

MODIFICATION PROPOSAL FORM			
Proposer (Company)	Date of receipt (assigned by System Operator)	Type of Proposal (delete as appropriate)	Modification Proposal ID (assigned by System Operator)
ESB	3 rd November 2025	Standard	CMC_19_25
Contact Details for Modification Proposal Originator			
Name	Telephone number	Email address	
Andrew Kelly		andrew.kelly@esb.ie	
Modification Proposal Title			
Information on Remedial Actions – Extensions and Terminations			
Documents affected (delete as appropriate)	Section(s) Affected	Version number of CMC used in Drafting	
	J.5, J.6	V12.0	
Explanation of Proposed Change (mandatory by originator)			
Section J.5 of the Capacity Market Code pertains to Remedial Actions, encompassing the provisions governing Extensions and Terminations of Capacity Market Agreements. Specifically, the rules concerning the extension of key contractual milestones—including the Long Stop Date or the Capacity Quantity End Date and Time—are set out in Section J.5.8, while the procedures for the Termination of Awarded New Capacity are detailed in Section J.6. In circumstances where the System Operator has exercised its powers to grant an extension under Section J.5.8 or to approve a termination under Section J.6, ESB Generation and Trading (ESB GT) is of the view that enhanced and timely transparency should be afforded to market participants. Publication of termination notices are occurring on average 11 months after the effective date of the notices. In particular, ESB GT believes that the rationale underpinning such decisions—especially those relating to extensions— should to be disclosed in a timely and accessible manner. This desire for transparency was raised by many market participants in responses to the consultations that resulted in SEMC Decision SEM-21-101. SEM-23-101 Decision on Supplementary Consultation Paper on modified and combined Modifications to Facilitate Delivery of Capacity The Single Electricity Market Committee			
Legal Drafting Change (Clearly show proposed code change using tracked changes, if proposer fails to identify changes, please indicate best estimate of potential changes)			
J.5.8	Extension to Long Stop Date and/or Capacity Quantity End Date and Time after achieving Substantial Financial Completion		
J.5.8.1	The provisions of this section J.5.8 apply to Awarded New Capacity with a Maximum Capacity Duration of more than one Capacity Year, allocated pursuant to T-3 or T-4 Auctions for the Capacity Year beginning 1 October 2023 and to Auctions for subsequent Capacity Years, until such time as the Regulatory Authorities consider appropriate.		

J.5.9 Where any extension has been granted under J.5.5 to J.5.8, the Participant shall make a disclosure on an approved Inside Information Platform within [5] working days of the grant of such extension.

J.6 TERMINATION OF AWARDED NEW CAPACITY

J.6.1.8 Where the System Operators issue a Capacity Termination Notice, the System Operators shall:

- (a) at the same time, send a copy of the Capacity Termination Notice to the Regulatory Authorities;
- (b) subject to J.6.1.8A and B.14, within a period of [25] Working Days publish a notice that it has terminated Awarded Capacity, identifying the Capacity Market Unit and the effective date of termination; and
- (c) update the Capacity and Trade Register to terminate Awarded Capacity reflecting the Capacity Termination Notice, by setting the Status Flag to "Terminated".

J.6.1.8A Where no Notice of Dispute has been notified by the Participant in respect of the Capacity Termination Notice, the Participant shall within a period of [25] Working Days make a disclosure on an approved Inside Information Platform.

J.6.1.9 The System Operators may amend a Termination Notice by written notice to the Participant.

Modification Proposal Justification

(Clearly state the reason for the Modification)

ESB GT believe that this modification will enable information about why units have failed to come online to come out into the public sphere. This is important to enable market participants to receive a more accurate capacity adequacy signal.

Code Objectives Furthered

(State the Code Objectives the Proposal furthers, see Sub-Section A.1.2 of the CMC Code Objectives)

ESB Generation and Trading believe that this modification will further code objectives (a), (b), (c), (d), (e) (f) and (g)

Implication of not implementing the Modification Proposal

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

ESB Generation and Trading see the implication of not implementing the modification proposal as ultimately having a negative impact on security of supply by making it more difficult for market participants to make decisions around where to optimally invest their resources with the aim of delivering the reliable and efficient (both financially and energetically) capacity to the I-SEM. There will continue to be the potential for information asymmetry between market participants in relation to information that is market affecting

Impacts

(Indicate the impacts on systems, resources, processes and/or procedures)

No impact on market systems

<i>Please return this form to the System Operators by email to CapacityModifications@sem-o.com</i>

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 Regulatory Authorities.
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:

CMC / Code:	means the Capacity Market 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 "System Operators" 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 B.12 of the Code, 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 System Operators and the Regulatory Authorities to publish and/or distribute the Modification Proposal for free and unrestricted access;
 - 1.2 to the Regulatory Authorities 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 System Operators 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 Regulatory Authorities and that there is no guarantee that my Modification Proposal will be incorporated into the Code.