

## ANNEX 2

### MODIFICATION PROPOSAL P100

#### LEGAL TEXT

*Amend paragraph 1.5 as shown below:*

#### SECTION K (V7.0)

##### 1.5 Exemptable Generating Plant

- 1.5.1 Where any Party which is or is to be responsible for any Generating Plant intends to effect any registration (other than ~~Generating Plant whose Exports are or are the making of an election as referred to be measured by in paragraph 1.2.2(a)(ii)(2) in the case of an~~ SVA Metering System(s)) ~~intends to effect any registration~~ or take any other step in pursuance of any provision of this Section K which applies by reason of that Generating Plant being Exemptable, subject to paragraph 1.5.7, that Party shall first provide to BSCCo details of the Generating Plant and the reasons for which the Party believes the Generating Plant to be Exemptable.
- 1.5.2 Within 20 Business Days after receiving any notification under paragraph 1.5.1 BSCCo shall:
- (a) take such measures as it considers appropriate to verify whether or not the Generating Plant is Exemptable, and
- ~~(b)~~ (b) notify the Party of its conclusions.
- 1.5.3 The Party shall provide such further details as BSCCo may reasonably request for the purposes of such verification.
- 1.5.4 Where the Party disagrees with the conclusions of BSCCo under paragraph 1.5.2(b), that Party may refer the matter to the Panel<sub>s</sub> and the Panel shall determine whether (in its opinion) the Generating Plant is Exemptable<sub>s</sub> and notify to the Party its determination which shall be binding for the purposes of the Code subject to paragraph 1.5.5.
- 1.5.5 Within 20 Business Days after the Panel has notified its determination under paragraph 1.5.4, the Party may, if it wishes the matter to be determined by the Authority, refer to the Authority the question of whether the Generating Plant is Exemptable.
- 1.5.6 Wherever pursuant to this Section K the CRA or CDCA receives any application for or other notification of a registration or step within paragraph 1.5.1, the CRA or CDCA shall apply to BSCCo for confirmation as to whether the Generating Plant in question is Exemptable, and shall not validate or accept the same unless BSCCo has given such confirmation.

#### ~~3.4 Demand Capacity and Generation Capacity~~

1.5.7 In the case of Generating Plant whose Exports are measured by SVA Metering Systems, BSCCo may:

- (a) require the Party to provide (instead of details and reasons as referred to in paragraph 1.5.1) a certificate, signed by a director of that Party, as to the matters

referred to in that paragraph (and may require the Party pursuant to Section U1.2.3 to update such certificate from time to time), and

(b) rely on that certificate instead of taking measures under paragraph 1.5.2.

1.5.8 Where:

(a) it has been determined in accordance with the foregoing provisions that particular Generating Plant is Exemptable, and

(b) at any later time BSCCo becomes aware of any change in relevant circumstances or otherwise has good reason to believe that the position may be different

BSCCo may require that the relevant Party to comply or comply again with paragraph 1.5.1 or 1.5.7(a).

*Insert new paragraph 3.3A as follows:*

### **3.3A Exempt Export BM Units**

A Supplier BM Unit shall not be classified as an Exempt Export BM Unit unless (disregarding paragraph 3.1.4(e)) the BM Unit would, if the Metering System(s) comprised in the BM Unit were CVA Metering Systems, satisfy the requirements in paragraph 3.1.2, for which purposes paragraph 3.1.6 shall apply as if the question referred to therein were whether the configuration of Plant and Apparatus comprised in the BM Unit satisfies (or best satisfies) those requirements.

*Amend paragraph 3.5.5 as shown below:*

3.5.5 In the case of an Exempt Export BM Unit, irrespective of the Trading Unit to which the BM Unit belongs ~~to a Sole Trading Unit (in accordance with paragraph 4.1.3)~~, the Lead Party may from time to time elect, by notice to BSCCo and the CRA, whether the P/C Status of the BM Unit is to be Production or Consumption, provided that:

(a) no such election shall be effective until 28 days (or if later the effective date requested by the Lead Party) after such notice was given to BSCCo and the CRA;

(b) in the absence of such an election, the P/C Status of the BM Unit shall be determined in accordance with paragraph 3.5.2.

