## image001

## Working Group 2 Report

## Mod\_05\_11

## Extension to the Role of the Modifications Committee via Working Groups

11 May 2011

10.00 – 12:30

Hotel Isaacs, Dublin

Table of Contents

[Table of Contents 2](#_Toc292878626)

[Attendees 3](#_Toc292878627)

[Introduction and Synopsis 4](#_Toc292878628)

[Participant views and Discussion Summary 4](#_Toc292878629)

[Conclusion and Action Items: 8](#_Toc292878630)

[Appendix 1 – Working Group Agenda 9](#_Toc292878631)

[Appendix 2 – Participant Feedback 10](#_Toc292878632)

Attendees

|  |  |
| --- | --- |
| **Name**  | **Organisation** |
| Aisling O’Donnell | SEMO |
| Aodhagan Downey | SEMO |
| Brian Mongan | AES Kilroot |
| Dana Kelleher  | CER |
| Denis Kelly - **Chair** | NIE T&D |
| Dermot Lynch | Bord Gáis |
| Grainne O'Shea | ESB Power Generation |
| Iain Wright | Airtricity |
| John Bennett | Design & Implement |
| Kevin Hannafin | Viridian |
| Killian Morgan | ESBCS |
| Kris Kennedy | SONI |
| Marian Troy | Endesa Ireland |
| Niamh Delaney | SEMO |
| Nicola Calvert | SONI |
| Sherine King  | SEMO |
| Sinead O’Hare | NIE PPB |

Introduction and Synopsis

Mod\_05\_11 *Extension to the Role of the Modifications Committee via Working Groups* was first presented to the Modifications Committee by Airtricity on 01 February 2011 at Meeting 33. The proposal proposes an enhancement of the existing Working Group process with the inclusion of *Ad hoc* and *Special Issue* Working Groups.

An initial Working Group meeting took place on 08 March 2011 where the Participants were actioned to forward constructive criticism of the existing Working Group process and possible solutions to these issues.

The second Working Group saw a presentation of Participant feedback from each Participant. The general themes were brought together and an action placed on the Secretariat to compile the feedback in a Modification Proposal form for Meeting 36.

Participant views and Discussion Summary

Participants presented their feedback with regard to constructive criticism of the Working Group process and possible solutions.

TSOs supported retaining the existing process with the possibilities of adding sections to the Modification Proposal form to allow for the proposer to indicate whether they thought a Working Group was required. They noted that any changes to the proposal form do not fit with the existing rules. Chair confirmed that a Modification would be necessary to update the form.

Airtricity stated that the requirement for detailed legal drafting in a proposal is onerous on some Participants who may not have detailed knowledge of the Code and APs. Suggestion put forward that special topic Working Group meetings held occasionally throughout the year would allow holistic assessment of issues with the relevant experts present thus moving away from an individual Participant perspective of a proposal.

Attention was drawn by the RAs to the role of the Modifications Committee with regard to the T&SC and representation of Members on the panel to the wider Generator or Supplier group.

Endesa Ireland were supportive of extending the existing Working Group process to include broader market development issues by means of Standing Working Groups. Reference was made to the delays associated with the Intra-Day Trading Working Groups. The Day Ahead workstream was identified as a potential area of work that could benefit from the suggested changes. The suggestion of a skeleton proposal detailing proposed changes whilst removing the obligation on the proposer to have the legal drafting changes complete was preferred. Endesa Ireland reiterated the need to have industry experts present at meetings. Secretariat advised that attendance at both Modifications Committee Meetings and Working Group meetings are open to any party provided notification of attendance is issued to the Secretariat in advance of a meeting.

NIE PPB advised, that in their experience, the existing process works well but outlined one of the key problems of the current process being the requirement to have a fully developed proposal inclusive of legal drafting changes. Also in favour of adapting the option to present a skeleton proposal for consideration to the Committee. Further added that the timing of receipt of proposals in advance of a Working Group meeting may need consideration, the form should include an option to indicate whether a Working Group is necessary, however the two week window in advance of a meeting is considered necessary for Participants to assess the proposed changes and engage the relevant experts within companies. The existing filing system for Modification Proposals works well and NIE PPB were not in favour of moving away from the active filing system of proposals and related documents on the SEMO website.

