

WELCOME





Grid Code Review Panel

Thursday 25 January 2024

Online Meeting via Teams

Approval of Panel Minutes

Approval of Panel Minutes from the Meeting held

14 December 2023



Action Log

Action No.	Status	Action	Date raised	Owner	Due	Comments and Updates
440	Open	Update on the status of GC0139 and remaining work required to be given to GCRP following completion of analysis and tender.	28/09/2023	TP	25/01/2024	GC0139 Code Administrator Chair to give a verbal update at January 2024 GCRP.
442	Open	European legislation: provide update covering interactions between GB and EU law with regard to the Grid Code.	28/09/2023	JW	TBC	A response to be given to the Grid Code Review Panel in the new year- Louise Trodden to give an update at the January GCRP.
450	Open	Investigate possibility of Connections Reform changing technical requirements of connectees to the Grid.	23/11/2023	JWe	TBC	Terry Baldwin to give an update at the January GCRP.
451	Open	ESO to provide overview of HND to Grid Code Panel	23/11/2023	TB	25/01/2024	Terry Baldwin advises that it is best to give an update on the HND in February or March as in January as the design is going to change before then.
453	Open	Coordinate with relevant stakeholders to plan next steps for GC0159. Update January Panel on status of GC0159.	14/12/2023	CG		Update at January GCRP.



Grid Code Panel EU Engagement

Jan 2024

Louise Trodden

EU Retained Law

- [European Network Codes \(ENC\) | ESO \(nationalgrideso.com\)](https://nationalgrideso.com)

ESO website has links to the relevant codes and Statutory instruments of GB requirements post EU exit

The Third package is the overarching requirement with CEP, Connection, Markets and System operation codes detailing the requirements in these areas

Implementation of the areas which required attention has taken place over a number of years and the JESG steering group was set up to cover the development and implementation of these requirements (this meeting still takes place monthly to share any European related workstream information)

High level of retained law	
Third Package	<ul style="list-style-type: none">• The Third Energy Package facilitates the development of a harmonised European internal energy market. It includes two directives and three regulations, which became law on 3 March 2011.
Clean Energy Package (CEP)	<ul style="list-style-type: none">• The CEP is a suite of European legislation, which aims to decarbonise energy and facilitate better outcomes for consumers.• It came into force during 2018/19 and covers the following areas: energy performance in buildings; renewable energy; energy efficiency; governance of the energy union; and electricity market design
Connection Codes	<ul style="list-style-type: none">• Requirements for generators (RfG)• Demand connection code (DCC)• High Voltage Direct current (HVDC)
Market Code	<ul style="list-style-type: none">• Balancing (EBR)
System Operation Codes	<ul style="list-style-type: none">• System Operation Guideline (SOGL)• Emergency and restoration (E&R)

Engagement with Europe

Complicated since GB Exit EU

Work in progress

Key as we still use interconnectors, and this will increase

Regular discussions with Ofgem and DESNZ

TCA

JESG

MOU

Cross-Border strategy

Bilateral
conversations



Chair's Update

Authority Decisions and Update

Decisions Pending

- ❑ [GC0156: Facilitating the Implementation of the Electricity System Restoration Standard](#)

Decisions Received since last Panel meeting

Received Final Modification Reports since last Panel Meeting

- ❑ [GC0154: Incorporation of interconnector ramping requirements into the Grid Code as per SOGL Article 119](#)

The Authority's publication on decisions can be found on their website below:

<https://www.ofgem.gov.uk/publications/code-modificationmodification-proposals-ofgem-decision-expected-publication-dates-timetable>



Inflight Modification Updates

Jonathan Whitaker, Code Administrator

GC0155: Clarification of Fault Ride Through Technical Requirements Timeline Update

	Workgroup Report issued to Panel	DFMR issued to Panel	FMR issued to Ofgem
Previous timeline	14 February 2024	17 April 2024	07 May 2024
New timeline	20 November 2024	19 February 2025	12 March 2025

Rationale: The Proposer needs additional time to fully explore the details of their solution in order to have a meaningful Workgroup Consultation.

Workgroups Remaining: 7

Ask of Panel: Agree revised timeline

GC0159: Introducing Competitively Appointed Transmission Owners

Timeline Update

	Workgroup Report issued to Panel	DFMR issued to Panel	FMR issued to Ofgem
Previous timeline	6 December 2023	14 February 2024	26 March 2024
New timeline	14 February 2024	17 April 2024	07 May 2024

Rationale: In the December Grid Code Review Panel, the Panel requested that the Workgroup reconvene to consider interactions of the modification with GC0156.

Workgroups Remaining: 2

Ask of Panel: Agree revised timeline

GC0164: Simplification of Operating Code No.2

The Panel have been asked to review their evaluation pursuant to GR.18.4, under GR.19.2(d), to review whether GC0164 should follow the Self-Governance route.

The Proposer of GC0164 supports this move to Self-Governance.

- GR.18.4 The **Grid Code Review Panel** shall evaluate each **Grid Code Modification Proposal** against the **Self-Governance Criteria**.
- GR.19.2 In relation to each **Grid Code Modification Proposal**, the **Grid Code Review Panel** shall determine at any meeting of the **Grid Code Review Panel** whether to:
- (a) amalgamate the **Grid Code Modification Proposal** with any other **Grid Code Modification Proposal**;
 - (b) invite the **Proposer** to further develop their **Grid Code Modification Proposal** before presenting it to a subsequent meeting of the **Grid Code Review Panel** or to withdraw their modification proposal;
 - (c) establish a **Workgroup** of the **Grid Code Review Panel**, to consider the **Grid Code Modification Proposal**;
 - (d) review the evaluation made pursuant to GR.18.4, taking into account any new information received; or
 - (e) proceed directly to wider consultation (in which case the **Proposer's** right to vary their **Grid Code Modification Proposal** shall lapse).

Grid Code Self-Governance Criteria

Self-Governance Criteria

A proposed **Modification** that, if implemented,

(a) is unlikely to have a material effect on:

- (i) existing or future electricity consumers; and
- (ii) competition in the generation, storage, distribution, or supply of electricity or any commercial activities connected with the generation, storage, distribution or supply of electricity; and
- (iii) the operation of the **National Electricity Transmission System**; and
- (iv) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and
- (v) the **Grid Code**'s governance procedures or the **Grid Code**'s modification procedures, and

(b) is unlikely to discriminate between different classes of Users.

(c) other than where the modification meets the **Fast Track Criteria**, will not constitute an amendment to the **Regulated Sections** of the Grid Code.

GC0164 – the asks of Panel

- **AGREE** that this Modification meets the Self-Governance Criteria (Panel decision) rather than Standard Governance (Ofgem decision)
- **AGREE** that this Modification should proceed to Workgroup

GC0164: Simplification of Operating Code No.2 Timeline Update

	Workgroup Report issued to Panel	DSGMR issued to Panel	FSGMR published / Appeals Window
Previous timeline	21 March 2024	22 May 2024	17 June 2024
New timeline	19 June 2024	14 August 2024	03 September 2024

Rationale: Workgroup members agreed that more time is needed to fully review all suggested updates to the legal text and the original timeline did not allow for this.

