# PROPOSED LEGAL DRAFTING TO GIVE EFFECT TO P226

## SECTION Q: BALANCING MECHANISM ACTIVITIES (Version 16)

*Amend paragraph 1.1.1 to read as follows:*

1.1.1 This Section Q provides for:

(a) the submission of data items in respect of relevant BM Units in accordance with the Grid Code;

(b) the submission of Physical Notifications in accordance with the Grid Code such as to enable Final Physical Notification Data to be submitted by the Transmission Company and Point FPNs to be established by the SAA in respect of BM Units for each Settlement Period;

(c) the submission of Final Physical Notification Data to enable Period FPNs to be established by the ECVAA in respect of Interconnector BM Units for each Settlement Period;

(d) arrangements for the submission by Lead Parties of Bid-Offer Pairs in respect of relevant BM Units and for the acceptance of Bids and Offers by the Transmission Company;

(e) the submission by the Transmission Company of Acceptance Data for the purposes of Section T and Section V;

(f) the submission by the Transmission Company of Balancing Services Adjustment Data for the purposes of Settlement; ~~and~~

(g) the submission by the Transmission Company to the BMRA of other operational data items for the purposes of Section V;~~.~~

(h) the submission of "**Large Combustion Plant Data**" (LCP Data) in respect of BM Units associated with "**Large Combustion Plants**" (LCPs) by relevant BSC Parties for the purposes of Section V; and

(i) the submission by BSCCo to the BMRA of LCP Data for the purposes of Section V.

*Amend paragraph 1.2.1 to read as follows:*

1.2.1 In this Section Q:

(a) at or in relation to a particular time and in relation to a particular data item, "**prevailing**" means most recently received by the Transmission Company in accordance with the Grid Code (and not invalidated thereunder) prior to that time or, in the absence of any such receipt and/or during a period of Outage, determined (where applicable) by the Transmission Company in accordance with the Grid Code;

(b) subject to paragraph 1.2.4, references to a "**relevant BM Unit**" are to a BM Unit in respect of which the Lead Party wishes to submit Bid-Offer Pairs from time to time under the Code;

(c) an "**Outage**" means any withdrawal by the Transmission Company (for maintenance or otherwise), breakdown or failure of any electronic data

communications systems by which the Transmission Company receives and accesses communications made by Lead Parties, where such withdrawal, breakdown or failure has (and for so long as it has) the effect that all Lead Parties are unable to submit Physical Notifications or Bid-Offer Data or the Transmission Company is unable to receive or access such data submitted by all Lead Parties;

(d) references to the period of Outage shall be to the period commencing at the time when such Outage first occurs and ending at the time when the Transmission Company's ability to receive and access Physical Notifications and Bid-Offer Data is restored.

(e) subject to paragraph 9.1.2, references to a "**BM Unit associated with a LCP**" are to a BM Unit that:

(i) comprises all or part of a LCP that is "**existing plant**" for the purposes of Article 2 of the "**Large Combustion Plant Directive**" (LCPD);

(ii) is a Production BM Unit;

(iii) is registered in CVA; and

(iv) is connected to the Transmission System.

*Insert new paragraph 9, as set out below, directly after paragraph 8.*

## 9. LCP DATA SUBMISSION

### 9.1 Application

9.1.1 The provisions of this paragraph 9 shall apply to BSC Parties that are the Lead Party for a BM Unit associated with a LCP.

9.1.2 From the first occasion on which the BSC Party provides LCP Data in respect of a BM Unit, by virtue of this paragraph 9, the BM Unit will be and at all times continue to be a BM Unit associated with a LCP, unless varied in accordance with paragraph 9.3.

9.1.3 References in this paragraph 9 to a BM Unit or a LCP shall be construed as a reference to a BM Unit associated with a LCP.

9.1.4 References in this paragraph 9 to a BSC Party shall be construed as a reference to a BSC Party in respect of which this paragraph 9 applies by virtue of paragraph 9.1.1.

