

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)
RAs	30 th May 2025	Standard	CMC_12_25
Contact Details for Modification Proposal Originator			
Name	Telephone number	Email address	
		CRMsubmissions@cru.ie crmsubmissions@uregni.gov.uk	
Modification Proposal Title			
RAs' role in relation to FQDs			
Documents affected (delete as appropriate)	Section(s) Affected	Version number of CMC used in Drafting	
Capacity Market Code	B.14.1.2, B.14.8.3, B.14.8.8, B.14.8.10, B.14.9.1(d), B.14.9.2(a), B.14.9.3, B.14.10.1, B.26, E.9.4 (changes throughout). In addition to proposed new section "XX", and addition of new terms to the glossary relating to "Notice of Review".	12.0	
Explanation of Proposed Change (mandatory by originator)			
<p>The RAs have undertaken a review of the Capacity Market Code ahead of the next T-4 auction. In doing so, a number of Modification Proposals are being raised. At present, as laid out in E.9.4 (Qualification Decisions), the FQDs are presented to the RAs by the SOs as recommendations for approval or rejection. As per E.9.4.5, the RAs may approve or reject one or more of the FQDs by written notice to the SOs.</p> <p>This Modification Proposal considers altering the RAs' role to one which would:</p> <ul style="list-style-type: none"> • Be confined to resolving challenges brought against decisions reached earlier in the qualification process (i.e. through the CMDRB); • Allow the RAs to rely (except where good cause could be shown) upon information which had been available at those earlier stages; and • Be more closely integrated with the process for resolving qualification disputes, involving SO review and then dispute resolution by the CMDRB. <p>The Modification Proposal also considers a number of other changes to E.9.4 which, in the alternative, might usefully be made to clarify the operation of this provision.</p>			
Legal Drafting Change (Clearly show proposed code change using tracked changes, if proposer fails to identify changes, please indicate best estimate of potential changes)			

Part 1 – legal drafting changes relating to proposal to alter RAs’ role.

In B.14.1.2, delete the following:

B.14.1 Kinds of Dispute and the Dispute Process Timetable

B.14.1.2 The legality, validity or enforceability of a decision or determination of the Regulatory Authorities (including a decision to approve or reject any matter or thing, including ~~Final Qualification Decisions or~~ Capacity Auction Results) made under this Code, deemed to have been made under this Code or contemplated by this Code cannot be the subject of a Dispute under this section B.14.

In B.14.8, add the following:

B.14.8 CMDRB Procedures

B.14.8.1 For the purposes of this Code:

- (a) a Qualification Dispute is deemed to be referred to the CMDRB as of the date the System Operators forward the Notice of Dispute in relation to the Dispute to the Panel Chairperson; and
- (b) a General Dispute is deemed to be referred to the CMDRB as of the date of the receipt or issue of the Referral Notice by the System Operators.

B.14.8.2 Disputing Parties shall promptly make available to the CMDRB all such additional information as they consider appropriate or as the CMDRB may require for the purposes of making a decision on a Dispute. The CMDRB may request any information it considers relevant.

B.14.8.3 The CMDRB shall be entitled to determine the applicable procedure including the manner and the timing of any written submissions and any oral hearings. In determining the applicable procedure, the CMDRB shall have regard to the considerations set out in paragraph B.14.3.1 above as well as the number of Disputing Parties. The CMDRB (and, in disposing of any review under paragraph [XX], the Regulatory Authorities) shall not act as arbitrator and neither the Arbitration Act 2010 (Ireland) or the Arbitration Act 1996 (United Kingdom) shall apply.

B.14.8.4 Where a Dispute relates to a matter that has been the subject of a report by the Capacity Auction Monitor under this Code, the CMDRB shall have regard to the report and the conclusions of the Capacity Auction Monitor when considering issues raised in the Dispute.

B.14.8.5 The CMDRB shall give its decision:

- (a) in the case of a Qualification Dispute, not later than the Prescribed Deadline; and
- (b) in the case of a General Dispute, within:
 - (i) 30 Working Days after the appointment of the CMDRB where there are no more than two Disputing Parties;
 - (ii) 40 Working Days after the appointment of the CMDRB where there are more than two Disputing Parties; or
 - (iii) such other period as may be proposed by the CMDRB and approved by the Disputing Parties.