Workgroups Remaining: 6

Ask of Panel: Agree revised timeline



Panel Tracker

Jonathan Whitaker, Code Administrator

Prioritisation Stack

Grid Code - Prioritisation Stack



Mod Number	Previous Priority No:	Priority No.	Title
GC0139	2	1	Enhanced Planning Data Exchange to Facilitate Whole System Planning
GC0117	3	2	Improving transparency and consistency of access arrangements across GB by the creation of a pan-GB commonality of PGM requirements
GC0155	4	3	Clarification of Fault Ride Through Technical Requirements
GC0163	5	4	GB Grid Forming (GBGF) - Removal of Virtual Impedance restriction
GC0159	6	5	Introducing Competitively Appointed Transmission Owners
GC0166	7	6	Introducing new Balancing Programme Parameters for Limited Duration Assets
GC0164	8	7	Simplification of Operating Code No.2
GC0103	9	8	The introduction of harmonised Applicable Electrical Standards in GB to ensure compliance with the EU Connection Codes
GC0140	10	9	Grid Code Sandbox: enabling derogation from certain obligations to support small-scale trials of innovative propositions

Workgroup Report

GC0117: Improving transparency and consistency of access arrangements across GB by the creation of a pan-GB commonality of Power Station requirements

Milly Lewis (Chair)

Solutions and Workgroup Vote

Summary of solutions:

- The Proposer's solution for future Power Stations across GB is to define Large Power Stations as 10MW and above and Small Power Stations as less than 10MW. This proposal is non-retrospective and would be expected to apply from June 2027 when the appropriate ESO Balancing IT systems have been upgraded. The proposal would not apply to any Generator who has submitted a Connection Application to the DNO prior to the implementation of the modification.
- Under WAGCM1, the Power Station thresholds of Small (less than 50MW), Medium (50 – <100MW) and Large (100MW or greater) that currently apply in England and Wales would also be applied in Scotland. For new connections, from the date of implementation, the Large, Medium, and Small Power Station classification criteria would be the same across GB. A Generator who has already submitted a Connection Application to the DNO prior to the implementation would not be impacted by this solution.
- The legal text would be implemented in the Grid Code 10 Business Days after The Authority's decision, but the Original solution would not come into effect until June 2027.

Summary of Workgroup Vote:

- The Workgroup concluded by majority that neither the Original or WAGCM1 better facilitated the Applicable Objectives than the Baseline.

Terms of Reference

The Workgroup conclude that they have met their Terms of Reference and the references can be located below and on the next slide:

Workgroup Term of Reference

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) Implementation and costs; | 'Industry Impact Cost Assessment' and 'Implementation information and additional ESO IT Costs' within Workgroup Considerations |
| b) Review draft legal text should it have been provided. If legal text is not submitted within the Grid Code Modification Proposal the Workgroup should be instructed to assist in the developing of the legal text; | Annex 3 – Legal Text |
| c) Consider whether any further Industry experts or stakeholders should be invited to participate within the Workgroup to ensure that all potentially affected stakeholders have the opportunity to be represented in the Workgroup. Demonstrate what has been done to cover this clearly in the report | 'Workgroup Consultation', 'Questionnaire Feedback' and 'Interaction with the smaller Generators and Aggregators' within Workgroup Considerations |
| d) Consider EBR implications | Interactions Section |
| e) The current transmission and generation characteristics in Scotland compared to those in England and Wales and whether the rationale for the thresholds being set at the current levels still applies given the current and projected generation composition and transmission infrastructure; | Workgroup Considerations and Annex 21 - SSEN Concerns email |
| f) Cross code impacts (BSC, CUSC and DCode) and impact on EBR; | 'Interactions' within Workgroup Considerations |

Terms of Reference

Workgroup Term of Reference

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| g) Consider any emerging thinking from the Open Network project; | 'ENA Open Network Project Update' and 'Connections Reform' within Workgroup Considerations |
| h) Any interaction with generator licensing thresholds or requirements; | 'Registered Capacity' within Workgroup Considerations |
| i) The impacts for stakeholders including NGESO, iDNOs, TOs, DNOs and generators; | Workgroup Considerations and Annex 13 – Threshold Matrix and Annex 19 - ESO CBA results |
| j) Implications for new connectees in relation to data exchange, planning, market engagement and any other areas of change; | Workgroup Considerations , Legal Text and Annex 20 - ESO Industry Impact Cost Assessment |
| k) The implications associated with implementing any changes retrospectively so that they apply to existing connectees rather than just for new connectees; and | 'Retrospectivity discussion' within Workgroup Considerations and Annex 14 - Retrospective considerations |
| l) The implementation options together with the associated costs and benefits. | 'Industry Analysis of GC0117 impacts' within Workgroup Considerations and Annex 11 – NGESO estimated delivery timeframes and costs for proposed solutions |

GC0117 – the asks of Panel

- **AGREE** that the Workgroup have met their Terms of Reference
- **AGREE** that this Modification can proceed to Code Administrator Consultation
- **NOTE** that this Modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Grid Code
- **NOTE** the ongoing timeline

GC0117 Next Steps

Milestone	Date
Code Administrator Consultation	30 January 2024 to 5pm on 01 March 2024
Draft Final Modification Report issued to Panel	13 March 2024
Draft Final Modification Report presented to Panel	21 March 2024
Final Modification Report issued to Panel to check votes recorded correctly (5 working days)	22 March 2024 to 28 March 2024
Submission of Final Modification Report to Ofgem	02 April 2024
Ofgem decision date	TBC
Implementation Date	10 Business Days following Authority Decision, and for Original, 01 June 2027 for IT Systems

Grid Code Development Forum – Previous and Next

10 January 2024

Presentation: Creation of an Interconnector Framework – Update – Ruby Pelling & Alice Beddow, NGESO

Following the presentation at the October 2023 GCDF, an update was provided in relation to the next steps for the creation of an Interconnector Framework.

Non-material Grid Code clarification Housekeeping amendments – Antony Johnson, NGESO

A presentation was shared in relation to a number of non-material Grid Code Housekeeping changes (including ensuring consistency between the Connection Conditions and European Connection Conditions), in preparation for a Grid Code Modification that will be raised at the January 2024 Grid Code Panel.

Presentation: Request for EMT Models for Existing Generators – Update – Sami Abdelrahman & Jayaraman Ramachandran, NGESO

An update was shared by the ESO following the presentation at the September 2023 GCDF in relation to Generators providing EMT Models to the ESO, covering the responses from the questions raised by the forum, and next steps

7 February 2024 (Deadline for Agenda items - 31 January)

Agenda items TBC.

Standing Items

- Distribution Code Panel update (Graeme Vincent)
- JESG Update (information only)
 - Meeting on 09 January 2024
 - Next meeting – 13 February 2024



Updates on other industry codes

CUSC Overview - December

New Modifications:

CMP426 'TNUoS charges for transmission circuits identified for the HND as onshore transmission'

The Panel unanimously agreed that CMP426 should follow the Standard governance route and proceed to a Workgroup. The Panel agreed the Terms of Reference for the Workgroup. CMP426 documentation can be found [here](#)

CMP427 'Update to the Transmission Connection Application Process for Onshore Applicants'

This modification proposes that a Letter of Authority (LoA) should be required for new Onshore Transmission Connection Applications. The Panel unanimously recommended that CMP427 met Ofgem's Urgency criteria and therefore recommended urgent treatment. Panel's recommendation was sent on 15 December 2023 seeking an Ofgem decision by 5pm on 21 December 2023. The Panel recommended that CMP427 proceed to a Workgroup. The Panel agreed the Terms of Reference for the Workgroup. CMP427 documentation can be found [here](#)

Authority Decisions:

CMP425 'Billing Demand Transmission Residual By Site'

On 13 December 2023, the Authority directed that the Original solution should be made with effect from 01 April 2023

Workgroup Reports: none

Draft Final Modification Reports:

CMP396 'Re-introduction Of BSUoS on Interconnector Lead Parties'

The Panel has recommended unanimously that the Proposer's solution did not better facilitate the CUSC Applicable Objectives. The Final Modification Report will be sent to Ofgem on 05 January 2024. CMP396 documentation can be found [here](#)

CMP411: Introduction of Anticipatory Investment (AI) within the Section 14 charging methodologies

The Panel has recommended unanimously that the Proposer's solution better facilitated the CUSC Applicable Objectives. The Final Modification Report will be sent to Ofgem on 05 January 2024. CMP411 documentation can be found [here](#).



