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| **MODIFICATION PROPOSAL FORM** | | | | | |
| **Proposer**  *(Company)* | **Date of receipt**  *(assigned by Secretariat)* | | **Type of Proposal**  *(delete as appropriate)* | | **Modification Proposal ID**  *(assigned by Secretariat)* |
| **SEMO** | **24th July 2015** | | **Standard** | | **Mod\_06\_15 v2** |
| **Contact Details for Modification Proposal Originator** | | | | | |
| **Name** | | **Telephone number** | | **Email address** | |
| **Leigh McCarthy/**  **Lynda Fitzpatrick** | | **028-90707459**  **01-2370279** | | [**Leigh.McCarthy@soni.ltd.uk**](mailto:Leigh.McCarthy@soni.ltd.uk)  [**Lynda.fitzpatrick@sem-o.com**](mailto:Lynda.fitzpatrick@sem-o.com) | |
| **Modification Proposal Title** | | | | | |
| REMIT Data Reporting by the Organised Market Place to ACER | | | | | |
| **Documents affected**  *(delete as appropriate)* | | **Section(s) Affected** | | **Version number of T&SC or AP used in Drafting** | |
| **T&SC**  **AP and Glossary** | | **T&SC Section 3, AP 1, AP 5, AP6, AP7 and Glossary** | | **Version 17.0** | |
| **Explanation of Proposed Change**  *(mandatory by originator)* | | | | | |
| SEMO is registered with the Agency for the Cooperation of Energy Regulators (ACER) as an Organised Market Place. In accordance with Article 6 of the REMIT Implementing Acts (Implementing Regulation (EU) No 1348/2014), SEMO as *“The organised market place where the wholesale energy product was executed or the order was placed* ***shall, at the request of the market participant, offer a data reporting agreement****.”* Under the legislation the obligation to report rests with the Market Participant however if SEMO is reporting on behalf of Market Participants, SEMO will take on a level of responsibility for mapping and transmitting the agreed REMIT Data to ACER.  In this regard, SEMO explored a number of approaches to address any legal considerations, the two most practical, in the context of timescales, being (i) a bi-lateral agreements between SEMO and each Market Participant and (ii) a modification to the Trading and Settlement Code. SEMO proposes that a Modification to the Trading and Settlement Code would be the most appropriate approach as the Code already incorporates robust and binding provisions around data transactions, data publications, data storage and IT security which can be leveraged and amended if required. This option was preferred by the majority of Participants who expressed a preference and in addition, will also pose the least administrative burden on all parties. | | | | | |
| **Legal Drafting Change**  *(Clearly show proposed code change using* ***tracked*** *changes, if proposer fails to identify changes, please indicate best estimate of potential changes)* | | | | | |
| SEMO has completed a detailed legal and technical review of the entire T&SC, Glossary and AP’s. All required changes are captured below for submission to the Modifications Committee Meeting in August.    Data Communication Channels   1. Data and Information Systems   General  Introduction and Interpretation   * 1. This Section 3 sets out rules relating to the systems and procedures for the communication of Data Transactions and REMIT Data Transactions by each Party to the Market Operator and by the Market Operator to one or more Parties and the rules and principles for the publication by the Market Operator of data and information relating to the trading arrangements in the Pool.   **REMIT DATA**  3.95 A Participant may appoint the Market Operator to report REMIT Data to the European Agency for the Cooperation of Energy Regulators on its behalf by completing the ’Request to Report’ section in the REMIT Notification Form. The Participant may choose to revoke such appointment at any time by completing the ‘Notice to Cease Reporting’ section in the REMIT Notification Form. The provisions of paragraphs 3.96 to 3.98 shall only apply in the event that the Market Operator has been appointed to report REMIT Data in accordance with this paragraph 3.95 and such appointment has not been revoked.  3.96 The Market Operator shall only process and transmit the REMIT Data to the European Agency for the Cooperation of Energy Regulators on behalf of a Participant for the purposes of compliance with REMIT requirements.  **Liability of the Market Operator and the Participants**  3.97 The Market Operator shall have no liability in respect of the completeness, accuracy and timely submission by the Participant of any CMS data required for REMIT Data Transactions, in accordance with paragraph 3.34.  3.98 The Participant shall not be responsible for failures in the completeness, accuracy or timely submission of the REMIT Data to the European Agency for the Cooperation of Energy Regulators as required under REMIT to the extent that such failures are attributable to the Market Operator.  