B.14.8.6 The CMDRB's decision shall be in writing providing reasons. Subject to paragraphs B.14.8.8 to B.14.10.1 below, the decision shall be binding on all Disputing Parties, who shall promptly give effect to it.

B.14.8.7 The Parties shall continue to comply with this Code in all respects during any CMDRB process under this section B.14.

B.14.8.8 Except in the case of a Qualification Dispute:

(a) ~~If any Disputing Party is dissatisfied with the CMDRB's decision, then that Party may, within 2 Working Days in the case of a Qualification Dispute or 15 Working Days in the case of a General Dispute after receiving the decision, give notice to the other Disputing Party or Parties and the CMDRB in writing of its dissatisfaction, or~~

(b) ~~If the CMDRB fails to give its decision within the relevant period under paragraph B.14.8.54,~~

then any Disputing Party may, within ~~2 Working Days in the case of a Qualification Dispute or 15 Working Days in the case of a General Dispute~~ after receiving the decision or (as the case may be) such period has expired, give notice to the other Disputing Party or Parties and the CMDRB in writing of its dissatisfaction.

~~B.14.8.8~~B.14.8.9 A notice of dissatisfaction referred to in paragraph B.14.8.8 shall state that it is given under that paragraph, shall set out the Dispute and the reason(s) for dissatisfaction. Except as stated in paragraph B.14.2.7 and section B.14.10, no Disputing Party shall be entitled to commence any Court proceedings of whatever nature in relation to or in connection with a Dispute unless a notice of dissatisfaction has been given in accordance with paragraph B.14.8.8.

~~B.14.8.9~~B.14.8.10 If the CMDRB has given its decision on a Dispute to the Disputing Parties and either (a) in the case of a Qualification Dispute, no Notice of Review under paragraph [XX] or (b) in any other case, no notice of dissatisfaction under paragraph B.14.8.8 has been given by any Disputing Party within the applicable period ~~under paragraph B.14.8.8~~ after the date of the CMDRB's decision, then the decision shall be final and binding upon all Disputing Parties.

In B.14.9, amend the following:

B.14.9 CMDRB Decisions

B.14.9.1 Subject to paragraph B.14.9.2, the CMDRB in its decision may:

- (a) declare that:
 - (i) the Dispute has been wholly or partially upheld; or
 - (ii) the Dispute has not been upheld;
- (b) declare the correct application or interpretation of a provision of this Code;
- (c) advise any other form of relief that may be appropriate in the circumstances (subject to any applicable exclusions or limitations of liability under this Code, including section B.15);
- (d) recommend that the Regulatory Authorities reject ~~Final Qualification Decisions or~~ Capacity Auction Results;
- (e) recommend that the Regulatory Authorities cancel, postpone, delay, suspend, re-run or annul a Capacity Auction or give a direction under paragraph B.14.9.4; or

- (f) recommend that a Disputing Party take a specified action within a specified timeframe.

B.14.9.2 A CMDRB may not make a decision or order:

- (a) that varies ~~Qualification Decisions or~~ Capacity Auction Results after they have been approved by the Regulatory Authorities;
- (b) that an Auction be cancelled, postponed, delayed, suspended, re-run or annulled, although it may recommend that the Regulatory Authorities do so;
- (c) that affects the validity of the results of a Capacity Auction, including the quantity of Awarded Capacity for any Participant or the price, after they have been approved by the Regulatory Authorities; or
- (d) concerning the legality, validity or enforceability of a decision or determination of the Regulatory Authorities made under this Code, deemed to have been made under this Code or contemplated by this Code.

B.14.9.3 The System Operators shall give effect to a CMDRB decision in relation to a Qualification Dispute (or, as the case may be, to such a decision as varied or replaced by the Regulatory Authorities) in making Final Qualification Decisions under paragraph E.9.4.1 in respect of the relevant Qualification Process.

B.14.9.4 If a CMDRB finds that:

- (a) a material error has been made in the conduct of an Auction; and
- (b) as a result, a Participant was not allocated a Primary Trade or a Secondary Trade in respect of a Capacity Market Unit and should have been,

then the Regulatory Authorities may direct the System Operators to offer to the Participant to enter a correcting trade in the Capacity and Trade Register in respect of the relevant Capacity Market Unit (at the price, and with a duration, that would have applied had the Participant been successful in the relevant Auction in respect of the relevant Capacity Market Unit).