### 9.2 LCP Data

9.2.1 For each BM Unit, the BSC Party shall ensure that those items forming part of the LCP Data listed in paragraphs 9.2.3(a) to (i) are submitted to BSCCo in accordance with the frequencies and the times set out in the table at paragraph 9.2.4 below.

9.2.2 The BSC Party shall send to the BSCCo the LCP Data in the form and manner prescribed in BSCP33.

9.2.3 The LCP Data shall comprise the following data items:

(a) BM Units that are associated with LCPs as defined in paragraph 1.2.1(e);

(b) the status of each LCP in respect of the LCPD being:

(i) "**Opted Out Plant**" where existing plants have opted for the limited life derogation of 20,000 stack operational hours commencing on 1 January 2008 and closing by 31 December 2015 in accordance with Article 4(4) of the LCPD;

(ii) "**Opted In Plant under NERP**" where existing plants have opted to comply with the "**National Emission Reduction Plan**" (NERP) in accordance with Article 4(3)(b) of the LCPD; or

(iii) "**Opted In Plant under ELV**" where existing plants have opted to comply with emission limit values set out in "**Pollution Prevention and Control Permits**" (PPC Permits) in accordance with Article 4(3)(a) of the LCPD;

(c) the cumulative operational hours for Opted Out Plant from 1 January 2008 until 31 December 2015;

(d) the cumulative operational hours for Opted In Plant under ELV with a derogation in accordance with Article 5(1) of the LCPD from the commencement date of the derogation;

(e) the details of any derogation applications made to the Environment Authority for each Opted In Plant under ELV in accordance with Article 5(1) of the LCPD as prescribed in BSCP33;

(f) the details of any derogations granted by the Environment Authority for each Opted In Plant under ELV in accordance with Article 5(1) of the LCPD as prescribed in BSCP33**;**

(g) the details of any notifications made to the Environment Authority concerning the breakdown or abatement of each LCP in accordance with Article 7(1) of the LCPD as prescribed in BSCP33**;**

(h) the details of any derogations granted by the Environment Authority for a breakdown or abatement of each LCP in accordance with Article 7(1) of the LCPD as prescribed in BSCP33**;** and

(i) the details of all "**Emission Allowance**" transfers between a LCP and another plant to which the LCPD applies, whether or not the other plant is a LCP associated with a BM Unit, including:

(i) date of transfer;

(ii) the calendar year in respect of which the Emission Allowance has been allocated;

(iii) the amount of emission for each of the LCPD pollutants transferred (expressed in tonnes); and

(iv) the total remaining Emission Allowance (expressed in tonnes) for each of the LCPD pollutants for the calendar year in respect of which the Emission Allowance has been allocated,

with respect to each LCP.

9.2.4 For each BM Unit, the BSC Party shall send to the BSCCo the LCP Data set out in paragraph 9.2.3 at the frequencies and the times set out in the table below:

| | DATA | FREQUENCY | TIME |
|---|---|---|---|
| (a) | BM Units associated with LCPs | When registered or varied pursuant to paragraph 9.3 | 1 Business Day |
| (b) | The status of each LCP with respect to the LCPD:<br>(i) Opted Out Plant;<br>(ii) Opted In Plant under NERP; or<br>(iii) Opted In Plant under ELV | When registered or varied pursuant to paragraph 9.3 | 1 Business Day |
| (c) | Cumulative operational hours for Opted Out Plant | Monthly | Within 28 days after the end of each calendar month |
| (d) | Cumulative operational hours for Opted In Plant under ELV with a derogation in accordance with Article 5(1) | Monthly | Within 28 days after the end of each calendar month |
| (e) | Details of any derogation applications made in accordance with Article 5(1) for each Opted In Plant under ELV | For each application submitted | Within 1 Business Day of submission |
| (f) | Details of any derogations granted in accordance with Article 5(1) for each Opted In Plant under ELV | For each derogation granted | Within 1 Business Day of receipt of the derogation advice |
| (g) | Details of any notifications made in accordance with Article 7(1) of the LCPD | For each notification | Within 48 hours of malfunction or breakdown |
| (h) | Details of any derogations granted for a breakdown or abatement in accordance with Article 7(1) of the LCPD | For each breakdown or abatement | As soon as reasonably practicable after notification of the derogation |
| (i) | Emission Allowances transferred | For each transfer | Within 1 Business Day of a transfer verified by the Environment |

| | | | |
|---|---|---|---|
| | | | Authority |

9.2.5 Where a BSC Party becomes aware that any data item included in the LCP Data that it has provided to the BSCCo is incorrect, it shall notify the BSCCo of the correct LCP Data within 1 Business Day of becoming aware of the incorrect data.