NIE T&D commented that in their view, the process works reasonably well but voiced concerns around the timing of receipt of a proposal to the date of a Working Group meeting. NIE T&D believe efficiencies could be gained at the point of receipt of a proposal and questioned whether the Secretariat believed it feasible to hold Working Groups following receipt of proposals. The Chair acknowledged that Working Groups are resource intensive but added that significant industry changes need consideration. The Secretariat voiced concerns around the suggestion to hold Working Groups in advance of a proposal being discussed at a Modifications Committee Meeting. The potential may exist for consideration of spurious proposals that may not be deemed worthy of a Working Group. Timing of production and circulation of Terms of Reference for consideration in advance of a Working Group also considered impracticable given that the Committee will be assessing all proposals submitted.

ESBPG were in favour of the existing schedule of Modifications Committee meetings and agreed that another option to present a Modification Proposal to the Committee would be helpful, supportive of the skeleton Modification Proposal suggestion. Agreed that Standing Working Groups would be too resource intensive.

AES Kilroot acknowledged that they had not provided feedback in advance of the meeting but had some comments to add to the discussion. AES believe it is not the duty of the Modifications Committee to develop policy and that proposers should check with the RAs in advance of submission of proposals to determine if a workstream is in existence that can address the intention of a potential proposal. Supportive of the suggestion of a skeleton Modification Proposal.

Viridian also noted that they did not provide feedback in advance of the Working Group meeting but had the following points to add. Do not see a role for Standing Working Groups and agreed it would require additional resources that may not be available to smaller companies. Stressed it is important to maintain a change control process. Agreed that it may be difficult for Participants to deliver a complete proposal inclusive of legal drafting changes at the time of submission of a proposal. Decision making power with regard to whether a Working Group should be convened should remain with the Modifications Committee due to the risk of spurious Modification Proposals being assessed without Committee support. Agreed that, in their experience, the existing process has worked well.

The Chair outlined the feedback received from ESBI, noting the main points addressed were inefficiencies with the existing process in a situation where a Participant struggles to understand specific issues. Market Development forum for wider discussions was also favoured.

SEMO felt the process to date is successful and proposed building on the existing process rather than creating a new one. Agreed that removing the requirement to include legal drafting changes may be appropriate for larger more complex changes but disagreed with removing the requirement completely as this may result in spurious or under developed proposals being submitted. Emphasised that the existing process allows for preparation in advance of the meetings by consulting or inviting the relevant people. Highlighted the importance of the Terms of Reference and the Chair at Working Groups in terms of effectively managing the debate and ensuring everyone knows the objectives of the meetings. Suggested adopting a design approach to more complex changes by considering as many options as possible, initially, developing the more promising ones and then, finally, agreeing the preferred option.

ESBCS noted that they did not provide any feedback in advance of the meeting but had the following points to note. Not in favour of Standing Working Groups but supportive of skeleton Modification Proposals. A certain level of discipline is necessary to avoid poorly developed proposals. All options available to a proposer should be assessed and included in the proposal upon submission.

SEMO representative stated that during market start a number of proposals were voted on in principle, which resulted in complications. The importance of having a fully developed proposal with legal drafting was noted. Airtricity commented that it is the Modifications Committee who have the decision making power to accept or reject a proposal. Secretariat presented a revised draft of the proposal form to include a section for an explanatory note and indicator boxes for both Working Groups and impacts associated with a proposed change. Airtricity added that a proposal should include a full explanation of proposed changes and alternative options that could be pursued accompanied by analysis where possible.

Discussion ensued around the Terms of Reference of a Working Group and who is best placed to develop a Terms of Reference, perhaps the proposer should draft a Terms of Reference to be circulated by the Secretariat. It is the responsibility of the Chair to ensure the discussion remains within the agreed Terms of Reference.

Airtricity expressed the view that the current process forces the Committee to assess specific detailed market issues which could be addressed at other forums in advance of reaching the Modifications Committee. Function of Modifications Committee is to implement the T&SC changes.