B.14.9.5 If a Participant accepts an offer from the System Operators contemplated by paragraph B.14.9.4, then the System Operators shall adjust the Capacity and Trade Register to reflect the offer.

B.14.9.6 The System Operators shall update any register under this Code or any notice given, or document or item of information published, under this Code to the extent they consider necessary to reflect a decision of the CMDRB under this Code or the DRB under the Trading and Settlement Code or of a Court having competent jurisdiction or a direction of the Regulatory Authorities under paragraph B.14.9.4.

In B.14.10.1, add the following:

B.14.10 Court Proceedings

B.14.10.1 Any Dispute in respect of which a notice of dissatisfaction has been issued may only be finally settled by proceedings in a Court having competent jurisdiction. For the avoidance of doubt recourse to the Courts is not possible after a review by the Regulatory Authorities in a Qualification Dispute (save in the case of dishonesty or malice).

In B.26.1, add the following:

B.26 NOTICES

B.26.1.1 This section B.26 applies to Notices which shall, for the avoidance of doubt, include:

- (a) Default Notices;
- (b) Suspension Orders;
- (c) Termination Orders;
- (d) Notice of Dispute;
- (e) notices of dissatisfaction under paragraph B.14.8.8;
- (f) Referral Notices;
- (g) notification of Force Majeure;
- (h) Notice of revocation of an Intermediary's authority under paragraph B.5.5.2(c);
- (i) other Notices required for the purposes of sections B.14 and [XX]; and
- (j) a notice by the Regulatory Authorities under section E.5 in respect of an Exception Application.

In E.9.4, add the following and amend:

E.9.4 Final Qualification Decisions

E.9.4.1 The System Operators shall prepare a set of Final Qualification Decisions in relation to a Qualification Process specifying:

- (a) for each Capacity Market Unit:
 - (i) its final SO Qualification Decisions; and
 - (ii) the Other Qualification Decisions; and

(b) where the System Operators ~~have rejected~~ ~~propose to reject~~ an Application for Qualification, the requirements under section E.7 that the Application for Qualification failed to satisfy;

and shall use reasonable endeavours to notify the Regulatory Authorities of the Final Qualification Decisions no less than 2 Working Days before the Final Qualification Results Date specified in the applicable Capacity Auction Timetable.;

E.9.4.2 The Final Qualification Decisions in respect of a Capacity Market Unit shall:

- (a) reflect the Regulatory Authorities' decisions in respect of any relevant Exception Application;
- (b) reflect the outcome of any relevant reconsideration of a Reviewable Decision under section E.9.3 or decision of a CMDRB (or, as the case may be, such a decision as varied or replaced by the Regulatory Authorities) in relation to a Dispute under section B.14 concerning one or more Provisional SO Qualification Decisions in respect of the Capacity Market Unit; and
- ~~(c) correct any error or omission in the Provisional SO Qualification Decisions in respect of the Capacity Market Unit which the System Operators become aware of; and~~
- ~~(d) reflect any updated information or change in circumstances affecting the Participant which the System Operators become aware of.~~

~~(e)(c)~~ The System Operators shall submit the Final Qualification Decisions to the Regulatory Authorities for approval.

~~E.9.4.3~~ The System Operators shall use reasonable endeavours to submit the Final Qualification Decisions in accordance with paragraph E.9.4.3 on or before the Final Qualification Submission Date specified in the applicable Capacity Auction Timetable.

~~E.9.4.4~~ The Regulatory Authorities may approve or reject one or more Final Qualification Decisions submitted by the System Operators under paragraph E.9.4.3 by written notice to the System Operators (giving reasons in the case of rejection).

~~E.9.4.5~~ If the Regulatory Authorities reject a Final Qualification Decision submitted by the System Operators under paragraph E.9.4.3, then the Regulatory Authorities may by written notice to the System Operators determine an alternative decision in substitution for that of the System Operators.

~~E.9.4.6~~ If the Regulatory Authorities do not notify the System Operators that they reject a Final Qualification Decision on or before the date that is two Working Days before the Final Qualification Results Date specified in the applicable Capacity Auction Timetable, then they will be deemed to have approved the decision submitted by the System Operators.

