

MODIFICATION PROPOSAL FORM			
Proposer <i>(Company)</i>	Date of receipt <i>(assigned by Secretariat)</i>	Type of Proposal <i>(delete as appropriate)</i>	Modification Proposal ID <i>(assigned by Secretariat)</i>
CRU and UR	14 th April 2021	Standard	Mod_11_21
Contact Details for Modification Proposal Originator			
Name	Telephone number	Email address	
Gina Kelly		gkelly@cru.ie	
Modification Proposal Title			
Documents affected <i>(delete as appropriate)</i>	Section(s) Affected	Version number of T&SC or AP used in Drafting	
T&SC Part B Glossary Part B Agreed Procedures Part B	B.17.3 Glossary Part B Agreed Procedure 12	3 November 2020	
Explanation of Proposed Change <i>(mandatory by originator)</i>			
<p>Mod_14_19 was raised to introduce a new seat on the Modifications Committee for Interconnector Owners. As part of the discussion of this Modification, the RAs proposed a wider review of the Composition of the Modifications Committee, voting rules and Agreed Procedures. This was followed by two Working Groups, Industry Calls and a number of Modification Proposals.</p> <p>At the Industry Call on 26 March, a number of changes were proposed based on the feedback received from the Committee. This Modification includes proposed legal drafting for two of the changes discussed;</p> <ol style="list-style-type: none"> 1. The addition of a new Supplier Seat 2. The addition of a new Renewable Generator Seat. This would allow Parties with at least one unit registered to nominate and vote for this seat. For the avoidance of doubt, Generation Participant Seats would continue to represent all Participants which have registered one or more Generator Units other than Interconnector Error Units, Interconnector Residual Capacity Units, Demand Side Units or Assetless Units. <p>It is proposed that only Renewable Generation Participants would be able to nominate and vote for this new seat. This change involves legal drafting changes to Section B.17 of the Code, the Glossary and AP12.</p> <p>A temporary Modification has also been raised by the Regulatory Authorities concerning a new Flexible Seat on the Modifications Committee.</p> <p>As part of the proposed changes the quorum requirements under Agreed Procedure 12 and it is proposed not to make any change to the number and composition of Members required form a Quorum.</p>			
Legal Drafting Change			
<i>(Clearly show proposed code change using tracked changes, if proposer fails to identify changes, please indicate best estimate of potential changes)</i>			

B.17.3 Constitution of the Modifications Committee and Voting Rules

B.17.3.1 The Modifications Committee shall consist of:

- (a) one member appointed by the Commission and one member appointed by UREGNI;
- (b) no more than 17 further members appointed as follows, such persons to include at all times:
 - (i) at least ~~four~~ ~~three~~ members nominated by or elected in respect of Generation Participants, **including one Renewable Generation Participant**;
 - (ii) at least ~~four~~ ~~three~~ members nominated by or elected in respect of Supply Participants;
 - (iii) one member appointed by the Market Operator;
 - (iv) one member appointed by each of the System Operators;
 - (v) one member appointed by each of the Meter Data Providers (to the extent not already represented);
 - (vi) a member nominated by or elected in respect of Demand Side Participants; and
 - (vii) a member nominated by or elected in respect of Assetless Participants.

B.17.3.4 If the Regulatory Authorities determine at any time that any particular type of party is not adequately represented on the Modifications Committee, the Regulatory Authorities may seek nominations from relevant persons and appoint a person from such nominations, or otherwise to represent that type of person. Such a person shall be a voting member of the Modifications Committee and shall be appointed for an initial term of two years. A member appointed in accordance with this paragraph shall not be deemed to be a representative of Generation Participants, Supply Participants, Demand Side Participants ~~or~~, Assetless Participants **or Renewable Generation Participants** (as the case may be) for the purposes of paragraph 0 or **Error! Reference source not found.**

B.17.3.5 The Regulatory Authorities may from time to time stipulate the minimum or maximum representation for Supply Participants, Generation Participants, Demand Side Participants or, Assetless Participants **or Renewable Generation Participants**.

