

Legal session

Papendal, 9 & 10 September 2015

September-9-2015

ONL-TTB-15-03062



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



Wednesday 9 September

10h00

Welcome

12h00

Lunch break

17h00

Day closing

Thursday 10 September

09h00

Welcome

12h00

Lunch break

16h00

Day closing

Roles



- Participants from several backgrounds with several roles
 - TenneT TSO
 - Project developer
 - Legal counsel, representing *company*
 - Witness

- 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



Approach per topic

1. TenneT: introduction to *topic*
2. Participants: Main issues are ...
3. Then:
 - a) If shared by more participants, explore further
 - b) If issue seems to be of individual concern, discuss bilaterally
4. Conclude on main issues, potential alternatives for further assessment

Since last meeting



- 2 July: Expert meeting
- 28 July: Publication of draft model agreements & GTC's
- 1 September: publication of RVO's revised Project and site description Borssele Wind Farm Zone, site I and II
 - Includes overview of legal framework
- 1 September: deadline for submission of response in preparation of September session
- Input received:
 - Several questions considering content and availability of Annexes
 - 6 parties submitting comments
- Parties indicate this is preliminary feedback, work in progress
- Input divided into topics for discussion today & tomorrow

Time schedule 9 September



10h00	Welcome
10h15	Roles: Introduction round participants
10h20	Rules
10h30	Today's agenda, process & timelines
10h45	Topic: Metering
	Topic: Annexes
12h00	Lunch break
13h15	Topic: Annexes
	Topic: Planning
15h00	Short break
15h15	Topic: Insurance
	Topic: Liability
	Topic: Compensation
17h00	Day closing

Time schedule 10 September



09h00	Opening Roles: Introduction round participants Reminder: Today's schedule & timelines way forward Reminder: Rules during legal consultation
09h15	Topic: Unilateral amendments Topic: Structure of documents
10h30	Short break
10h45	Topic: Cable crossings
12h00	Lunch break
13h15	Topic: Interface management
14h30	Short break
14h45	<i>Topic</i> Way forward
16h00	Day closing

Way forward



- After this September session, opportunity exists until 16 September to provide your feedback to TenneT via netopzee@tennet.eu
- TenneT will publish a Feedback report summarizing main topics
- TenneT strives to publish revised draft agreements by 1 October
- Participants are kindly invited to submit their preferences for must-discuss topics during the October session ultimately by 8 October

- Next legal session will take place on 15 & 16 October
 - Last meeting to provide feedback
 - Highlighting revisions in documents
- TenneT will keep the Ministry of EA and ACM updated. Controversial topics raising from these legal sessions will be discussed

- Prior to opening of the first SDE+ subsidy tender TenneT will conclude and publish the model agreements
- 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: Metering

- Discussed in Technical Expert Meeting
- Published in draft agreements and PSD BWFZ I & II
- Intention is to adhere to current Dutch system of metering responsibility, practice this system in a safe and efficient way though

- Rephrase:

Organisation of metering: TenneT is responsible for the installation, commissioning and maintenance of the metering equipment. The metering responsibilities of the operator of the power park modules (PPMs) as the Connected Party will be dealt with in the Connection and Transmission Agreement. TenneT will facilitate a centralised procurement process to contract a single certified metering party for all connected parties to the offshore transmission system and TenneT, in order to perform the statutory metering tasks for all responsible parties.



Topic: Annexes

- Questions received concerning the Annexes:
 - What is the content of the Annexes?
 - When will these become available?
- 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
- Annexes containing technical statements are partly still under consultation in the technical expert meetings, scheduled for 24 September and 21 October
- TenneT strives to provide you with relevant documents prior to next legal session

Topic: Preview Annex 1



Annex 1: Details of the Connected Party

- Registration number Chamber of Commerce
- EAN-codes connection
- Postal address
- Billing address and order information
- Bank account information
- Contracted Transmission Capacity
- Feed-in Transmission Capacity
- Metering responsible party
- Location Metering Device
- Metering information
- Balance Responsible Party

Topic: Preview Annex 2



Annex 2: Description and technical specifications of the Connection, including drawings