~~E.9.4.7~~ E.9.4.3 The Final Qualification Decisions ~~approved, or deemed to have been approved, by notified to Participants the Regulatory Authorities (and as substituted by the Regulatory Authorities)~~ under this section E.9.4 are final and binding on the Parties.

~~E.9.4.8~~ E.9.4.4 The System Operators shall notify Participants of the ~~approved~~ Final Qualification Decisions in respect of each of their Capacity Market Units.

~~E.9.4.9~~ E.9.4.5 The System Operators shall give a notification under paragraph E.9.4.9 by the later of the Final Qualification Results Date specified in the applicable Capacity Auction Timetable and a date being two Working Days after the Regulatory Authorities have approved (or are deemed to have approved pursuant to paragraph E.9.4.7) the Final Qualification Decisions in respect of the relevant Capacity Auction.

~~E.9.4.10~~ E.9.4.6 Where a Final Qualification Decision has changed relative to the relevant provisional SO Qualification Decision (if applicable), the System Operators shall include in the notification under paragraph E.9.4.9 both the provisional and final decision or value, so as to identify to the Participant what has changed.

~~E.9.4.11~~ For the avoidance of doubt, the System Operators (or the Regulatory Authorities under paragraph E.9.4.6) may reject an Application for Qualification for any of the reasons contemplated in section E.7 in light of any updated information or change in circumstances affecting the Participant which they become aware of, notwithstanding that they may not have done so at a previous stage in the Qualification Process.

Add new Section XX:

[XX] **Reviews of CMDRB decisions in relation to Qualification Disputes**

[XX.1] This section [XX] makes provision in respect of applications for review submitted by Disputing Parties in respect of decisions of the CMDRB in relation to Qualification Disputes.

[XX.2] If any Disputing Party ("A") is dissatisfied with the CMDRB's decision in the case of a Qualification Dispute, then:

(a) A may, within 2 Working Days after receiving the decision, request that the Regulatory Authorities review that decision by giving a Notice of Review to the other

Disputing Party (“B”) and to the Regulatory Authorities, accompanied by (and only by) the Notice of Review Documents; and

(b) B shall, within 2 Working Days after receiving the Notice of Review and the Notice of Review Documents, give a Notice of Review Reply (accompanied, if applicable, by (and only by) the Notice of Review Documents (Reply)) to A and to the Regulatory Authorities.

[XX.3] In the event that the CMDRB fails to give its decision in the case of a Qualification Dispute by the Prescribed Deadline, it shall be deemed to have decided to uphold the decision of the System Operators.

[XX.4] The Regulatory Authorities shall determine the procedure in relation to any review, including the manner and timing for furnishing any reply to an application for review, any evidence or any submission (having regard to the considerations set out in paragraph B.14.3.1 above). The Disputing Parties shall comply with any procedural direction of the Regulatory Authorities.

[XX.5] Upon receiving (i) a Notice of Review, (ii) the Notice of Review Documents, (iii) any Notice of Review (Reply) and Notice of Review Documents (Reply) and (iv) any evidence introduced under paragraph [XX.7], the Regulatory Authorities shall review the CMDRB decision and determine the outcome of that review having regard to (i) to (iv).

[XX.6] In determining the outcome of a review the Regulatory Authorities may uphold the decision of the CMDRB or may vary or replace it.

[XX.7] If a Disputing Party wishes to rely, in any review, on evidence that was not before the CMDRB, it may seek permission from the Regulatory Authorities to introduce and rely on such evidence explaining:

(a) why such evidence was not before the CMDRB; and

(b) why it should be considered by the Regulatory Authorities.

The Regulatory Authorities shall not grant such permission unless they are satisfied that introducing such evidence would not cause undue delay or unfairness and is necessary in all the circumstances.

[XX.8] The decision of the Regulatory Authorities in relation to any review (together with their reasons) shall be notified to the Disputing Parties by the Prescribed Deadline and shall (save in the case of dishonesty or malice) be final and binding upon them.

[XX.9] The Disputing Parties shall continue to comply with this Code in all respects during any review by the Regulatory Authorities under this section XX.