B.17.7.3 At least 8 weeks prior to the expiry of any person's membership of the Modifications Committee, the existing Modifications Committee shall:

- a) where that person is a member appointed by the Commission, UREGNI, the Market Operator, a System Operator or a Meter Data Provider, notify the relevant party that is required to appoint a new member and new alternate member;
- b) where that person is a member appointed in respect of Generation Participants, Supply Participants, Demand Side Participants ~~or~~, Assetless Participants **or Renewable Generation Participants**, request the Secretariat to arrange an election in accordance with paragraph B.17.7.4; and
- c) where that person is a member appointed by the Regulatory Authorities in accordance with paragraph B.17.3.4, inform the Regulatory Authorities of the

pending expiry of the member's term.

B.17.7.4 Prior to the expiry of membership of any Nominating Participant member, or where a member is removed, resigns or retires from the Modifications Committee and the Modification Committee agrees that an election is required, the Secretariat shall arrange a Nominating Participant Election to fill that vacancy in accordance with such of the following steps as are necessary:

- (a) relevant Nominating Participants shall be requested to propose new nominees and alternates for election;
- (b) each Nominating Participant shall be entitled to vote to elect members from the Participant nominees in accordance with paragraphs **Error! Reference source not found.** to **Error! Reference source not found.**;
- (c) Nominating Supply Participants shall be entitled to vote to elect a member from the persons nominated by them;
- (d) Nominating Generation Participants shall be entitled to vote to elect a member from the persons nominated by them;
- (e) Nominating Demand Side Participants shall be entitled to vote to elect a member from the persons nominated by them;
- (f) Nominating Assetless Participants shall be entitled to vote to elect a member from the persons nominated by them;
- (g) Nominating **Renewable Generation Participants** shall be entitled to vote to elect a member from the persons nominated by them;
- (h) the number of nominees with the most votes from Supply Participants but not exceeding five nominees in number, shall be appointed to the Modifications Committee to replace any retiring, terminated or removed Supply Participant member;
- (i) the number of nominees with the most votes from Generation Participants, but not exceeding five nominees in number, shall be appointed to replace any retiring, terminated or removed Generation Participant member;
- (j) the number of nominees with the most votes from Demand Side Participants, but not exceeding one nominee in number, shall be appointed to replace any retiring, terminated or removed Demand Side Participant member;
- (k) the number of nominees with the most votes from Assetless Participants, but not exceeding one nominee in number, shall be appointed to replace any retiring, terminated or removed Assetless Participant member;
- (l) **the number of nominees with the most votes from Renewable Generation Participants, but not exceeding one nominee in number, shall be appointed to replace any retiring, terminated or removed Renewable Generation Participant member.**
- (m) the constitution of the Modifications Committee shall, unless agreed otherwise by the Regulatory Authorities, continue to comply with section 0; and
- (n) each member shall be appointed for a maximum term of two years, provided that, where an ad-hoc election has taken place to fill a vacancy, because a member has been removed, resigned or retired from the committee, the newly elected member shall be appointed in principle for a maximum term of two years, and this term will expire in accordance with the annual election date

which is closest to the term expiry date.

B.17.7.7 The Modifications Committee may at any time stipulate that an outgoing member who is a nominee of Generation Participants, Supply Participants, Demand Side Participants ~~or~~, Assetless Participants **or Renewable Generation Participants** must be replaced in any election with a nominee of Generation Participants, Supply Participants Demand Side Participants ~~or~~, Assetless Participant **or Renewable Generation Participants** respectively in order to preserve the requisite constitution of the Modifications Committee in accordance with paragraph 0 or as may be stipulated from time to time by the Regulatory Authorities pursuant to paragraph **Error! Reference source not found.** or **Error! Reference source not found.**

B.17.8.1 Any member may be removed during his or her term by the majority decision of the Modifications Committee (subject to veto by the Regulatory Authorities) if that person:

- (a) ceases to be in a position to represent those Supply Participants, Generation Participants, Demand Side Participants ~~or~~, Assetless Participants or **Renewable Generation Participants** from which the member was nominated;
- (b) becomes incapable of performing the functions of a member of the Modifications Committee;
- (c) has been, or is, in the reasonable opinion of the majority of the other members of the Modifications Committee, engaged in conduct which is inconsistent with or detrimental to being a member of the Modifications Committee; or
- (d) fails to discharge the obligations of a member of the Modifications Committee.

