

Public

GC0174 - Removal of obligation for parties to provide EU Transparency Availability Data as specified in OC2.4.7

10 January 2025



Agenda

Topics to be discussed	Lead
Introductions	Chair
Action log review	Chair
Proposer presentation • Legal View Review	Proposer
Questions from Workgroup Members	All
Any Other Business	Chair
Next Steps	Chair

Timeline for GC0174

Milestone	Date
Workgroup 1	08 November 2024
Workgroup 2	10 January 2025
Panel Review	27 February 2025
Workgroup Consultation (15 Working days)	28 February 2025 – 20 March 2025
Workgroup 3	08 April 2025
Workgroup Report issued to Panel	25 May 2025
Panel sign off that Workgroup Report has met its Terms of Reference	TBC

Terms of Reference

Workgroup Term of Reference

Implementation and costs;

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;

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; and

Consider implications to sections linked to the Regulated Sections of the Grid Code

Confirm where the obligation to provide the proposed data items to be removed are set out in other industry codes, licences or otherwise.

Consider any implications on Users submitting REMIT data.

NESO Legal View

Introduction

This legal opinion addresses the compliance of Users with their obligations under the retained European Transparency Regulation (ETR) Reg 543/2013 through the provision of information for the purposes of the retained Regulation on Wholesale Energy Market Integrity and Transparency (REMIT) Reg 1227/2011. The key question is whether the submission of data under REMIT can be considered as fulfilling the requirements set out in Articles 7 and 15 of the ETR.

Background

The ETR, specifically Articles 7 and 15, mandates Users to submit availability data for consumption and generation units. Historically, this data was submitted to the Electricity System Operator (ESO) and published via the Balancing Mechanism Reporting Service (BMRS) operated by Elexon. However, following the UK's departure from the European Union, the requirement to submit this data to ENTSO-E ceased, although the data continued to be published on BMRS.

NESO Legal View

REMIT and ETR Overlap

REMIT, enforced by Ofgem, requires market participants to provide information related to the capacity and use of facilities for production, storage, consumption, or transmission of electricity or natural gas, including planned or unplanned unavailability of these facilities. This information is submitted to the national regulatory authority and is used for monitoring trading in wholesale energy markets.

The Retained REMIT Reg 1227/2011 Article 8(5) states:

To the extent required by Chapter III of the REMIT Implementing Regulation, market participants shall provide the national regulatory authority with information related to the capacity and use of facilities for production, storage, consumption or transmission of electricity or natural gas or related to the capacity and use of LNG facilities, including planned or unplanned unavailability of these facilities, for the purpose of monitoring trading in wholesale energy markets. The reporting obligations on market participants shall be minimised by collecting the required information or parts thereof from existing sources where possible.

NESO Legal View

Chapter III, Article 8(1) of the retained REMIT Implementing Regulation 1348/2014 states: Electricity transmission system operators shall, on behalf of market participants, report information to the national regulatory authority in relation to the capacity and use of facilities for production, consumption and transmission of electricity including planned and unplanned unavailability of these facilities as referred to in Articles 6 to 17 of Commission Regulation (EU) No 543/2013

Rationalisation of Data Submissions

The approval of CP1583 rationalised the submission of ETR data by recognising that the same information is already provided under REMIT, meaning that the requirement for Users to submit legacy ETR data to NESO was removed. This change was facilitated by Elexon's move from BMRS to the new Insights platform, which does not include these particular submissions.