Chair advised that there are a number of forums that address less significant issues such as the SIG, IGG and MOUG. May be useful to have closer relationship between some meetings in an attempt to evolve simultaneously towards future changes. Chair raised the question of the function of the Modifications Committee, a Market Development forum or a T&SC forum? NIE PPB believes the role of the Modifications Committee to recommend changes to the Code and it is for the RAs to develop policy. Further added that lessons must be learned from the experience of the Intra-Day Trading Working Groups. AES Kilroot suggested that a separate forum to that of the Modifications Committee be used for policy discussions with the RAs while the Modifications Committee discussions should focus on implementing the policy changes. RA representative added that the Modifications Committee are elected to do a specific job, noted that there are discussions on-going between the RAs and Participants regarding a separate forum for discussion on broader strategic issues. Further added that Participants have the freedom to meet and discuss any issues outside the existing process.

Conclusion and Action Items:

The common themes of the group were pulled together to include:

* No appetite for Standing Working Groups;
* Decision regarding whether a Working Group proceeds resides with the Modifications Committee;
* Two distinct methods of drafting a modification proposal form:

(i) the current process requiring full legal drafting changes, or

(ii) a new process precluding full legal drafting changes (Skeleton proposal);

* A “Skeleton” Modification Proposal may be presented to the Modifications Committee which may, if sanctioned for progression, create a Working Group to bring forward a fully developed Modification Proposal including final legal drafting changes, and;
* Complete legal drafting of a proposal must be completed prior to a vote by the Modifications Committee to approve a proposal.

The following action is to be undertaken in advance of Meeting 36 of the Modifications Committee on 09 June 2011:

* Secretariat to incorporate feedback from Working Group II as a new Modification Proposal for consideration by the Committee at the next meeting.

 Appendix 1 – Working Group Agenda

**Agenda**

**Tuesday 19 April 2011**

**Hotel Isaacs, Dublin**

## 10:00 – 13:00

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Agenda Item** | **Proposer**  | **Time**  |
|  | *Tea / Coffee / Pastries* |  | *10:00 – 10.15am* |
|  | Introduction | Secretariat | *10 mins* |
|  | Industry feedback on Working Group process[[1]](#footnote-1) | All | *5 mins* *per Participant* |
|  | Discussion | All | *1 hour 30mins* |
|  | Recap, Agreed Recommendations, Actions and Post Working Group Timetable | Chair & Secretariat | *15 mins*  |
|  | AOB / Approximate Close Time[[2]](#footnote-2) |  | *1:00pm* |

|  |  |
| --- | --- |
| ***Modification Working Group*** | *means a group comprised of Modification Committee Members and Interested Parties formed for the purposes of working out the detail and implementation plans for Modification Proposal(s).* |

