



**Single Electricity Market
(SEM)**

**Capacity Market Code Modifications
Workshop 42
Decision Paper**

CMC_01_25: Provision of Information Related to Application Rejection under E.7

SEM-25-047

29 August 2025

EXECUTIVE SUMMARY

The purpose of this decision paper is to set out the decision relating to a proposed Modification to the Capacity Market Code (CMC) discussed at Workshop 42, held on 20 March 2025:

- **CMC_01_25:** Provision of Information Related to Application Rejection under E.7

The decision within this paper follows on from the associated consultation ([SEM-25-015](#)), which closed on 30 May 2025.

Nine responses were received to the Capacity Market Code Workshop 42 Modification Consultation Paper (SEM-25-015). None were marked as confidential. The responses to the consultation have been published alongside the decision paper for CMC_02_25 and CMC_03_25, which were also discussed at Workshop 42. They can be found here: [SEM-25-035](#).

Summary of Key Decision

Following consideration of the proposal and the responses received to the consultation, the SEM Committee have decided:

Modification	Decision	Implementation Date
CMC_01_25: Provision of Information Related to Application Rejection under E.7	Make a Modification	Effective on publication

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1. OVERVIEW

1.1. BACKGROUND

- 1.1.1. The SEM CRM detailed design and auction process has been developed through a series of consultation and decision papers, all of which are available on the SEM Committee's (SEMC) website. These decisions were translated into legal drafting of the market rules via an extensive consultative process leading to the publication of the Trading and Settlement Code (TSC) and the Capacity Market Code (CMC). Current versions of the CMC and the TSC are published on the SEMO website.

Process and timeline for this CMC Modification Proposal

- 1.1.2. On 06 March 2025, EPUKI submitted one Modification Proposal (CMC_01_25) under the terms of B.12.4 of the CMC.
- 1.1.3. The RAs reviewed the Modification Proposal and determined that it was not spurious as per B.12.6.1 of the CMC.
- 1.1.4. On 14 March 2025, the RAs determined the procedure to apply to the Modification Proposal. An overview of the timetable is as follows:
- i. The System Operators convened Workshop 42 where the Modification Proposal was considered on 20 March 2025, alongside two other proposals¹.
 - ii. The System Operators, as set out in B.12.7.1 (j) of the CMC, prepared a report² of the discussions which took place at the workshop, provided the report to the RAs, and published it on the Modifications website promptly after the workshop.
 - iii. The RAs then consulted on the Modification Proposal from the date of publication of the Consultation until the closing date of Friday 30 May 2025.
 - iv. As set out in B.12.11.6, the RAs shall make their decision as soon as reasonably practicable following conclusion of the consultation and publish a report in respect of their decision. The purpose of the decision paper is to set out the decision relating to the Modification Proposal discussed during Workshop 42 to:
 - a) Make a Modification;
 - b) Not make a Modification; or
 - c) Undertake further consideration in relation to the matters raised in the Modification Proposal.

¹ CMC_02_25 and CMC_03_25 were also discussed at Workshop 42. The decision paper for these proposals have been published in [SEM-25-035](#).

² [Capacity Modifications Workshop 42 Report.pdf](#)

- 1.1.5. This decision paper provides a summary of the consultation proposals and sets out the SEM Committee's decision.

1.2. RESPONSES RECEIVED TO CONSULTATION

- 1.2.1. This paper includes a summary of the responses made to Capacity Market Code Workshop 42 Consultation Paper ([SEM-25-015](#)), which was published on 19 April 2025 and closed on 30 May 2025.
- 1.2.2. A total of nine responses were received to consultation SEM-25-015 with none marked as confidential. The responses are from:
- Bord Gáis Energy (BGE)
 - Bord na Móna (BnM)
 - EirGrid and SONI (TSOs)
 - Energia
 - EP UK Investments (EPUKI)
 - ESB Generation and Trading (ESB GT)
 - Federation of Energy Response Aggregators (FERA)
 - iPower
 - SSE

2. CMC_01_25 – PROVISION OF INFORMATION RELATED TO APPLICATION REJECTION UNDER E.7

2.1. CONSULTATION SUMMARY AS PRESENTED BY EPUKI

- 2.1.1. This Modification Proposal seeks to require the System Operators (SOs) to provide detailed reasoning as to how they arrived at their decision to reject a qualification application under E.7 of the CMC. Furthermore, the Modification Proposal seeks to make available the information shared with third parties in adjudicating the Qualification Process.
- 2.1.2. The Modification Proposal consists of additional wording to E.9.2.2 to achieve greater transparency in the adjudication of the Qualification process, according to the proposer.
- 2.1.3. It further argues that limited information is provided in the current arrangements, leading to delays as participants do not have full visibility of the reasoning of their rejection.
- 2.1.4. If this Modification Proposal were to be implemented according to the proposer, the rejected applicant can seek to address potential issues earlier in the process and consequently, improve fairness, transparency and competition in the Capacity Market.