NESO Legal View

Compliance with ETR Obligations

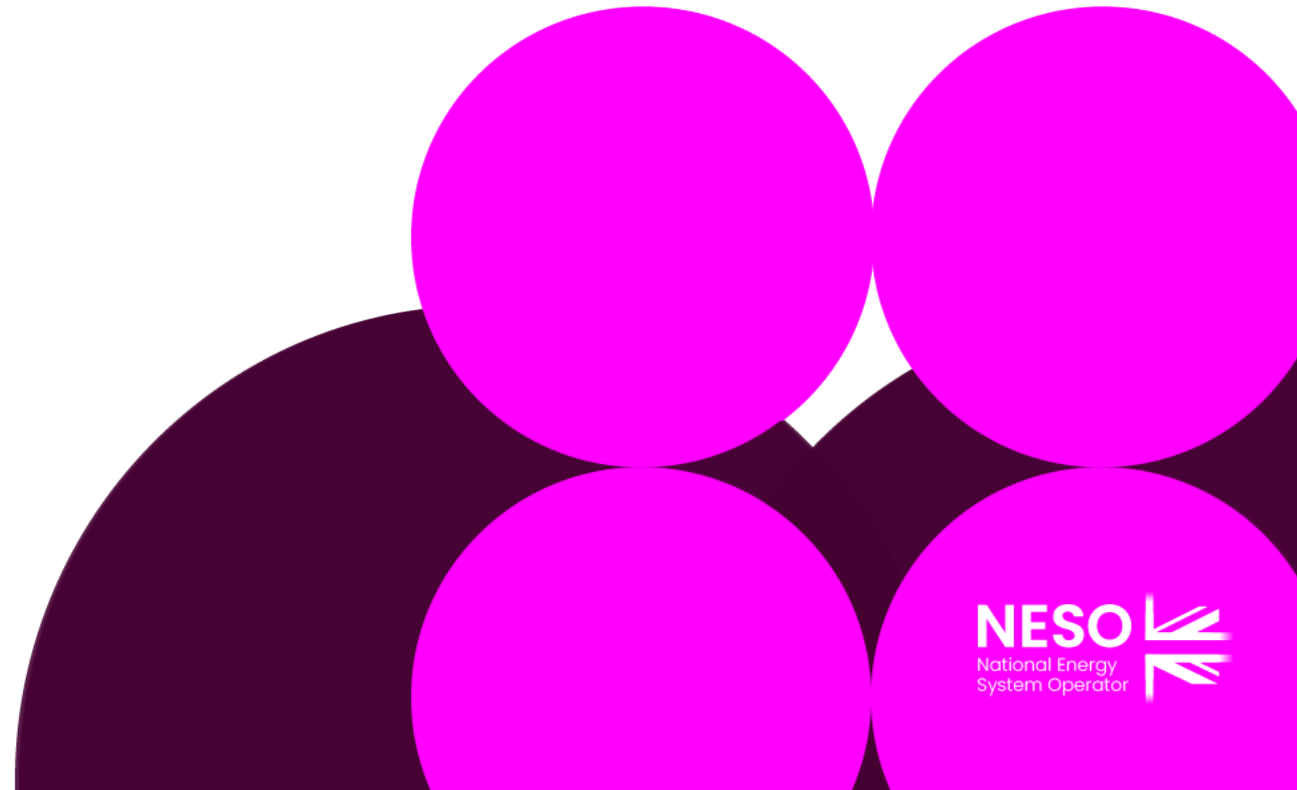
Despite the removal of specific ETR data submission requirements, Users are still considered to be complying with their ETR obligations through their REMIT submissions. This is because the information required under Articles 7 and 15 of the ETR is duplicated in the REMIT requirements as provided in Article 8(1) of the retained REMIT Implementing Reg 1384/2014. Therefore, the data provided for REMIT purposes satisfies the ETR obligations. Market participants comply with these requirements via REMIT, and NESO and ELEXON facilitate the publication of this data. This ensures that the transparency and availability of information are maintained.