Appendix 2 – Participant Feedback

**Participant views Mod 05\_11 *Extension of the Role of the Modifications Committee via Working Groups***

| ***Positive Comments of existing process*** | ***Issues*** | ***Suggested Solutions*** |
| --- | --- | --- |
| **TSOs** |
| The TSOs consider working groups to be valuable and, in most cases, an efficient way of developing a complete Modification to the TSC and/or Agreed Procedures. | In terms of the Modification proposed, the TSOs believe that setting up ‘Standing’ working groups would lead to additional workload to all concerned and at present with the number of Modifications and associated working groups going on there is little scope in Calendars to schedule additional meetings. Also we believe strongly, for efficiency reasons, that working groups should be directly linked to a Modification raised rather than an open forum. We also believe that the Secretariat should administer these working groups as this would ensure they are scheduled efficiently and the report is developed in an objective and meaningful fashion. | The TSOs believe that an efficient and effective way of signalling the need for a working group would be to add 2 questions to the Modifications template:* Is there an alternative(s) approach to this Modification?
* Would a working group be beneficial for this Modification?
 |
| The working group process works very well in terms of how they are organised by the secretariat and the structure/format of the working group. Having to write up a report of the outcome of the Working Group has also been very useful |
| There have been examples of very good working group meetings and also some which were not as helpful or constructive use of people’s time. On the whole they are worthwhile. |
| **Airtricity** |
| NA | The requirement for a proposer to fully identify an issue, provide the solution as well as the textual Code change, for certain issues, creates a cast around the chosen solution which anchors subsequent debate/discussion | Allow for a different category of submission to the Mods Committee titled ‘Issue for Consideration’, that allows just the identification and outlining of issues |
| Issues are usually tabled from the point of view of the proposer (individual or organisation) and often only reflects the impact on that proposer | Set up Standing working groups that take an issue identified by a single proposer and work that issue right through its lifecycle in the market/Code |
| Members of the Mods Committee (and even the attendees of the ad-hoc Working Groups) are generally commercial people; the depth of knowledge and experience often required on technical are best found deep within organisations | Set up Standing working groups |
| As the deliberations of the Mods Committee are essentially around the legal text of the Code, it creates a hurdle that may prevent cursory observers to the process, even if technically competent, to feel unable to contribute | Set up Standing working groups |
| The current working group process is an open forum that does not ask for specific knowledge, experience or other requirements of its “members”/participants; it only asks for ‘interest’ and/or availability | Set up Standing working groups |
| The forming and re-forming of working groups do not allow them to accrete ‘body’ knowledge which can be brought to bear on related issues | Set up Standing working groups |
| Also, as social science demonstrates new groups need time to establish the protocols and rules of engagement that would guide their operations, each new working group may squander time in ‘normative’ phases that may best be used dealing with issues. | Set up Standing working groups |
| **RAs** |
| The RAs welcome this consideration of the operation of the Modifications Committee but believe that it is important that the Committee concentrate on its role as set out in the SEM Trading & Settlement Code (see paragraph 2.149).  One aspect of that which may need attention both in the Working Group and in the Committee itself is the responsibility of members to represent their constituency as laid out in paragraph 2.151. | NA | NA |
| **Endesa Ireland** |
| Endesa Ireland is strongly favour of the proposal made in Mod\_05\_11. Endesa Ireland feels that the Modifications Committee, and its working groups, has the advantage of an established structure which is known and open to all participants, operates transparently with established communication channels, and has a depth of industry expertise from which it can draw.  On this basis, Endesa Ireland feels that working groups of the Modifications Committee are an appropriate forum to discuss market development issues and therefore supports the proposal made in Mod\_05\_11 to adopt procedures for the establishment of ‘special issue working groups’. | Endesa Ireland feels that the process followed in the Intra-day trading workstream illustrates the possible benefits of the proposal made in Mod\_5\_11.  However, these benefits would have been significantly greater had a working group been created prior to the submission of a modification to the TSC.  Endesa Ireland considers that due to the delay in forming a working group on this issue, time was wasted in the development of the proposal which placed stresses on organisations resources, added costs and from our point of view did not operate well.  Endesa Ireland considers that the ultimate solution reached is not optimal and participants were left with no option other than to adopt it as it is the only solution that would meet the requirements and could be implemented in the required timeframe.  Endesa Ireland considers that if a working group had been established earlier to proactively examine this issue, there would have been opportunity for more in-depth examination of the issue and room for development of further options, which would likely result in lower-costs to final customers. | Endesa Ireland proposes that participants could propose thematic ‘special issue working groups’, which the Modifications Committee would establish, with RA approval. |