Any Other Business

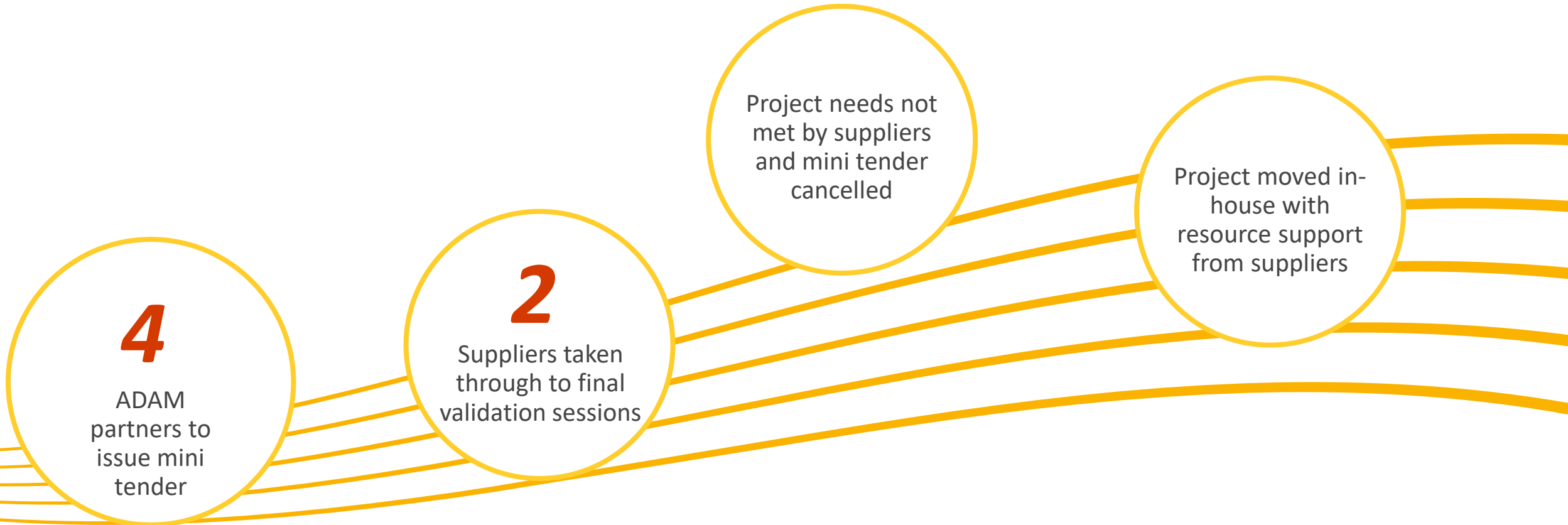


Digitalised Code Management

Update

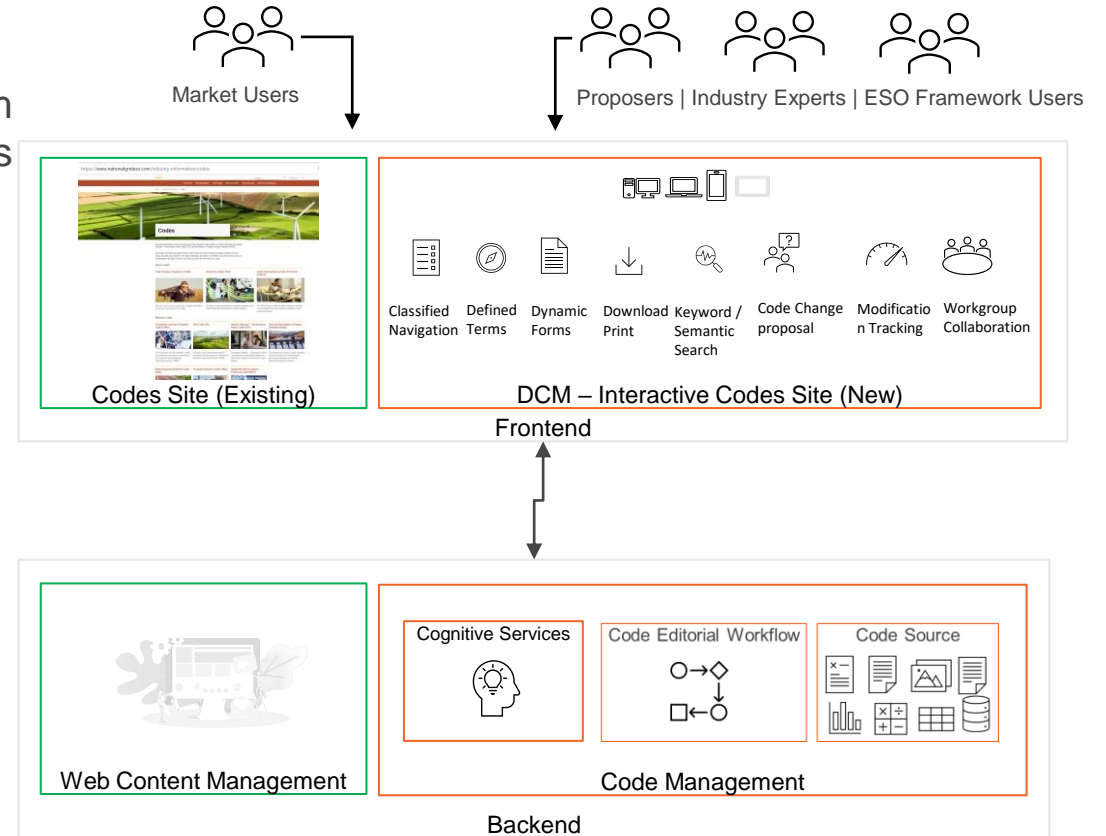
Teri Puddefoot

Process Update



Digitalised Code Management – End Target Digital Solution

- Delivering best customer/user experience underpinning digital technologies
- Extending the existing codes website hosted on nationalgrideso.com to deliver interactive digital applications on web and mobile channels and multi-platform touch points
- New interactive web application that will deliver all the new features and existing content using Single Sign On and seamless look and feel
- Using Design Thinking concept to define the user experience that drives the technology selection for best user adoption
- Using de-coupled digital architecture to keep the user experience and technology changes independent of each other
- Technology design includes cloud native, omni channel and highly scalable solution
- Considering use of cognitive and controlled open AI concepts to take advantage of artificial intelligence
- Product development approach and agile ways of working suggested for the delivery. The rollout new application as a minimum viable product (MVP). The MVP to be scaled in phases



Legend: New Existing

MVP Functional Scope (Day 1) at high level

- 1. Design(UX) end to end customer/user experience for DCM that includes frontend and backend process for all personas**
- 2. Building a new DCM Frontend that includes:**
 - Digitalisation (Interactive Website) of Code Grid Code.
 - Digitalisation to include definitions and easy to access defined terms interactively
 - Digitalisation of code to tidy up the formatting issues currently exists in Grid Code pdf
 - Any code changes that are published as per the current process to be reflected/updated to the digitalised new Frontend in real-time

Enduring Solution – Scope at high level

1. Continued Development if the digitalised code

- Hyperlinks to reference material and other codes to be available
- Digitalisation to include the forms as electronic/digital forms that can be downloaded