Glossary

Introduction of a new definition for a Renewable Generation Participant.

Renewable Generation Participant	means a Participant which has registered one or more Generator Units specified as a Wind Power Unit or Solar Power Unit under Section B.7.2.2. This distinction from a Generation Participant is for the purpose of Modifications Committee
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Nominating Generation and Renewable Generation Participants	means, for the purposes of section B.17 in relation to the Modifications Committee, a Party which is a Generation Participant or a Renewable Generation Participant and is allowed to nominate and vote for Generation Participant or Renewable Generation Participant nominees to the Modifications Committee. Only a Renewable Generation Participant may nominate and vote for the Renewable Generation seat on the Modifications Committee.
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Agreed Procedure 12

Section 3.7 Annual Nominating Participant Election

5 Notwithstanding Step 2, a Participant with multiple categories can cast a vote for each category in any given election. Votes are cast as follows:

- (a) Nominating Generation Participants cast one vote per Participant in relation to

- Generation Participant Members vacancy;
- (b) **Nominating Renewable Generation Participants cast one vote per Participant in relation to Renewable Generation Participant Members vacancy;**
 - (c) Nominating Supply Participants cast one vote per Participant in relation to Supply Participant Members vacancy;
 - (d) Nominating Demand Side Participants cast one vote per Participant in relation to Demand Side Participant Members vacancy; and
 - (e) Nominating Assetless Participants cast one vote per Participant in relation to Assetless Participant Members vacancy.

Agreed Procedure 12 Appendix 1:

Definitions

Ad-hoc Nominating Participant Election	means an ad-hoc election for the replacement of members appointed in respect of Generation Participants, Supply Participants, Demand Side Participants or , Assetless Participants or Renewable Generation Participants who have resigned, retired or been removed outside of the annual election timeframe.
Annual Nominating Participant Election	means an election for the replacement of members appointed in respect of Generation Participants, Supply Participants, Demand Side Participants or , Assetless Participants or Renewable Generation Participants whose terms are due to expire on the annual membership expiry date.

Modification Proposal Justification
(Clearly state the reason for the Modification)

This Modification aims to ensure that there is representation for renewable generators on the Modifications Committee through the creation of a dedicated renewable seat within the Generation Participant category, while allowing renewable generators to nominate and vote for other Generation Participants. In making this change, the number of Supplier and Generator Seats have been increased by one to reflect the interest of parties in having a seat on the Modifications Committee and ensure that the balance between Suppliers and Generators is maintained.

Code Objectives Furthered
(State the Code Objectives the Proposal furthers, see Section 1.3 of Part A and/or Section A.2.1.4 of Part B of the T&SC for Code Objectives)

(a) to facilitate the participation of electricity undertakings engaged in the generation, supply or sale of electricity in the trading arrangements under the Single Electricity Market;

This change is intended to allow for wider participation in the Modifications Committee by interested market participants.

Implication of not implementing the Modification Proposal
(State the possible outcomes should the Modification Proposal not be implemented)

If this Modification is not implemented, the current composition of the Modifications Committee may limit wider participation and may not reflect the views gathered through a number of

discussions of this topic.

Working Group <i>(State if Working Group considered necessary to develop proposal)</i>	Impacts <i>(Indicate the impacts on systems, resources, processes and/or procedures; also indicate impacts on any other Market Code such as Capacity Market Code, Grid Code, Exchange Rules etc.)</i>
	N/A

Please return this form to Secretariat by email to balancingmodifications@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 either Part A or Part B Appendix D "List of Agreed Procedures". The Proposer will need to specify whether the Agreed Procedure to modify refers to Part A, Part B or both.
T&SC / Code:	means the Trading and Settlement Code for the Single Electricity Market. The Proposer will also need to specify whether all Part A, Part B, Part C of the Code or a subset of these, are affected by the proposed Modification;
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 Part A or Chapter B of Part B of the Code (and Part A Agreed Procedure 12 or Part B 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:
 - 1.1 to the Market Operator and the Regulatory Authorities to publish and/or distribute the Modification Proposal for free and unrestricted access;
 - 1.2 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;
 - 1.3 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.