| ‘Special issue working groups’ with the involvement of the RAs would try to formulate options (and if possible a preferred option) which it should report to the Modifications Committee.  Participants may then propose modifications on that basis. |
| When a modification is proposed, a participant could argue that it is worthwhile to take a broader review of a particular area and propose the establishment of a ‘special issue working group’. |
| WGs are ad hoc and responsive to specific Modification proposals.  The formation of expert groups dealing strategically with changes in the market would avoid this piecemeal approach. | Members of working groups/participants may invite experts to attend those groups, the invitation to come from the Modifications Committee. |
| Given the requirements of European Legislation, which are now known, it is prudent to establish ‘think tank’ groups to develop options in good time for eg Day Ahead trading. | These special issue working groups should not be limited to considering issues within the framework of the TSC but should consider wider policy implications. |
| Some issues are so broad and affect all participants so it is more appropriate that a common solution be reached, rather than one participant proposing one option. |
| **NIE PPB** |
| NA | The current process allows for a Working Group to be established after a fully defined modification has been received and considered by the modification committee.  The criticism I have is that the Working Group's  focus is on how to get the modification to work rather the focus being on "we have an issue/problem, what is the best solution".On occasions were a participant feels that a working group is required they have to waste time defining a full modification and must wait for the next modification committee meeting before the working group is established.  | A solution for this would be for the participant to raise a "skeleton" modification specifying the issue and requesting a working group be formed to establish the solution.  This "Skeleton" modification could either be circulated by email or wait for the next modification committee meeting. If the view is that a working group is not required the participant can be asked to produce a full Modification.  |
| **NIE T&D** |
| NA | The primary problem in the process is due to time delays between the initial raising of a Mod and its approval. This is due in the main to the intervening working group process (where applicable) and the timing of the next Mods committee meeting. | My general view is that the establishment of ad hoc working groups works well as opposed to setting up new "themed" groups. |
| Technical discussion / consideration of the detail of any modifications is arguably more suited to an ad hoc working group or con call forum, rather than on-the-day. |
| I believe that in most cases it would be possible to identify those Mods which will require a working group at the time of initial submission to SEMO. I appreciate that, once SEMO have received a mod, it must be listed for consideration at the next Mods Committee. | A possible process could be;* SEMO circulate any modifications to the committee and interested parties as soon as they are received. The proposer could even indicate the likely need for a working group on the Mod. (The Mod is listed as usual for the next Mods committee).
* Yes/No responses are requested as to whether a working group is required.
* If "No" or there is any doubt, the Mod is discussed as normal at the next Mods committee meeting.
* If "Yes" is the general view then there may be an opportunity before the next committee meeting to hold a working group or con call, thus speeding up the process. Until the working group has concluded, the Mod is recommended for deferral without the need for detailed discussion during the committee meeting.
 |
| **ESBPG** |
| Holding T&SC Meetings every two months works well and should not be reduced. | NA | Would be in favour of an alternative route to generate a WG rather than submitting an incomplete mod although this does bring in governance issues * would not want the mod panel /secretariat to be swamped with requests
* perhaps codify what actually happens in that the committee vote for a WG.
 |
| The current organisation / running of the WG works very well and would not be in favour of moving away from current model. |
| **ESBI** |
| NA | Inefficiency * Participants often struggle to understand the effect of their proposed mods on areas that are unfamiliar to them – especially the RAs and SEMO, of whom they often have little knowledge.  This leads to incomplete modifications, and working groups all of which could be streamlined.
 | Market Development Forum * A forum where issues could be raised and from which working groups bringing in appropriate market knowledge could be gathered to develop a modification which could then be honed by the forum and raised as a modification to the modifications committee
* Theoretical example – A participant has a problem with the supply side, raises it at the market development forum which forms a working group from the supply side experts, produces a modification to address the issue and which is aware of the impacts on all market participants – generators, suppliers, SEMO, RAs and deals with these, and is then proposed to, and processed by, the modifications committee
 |
| Market Knowledge * At present the modifications committee have to judge on their own experience, thus effectively limiting the markets development to that knowledge of the committee itself, if more knowledge could be brought in the market could be developed faster and more efficiently
 |
| **SEMO** |