2.2. RESPONSES TO MODIFICATION PROPOSAL

- 2.2.1. Of those that commented, feedback was mixed with the majority of respondents signalling support for acceptance of this Modification Proposal.
- 2.2.2. BGE were not supportive of the Modification Proposal operationally but agreed with the rationale of the Modification Proposal. It further opined that significant administrative burden would be placed on the SOs to fulfil the objective of this change, where it deemed this overly onerous.
- 2.2.3. BGE also noted that greater clarity is required from the SOs in outlining their decisions for qualification rejection and suggested holding bilateral calls between the participant and the SOs. However, BGE in its consultation response, stated if the SOs provided a plain English rationale for rejection and how the Participant could potentially address these issues, this would avoid the need for bi-lateral discussions.
- 2.2.4. Energia broadly supported the intention of this Modification Proposal and how this would improve market transparency and efficiency. However, it echoed the practical considerations in doing so raised by the SOs at workshop 42 and stated that if implemented, this should not delay the publication of Provisional Qualification Decisions.
- 2.2.5. EPUKI stated its proposal is essential to achieve greater transparency in the qualification decision process, mitigating delays in the overall process due to limited information provided and inadequate reasoning for application delays. In its view, the provision of this information would enable Participants that have been rejected to identify and address potential issues earlier in the process; thereby leading to improved fairness, transparency and competition.

- 2.2.6. EPUKI further stated that the clarity afforded through its proposal will help reduce the risk and uncertainty around investment decisions.
- 2.2.7. In response to the comments of the TSOs raised at the Workshop that there are practical considerations associated with the proposal and increased workload, EPUKI stated that the material underpinning a qualification decision should be readily available to the TSOs and robustly established and well-documented. In its opinion, the Modification would not require the TSOs to prepare new documentation, but to share documentation which already exists.
- 2.2.8. In response to a comment made around arranging bi-lateral calls at the Workshop and while noting the sentiment of the suggestion, EPUKI considered this to be logistically cumbersome and in fact likely to introduce delays in the qualification process. It stated that a more efficient method would be for the TSOs to share the documentation underpinning a rejection decision.
- 2.2.9. ESB GT stated that it supports this Modification Proposal where it agreed with the rationale of the Modification Proposal and considered that it will aid in minimising delays throughout the qualification process while also reducing the volume of rejected applicants at pre-qualification stage. ESB GT also opined that this Modification Proposal supports security of supply objectives through expediting the application qualification rejection process.
- 2.2.10. FERA supported the Modification Proposal where it stated that the change would ensure clear reasoning for rejection to the applicant, making the process fairer, more transparent and allowing the applicant to respond more accurately to TSO concerns for qualifying the application.
- 2.2.11. iPower supported this Modification Proposal and stated that it believed it would improve the current process through providing Participants with clear and timely information. iPower also suggested changing the “and all of the reasons why” language proposed in the Modification Proposal to “provide a complete explanation of the grounds for the rejection proposed”. iPower stated that it believed this reduces ambiguity in the Modification Proposal.
- 2.2.12. SSE supported the Modification Proposal and stated it believed additional reasoning and rationale for qualification rejection can be provided in the first instance or by means of a bi-lateral call when more convenient.
- 2.2.13. The TSOs were of the opinion that the existing provisions of the CMC do not preclude the provision of further information or reasons in relation to a proposed rejection under E.9.2.2. They further stated that they are always reviewing improvements to the existing process and any process improvements with respect to the Qualification Process are already being implemented and can be reviewed further without requiring amendments to the CMC.
- 2.2.14. The TSOs further stated that the current drafting of the Modification Proposal does not differentiate between relevant and irrelevant information and would require the TSOs to provide all information prepared during review of an Application for Qualification even if the information was not relevant to the reasons for refusal.

2.3. SEM COMMITTEE DECISION

- 2.3.1. The SEM Committee welcomes the feedback provided by participants both as part of the Workshop and through the consultation process.
- 2.3.2. The SEM Committee notes the widespread support for the provision of additional information pertaining to a rejected Application for Qualification from Participants and considers there is merit in amending the CMC to reflect this to ensure that reasons are provided in the case of proposed rejection.
- 2.3.3. However, the SEM Committee has concerns with approving the proposal as drafted. In particular, the SEM Committee notes the comment of one respondent, that the proposal as drafted does not differentiate between relevant and irrelevant information and would require the TSOs to provide all information, even if that information was not relevant to the reasons for refusal. Furthermore, the SEM Committee notes the practical considerations of accepting this proposal as drafted given its prescriptive nature. The SEM Committee agrees that further clarity is required in this regard and has amended the proposed legal drafting accordingly.
- 2.3.4. The SEM Committee also notes that option 2 of CMC_12_25 requires reasons from the RAs in all cases.

On the basis of the reasons cited above, the SEM Committee will make a Modification, with the amendments discussed, as shown in Appendix A.

3. NEXT STEPS

- 3.1.1. The SEM Committee will make the proposed Modification CMC_01_25 using the legal text accompanying this Decision Paper.
- 3.1.2. All SEM Committee decisions are published on the SEM Committee website: www.semcommittee.com.