2. Cognitive Search

- Advanced Search functionality

3. DCM backend workflows - this includes all the related processes to continue as-is:

- Code change proposal process
- Code administration change process including all the existing tools to be used e.g. Word document, SharePoint, Outlook, Teams etc.
- Publishing Grid Code changes

Next Steps

- Workshops held with the project team to align on scope and MVP vision
- Iterative design sprints and testing
- Confirm enduring solution – What and when
- Continued work on Workflow and advanced search
- MVP 31st March 2024

Future System Operator Codes Change Programme (FSO CCP)

**Cross-Code Workgroup (CCWG)
Ofgem Update to Panels
January / February 2024**



Our reasons for coming to Panel—

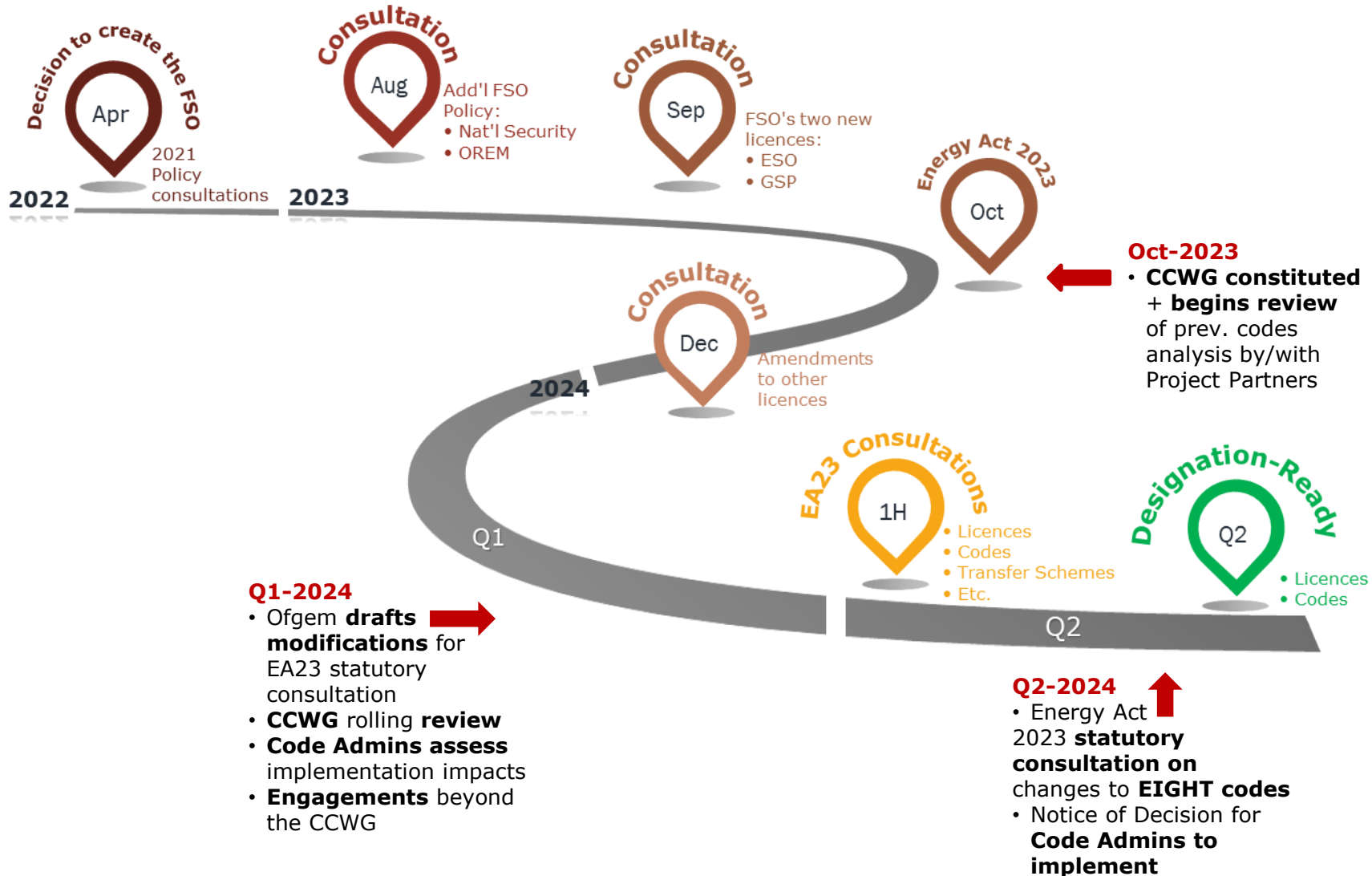
- **PROGRESS / CODE CHANGES:** Share progress and details of code changes the CCWG has worked through so far
- **IMPLEMENTATION IMPACT / READINESS:**
 - Share what is being asked of all code administrators, and by when
 - Discuss 'Horizon Scan' and general readiness
- **CONSULTATION DOCUMENTS:** Give an outline of the modification template, and check we are calibrating correctly to enable good decision making at consultation with straightforward implementation by admins
- **ENGAGEMENT:** Give opportunity for reflections from panels. *Note*, the Energy Act 2023 consultation on the code changes is open to all representations, and while the decision rests with the Relevant Authority under the Act, we are keen to mitigate risks and concerns at the earliest opportunity, and ideally prior to the statutory consultation

Contents of this pack—

- **CONTEXT:** A refresher on 'the path to the FSO' | The Cross-Code Workgroup (CCWG) | Phases of work
- **CODE CHANGES:** Changes identified to date | Holistic analysis
- **IMPLEMENTATION:** Energy Act 2023 | Consultation template | Request of Code Administrators

Any views expressed in or implied by this document are without prejudice to and shall not limit the discretion of Ofgem or DESNZ in the exercise of existing or future powers in relation to policy, legislation, licences and codes. Equally, views expressed by participants to meetings or workgroups related to this document or the development of code solutions from it will not prejudice or limit any relevant consultation or response to such consultation.

Context



The Future System Operator—

- A new, independent, impartial, expert body
- A public corporation, DESNZ as shareholder
- To be designated by the Secretary of State DESNZ under new powers in Energy Act 2023
- To hold two new licences – Electricity System Operator (ESO), Gas System Planner (GSP)
- Undertake existing roles and responsibilities of NGESO Ltd
- Undertake several new roles and responsibilities across electricity and gas
 - Advisory
 - Gas planning & markets
 - Energy Resilience
- Take a whole energy system approach when operating, planning and developing the network

CCWG constituted in October-2023, following the August-2023 Call for Volunteers

- Members span all impacted codes and relevant constituencies
- Members offer policy-to-codes and administration expertise to support Day 1 FSO

Constituency	CCWG Member	Organisation	CODE							
			BSC	CUSC	Grid Code	STC	SQSS	D Code	DCUSA	UNC
Chair	Chris Welby	Independent	█							
<i>Project Partners</i>										
NG ESO	Rob Wilson	NG ESO	█	█	█	█	█	█	█	█
NGT	Phil Lucas	NGT								█
Elexon	Lawrence Jones	Elexon	█							
Elexon	Nicholas Brown	Elexon	█							
<i>Electricity</i>										
Transmission owner / operator	Richard Woodward	NET			█	█	█			
Transmission owner / operator	Suzanne Law	SSEN Transmission		█	█	█	█			
Generator	Garth Graham	SSE		█	█		█			
DNO	Alan Creighton	Northern Powergrid			█		█	█	█	
DNO	Steve Quinn	NGED						█	█	
<i>Gas</i>										
Service provider	Dave Turpin	Xoserve								█
Transporter / DNO	David Mitchell	SGN								█
<i>Cross-sector</i>										
Suppliers / Shippers	Gareth Evans	ICoSS Group	█						█	█
<i>Code Administrators</i>										
BSC	Lawrence Jones	Elexon	█							
CUSC, Grid Code, STC, SQSS	Sarah Carter	NG ESO		█	█	█	█			
D Code	Chris McCann	ENA						█		
D Code	Mark Dunk	ENA						█		
DCUSA	Dylan Townsend	Electralink							█	
UNC	<i>TBC from the JO</i>	JO								█

Scope and tenure of workgroup is up to FSO Day 1.