| The Modification Process is a valuable stakeholder forum to ensure that the SEM continues to adapt to the ever changing external environment. As a formal arrangement for recommending changes to the SEM, it must strike the balance between bureaucracy and efficiency. To date, SEMO believe that it has balanced these well. Both the quantity and quality of these modifications is testament to this. No arrangement, however, is without flaws or beyond improvement and it is appropriate to continually seek ways of making the best use of the Modifications Committee’s time and collective wisdom. In this regard, SEMO would agree with the sentiments of Mod\_05\_11 in that it seeks to improve upon the current process.  | Mods have to contain suggested rule changes; however, this is not an efficient process for larger more complex changes as there may many other options that are more suitable. Proposer spends time drafting strawman changes; however, this is rarely the final text. Often this strawman can result in anchoring and insufficient adjustment. | **Keep existing process**The current process should remain with the following changes: a) They must have a fully formed clear description of the issue. b) Mods do not have to contain legal drafting at the submission stage. c) They may indicate that a Working Group is required; however, this should continue to be sanctioned by the Committee.   |
|  | As proposals can cover a variety of different disciplines and areas, it is important that the right people are in the room when considering changes. This often leads to delays. | **Ensure that the right people are in the room.**Prior to Modifications Meetings, members should ensure that they have discussed the proposals with the relevant people so they can represent this view at the meeting. They may opt to ask the relevant people to attend the meeting for support including as appropriate external experts.For Working Groups, the Terms of Reference of state clearly what is going to be discussed and members should ensure that the appropriate people from their various organisations are in attendance at Working Groups. As the ‘nuts and bolts’ of the proposal are discussed in Working Groups it is important that the relevant experience and knowledge is in the room. |
|  | Mods are often discussed at length in the Modifications Meeting only to arrive at the conclusion that further work or consideration is required. It is often the case that members are considering the proposals for the first time. This leads to delays as members are often uncomfortable proceeding as they do not fully understand the mod or the need to seek further views internally. | **Everyone should do their homework**Mods should not be discussed at Modifications Meetings. A Mod is submitted two weeks in advance of the Meeting. This is ample time for all Members to have read and discussed the changes internally, with their constituents and with other members including the proposer.When the meeting takes place, each member should have a fully formed view on the modification. Each member should be asked in turn to state their view before proceeding directly to a vote. The first person to state their view should be rotated by the chair to ensure balance. |
|  | Often at Working Groups, people have different expectations of what will take place. They are at different stages of the design. Some people would like to throw in new ideas in a non critical environment, others want to develop the exiting ideas pointing out the flaws in some ideas and others want to finalise one idea at the exclusion of other ideas. This leads to conflict and frustration. | **Create the right atmosphere**Each complex change should be subject to a design process. This could take place in one Working Group or across multiple; however, everyone needs to be aware what stage we are at and this should be stated on the Agenda and be made clear by the chair.Stage 1: brainstorming phase –volume of ideas is important. No idea should be shot down. Result: Lots of ideas.Stage 2: selection and bargaining process. Some ideas gain support others fall away. Some merge with others. Others take out or include elements of other proposals. Result two or three preferred options to carry out more detailed assessments on.Stage 3: final selection. Based on detailed assessments, preferred solution is voted for.For each stage the layout of the room is important. Stage one may involve small groups of three to five people. Stage two may involve allowing people to walk around the room and sell their ideas before everyone votes for particular options. Finally, for deciding the final option a more formal broad like arrangement may be most appropriate.  |
|  | Often the debate becomes anchored on specifics too early or on particular examples. Other times the debate wanders off outside the scope of the meeting. Often times louder more outspoken people dominate the debate at the expense of others. | **Manage the Debate**The chair needs to ensure that the meeting is on track, that people get to the point and that everyone is asked to make a contribution. Most of all the chair should avoid participating in the debate so they can focus on managing it. |
| **Modifications Committee Secretariat** |
| Two week timeline from submission of Modification Proposals for review by the Committee is necessary for understanding of proposed changes. | No mechanism for indicating that a Working Group or IA may be necessary for the development of a proposal   | Proposer should consider attaching an explanatory note or scenario examples as an appendix to intricate Modification Proposals to aid understanding for the reader. |
| Suggest a proposal that is raised with the intention of going directly to a Working Group continues to be subject to approval by the Committee at the Modifications Committee Meeting | Amend the Modification Proposal form to include an indicator regarding whether a proposer considers a Working Group meeting(s) necessary to develop a Modification Proposal.Include additional section on form indicating whether the proposal will require a change to the Central Market Systems, RCUC or Participant Systems.Include details of alternative solutions to change proposed if available. |
| Currently Working Groups are scheduled following each Meeting, this gives the Committee the opportunity to prioritise Working Groups. |