In the glossary:

Amend the following:

Final Qualification Decisions

means the final set of Qualification Decisions in respect of each Capacity Market Unit from the Qualification Process identified in paragraph E.9.4.1, ~~as approved (or deemed to have been approved) or substituted by the Regulatory Authorities in accordance with section E.9.4.~~

And add the following new definitions:

Notice of Review

means Notice of an application to the Regulatory Authorities under paragraph [XX] containing: (a) a concise statement identifying the part(s) of the CMBRD decision to which the application relates; (b) a summary of the grounds for applying for review of the CMBRD decision; (c) a succinct presentation of the arguments supporting each of such grounds (including any argument in support of the introduction of any documentary evidence which was not before the CMDRB and which the applicant considers should be introduced pursuant to [XX.7]); and (d) a schedule listing the Notice of Review Documents submitted with the Notice.

Notice of Review (Reply)

means Notice of a reply to a Notice of Review containing a statement of whether or not the application for review is resisted and, if so: (a) the grounds, if any, on which it is resisted; (b) a succinct presentation of the arguments supporting each of the grounds (including any argument in support of the introduction of any documentary evidence which was not before the CMDRB and which the person issuing the Notice considers should be introduced pursuant to [XX.7]; and (c) a schedule listing the Notice of Review Documents (Reply) submitted with the Notice.

Notice of Review Documents

means: (a) a copy of the CMDRB decision to which the application relates; (b) a copy of any information or evidence submitted by the applicant to the CMDRB; (c) any other documentary evidence which the applicant wishes to rely on in support of the application and which is needed to show what evidence was before the CMDRB when it made its decision; and (d) any documentary evidence which was not before the CMDRB and which the applicant considers should be introduced pursuant to [XX.7].

Notice of Review Documents (Reply)

means: (a) a copy of any information or evidence submitted by the person issuing the Notice of Review (Reply) to the CMDRB; (b) any other documentary evidence which such person wishes to rely on in support of such Notice and which is needed to show what evidence was before the CMDRB when it made its decision; and (c) any documentary evidence which was not before the CMDRB and which such person considers should be introduced pursuant to [XX.7].

Part 2 – legal drafting changes relating to alternative proposal

In E.9.4, amend the following:

E.9.4 Final Qualification Decisions

E.9.4.1 The System Operators shall prepare a set of Final Qualification Decisions in relation to a Qualification Process specifying:

- (a) for each Capacity Market Unit:
 - (i) its final SO Qualification Decisions; and
 - (ii) the Other Qualification Decisions; and
- (b) where the System Operators ~~have rejected~~propose to reject an Application for Qualification, the requirements under section E.7 that the Application for Qualification failed to satisfy.

E.9.4.2 The Final Qualification Decisions in respect of a Capacity Market Unit shall:

- (a) reflect the Regulatory Authorities' decisions in respect of any relevant Exception Application;