- Description of the Connection
- Connection address
- Capacity of the Connection
- Connection Point(s)
- Metering point(s)
- Single line and all other important drawings and/or photographs, including the connection- and metering point(s)

Topic: Preview Annex 6



Annex 6: Operational arrangements and exchange of information

- Contact details of the Parties
 - Operations
 - Planned unavailability
 - Amendments in this Annex
- Operational arrangements
 - Control work; which Party is responsible for what part, subject to which conditions
 - Switch procedures and subject to which conditions
- Fault handling procedures
 - Information duty of parties
 - Major calamities and Emergency & restoration plan
 - Crisis centres
- Exchange of information
 - Agreement to inform each other on important issues concerning the operation

Topic: Planning



- Realization agreement 3.5: Dates to agree upon:
 - Period for onshore installation of OWF equipment in topside platform TenneT
 - Date as of which the inter-array cables may be pulled in
 - Date as of which each individual inter-array cable may be physically connected
 - Date as of which each individual inter-array cable may be energised
 - Date as of which each individual inter-array cable may be tested
 - Date as of which each individual inter-array cable may be commissioned
 - Date as of which the Grid Connection is ready for first operation
- Dates will be determined with each Connected Party

Planning interaction point	Specification	Planning
Jacket ready	<ul style="list-style-type: none"> • Jacket and cable deck installed • Jacket and cable deck ready for pull in and storage of inter-array cables 	31 March 2019 (endeavour: 30 September 2018, with respect to storm and drilling season)
Grid connection ready	<ul style="list-style-type: none"> • Topside installed on jacket • Export cables connected to top side and land station • Grid connection commissioned and fully tested without WTG • Grid connection ready for connection with the first turbines • Grid connection ready for power supply and transport 	31 August 2019

This is an amendment of the Project & Site Description Borssele WFZ I and II.

Topic: Liability & Compensation

Clarification:

- Compensation as stated by law
- Any liability of a Party in connection with the Agreements is limited to property damage (zaakschade) and personal injuries (personenschade)
- Liability in connection with the Agreements shall be limited to a maximum per incident

Discussion

Topic: Insurance



Article 7.1 Realisation Agreement - Insurance

Clarification:

- Insurance during Realisation
- Insurance during Connection
- Third party liability

Discussion:

- PPM experiences with insurance, examples of typical damages
- PPM requirements regarding insurance

Topic: Interface management



Clarification:

- Technical expert meeting: 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

Discussion:

- Handling interests of three or more parties: TenneT and two or more Connected Parties per platform



Topic: Cable crossings

Clarification:

- GTC 4.2 - limited to cable crossings of TenneT and PPM

Discussion:

- In your experience, is additional wording required?

Topic: Unilateral amendments



Clarification:

- TenneT has the right to make amendments
- Grid operator responsibility to prevent hindrance
- Subject to reasonability and regulations like Codes

Discussion:

- As an example: power quality issues may emerge in a later stage and are location specific.

Topic: Structure of documents



Clarification:

- Two model agreements and one set of general terms & conditions
- Reflecting temporal and enduring character, reflecting existing set-up onshore

Discussion:

- Reasons to merge the two model agreements?

Disclaimer

Liability and copyright of TenneT

This PowerPoint presentation is offered to you by TenneT TSO B.V. ('TenneT'). The content of the presentation – including all texts, images and audio fragments – is protected by copyright laws. No part of the content of the PowerPoint presentation may be copied, unless TenneT has expressly offered possibilities to do so, and no changes whatsoever may be made to the content. TenneT endeavours to ensure the provision of correct and up-to-date information, but makes no representations regarding correctness, accuracy or completeness.

TenneT declines any and all liability for any (alleged) damage arising from this PowerPoint presentation and for any consequences of activities undertaken on the strength of data or information contained therein.



www.tennet.eu

TenneT is Europe's first cross-border grid operator for electricity. With about 21,000 kilometres of (extra) high-voltage lines and 36 million end-users in the Netherlands and Germany, we rank among the top five grid operators in Europe. Our focus is to develop a North-west European energy market and to integrate renewable energy.

Taking power further