Optional to cover three (3) years of EA23 provisions to modify codes. Revised terms would need to be agreed.

CCWG cohorts have had different areas of focus (WHAT), at each phase (WHEN)

Phase	CCWG: Constituency Reps	CCWG: Code Admin Reps	CCWG: Ofgem (SRO) / DESNZ
1 (Oct-2023 to end Feb-2024, est.)	<ul style="list-style-type: none"> Develop / Approve 'business rules' for changes and provisional legal text At-risk work, as some licence conditions and policy are still to be consulted on 	<ul style="list-style-type: none"> <u>First half</u>: Note process, progress and timings <u>Latter half</u>: Consider impacts, discuss optimal re-baselining window(s) vs. Horizon Scan of notable modifications currently in the pipeline 	<ul style="list-style-type: none"> Validation and Assurance Forward plan packages for CCWG Prepare provisional statutory documents and materials for Panels (targeting late January / February panels)
2 (Mar-2024, est.)	<ul style="list-style-type: none"> Review & Mop-Up Respond to issues and amendments raised by Code Admin Reps or SRO (incl. DESNZ) 	<ul style="list-style-type: none"> Re-Baselining Consequential changes to associated or auxiliary documents Final impacts and implementation window(s) 	<ul style="list-style-type: none"> Assurance (consolidated) Bridge wider FSO project's outputs from related statutory consultations – as final inputs to CCWG
3 (2H-2024, est.)		<ul style="list-style-type: none"> "Distribute", i.e., bring to the attention of industry 	<ul style="list-style-type: none"> Statutory consultation on all code changes. The Relevant Authority publishes notices per Energy Act 2023 Feedback comes to the Relevant Authority via contact details in the consultation document
4 (2H-2024, est.)		<ul style="list-style-type: none"> Final implementation 	<ul style="list-style-type: none"> Decision notices per Energy Act 2023

Proposed Code Changes

CCWG is supporting delivery of two main areas of change: **Institutional** and **New Roles**

Institutional Changes

Changes required for coherency and functioning codes at Day 1

Group 1 (references & definitions)

- **Update 'the Act'**
 - EA89, GA86 etc. have been updated by the Energy Act 2023
- **(New?) defined term for new Company**
 - 'the Company', NETSO, NGENSO → [???]
- **Update (new) defined term:**
 - company details of new Co.
 - licence(s) of new Co.
- **Transitional:** 2019 separation of NGENSO from NGET; the FSO?
- **Update licence references**, derivatives, conditions and paragraph references:
 - 'NGESO Transmission Licence' is now 'ISOP ESO Licence',
 - C17 is now E7, etcetera.

Group 2 (porting NGENSO → FSO)

- **Panel membership and voting rights**

Group 3 (anomalies & legacy)

- BETTA transition references
- Seven Year Statement references
- Typographical errors

New Roles Changes

FSO is required by licence; and Under EA23 other parties required to support the FSO's new roles through information provision

Advisory

Transparency, though EA23 powers sufficient for Day 1

Office of Resilience & Energy Management (OREM) – includes National Security direction to FSO

Establish the exception to code compliance requirements

Gas Planning

- Joint obligations: FSO with NGT
- Options Assessment process
- Interactions other code parties

Gas Markets

The CCWG—

- **Ensures these areas of change are reflected in the GB energy codes**, where necessary
- **Considers** where:
 - More detail could be added to a **process**
 - Greater **transparency** would be beneficial
 - **Information exchange** is required, either from or to other code parties
 - Actions are required from **other code parties**
- Provides expert views on a **default position for the FSO Day 1** (a minimum viable solution)
- Considers how codes could **evolve as roles are established** (3-year sunset for EA23 modification provisions)

Later slides look more closely at CCWG analysis of areas above

For some areas of change the Relevant Authority will provide full legal text to Admins, for others it will provide the 'rule' for categories of change, but not all occurrences

Change	BSC	CUSC	Grid Code	STC	SQSS	D Code	DCUSA	UNC	Provided to Admins for Day 1 Implementation
Institutional									
Group 1 (references & definitions)									
• Update 'the Act'	X	X	X	X	X	X	X	X	Business Rule
• (New?) defined term for new Company	O	O	O	O	X	X	X	X	Business Rule
• Update (new) defined term, with new Co. registered name and number, and its new licences	X	X	X	X	X	X	X	X	Business Rule
• Update licence references, conditions, paragraph references, etc.	X	X	X	X	X	X	X	X	Business Rule
• (Transitional) defined term for NGENSO – post 2019 legal separation and prior to the designation of the FSO	O	X	O	O	O	O	O	O	Legal Text
Group 2 (porting NGENSO → FSO)									
• Panel membership and voting rights	O	O	O	O	O	O	O	X	Business Rule
Group 3 (anomalies & legacy) – optional for Day 1, but coherent with FSO policy and using EA23 powers									
• BETTA transition references, as removed from new licences	X	X	X	X	O	O	O	O	Business Rule
• Seven Year Statement references, superseded by ETYS	O	X	X	X	O	O	O	O	Business Rule
• Typographical errors	O	X	O	O	O	O	O	O	Business Rule
OREM: National Security direction	X	X	X	X	X	X	X	X	Legal Text
Advisory	X	X	X	X	X	X	X	X	Legal Text
Gas Roles (Planning & Markets)	O	O	O	O	O	O	O	X	TBD

Rules will need to be converted to change marked legal text & put on current baseline
Many changes are 'find / replace', e.g., "holder of ISOP ESO licence granted, or treated as granted, pursuant to section 6(1)(da) of the Act" vs. Transmission Licence

There are options for how we refer to the FSO in and across all codes

- **All industry electricity codes refer to NGESO Ltd using a defined term** with the definition referring to (a) the registered Company name and number, and (b) holder of the Transmission Licence through which the SO conditions apply.
 - The CUSC, Grid Code and STC, use the defined term '**The Company**'. Under CM090 the STC adopted this term in April 2023.
 - The BSC and DCUSA use National Electricity Transmission System Operator (**NETSO**).
 - The Distribution Code and SQSS use **NGESO**.
 - The UNC does not currently refer to NGESO or anything similar.
- **At the establishment of the FSO, all industry codes will continue to use a defined term to refer to the new entity**, including (a) the new registered Company details, and (b) holder of ESO and GSP licences
- **There are options for the defined term**, ideally for Day 1, but implementable in the period afterwards

Code	Defined Term Status Quo	Option 1(a) Minimum	Option 1(b) Minimum	Option 2 Intermediate	Option 3 Maximum
CUSC	The Company	The Company	The Company	The Company	ISOP
Grid Code	The Company	The Company	The Company	The Company	ISOP
STC	The Company	The Company	The Company	The Company	ISOP
SQSS	NG ESO	NETSO	ESO / ISOP	ISOP	ISOP
D Code	NG ESO	NETSO	ESO / ISOP	ISOP	ISOP
DCUSA	NETSO	NETSO	NETSO	ISOP	ISOP
BSC	NETSO	NETSO	NETSO	NETSO	ISOP
UNC	n/a	ISOP	ESO / ISOP	ISOP	ISOP

