Module:
  - No initial and periodical connection tariff, no transmission tariff for feeding-in of electricity
  - Costs for compliancy testing by TenneT
  - Fees for auxiliary services performed by TenneT upon request of the Connected Party
  - Transmission tariff for usage will be established (to be decided/confirmed by ministry)

# Phasing of agreements



- Realisation agreement governs the period until the Connection is ready for transmission of electricity, regardless whether the Installation (of the Connected Party) is ready for generation.
- Connection & Transmission Agreement governs the period during which the Installation is connected to the Offshore Transmission System via the Connection



# Topic: Interface management



## Clarification:

- Technical expert meeting of 21 October
- Distinguishing roles and activities, during operation and maintenance, requiring standards, processes and protocols
- E.g. logistics/transport to platform; access to specific rooms; installation responsible person; mutual planning of maintenance activities
- Procedures, roles and responsibilities will be detailed in cooperation with the Connected party.
- Position paper T.13 Installation interface management and T.14 O&M interface management can be found at:  
<http://www.tennet.eu/nl/grid-projects/projects-in-the-netherlands/grid-at-sea/consultation-process/technical-topics.html>



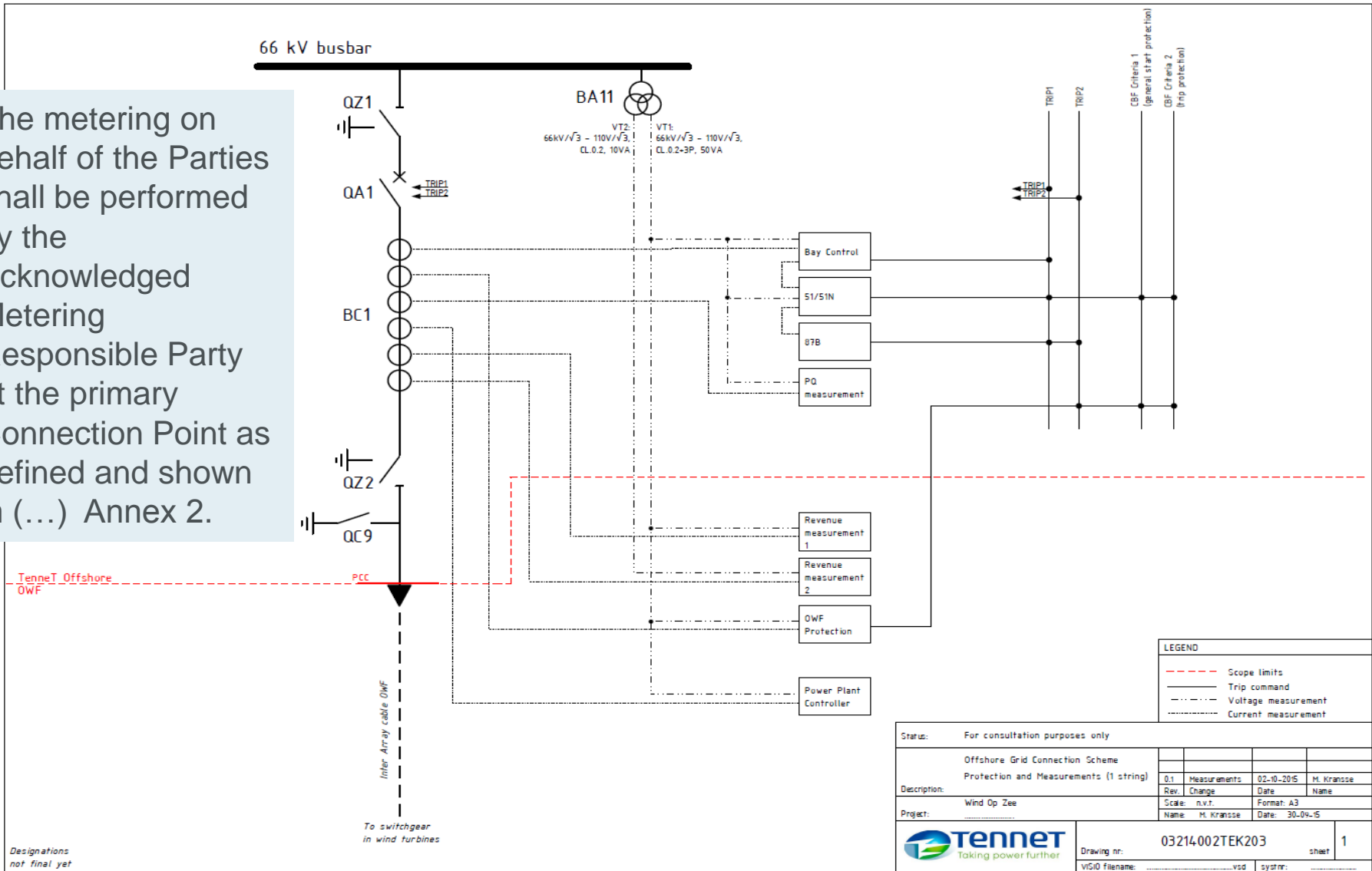
# Topic: Metering

- Intention is to adhere to current Dutch system of metering responsibility, though practice this system in a safe and efficient way
  
- CTA 7:
  - The Parties will jointly select, using a public procurement process in accordance with the Dutch Public Procurement Act (2012) facilitated by TenneT, and each appoint the Acknowledged Metering Responsible Party.
  - Each Party shall provide all necessary support and cooperation to the appointed Acknowledged Metering Responsible Party at any time.
  
- CTA 8.3: Each Party shall bear its own costs related to metering.

# Topic: Metering



The metering on behalf of the Parties shall be performed by the Acknowledged Metering Responsible Party at the primary Connection Point as defined and shown in (...) Annex 2.





# Topic: Amendments

- Both Parties may propose changes to:
  - Annex 1 (Contact details of Connected Party),
  - Annex 2 (Description and technical specifications of the Connection, including drawings),
  - Annex 6 (Operational arrangements and exchange of information)
- Further to changes in legislation, Codes or if statutory duties of a TSO so require, TenneT may unilaterally amend:
  - Annex 3 (Technical conditions for offshore installations)
  - Annex 4 (Technical requirements applicable for the Connection of Offshore Power Park Modules)
  - Annex 5 (Compliance testing requirements)
  - Annex 7 (List of tariffs)



# Topic: Status of Annexes

- Annex 1: Details of the Connected Party
  - Annex 2: Description and technical specifications of the Connection, including drawings
  - Annex 3: Technical terms and conditions for offshore connection platforms
  - Annex 4: Technical requirements applicable to the Installation
  - Annex 5: Compliance Testing Requirements
  - Annex 6: Operational arrangements and exchange of information
  - Annex 7: Insurance
  - Annex 8: Tariff sheet
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- Content of Annexes 1, 2, 3, 4, 5, and 6 will be part of technical expert meeting 21 October
  - Content of Annex 3 is still under consultation, see position paper T.15
  - Content of Annex 5 is still under consultation, see position paper T.17
  - Content of Annex 6 is still under consultation, see position papers T.13 and T.14
  - Annex 7: Insurance, will be discussed Friday 16 October with TenneT's insurance expert.
  - Annex 8: pending outcome of discussion on Tariffs (see sheet on Topic: Tariffs)





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**Taking power further**

