

## EBGL Article 18 Amended proposal Webinar Q&A Summary

*This document intends to provide a useful summary of the questions asked during the webinar, as well as the answers provided by NGENSO. In some cases, we have summarised these questions to make sure they are easy to follow, and in other cases we have added some detail to provide a more comprehensive answer. For a full view of questions, comments and responses please watch the webinar recording.*

### So where exactly are all the actual terms and conditions for BRPs and BSPs?

In the amended proposal, we have been clearer that the Terms and conditions exist within our GB frameworks (codes and Standard Contract Terms). We have stated that the mapping document does not constitute compliance with Article 18, and is purely a tool to demonstrate where compliance can be found. This update was made in reaction to Ofgem's feedback that this must be made

### Is the requirement for public consultations only in relation to A18 T and Cs, rather than two consultation processes being required?

The changes that we propose to make will require code modifications, and so some of this detail will be subject to the work and recommendations of the mod workgroup. However, our proposal is that when there is an amendment, the consultations required for the code change process and the A18 process be combined. For instance, the workgroup consultation could be open for one month and this would also fulfil the requirement for consultation under Article 18 of EBGL.

### Other TSOs have complied with Article 18 by producing actual complete terms and conditions - not mapping to partial terms and conditions which is what NGENSO is proposing: why is NGENSO adopting this approach of mapping and limiting it to only some, but not all, of the provisions / requirements / obligations that BRPs and BSPs have to comply with?

The required elements specified under Article 18 of the EBGL already exist within our GB frameworks (in codes and Standard Contract terms). We also have robust processes which govern these frameworks. This, combined with the direction from Ofgem that European Network codes should be implemented with minimum changes required have led us to believe that our proposal is the most efficient and pragmatic way to implement the requirement.

### Will the entire SCTs form the terms and conditions for the Standard Product or Specific Product?

Our proposal is that Ts and Cs exist throughout codes and SCT. The areas that are covered by SCTs are more relevant to specific products. Terms and Conditions related to standard products will be implemented into our codes. An example of this is the work done under P344 and GC0097 which implemented the arrangements for the Replacement Reserve product (Project TERRE).

### But will the SCT as published for each specific product constitute the entire terms and conditions in totality for that specific product?

Not in totality, SCTs are following the same process as codes. The mapping highlights which parts of the SCTs are relevant to A18. Looking at the best way to make it clear when changes to SCTs would need to comply with Article 18 of the EBGL.

### Putting the SCTs into the codes will allow stakeholders to put forward modifications, for Ofgem to decide on

We know from some Market participants that there are significant barriers to entry when trying to get involved or have a say in the code modification process. The existing SCT change process includes a consultation process provides a more accessible way for these parties to give their opinion on proposed changes.

### There is a total lack of transparency on SCT specific conditions - this contravenes the EBGL requirements.

The Standard Contract Terms are publicly available on the NGENSO website, and are standard for everyone wishing to participate in each service. The process used to change these terms includes a public consultation where providers can provide their feedback. We will work to ensure that its very clear which elements of the SCTs are relevant to Article 18 of the EBGL.

### The deadline for Article 16(6) set in EBGL has passed - why are you submitting it eight months late?

EB GL says that this exemption needs to be submitted part of A18 proposal. The exemption proposal Was not included as part of our original proposal because our intention was to implement the requirement. However, given the uncertainty arising from the suspension of the Capacity Market, NGENSO felt it was the right thing to do to pursue this exemption. Given that we are amending and re-submitting the proposal we have taken the opportunity to request this exemption as part of this process.

### Will the economic justification be a public document?

The justification itself contains analysis of capacity market and balancing costs. This data is confidential and we aren't able to share this at the moment. The justification itself will be submitted directly to Ofgem as part of the submission. We will continue to share any updates in this area.

### Article 18 says that the TSO must produce Terms and conditions relating to balancing. If it is only the elements highlighted in the mapping, does this mean that other Terms and Conditions in SCTs and GB code are not relevant to Balancing?

Our proposal for Article 18 aims to provide a pragmatic and efficient solution to Article 18, by demonstrating that the content of our GB frameworks mean that we are already compliant. This means there is no change to the current structure of frameworks or to what providers must do in order to provide a Balancing Service.

Article 18 of the EBGL specifies the requirements which the proposal for Terms and conditions must contain. In our proposal we have tried to be really clear which aspects of the GB frameworks are relevant to these requirements, and therefore which parts of the frameworks form compliance with Article 18. This does not mean that areas of the code which we have not highlighted as being directly applicable do not need to be complied with by a provider.