CCWG discussions considered–

- **Implementation capacity across code administrators** in delivering the changes for Day 1 vs. existing pipeline
- Representations on **implementation risks**, the **volume of consequential work**, system safety and reliability
- The **recency of the existing defined term**, 'the Company' as adopted by the STC; NETSO as adopted by the BSC at legal separation of NGESO from NGET in 2019
- **Clarity for stakeholders**, where for example the Distribution Code and DCUSA share a similar set of stakeholders, and alignment would be preferred
- Presentational **opportunities to harmonise the defined term across all codes** – selecting a term that best represented the FSO with a low likelihood of future change
- **Coherence with Energy Code Reform**
- The **principles** set out in 1.40 to 1.45 of the August Call for Volunteers, prioritising "delivery within the project timeline", while also aspiring to deliver modifications coherent with the transition to the FSO

Emerging preference is for Option 2 / Intermediate

As a new, independent, impartial, expert body – there is a case for the FSO to have full membership and voting rights, uniform across all codes

- The **current panel membership and voting** arrangements are such that NGESO Ltd (‘the Company, NETSO, NGESO)
 - is a **voting member** of each of the panels that it is the licensee for and administers, that is the **CUSC, Grid Code** and **STC**;
 - is a **voting member** of the **SQSS** and **Distribution Code** panels;
 - maintains the **right to membership of the DCUSA** panel;
 - is a **non-voting member** of the **BSC** panel;
 - is **not a member of the REC or SEC** panels; and
 - is **not a member of the UNC** panel.
- To discharge its duties under the Gas Planner Licence, the **FSO is proposed to accede and become a party to the UNC** at designation, with the right to raise modification proposals.
- There will be **no change to non-membership of the REC or SEC** panels.

Code Panel	NGESO’s current arrangements		Option 1		Option 2	
	Membership	Voting	Membership	Voting	Membership	Voting
CUSC	Yes	Yes	Yes	Yes	Yes	Yes
Grid Code	Yes	Yes	Yes	Yes	Yes	Yes
STC	Yes	Yes	Yes	Yes	Yes	Yes
SQSS	Yes	Yes	Yes	Yes	Yes	Yes
D Code	Yes	Yes	Yes	Yes	Yes	Yes
DCUSA	Yes*	No	Yes*	No	Yes*	No
BSC	Yes	Yes**	Yes	Yes**	Yes	Yes**
UNC	No	No	Yes	No	Yes	Yes

CCWG discussions considered–

- The minimum change**, i.e., implement **only the current** membership and voting arrangements of NGESO in the FSO + establish the **new arrangements in the UNC** (short of voting)
- Coherence of extending voting** rights across all codes **with FSO policy** establishing an independent and non-commercial body ‘as a trusted and expert body at the centre of the gas and electricity systems’. This would **include voting rights in both the BSC and the UNC**
- Policy justification** to permit extension of rights of the FSO on Day 1, where already exists for NGESO Ltd
- For the UNC, the **balance between shippers and transporters** where the FSO has a vote

Emerging preference is for Option 1 / Minimum

EA89 s.7(3)(a) and GA86 s.8 – “Without prejudice to the generality of paragraph (a) of subsection (1) [*A licence may include such conditions as appear to the grantor to be requisite or expedient having regard to the duties ...*], *conditions included in a licence by virtue of that paragraph*] *may require the licence holder to comply with any direction given by the [Authority or Secretary of State] as to such matters as are specified in the licence or are of a description so specified;*”

National Security Policy Context

- The powers in the Energy Act 1976 require an “actual or threatened emergency affecting fuel or electricity supplies”
- A National Security direction as set out in conditions B4 of the ISOP’s ESO and GSP licences is **designed to support emerging scenarios which do not yet meet the emergency qualification of EA76**
- The proposed powers for the Secretary of State to issue National Security directions in the ISOP’s licences **will not override national security or any other requirements existing in other legislation**. In a situation where EA76 powers are in use, then the National Security direction is unlikely to be required, and unlikely to be running contrary to other similar legislation
- The NS **direction is only to the ISOP to act or refrain from acting**
- The ISOP acting under NS direction **is not intended to grant the ISOP any new powers to then direct others**

CCWG discussions considered–

- **Examples where the obligation to comply with the codes is superseded** to cover certain scenarios,
 - **Example 1** – Grid Code General Conditions section *GC.3 UNFORESEEN CIRCUMSTANCES*
GC.3.1 If circumstances arise which the provisions of the Grid Code have not foreseen, The Company shall, to the extent reasonably practicable in the circumstances, consult promptly and in good faith all affected Users in an effort to reach agreement as to what should be done. If agreement between The Company and those Users as to what should be done cannot be reached in the time available, The Company shall determine what is to be done. Wherever The Company makes a determination, it shall do so having regard, wherever possible, to the views expressed by Users and, in any event, to what is reasonable in all the circumstances. Each User shall comply with all instructions given to it by The Company following such a determination provided that the instructions are consistent with the then current technical parameters of the particular User’s System registered under the Grid Code. The Company shall promptly refer all such unforeseen circumstances and any such determination to the Panel for consideration in accordance with GC.4.2(e).
 - **Example 2** – Grid Code General Conditions section *GC.9 EMERGENCY SITUATIONS*
Users should note that the provisions of the Grid Code may be suspended, in whole or in part, during a Security Period, as more particularly provided in the Fuel Security Code, or pursuant to any directions given and/or orders made by the Secretary of State under section 96 of the Act or under the Energy Act 1976.

Where the below points are also under consideration by DESNZ—

- How GB codes may be qualified to **permit the ISOP to share**, where reasonable, that it is being directed under the NS provision
- If / whether GB codes should provide any **guidance as to how non-directed code parties might best act or refrain from acting** to avoid interfering with the ISOP’s compliance with any NS directions issued by the SoS to the ISOP
- To whom non-directed code parties will have **recourse for any impacts**

Proposed to introduce a 'boilerplate' clause to each of the GB codes with which the FSO will be required to comply, to highlight the existence of such a national security provision to users. Clause must align with the licence condition, without extension

Condition B4 Compliance with directions related to national security

4. A direction under paragraph 3 may require the licensee to:

(a) **take actions or refrain from taking actions** as specified in the direction; and/or

(b) **provide information specified in the direction to the Secretary of State.**

5. The Secretary of State may amend or revoke any direction issued to the licensee under this condition.

6. The licensee is **not required to comply with any obligation** in this licence (or the Gas System Planner Licence), where and **to the extent that compliance with that obligation would be inconsistent with the requirement to comply with a direction** issued in accordance with paragraph 3, for the period set out in the direction.

7. The licensee **must inform the Secretary of State of the conflict identified in paragraph 6 between the obligations** as soon as reasonably practicable after the conflict is identified.

(Example drawn from the Grid Code – other codes would be similar in style and content. Placement in each code to be agreed.)

GC.17 **DIRECTIONS RELATED TO NATIONAL SECURITY**

GC.17.1 The **Secretary of State** may issue a direction to **The Company** as referred to in Condition B4 of **The Company's ESO Licence** where there is a risk relating to national security that may detrimentally impact the resilience, safety or security of the energy system, or the continuity of essential services.

GC17.2 **The Company** must comply with any such direction that has been issued by the **Secretary of State**. **Users** should note that **The Company** is not required to comply with any other obligation in the **ESO licence** (or the **Gas System Planner Licence**), where and to the extent that compliance with that obligation would be inconsistent with the requirement to comply with such a direction. This includes the requirement set out in Condition E3 of **The Company's ESO licence** to comply with this **Grid Code**, for the period set out in the direction.

