

MODIFICATION PROPOSAL FORM			
Proposer <i>(Company)</i>	Date of receipt <i>(assigned by System Operator)</i>	Type of Proposal <i>(delete as appropriate)</i>	Modification Proposal ID <i>(assigned by System Operator)</i>
RAs	22nd December 2025	Standard	CMC_22_25
Contact Details for Modification Proposal Originator			
Name	Telephone number	Email address	
		CRMsubmissions@cru.ie & crmsubmissions@uregni.gov.uk	
Modification Proposal Title			
Termination and re-entry			
Documents affected <i>(delete as appropriate)</i>	Section(s) Affected	Version number of CMC used in Drafting	
CMC	J.6.1.10, J.6.1.10A, J.6.1.10B	13.0	
Explanation of Proposed Change <i>(mandatory by originator)</i>			
<p>This Modification Proposal firstly seeks to split J.6.1.10 of the Capacity Market Code (CMC) into two parts to:</p> <p>(a) clarify that where Awarded Capacity is terminated prior to achieving the Substantial Financial Completion milestone, the existing clause applies, and</p> <p>(b) clarify that where Awarded Capacity is terminated after achieving the Substantial Financial Completion milestone, a two T-1 Capacity Auction suspension will apply, where a Participant may not submit an Application for Qualification in respect of the same capacity that was terminated for two consecutive T-1 Capacity Auctions held in the next two years only.</p> <p>Secondly, the Modification Proposal introduces a new clause, J.6.1.10A, into the CMC, to define “same capacity” for the purpose of modified J.6.1.10, being capacity that has (i) the same, modified, or reissued planning permission and Connection Agreement or Offer; (ii) the same technology class; and (iii) a location on the same land area or on an adjacent land area.</p> <p>Thirdly, the Modification Proposal introduces a new clause, J.6.1.10B, to clarify that where an ILC unit terminates (New Capacity that is repowered or refurbished capacity based on Existing Capacity) and is reverted back to being treated as Existing Capacity, the definition of “same capacity” introduced in J.6.1.10A shall not apply, and therefore, the Existing Capacity unit is not precluded from participating in the next T-1 auction.</p> <p>For clarity and the avoidance of doubt, with this proposed Modification, should a Participant terminate its Awarded Capacity after achieving Substantial Financial Completion, it shall be precluded from participating in the next two subsequent T-1 auctions held in the next two years in which it would otherwise be eligible to participate in, i.e., where the Qualification Application Date has not passed for the first of the two Capacity Auctions. In developing this proposal, the RAs also considered D.2.1.2 of the CMC which sets out that a T-1 auction may only be held at the instruction of the RAs and, as such, there is no requirement for a T-1 auction to be held for any given Capacity Year. In this regard and within the two-year period following termination, if a</p>			

T-1 auction is held in the first year after termination and the next year it isn't, or if a T-1 auction is held in the second year only and isn't for the first, or if no T-1 auction is held in the next two years after the Awarded Capacity has been terminated, then the Participant will not be precluded from participating in the next T-1 auction if it is held in the third or later year after the termination occurs.

Legal Drafting Change

*(Clearly show proposed code change using **tracked** changes, if proposer fails to identify changes, please indicate best estimate of potential changes)*

Split J.6.1.10 into two parts:

J.6.1.10 Where Awarded Capacity is terminated:

- (a) before achieving Substantial Financial Completion, then that shall not preclude a Participant submitting an Application for Qualification for the same capacity for a Capacity Year after the Capacity Year to which the terminated Awarded Capacity first applied; or
- (b) after achieving Substantial Financial Completion, then that shall preclude a Participant submitting an Application for Qualification for the same capacity for T-1 Capacity Auctions held in the two years following termination;
 - (i) the first such Capacity Auction being the first T-1 Auction where the Qualification Application Date falls after the effective date of the termination.

J.6.1.10A For the purpose of J.6.1.10, same capacity means:

- (a) capacity which has the same, modified, or reissued planning permission or Connection Agreement(s) or Connection Offer(s);
- (b) capacity with the same technology class; and
- (c) capacity on the same land area or on an adjacent land area.

J.6.1.10B For the purpose of J.6.1.10, the definition of same capacity set out in J.6.1.10A shall not apply to New Capacity that is repowered or refurbished capacity based on Existing Capacity that has terminated and is then considered Existing Capacity.

Modification Proposal Justification

(Clearly state the reason for the Modification)

This Modification Proposal seeks to increase robustness of the Code and mitigate potential gaming opportunities for projects that have commenced building to terminate and re-enter into either of the next two T-1 Capacity Auctions held in the next two years to receive a higher Capacity Payment Price.

Code Objectives Furthered

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

This Modification Proposal would further the following Code Objectives:

- (b) to facilitate the efficient, economic and coordinated operation, administration and development of the Capacity Market and the provision of adequate future capacity in a financially secure manner.

And

(g) through the development of the Capacity Market, to promote the short-term and long-term interests of consumers of electricity with respect to price, quality, reliability, and security of supply of electricity across the Island of Ireland.

Implication of not implementing the Modification Proposal

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

If this Modification Proposal is not implemented, the potential for gaming by terminating an existing contract and seeking to re-enter the same capacity into the next T-1 auction or the one after at a higher capacity price still exists. Without this Modification, a project could successfully terminate and re-enter into the next T-1 auction or the one after, potentially creating a scenario whereby the consumer would be paying more money for the same capacity that was due to deliver earlier.

Impacts

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

No impact on systems, resources, processes and/or procedures.

Please return this form to the System Operators by email to CapacityModifications@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 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.