NESO Legal View

Conclusion

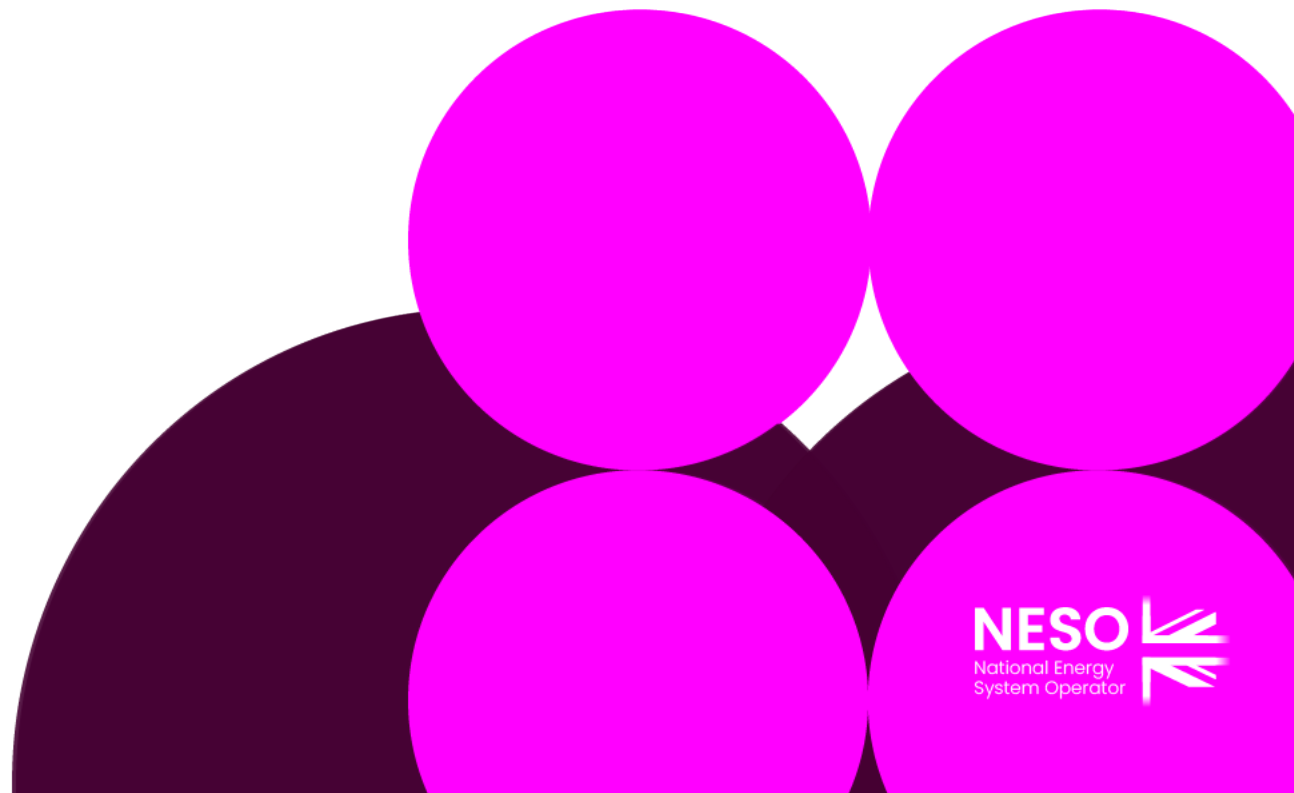
In conclusion, Users can still be considered to be complying with their relevant ETR obligations through the provision of information for the purposes of REMIT. The rationalisation of data submissions under CP1583 and the overlap between ETR and REMIT requirements ensure that the necessary data is still being provided and published, thereby fulfilling the regulatory obligations. GC0174 seeks to align the position in the Grid Code with the BSC as amended by CP1583. As part of these proposals, we will also be removing section OC2.4.2.3 which specifies the specific ETR requirements detailed in Schedule 6 of the DRC. In terms of the elements of Schedule 6 that GC0174 is not seeking to remove, data required for the purposes of Reg 543/2013 Articles 8.1 and 14.1 (a - c) will be maintained as they are still reported as part of the retained ETR requirements and they are not duplicated by REMIT. Based on the above analysis, our understanding is that market participants still have to comply with their ETR obligations, but we consider that this obligation is fulfilled via the information provided for REMIT purposes which is one and the same in relation to Articles 6 to 17 of Reg 543/2013.

Questions ?



Any Other Business

Please consider and share any questions you would like included in the Workgroup consultation.



Next Steps

Prisca Evans – NESO Code Administrator