**9.3 Variation to BM Unit associated with a LCP**

9.3.1 The registered BSC Party for a BM Unit shall notify the BSCCo in writing, in accordance with BSCP15, of any changes to the registration of the BM Unit including but not limited to:

(a) a change in ownership of all or part of a BM Unit; and

(b) the closing of all or part of a BM Unit.

*Insert new paragraph 10, as set out below, directly after new paragraph 9.*

**10. SUBMISSION OF DATA BY BSCCo**

**10.1 Submission of data to the BMRA**

10.1.1 The BSCCo shall, as far as practicable, send the LCP Data to the BMRA not later than 2 Business Days after the receipt of LCP Data from a BSC Party.

## PROPOSED LEGAL DRAFTING TO GIVE EFFECT TO P226

## SECTION V: REPORTING (Version 22)

*Amend paragraph 2.2.1 to read as follows:*

2.2.1 The BMRA shall operate and make available the BMRS in accordance with this paragraph 2 ~~and~~, Table 1 and Table 1A in Annex V-1, and the BMRS Specification.

2.2.2 Table 1 sets out:

(a) the data referred to in paragraph 2.1.2(a) and (b) which is to be available on the BMRS and the periods to which such data relate;

(b) the frequency with which such data is to be available on the BMRS;

(c) the format (in accordance with paragraph 2.4) in which such data is to be available on the BMRS;

(d) the basis for establishing default values (if any) for the purposes of paragraph 2.2.3.

*Insert new paragraph 2.2.2A, as set out below, directly after paragraph 2.2.2.*

2.2.2A Table 1A sets out:

(a) the data referred to in paragraphs 2.7.1(b) and 2.7.1(c) which is to be available on the BMRS and the periods to which such data relate;

(b) the frequency with which such data is to be available on the BMRS;

(c) the format (in accordance with paragraph 2.4) in which such data is to be available on the BMRS.

*Amend paragraph 2.2.4 to read as follows:*

2.2.4 Unless otherwise specified in this paragraph 2, ~~or~~ Table 1 or Table 1A, all BMRS data will remain available on the BMRS (except that errors in such data may be corrected) until no earlier than the expiry of a period of 12 months after:

(a) the Settlement Day to which such data relates, or

(b) in the case of forecast data, the day on which such data was provided.

*Amend paragraph 2.3.3 to read as follows:*

2.3.3 BMRS data will be available on the BMRS as follows:

(a) data provided by the Transmission Company pursuant to Section Q (and listed in Table 1) will be available within 5 minutes after the BMRA received such data from the Transmission Company;

(b) data relating to a Settlement Period and established by the BMRA in accordance with paragraph 2.6 will be available within 45 minutes after the end of the relevant Settlement Period; and~~.~~

(c) data provided by the BSCCo pursuant to Section Q (and listed in Table 1A) will be available within 1 Business Day after the BMRA received such data from the BSCCo.

*Amend paragraph 2.4.1 to read as follows:*

2.4.1 Subject to paragraph 2.4.2, BMRS data will be made available:

(a) in all cases, in "**tabular**" format, that is in the form of a table of data as specified in the BMRS Specification; and

(b) in addition, in certain cases (as specified in this paragraph 2, ~~or~~ Table 1 or Table 1A), in "**graphic**" format, that is in graphic, pictorial or other form as specified in the BMRS Specification.

2.4.2 In certain cases as specified in Table 1, Table 1A and in the case of data referred to in paragraph 2.7.1, BMRS data will be available as a text message only.