GC.17.3 **The Company** is required to inform the **Secretary of State** of any such conflict as identified in GC.17.2 as soon as reasonably practicable after the conflict is identified. [**Consider analysis of User impacts**]

GC.17.4 [**Consider discretion for FSO to inform Users impacted by any non-compliance of the FSO with the code**]

GC.17.5 The **Secretary of State** may at any time amend or revoke any direction issued to **The Company** as referred to in this section GC.17.

Proposed to introduce a 'boilerplate' clause to each of the GB codes with which the FSO will be required to comply, to highlight the existence of this role

Advisory and Information Request Policy Context

- The following text draws together details from the ESO licence and Energy Act 2023 and sets out for Users what their expectations will be where the FSO in fulfilment of an advisory request finds it necessary to request information from them in turn.
- The basis for this is as part of the broader obligation under the Energy Act 2023 section 171 in which the FSO may by notice request from a relevant party such information as the FSO reasonably requires in connection with the exercise of any of its functions. The drafting reflects this broader requirement.

(Example drawn from the Grid Code – other codes would be similar in style and content. Placement in each code to be agreed.)

GC.18 **ADVISORY AND INFORMATION REQUESTS**

GC.18.1 **The Company** is required to provide advice to the **Authority** or to a Minister of the Crown when requested in accordance with section 171 of the **Energy Act 2023** and section D1 of the **ESO Licence**.

GC.18.2 The Company may by notice request from Users such information as it reasonably requires in connection with the exercise of any of its functions, as set out in section 172 of the **Energy Act 2023**. Where this is the case it will do so by the issue of an **Information Request Notice**. The purposes of this may include to assist in the fulfilment of an advisory request.

GC.18.3 **The Company** is required by section D2 of the **ESO Licence** to prepare, submit for approval by the Authority and publish on its website an **Information Request Statement** that sets out further detail on the process the licensee expects to follow when requesting information from other parties.

The **Information Request Statement** must include, but need not be limited to, the following matters:

- (a) the process **The Company** expects to follow when issuing an **Information Request Notice**, including any further detail around the expected engagement between **The Company** and recipient of an **Information Request Notice**; and
- (b) the details to be included in an **Information Request Notice** issued by **The Company**.

GC.18.4 **The Company** must, unless the **Authority** otherwise consents, maintain for a period of 6 years and provide to the **Authority** where required a record of information requests as detailed in section D2 of the ESO licence including:

- (a) a copy of the **Information Request Notice**;
- (b) any subsequent variations to the original information requested;
- (c) the recipient's response(s) to the notice, including any refusal or challenges to the notice or requested information;
- (d) the time taken for the recipient to provide the requested information;
- (e) the manner and form the information was provided in; and
- (f) the information provided in response to the notice, and whether such information complied, in The Company's view, with the **Information Request Notice**.

Energy Act 2023 information request powers are sufficient for Day 1, but transparency is important for code signatories, especially as the role 'beds in'

Code Administrator’s recommendations will be considered for placement in code

Code	Section	Comment
CUSC	Section 6 – General Provisions (add new sub-sections to the end)	This is a catch-all section of the CUSC and includes provisions for Force Majeure, the Fuel Security code and the requirements for CUSC parties to comply as applicable with the Grid Code
Grid Code	General Conditions (add new sub-sections to the end)	This is a catch-all section of the Grid Code and is already used to detail arrangements for the Fuel Security Code and also ‘unforeseen circumstances’ leading to arrangements in the Grid Code not covering a particular situation
STC	Section G – General Provisions	This section contains those provisions that are generic to the code. It includes Force Majeure, Data Protection and Derogations
SQSS	Section 1 - Introduction	Include explanation of how National Security Instruction may overwrite requirements. Can’t see a situation where an Advisory request needs to be covered.
BSC	Section H - General	This section includes provisions relating to the ownership, use and disclosure of data; and the limitation of liability of Parties under the Code
Distribution Code	DISTRIBUTION GENERAL CONDITIONS (DGC)	Sets out DGC3 UNFORESEEN CIRCUMSTANCES and DGC6 DATA AND NOTICES
DCUSA	SECTION 3 GENERAL LEGAL PROVISIONS	Includes provisions relating to force majeure, derogations and further information provision
UNC	GENERAL TERMS SECTION B – GENERAL	Includes provisions relating to force majeure, derogations and communications.

Principles: Prominence for code parties; Alignment with sections in the respective code; Consequential effects / volumetric impact of potential (re)numbering

A mapping will show the CCWG has considered all new licence obligations, new roles and identified where code changes are necessary for Day 1, beyond Day 1 or not at all

Example: 'Licence-To-Code'

Licence	Condition	Title	Obligation	Role	Code Requirement	Code Progress	Codes impacted
ESO and GSP	B4.6	Compliance with directions related to national security	'The licensee is not required to comply with any obligation in this licence (or the Gas System Planner Licence), where and to the extent that compliance with that obligation would be inconsistent with the requirement to comply with a direction issued in accordance with paragraph 3, for the period set out in the direction.'	OREM	Yes	Boiler plate clause drafted to allow the FSO to act in a way that may not be compliant with codes.	All codes which FSO are obliged to comply with
GSP	C4(5)	Licensee's assessment of gas supply security	The licensee must, as soon as is reasonably practicable after the provision of the Gas Supply Security Assessment to the Authority and the Secretary of State, publish a version of the Gas Supply Security Assessment on its website.	Markets	No	There is no code requirement here as this obligation (and action to discharge) rests solely with the FSO.	N/A

Example: 'New Roles-To-Code'

Activity	Licence, Code or Other?	Description / Our Preference	Code Change Requirements
The FSO will have an obligation to track responses to Advisory requests.	Licence	The FSO will track requests, responses and associated formal correspondence.	As long as not requirement on users in this, no codification necessary.
Process for HMG / GEMA to request advice / information / analysis from FSO	Other: "ISOP Advice Process Document"	The ISOP Advice process document is likely to outline the key touchpoints of the Advisory process and the associated tri-partite Governance forums.	As long as there is not a requirement on users for this, no codification necessary.
Information request power	Licence + "ISOP Information Request Statement"	Wider than Advisory, but the process document developed in collaboration with DESNZ and Ofgem will need to meet the needs of the Advisory function.	Stakeholders will want to have requirements codified for transparency and so they can plan to fulfil them. This can't be done efficiently for unknown requests but would be sensible if requests had a certain cadence or repetition. Beyond Day 1 development.

Summary mappings expected to be annexed to consultation

Implementation

Ofgem and or DESNZ are using bespoke processes to deliver licences and industry code changes based on stated policy aims within the parameters of Energy Act 2023

Per section 169(1) and (3) of the Energy Bill, a Relevant Authority may modify a "Relevant Document"

"in preparation for the designation of a person (as the FSO) under section 162(1), or in connection with or in consequence of the designation of a person under that provision."

This power to modify Relevant Documents is subject to a three-year sunset period following first designation of the FSO (under section 169(6)).

169(7):

"relevant authority" means the Secretary of State or GEMA;
"relevant document" means a document maintained in accordance with the conditions of a relevant licence.