Glossary   |  |  |  |  | | --- | --- | --- | --- | | Data Processing Entity | | | means a person that submits Data Transactions or REMIT Data Transactions on a Participant’s behalf as provided for in Section 3 of the Code. | | European Agency for the Cooperation of Energy Regulators | | means the European Agency for the Cooperation of Energy Regulators established under Regulation (EC) No 713/2009 where it is also referred to as ACER. | | | REMIT | means Regulation (EU) No 1227/2011 of 25 October 2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency. | | | | REMIT Data | means any CMS data which is processed by the Market Operator for the purpose of REMIT and required to be provided to European Agency for the Cooperation of Energy Regulators to ensure compliance by a Participant with the Commission Implementing Regulation (EU) No 1348/2014. | | | | REMIT Data Transaction | means a set of REMIT Data submitted to the European Agency for the Cooperation of Energy Regulators in the event that a Participant has requested that the Market Operator transmits such REMIT Data on its behalf in accordance with paragraph 3.95. | | | | REMIT Notification Form | means the form published by the Market Operator to be completed by a Participant in the event that the Participant wishes to appoint the Market Operator to report REMIT Data to the European Agency for the Cooperation of Energy Regulators on its behalf. | | |   Agreed ProcEdure 1: participant and unit registration and deregistration  **2.1.2 PARTICIPANTS AND UNITS**  Upon registering its first Unit within a Jurisdiction, a Party becomes a Participant. A Participant will receive a Participant ID and Account ID at this time. The Participant ID is a unique identifier pursuant to which Units are aggregated for the purposes of calculating the Required Credit Cover. The Account ID is a unique identifier pursuant to which Units are aggregated for the purposes of:   * + Self-Billing Invoices/Invoicing (AP15);   + Settlement Reallocation Agreements; and   + Having access to the data in relation to those Units through a unique digital certificate (as detailed in Agreed Procedure 3 and Agreed Procedure 5).   Save as expressly provided in the Code, a Party may not register more than one Participant in each Jurisdiction.   * + A unique digital certificate will be assigned to each Account ID, which permits access to the Participant’s data.   + An individual Participant may only have Participant ID but may have more than one Account ID where it registers both Generator Units and Supplier Units.   In order to register a Unit, the required information (Registration Data) must be submitted to the Market Operator by the Party/Applicant and will be assessed by the Market Operator, to ensure that the Registration Data is complete and fulfils the eligibility requirements as set out in the Code. A completed REMIT Notification Form is also required should the Participant wish to appoint the Market Operator to report REMIT Data for the appropriate Units to the European Agency for the Cooperation of Energy Regulators on its behalf. Once the Market Operator has confirmed that the Registration Data is complete (and taking into account the table in section 3.2.4), any questions or clarifications shall be progressed by all relevant Parties (Participant, Meter Data Provider, System Operator, and/or Distribution System Operator) at the initial Unit Registration meeting.  **2.2.2 Intermediaries**  A person that is not the Unit Owner (excluding Supplier Units) may accede to the Code and register a Generator Unit on the Unit Owner’s behalf with a Form of Authority from the Unit Owner and with the consent of the Regulatory Authorities. A completed REMIT Notification Form is also required should the Intermediary wish to appoint the Market Operator to report REMIT Data for the appropriate Units, to the European Agency for the Cooperation of Energy Regulators on its behalf.    3.2 Participant and Unit Registration  3.2.1 Overview  In order to become a Participant a Party (or Applicant) must register a Unit.   * + The process flow in Section details the timelines and information involved in the registration of a Unit.   + The Party (or Applicant) downloads a Registration Pack from the Market Operator Website. The Registration Pack includes the Participation Notice which can be used by the Party (or Applicant) to register its first or any subsequent Unit. It also includes a REMIT Notification Form for completion by the Party in the event that the Party wishes to appoint the Market Operator to report REMIT Data to the European Agency for the Cooperation of Energy Regulators on its behalf.   + The Party (or Applicant) completes the Registration Pack and submits it to the Market Operator via registered mail.   3.2.5 Procedural Steps   | **#** | **Procedural Step** | **Timing** | **Method** | **By/From** | **To** | | --- | --- | --- | --- | --- | --- |   **Stage 2 :Review & Validation**   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | 2.1 | Generate Participant ID, Account ID and Unit ID and the relevant ID for the purpose of REMIT Data Transactions as required and issue IDs to Applicant. | As Required | Email | Market Operator | Party or Applicant | | 2.2 | Inform Applicant of all the agreements that need to be in place before a Unit can become effective in the market | Within 1 WD of Stage 2 commencing | Email | Market Operator | Party or Applicant | | 2.3 | The Applicant confirms the following (where applicable):   1. TUoS / DUoS application in progress 2. Submission of EDIL Data in progress 3. Metering is in place 4. Discussions with Interconnector Administrator in progress for registering Interconnector Users 5. Contact TSO or Interconnector Owner regarding credit cover requirements 6. A completed REMIT Notification Form has been   submitted. | Within 15 WD of notification of agreements that need to be in place prior to Unit being effective in the market | Email | Party or Applicant | Market Operator |   3.6 intermediary removal  3.6.1 Overview  Three cases of removal of an Intermediary are possible:   * + Case 1: an Intermediary’s consent is revoked by the Regulatory Authorities, or the expiration of Form of Authority   + Case 2: an Intermediary wishes to voluntarily de-register any or all of the Units   + Case 3: an Intermediary ceases participating in respect of any Units without first voluntarily de-registering the Units or the Unit Owner wishing to revoke the Intermediary   The Market Operator will deregister the Units in all cases.  In all cases, the Unit Owner may either (subject to Regulatory Authority consent) either procure a substitute Intermediary to reregister the Units or may reregister the Units itself and become the Participant in respect of those Units, unless   * + The Unit is decommissioned; or   + The Unit is below de minimis and the Unit Owner does not wish the Unit to be registered to a Participant in the SEM.   Note that in any event, the removed Intermediary continues to be bound by the enduring obligations of the Code in respect of the deregistered Units. However, where the Intermediary had appointed the Market Operator to report REMIT Data on its behalf, this will cease on the date of removal.    3.9 Change of Unit Generic Settlement Class  Changes in Unit Classification is triggered by a Participant request in accordance with paragraph 2.56a of the Code. The Participant must provide 29 days notice of its intent to reclassify each Unit(s), and submit any additional information which is required by the Market Operator to enable the new Unit Classification including a completed REMIT Notification Form where applicable should a Participant wish the Market Operator to report REMIT Data on its behalf. For each Classification change, the MO shall determine if all Eligibility requirements have been complied with.   1. DEFINITIONS and Abbreviations   Definitions   |  |  | | --- | --- | | **Registration Data** | As defined in the Code | | **Registration Pack** | Documentation and information that assists with Party registration | | **Regulatory Authorities**  **Remit Data**  **Remit Data Transactions** | As defined in the Code  As defined in the Code  As defined in the Code | | **Rejection Notice** | As defined in the Code | | **Required Credit Cover** | As defined in the Code |   Agreed ProcEdure 5: Data storage and it security    2.2.2 Controlling Access to Information  The Market Operator shall implement three levels of data confidentiality in its systems namely:   * Public Data– data freely available to all Parties and the general public; * Private Data – data restricted to the Participant relevant to that data; * Market Private Data – data restricted to the Market Operator; * REMIT Data- data restricted to the European Agency for the Cooperation of Energy Regulators.   To control access to information:   * Private Data is restricted to the relevant Participant and Market Operator staff. * Market Private Data is restricted to Market Operator staff; * REMIT Data is restricted to Market Operator staff and staff of the European Agency for the Cooperation of Energy Regulators.   Agreed ProcEdure 6: Data publication and data Reporting   1. Introduction    1. Background and Purpose   This Agreed Procedure describes the process by which the Market Operator (“MO”) shall, as required by the SEM Trading and Settlement Code (the “Code”), make certain information available to Participants, the European Agency for the Cooperation of Energy Regulators and the general public.   * 1. Scope of Agreed Procedure   This Agreed Procedure sets out:   * the method of Data Publication, including the updating of published information; * that data which the MO is required to make available to certain Participants only (or all of them), and the method by which the MO shall make such data available; * the method by which the MO shall transmit REMIT Data Transactions to the European Agency for the Cooperation of Energy Regulators in the event that the Participant has authorised the MO to transmit such data in accordance with paragraph 3.95 of the Code.   This Agreed Procedure forms part of the Code. The scope of this Agreed Procedure is set out in Appendix L of the Code.  **2.4 Public and Private Data**  Market Data, excluding REMIT Data, will be categorised as either:   * Private Data Reports are individual reports generated for certain Participants only (“Member Private”) or all of them (“Member Public”). These reports shall be made available by the MO via the MPI on the basis that access to such reports shall only be available to the relevant recipients in accordance with the access rules detailed in Agreed Procedure 5 “Data Storage and IT Security”. * Public Data Publications will at a minimum consist of such market information, market prices and volumes, forecasted data, and current system data that are required by the Code to be made available by the MO to the general public via the MO website. The MO shall not require that such access is conditional upon the relevant user possessing a Digital Certificate. In addition, the MO shall provide Participants with access to a subset of these publications through the MPI, in accordance with the access rules detailed in Agreed Procedure 5 “Data Storage and IT Security”.   Some elements of Market Data shall first be subject to Data Reporting (and shall for this purpose be Private Data), and shall subsequently be required to be published by the MO (and shall upon such become Public Data). The timing and format of such Data Reporting and then Data Publication is set out in this Agreed Procedure and the Code.  The MO shall be entitled to disclose REMIT Data to the European Agency for the Cooperation of Energy Regulators to the extent that a Participant has authorised the MO to do so in accordance with paragraph 3.95 of the Code.  Confidential Information, if made available through a report, will only be made available through Private Data Reports for a single Participant (“Member Private”).  The Market Operator shall not be obliged to publish any material that it reasonably believes may be of an obscene or libellous nature.    3.8 Other Reports  Pre-defined Public Data reports will consist of market prices and volumes, forecasted data, and current system data, in all cases that the MO is required under the Code to publish. The MO shall publish each according to the relevant timeline in the Code.  Participants may request data from the Market Operator’s Isolated Market Systems as detailed in Agreed Procedure 4 “Transaction Submission and Validation.”  The MO shall also be entitled to report REMIT Data to the European Agency for the Cooperation of Energy Regulators on behalf of a Participant to the extent that a Participant has authorised the MO to do so in accordance with paragraph 3.95 of the Code.  Agreed ProcEdure 7: emergency communications  1.2 Scope of Agreed Procedure  This Agreed Procedure defines the process requirements for communication of data required for Settlement outside of normal operation of the IT systems. For the avoidance of doubt, this Agreed Procedure does not apply to REMIT Data; however, the Market Operator will comply with all requirements set out by the European Agency for the Cooperation of Energy Regulators where events which relate to communication channels and system performance will impact on REMIT Data Transactions. | | | | | |
| **Modification Proposal Justification**  *(Clearly state the reason for the Modification)* | | | | | |
| This modification is being raised in accordance with Section 2.190 of the Trading and Settlement Code. The reason for taking this approach is to allow Market Participants the time to consider if they agree with SEMO’s preferred option. Also to allow sufficient time for Market Participants to raise any legal concerns which they feel need to be addressed.  Due to the extremely tight timeline for implementation and reporting to begin on the 7th October 2015, SEMO and Market Participants will need to be a position to agree an approach at the Modifications Committee Meeting in August.  If a modification is the preferred approach it will only apply to those who formally request SEMO to report on their behalf. | | | | | |
| **Code Objectives Furthered**  *(State the Code Objectives the Proposal furthers, see Section 1.3 of T&SC for Code Objectives)* | | | | | |
| Code Objectives  1.3 The aim of this Code is to facilitate the achievement of the following objectives:   1. to facilitate the efficient, economic and coordinated operation, administration and development of the Single Electricity Market in a financially secure manner; 2. to provide transparency in the operation of the Single Electricity Market; 3. to ensure no undue discrimination between persons who are parties to the Code; | | | | | |
| **Implication of not implementing the Modification Proposal**  *(State the possible outcomes should the Modification Proposal not be implemented)* | | | | | |
| If a modification to the T&SC is not agreed as the preferred approach then SEMO will, if requested to report on behalf of Market Participants be required to enter into bilateral agreements. | | | | | |
| **Working Group**  *(State if Working Group considered necessary to develop proposal)* | | | **Impacts**  *(Indicate the impacts on systems, resources, processes and/or procedures)* | | |
| Not applicable | | | Not applicable | | |
| ***Please return this form to Secretariat by email to*** [***modifications@sem-o.com***](mailto: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 unless, if raising a Provisional Modification Proposal whereby legal drafting text is not imperative.**
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.**