*Amend paragraph 2.5.1 to read as follows:*

2.5.1 The BMRA shall:

(a) receive data from:

(i) the Transmission Company, at such times and with such frequency as provided in Section Q, as provided below in this paragraph 2.5;

(ii) each Market Index Data Provider, at such times and with such frequency as provided in Section T1.5A;

(iii) the CRA and BSCCo as provided below in this paragraph 2.5;

(b) report to the person providing such data any failure to provide the data or to provide it in the form required under the Code;

(c) store all such data received by the BMRA for a period of at least 12 months commencing on the Settlement Day or earliest Settlement Day to which such data relates or (in relation to forecast data) the day on which such data was provided; and

(d) store "**Large Combustion Plant Data**" (LCP Data) received by the BMRA for a period of at least seven years commencing on the day on which such data was provided.~~.~~

*Amend paragraph 2.5.2 to read as follows:*

2.5.2 The data to be received by the BMRA is as follows:

(a) from the Transmission Company (pursuant to Section Q) the data items specified in Section Q6 as being provided to the BMRA;

(b) from each Market Index Data Provider (as provided in Section T) the data items specified in Section T1.5A as being provided to the BMRA;

(c) from the CRA (pursuant to Section K) BM Unit registration data;

(d) from BSCCo the data items listed below:

(i) ETLMO+ following determination by and then as and when revised by the Panel pursuant to paragraph 2.6.3;

(ii) ETLMO- ~~in each case,~~ following determination by and then as and when revised by the Panel pursuant to paragraph 2.6.3; and

(iii) LCP Data as specified in Section Q9.

*Insert new paragraph 2.5.4, as set out below, directly after paragraph 2.5.3.*

2.5.4 On receipt of LCP Data from the BSCCo, the BMRA shall calculate within 1 Business Day:

(a) the remaining operational hours for each "**Large Combustion Plant**" (LCP) "**Opted Out Plant**";

(b) the total "**Emission Allowances**" for "**Opted In Plant under NERP**" transferred over the preceding month;

(c) the total Emission Allowances for "**Opted In Plant under ELV**" transferred over the preceding month;

(d) the total Emission Allowances for Opted In Plant under NERP transferred since 1 January for that given calendar year; and

(e) the total Emission Allowances for Opted In Plant under ELV transferred since 1 January for that given calendar year,

and publish the cumulative totals in Table 1A on the BMRS.

*Amend paragraph 2.7.1 to read as follows:*

2.7.1 In addition to the data specified in Table 1 the following data will be available on the BMRS:

(a) ~~,~~ the data referred to in paragraph 4.3 ~~will be available on the BMRS~~ if the Panel so determine in accordance with paragraph 4.3; ~~.~~

(b) LCP Data specified in Table 1A; and

(c) data (derived in whole or in part from the data referred to in paragraph (b)) established by the BMRS pursuant to paragraph 2.5.4.

## ANNEX V-1: TABLES OF REPORTS

*Insert new Table 1A - BMRS, as set out below, directly after Table 1-BMRS in ANNEX V-1 of Section V but commencing on a new page.*

### TABLE 1A -BMRS

Notes:

1. Column 1 (data) specifies the data which is to be made available.

2. Column 2 (frequency) specifies the frequency with which data is provided.

3. Column 3 (format) specifies the format in which data is made available.

5. Section Q10 sets out the times by which and the frequency with which the BSCCo is required to provide data to the BMRA to be posted on the BMRS.

| DATA | FREQUENCY | FORMAT |
|---|---|---|
| BM Units associated with LCPs | As received | Tabular |
| Status of each LCP | As received | Tabular |
| Cumulative operational hours for Opted Out Plant | As received | Tabular |
| Cumulative operation hours for Opted In Plant under ELV with an Article 5(1) derogation | As received | Tabular |
| Details of any Article 5(1) derogation applications made for each Opted In Plant under ELV | As received | Tabular |
| Details of any Article 5(1) derogations granted for each Opted In Plant under ELV | As received | Tabular |
| Details of any Article 7(1) notifications made | As received | Tabular |
| Remaining operational hours for each LCP for Opted Out Plant | Monthly | Tabular |
| Total NERP allowances transferred over the preceding month | Monthly | Tabular |
| Total ELV allowances transferred over the preceding month | Monthly | Tabular |
| Total NERP allowances transferred from 1 January for that given calendar year | Monthly | Tabular |
| Total ELV allowances transferred from 1 January for that given calendar year | Monthly | Tabular |