Proposed updated Modification Proposal form

|  |
| --- |
| **MODIFICATION PROPOSAL FORM** |
| **Proposer** *(Company)* | **Date of receipt***(assigned by Secretariat)* | **Type of Proposal***(delete as appropriate)* | **Modification Proposal ID***(assigned by Secretariat)* |
|  |  | **Standard / Urgent** |  |
| **Contact Details for Modification Proposal Originator** |
| **Name** | **Telephone number** | **Email address** |
|  |  |  |
| **Modification Proposal Title** |
|  |
| **Documents affected***(delete as appropriate)* | **Section(s) Affected** | **Version number of T&SC or AP used in Drafting** |
| **T&SC****AP** |  |  |
| **Explanation of Proposed Change***(mandatory by originator)* |
|  |
| **Legal Drafting Change***(Clearly show proposed code change using* ***tracked*** *changes)* |
|  |
| **Modification Proposal Justification***(Clearly state the reason for the Modification)*  |
|  |
| **Code Objectives Furthered***(State the Code Objectives the Proposal furthers, see Section 1.3 of T&SC for objectives)* |
|  |
| **Implication of not implementing the Modification Proposal***(State the possible outcomes should the Modification Proposal not be implemented)* |
|  |
| **Working Group***(State if Working Group considered necessary to develop proposal)* | **Impacts***( assigned by Secretariat upon receipt)* |
|  |  |
|  |
| ***Please return this form to Secretariat by email to*** ***modifications@sem-o.com*** |

**Notes on completing Modification Proposal Form:**

1. **If a person submits a Modification Proposal on behalf of another person, that person who proposes the material of the change should be identified on the Modification Proposal Form as the Modification Proposal Originator.**
2. **Any person raising a Modification Proposal shall ensure that their proposal is clear and substantiated with the appropriate detail including the way in which it furthers the Code Objectives to enable it to be fully considered by the Modifications Committee.**
3. **Each Modification Proposal will include a draft text of the proposed Modification to the Code.**
4. **For the purposes of this Modification Proposal Form, the following terms shall have the following meanings:**

**Agreed Procedure(s): means the detailed procedures to be followed by Parties in performing their obligations and functions under the Code as listed in Appendix D “List of Agreed Procedures”.**

**T&SC / Code: means the Trading and Settlement Code for the Single Electricity Market**

**Modification Proposal: means the proposal to modify the Code as set out in the attached form**

**Derivative Work: means any text or work which incorporates or contains all or part of the Modification Proposal or any adaptation, abridgement, expansion or other modification of the Modification Proposal**

**The terms “Market Operator”, “Modifications Committee” and “Regulatory Authorities” shall have the meanings assigned to those terms in the Code.**

**In consideration for the right to submit, and have the Modification Proposal assessed in accordance with the terms of Section 2 of the Code (and Agreed Procedure 12), which I have read and understand, I agree as follows:**

**1. I hereby grant a worldwide, perpetual, royalty-free, non-exclusive licence:**

* 1. **to the Market Operator and the Regulatory Authorities to publish and/or distribute the Modification Proposal for free and unrestricted access;**
	2. **to the Regulatory Authorities, the Modifications Committee and each member of the Modifications Committee to amend, adapt, combine, abridge, expand or otherwise modify the Modification Proposal at their sole discretion for the purpose of developing the Modification Proposal in accordance with the Code;**
	3. **to the Market Operator and the Regulatory Authorities to incorporate the Modification Proposal into the Code;**

**1.4 to all Parties to the Code and the Regulatory Authorities to use, reproduce and distribute the Modification Proposal, whether as part of the Code or otherwise, for any purpose arising out of or in connection with the Code.**

**2. The licences set out in clause 1 shall equally apply to any Derivative Works.**

**3. I hereby waive in favour of the Parties to the Code and the Regulatory Authorities any and all moral rights I may have arising out of or in connection with the Modification Proposal or any Derivative Works.**

**4. I hereby warrant that, except where expressly indicated otherwise, I am the owner of the copyright and any other intellectual property and proprietary rights in the Modification Proposal and, where not the owner, I have the requisite permissions to grant the rights set out in this form.**

**5. I hereby acknowledge that the Modification Proposal may be rejected by the Modifications Committee and/or the Regulatory Authorities and that there is no guarantee that my Modification Proposal will be incorporated into the Code.**

1. Please note, feedback to be covered off individually by each Participant in turn [↑](#footnote-ref-1)
2. Lunch served 1 – 1.30pm [↑](#footnote-ref-2)