Ofgem and or DESNZ may modify codes for the transition to the FSO, and for a 3-year period following the FSO's creation

Energy Act 2023 sets the:

- **legislative framework** of the FSO, roles, functions, duties
- **powers** which Ofgem and or DESNZ will use to enable the transition to the FSO, and for a 3-year 'sunset' period following its creation
- **boundaries** governing activities for which powers will be used

Energy Act 2023 enables Ofgem and or DESNZ to:

- **modify licences and codes**, outside standard processes under s.11A EA89 / s.23 GA86 or codes provisions
- **provide guidance and instruction to industry parties** on what assistance will be required and following which timeline
- **streamline the process** and **promote coordination**, choreograph when changes take effect, rather than the solution

Implementation and choreography of activities

- **expect the Relevant Authority to**
 - publish notices about proposed modifications (licences/codes),
 - consider representations about those modifications,
 - publish notices about modification decisions (licences/codes),
 - make changes directly to licences
 - direct that changes are made to codes
- **expect modification effective date** to be **aligned to an event**

Ambition is to “follow the spirit of standard modification proposals” To capture areas industry is used to seeing, harmonised across all codes

170 Procedure relating to modifications under section 169

- (1) Before making a modification under section 169, a relevant authority must—
 - (a) publish a notice about the proposed modification,
 - (b) send a copy of the notice to the persons listed in subsection (2), and
 - (c) consider any representations made within the period specified in the notice about the proposed modification or the date from which it would take effect.
- (2) The persons mentioned in subsection (1)(b) are—
 - (a) each relevant licence holder;
 - (b) the GEMA (where the relevant authority is the Secretary of State) or the Secretary of State (where the relevant authority is the GEMA);
 - (c) the National Association of Citizens Advice Bureaux;
 - (d) the Scottish Association of Citizens Advice Bureaux;
 - (e) Consumer Scotland;
 - (f) the General Consumer Council for Northern Ireland, unless the relevant authority does not consider it appropriate for the Council to be sent a copy of the notice in a particular case;
 - (g) where the proposed modification relates to a licence for the purposes of section 5 of the Gas Act 1986, the Health and Safety Executive;
 - (h) such other persons as the relevant authority considers appropriate.
- (3) A notice under subsection (1) must—
 - (a) state that the relevant authority proposes to make a modification;
 - (b) set out the proposed modification and its effect;
 - (c) specify the date from which the relevant authority proposes that the modification will have effect;
 - (d) state the reasons why the relevant authority proposes to make the modification.
- (4) If, after complying with subsections (1) to (3) in relation to a modification, the relevant authority decides to make the modification, it must publish a notice about the decision.
- (5) A notice under subsection (4) must—
 - (a) state that the relevant authority has decided to make the modification;
 - (b) set out the modification and its effect;
 - (c) specify the date from which the modification has effect;
 - (d) state how the relevant authority has taken account of any representations made in the period specified in the notice under subsection (1);
 - (e) state the reason for any differences between the modification set out in the notice and the proposed modification.
- (6) A notice under this section about a modification or decision must be published in such manner as the relevant authority considers appropriate for bringing it to the attention of those likely to be affected by the making of the modification or decision.

Addressees (Code Admins “Distribute”, i.e., bring to the attention of industry)

EA23 Consultation Notice(s)

What the Act says to include:

- The proposed modification
- Effect of the modification
- Reasons to make the modification

Expect to also see:

- Provisional legal text included to enable the effect of the proposed changes to be seen
- Summary CCWG discussions on the issue
- Summary CCWG recommendations
- Relevant Authority’s decision (only in the decision notice, after consultation close)

Representations

- Directly to contact in EA23 consultation document

Expected **Date** / Actual Effective **Date**

- **TBD**, but expect to reflect implementation **constraints highlighted by the CCWG**. Similar to retail code consolidation, **date linked to a Secretary of State event**

Implementation: Request of Code Administrators in readiness for EA23 Consultation

Consultation – FSO Codes Change Programme – Modification Proposal – [CODE_ACRONYM]

FSO Codes Change Programme – Modification Proposal – [CODE_FULLNAME]	2
Executive Summary.....	6
Structure of this document.....	8
Package XX: Institutional	10
Background	10
The Modification Proposal (Group 1 – References and definitions)	11
A. Definition of 'the Act'	11
B. Defined term for the new Company across all codes	11
C. Definition of [the defined term] for the new Company	14
D. References to the FSO's two new licence categories; and References to the new licences' structure and provisions	15
E. Transitional defined term for NGESO post 2019 legal separation and prior to the designation of the FSO – (CUSC ONLY?)	16
CCWG Report (for internal – to the CCWG – use only)	18
The Modification Proposal (Group 2 – applying existing NGESO arrangements to the FSO).....	20
F. Panel membership and voting rights	20
CCWG Report (for internal – to the CCWG – use only)	22
The Modification Proposal (Group 3 – Anomalies and legacy)	24
G. Removal of references to Seven Year Statement	24
H. Removal of references to British Electricity Trading and Transmission Arrangements (BETTA) ..	24
I. Correction of reference to Average Cold Spell (ACS) demand	25
J. Typographical errors and corrections	25
Package XX: National Security Direction to the FSO	27
Background	27
The Modification Proposal	28
CCWG vote (to be redacted for all external audiences)	30
Package XX: Advisory	31
Background	31
The Modification Proposal	31
CCWG vote (to be redacted for all external audiences)	31
Package XX: Gas roles	32
Appendix 1 – Glossary	33
Appendix 2 – Change Map	35
Appendix 3 – Questions	36
Your response, data and confidentiality	36
Appendix 4 – Privacy notice	37
Personal data.....	37
Annex 1 – Provisional Legal Text – [CODE_ACRONYM]	39
Package XX: Institutional	39
Package XX: National Security	39
Package XX: Advisory	39
Package XX: Gas Roles	39
Package XX: OREM	39
Annex 2 – Mapping FSO licence conditions to Code change requirement	41

Request of each Code Administrator—

(1) Prior to EA23 Consultation | **Provide planning input for FSO Project**

- Requirements for readiness and compliance with modifications
- Systems and user impact (expect no/low), but we seek assurance
- Enablers or Blockers to the implementation window—'Notice of Decision' publication date to 'Effective Date'; Scenario planning

(2) Prior to EA23 Consultation | **Convert rules to change marked legal text and put on current baseline**

- As close to consultation, as reasonable
- Consequential analysis; changes to auxiliary or associated documents
- Baseline change marked legal text, to be published as annex to the EA23 consultation

(3) At EA23 Notice of Decision and for Notice of Day 1 | **Implement changes**

(ON LEFT) work in progress modification template **for each code**

- 'Thematic' grouping of modifications (as earlier slides)
 - Business rules
 - Options considered / recommended
- Representations: summary of CCWG and Industry
- Reasons for Decision by the Relevant Authority
- Annexes
 - Provisional Legal text
 - Mapping 'Licence-To-Code' / 'Roles-To-Code'
 - Baselined change marked legal text (*from Code Administrators*)

Next Steps

- **Draft** EA23 statutory consultation
- **CCWG** rolling **review** of modifications
- **Code Admins assess** implementation impacts
- **Finalise Stage 1 Gas / UNC** modifications
- Continue **evidencing work**
- Continue **engagements** at panels

ENGAGEMENTS

Date	<ul style="list-style-type: none"> • Progress on business rules • Progress on code changes • Who, What and When
SQSS	24-Jan-2024
Grid Code	25-Jan-2024
CUSC	26-Jan-2024
STC	31-Jan-2024
DCode	01-Feb-2024
CACoP	02-Feb-2024
BSC	08-Feb-2024
UNC	15-Feb-2024
DCUSA	21-Feb-2024
Papers	<ul style="list-style-type: none"> • Standard pack for all, gas excepted

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We do this by:

- **working with Government, industry and consumer groups to deliver a net zero economy at the lowest cost to consumers.**
- **stamping out sharp and bad practice, ensuring fair treatment for all consumers, especially the vulnerable.**
- **enabling competition and innovation, which drives down prices and results in new products and services for consumers.**

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Energy Code Reform

Update

Gurpal Singh

Activities ahead of the next Panel Meeting

Modification Proposals to be submitted

07 February 2024

Papers Day

14 February 2024

Panel Meeting

22 February 2024
Faraday House

Close



Trisha McAuley

Independent Chair, Grid Code Review Panel