## PROPOSED LEGAL DRAFTING TO GIVE EFFECT TO P226

### ANNEX X-1: GENERAL GLOSSARY (Version 38.0)

*The table of definitions contained in Annex X-1 shall be amended by inserting the following new definitions between the existing definitions, as indicated below:*

| | |
|---|---|
| "**Electricity Arbitration Association**": | means the unincorporated members' club of that title formed inter alia to promote the efficient and economic operation of the procedure for the resolution of disputes within the electricity supply industry by means of arbitration or otherwise in accordance with its arbitration rules; |
| "**ELV**": | has the meaning given to "emission limit value" in Article 2(3) of the LCPD; |
| "**Emergency Instruction**": | has the meaning given to that term in the Grid Code; |
| "**Emission Allowance(s)**": | means the amount of emission for each of the pollutants regulated by the LCPD expressed in tonnes per annum and calculated in accordance with the second paragraph of Article4(6) of the LCPD; |
| "**energisation**" : | means, in relation to any Boundary Point or Systems Connection Point (or any Plant or Apparatus connected to any System at such a point), the movement of any isolator, breaker or switch or the insertion of any fuse, so as to enable electricity to flow, at such point to and from a System; and "**energise**" and "**energised**", shall be construed accordingly; |
| "**Energy (To) Account**": | means has the meaning given to that term in Section P1.3.5; |
| "**Environment Authority**": | means the relevant authority responsible for compliance with the LCPD, currently being the Environment Agency with respect to Opted In Plant under NERP and for England and Wales for all other LCPD requirements, and the Scottish Environment Protection Agency with respect to all other LCPD requirements for Scotland; |
| "**Equipment Owner**": | means, in relation to a Metering System, a person which is the owner of Metering Equipment comprised in that Metering System but is not the Registrant of that Metering System; |
| "**kWh**": | means kilowatt-hour; |
| "**Large Combustion Plant(s)**" or "**LCP(s)**": | means a large combustion plant and has the meaning given to a "combustion plant" in Article 2(7) of the LCPD; |

| | |
|---|---|
| "**Large Combustion Plant Data**" or "**LCP Data**": | means any or all of the data items specified in Section Q9.2; |
| "**Large Combustion Plant Directive**" or "**LCPD**": | means Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants, as incorporated into UK law; |
| "**last resort direction**": | has the meaning given to that term in Section K.7.1.1; |
| "**National Consumer Council**": | means the body of that name established by Part I, section I of the Consumers, Estate Agents and Redress Act 2007; |
| "**National Emission Reduction Plan**" or "**NERP**" **:** | means the National Emission Reduction Plan for the United Kingdom prepared by the Secretary of State pursuant to regulation 4(1) of The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007; |
| "**Net Payment Amount**": | has the meaning given to that term in Section N5.1.6; |
| "**Operational Day**": | has the meaning given to that term in the Grid Code; |
| "**Opted In Plant under ELV**": | has the meaning given to that term in Section Q9.2.3(b)(iii); |
| "**Opted In Plant under NERP**": | has the meaning given to that term in Section Q9.2.3(b)(ii); |
| "**Opted Out Plant**": | has the meaning given to that term in Section Q9.2.3(b)(i); |
| "**Outage**": | has the meaning given to that term in Section Q1.2.1(c); |
| "**Plan Year**" | has the meaning given to that term in Section C6.1.1; |
| "**Pollution Prevention Control Permit(s)**" or "**PPC Permit(s)**": | means a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000 or regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000; |
| "**Pool Executive Committee**": | means the Executive Committee as defined in the Pooling and Settlement Agreement; |