



**Single Electricity Market
(SEM)**

Capacity Market Code Working Group 19

Decision Paper

Appendix D –

CMC_08_20 Approved Modification Text Drafting

SEM-21-077(d)

21 September 2021

Add new sub-section to I.1.2:

I.1.2A Ex-post Verification of Compliance with the CO₂ Limits

I.1.2A.1 In addition to its other obligations under this Code, the Participant shall, in respect to each of its Capacity Market Units that either

(a) burns mixed fuel as defined in Article 3(34) of Regulation (EU) 2018/2066;

(b) burns waste as defined in point (1) of Article 3 of Directive 2008/98/EC, excluding substances that have been intentionally modified or contaminated in order to meet this definition; or

(c) is a unit where CO₂ is captured and transferred as described in points (a) and (b) of the first subparagraph of Article 49 of Regulation (EU) 2018/2066

should provide, to the Regulatory Authorities, evidence of its compliance with the CO₂ Limits in each Capacity Year by the end of March following the end of such Capacity Year.

I.1.2A.2 Where a Participant is required to make a submission under paragraph I.2A.1, the Regulatory Authorities may request further information or clarification, including a report certified by a third-part verifier, by written notice to the Participant identifying the further information or clarification required and specifying a timeframe for providing it.

I.1.2A.3 If the Participant is unable to provide evidence of the compliance of a Capacity Market Unit with the CO₂ Limits within the required timeframe, then they shall be considered in material breach of this Code in respect of such Capacity Market Units.