	<ul style="list-style-type: none"> (b) reflect the outcome of any relevant reconsideration of a Reviewable Decision under section E.9.3 or decision of a CMDRB in relation to a Dispute under section B.14 concerning one or more Provisional SO Qualification Decisions in respect of the Capacity Market Unit; (c) correct any error or omission in the Provisional SO Qualification Decisions in respect of the Capacity Market Unit which the System Operators become aware of; and (d) reflect any updated information or change in circumstances affecting the Participant which the System Operators become aware of.
E.9.4.3	The System Operators shall submit the Final Qualification Decisions to the Regulatory Authorities for approval <u>or rejection</u> .
E.9.4.4	The System Operators shall use reasonable endeavours to submit the Final Qualification Decisions in accordance with paragraph E.9.4.3 on or before the Final Qualification Submission Date specified in the applicable Capacity Auction Timetable.
E.9.4.5	<u>Having regard to the provisions of paragraph E.7.1, the</u> The Regulatory Authorities may approve or reject one or more Final Qualification Decisions submitted by the System Operators under paragraph E.9.4.3 by written notice to the System Operators (giving reasons <u>for their decision in the case of rejection</u>).
E.9.4.6	If the Regulatory Authorities reject a Final Qualification Decision submitted by the System Operators under paragraph E.9.4.3, then the Regulatory Authorities may by written notice to the System Operators determine an alternative decision in substitution for that of the System Operators. <u>In this provision and E.9.4.5, 'approval' includes approval on grounds other than those relied on by the System Operators, and 'rejection' means only a change in the qualification outcome of the Final Qualification Decision submitted by the System Operators.</u>
E.9.4.7	If the Regulatory Authorities do not notify the System Operators that they reject a Final Qualification Decision on or before the date that is two Working Days before the Final Qualification Results Date specified in the applicable Capacity Auction Timetable, then they will be deemed to have approved the decision submitted by the System Operators.
E.9.4.8	The Final Qualification Decisions approved, or deemed to have been approved, by the Regulatory Authorities (and as substituted by the Regulatory Authorities) under this section E.9.4 are final and binding on the Parties.
<u>E.9.4.9</u>	<p>The System Operators shall</p> <ul style="list-style-type: none"> <u>(a)</u> — notify Participants of the approved Final Qualification Decisions <u>and, other than in a deemed approval under E.9.4.7, the Regulatory Authorities' decision</u> in respect of each of their Capacity Market Units; <u>(a)</u> _____ <u>(b)</u> — The System Operators shall give thea notification under paragraph E.9.4.9 by the later of the Final Qualification Results Date specified in the applicable Capacity Auction Timetable and a date being two Working Days after the Regulatory Authorities have approved (or are deemed to have approved pursuant to paragraph E.9.4.7) the Final Qualification Decisions in respect of the relevant Capacity Auction; <u>and</u>- <u>(b)</u> _____ (c) Where <u>W</u>here a Final Qualification Decision has changed relative to the relevant provisional SO Qualification Decision (if applicable), the System Operators shall include in the notification <u>under paragraph E.9.4.9</u> both the provisional

and final decision or value, so as to identify to the Participant what has changed.

~~E.9.4.9~~E.9.4.10 For the avoidance of doubt, the System Operators (or the Regulatory Authorities under paragraph E.9.4.6) may reject an Application for Qualification for any of the reasons contemplated in section E.7 in light of any updated information or change in circumstances affecting the Participant which they become aware of, notwithstanding that they may not have done so at a previous stage in the Qualification Process.

Modification Proposal Justification

(Clearly state the reason for the Modification)

Following the 2028/29 T-4 capacity auction, the RAs have reflected on their role in relation to the approval/rejection of FQDs. At present, under E.9.4 of the CMC, the RAs have a role in approving all of the FQDs made by the TSOs, which in reality are not 'final' until approved by the RAs. In the 2028/29 T-4 auction, this required the RAs to carry out their own assessment of a number of FQDs, taking into account all relevant information.

As per the indicative timetable in Appendix C of the CMC, the Final Qualification Submission Date should take place five weeks in advance of the auction and two weeks in advance of the Final Qualification Results Date. This means that the RAs have an intended two-week period to consider all the proposed FQDs and to decide in each case whether to approve or reject. The timelines envisaged in the CMC impose a significant burden on the RAs in terms of conducting the sort of assessments required in the 2028/29 T-4 auction.

The RAs consider that the role of assessing qualification applications sits with the TSOs and the CMDRB where required, commencing with the Qualification Application Date, which has an indicative timeframe of A-21 weeks. Therefore, the TSOs have a significant period of time to review the qualification applications. In parallel, the RAs review Exception Applications, which relate to economic and financial evaluations which sit within the RAs' areas of expertise.

The draft modification would confine the RAs' role and responsibility in relation to FQDs to that of reviewing the CMDRB decision made in any qualification dispute which has first been referred to the CMDRB where the developer or SO is unhappy with the CMDRB decision.

The RAs consider that there is merit, in the alternative, in making a number of changes to section E.9.4 of the CMC to clarify the operation of this provision. These changes would not be required if the RAs' role in relation to FQDs were to be altered.

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 CMC 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

(c) to facilitate the participation of undertakings including electricity undertakings engaged or seeking to be engaged in the provision of electricity capacity in the Capacity Market

And

(e) to provide transparency in the operation of the SEM

Implication of not implementing the Modification Proposal

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

The RAs are currently of the view that if this Modification Proposal is not implemented, it may represent a missed opportunity to reform the RAs' role in relation to FQDs, or in the alternative to clarify the operation of section E.9.4 of the CMC.

Impacts

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

Failure to implement this proposal may have an impact on RA resources.

The proposal would require a new process to be developed and implemented but we do not envisage this having any system impact.

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.