*Amend paragraph 4 as shown below:*

## **4. TRADING UNITS**

### **4.1 General**

4.1.1 A combination of BM Units, with the same or different Lead Parties, may be identified as a Trading Unit in accordance with this paragraph 4 and Annex K-2, in which case each such BM Unit shall be described as 'belonging' to that Trading Unit.

4.1.2 The basis on which BM Units belong to Trading Units shall be determined:

(a) in relation to a Supplier BM Unit which is not an Exempt Export BM Unit, in accordance with paragraph 4.7;

(b) in relation to an Exempt Export BM Unit, in accordance with paragraph 4.7 or paragraphs 4.2 to 4.6 as the Lead Party shall (in accordance with paragraph 4.7.3) determine;

(c) in relation to any other BM Unit (subject to paragraph 5.7), in accordance with paragraphs 4.2 to 4.6;

and references to a "relevant" BM Unit in paragraphs 4.2 to 4.6 (and in this paragraph 4.1) shall be construed accordingly.

4.1.3 A relevant BM Unit shall belong to a Trading Unit with effect from the registration of the Trading Unit pursuant to paragraph 4.5.

4.1.34.1.4 Where a relevant BM Unit does not belong, or ceases to belong, to a Trading Unit comprising one or more other BM Units, that BM Unit shall itself constitute a Trading Unit.

4.1.44.1.5 A BM Unit may not belong to more than one Trading Unit at any given time.

## **4.2 Application**

4.2.1 A Party may apply to the Panel for a combination of relevant BM Units (the "**nominated**" BM Units) to be treated as a Trading Unit by sending to the Panel a written application ("**Trading Unit Application**") stating the class of application and containing the other information and supported by the documents and other matters referred to in BSCP 31 and signed by or on behalf of the Lead Parties for each of the BM Units concerned.

4.2.2 A Trading Unit Application shall be made in accordance with and subject to BSCP 31.

4.2.3 A Trading Unit Application may be made in advance of registration of the relevant BM Units in accordance with BSCP 31.

4.2.4 Annex K-2 shall apply in respect of any Trading Unit Application.

## **4.3 Decision**

4.3.1 The Panel shall consider any Trading Unit Application in accordance with Annex K-2 and BSCP 31, and shall make a determination as to whether the nominated BM Units may be treated as a single Trading Unit and shall promptly notify the Trading Unit Applicants and the CRA of its determination.

## **4.4 Exempt Export BM Unit**

4.4.1 Where:

(a) any relevant BM Unit(s) (the "TU BM Unit(s)") belong to a Trading Unit (either a Sole Trading Unit or a Trading Unit registered in accordance with paragraph 4.5, and

(b) there are any Exempt Export BM Unit(s) in the same GSP Group as the TU BM Unit(s);

then the Lead Party for any such Exempt Export BM Unit may, by notice in writing to the CRA and BSCCo given jointly with the Lead Party(ies) for the TU BM Unit(s), elect that

~~the Exempt Export BM Unit shall belong to the Trading Unit, irrespective of the requirements in Annex K-2.~~

~~4.4.2 For the purposes of paragraph 4.4.1, a relevant BM Unit is any BM Unit (including for the avoidance of doubt another Exempt Export BM Unit) other than one comprising Metering System(s) which are registered in CMRS pursuant to paragraph 2.1.1.~~

~~4.4.3 A notice of election under paragraph 4.4.1 shall specify:~~

- ~~(a) the identity of the Lead Party(ies) for the Exempt Export BM Unit(s) and for each of the TU BM Units;~~
- ~~(b) the Exempt Export BM Unit(s) and the TU BM Units;~~
- ~~(c) the Trading Unit; and~~
- ~~(d) the date with effect from which the election is to take effect.~~

~~4.4.4 An election under paragraph 4.4.1 will become effective (and the registration of the Trading Unit will be amended) on and from the later of:~~

- ~~(a) the date specified in the notice of election pursuant to paragraph 4.4.3(d); and~~
- ~~(b) the date on which all of the requirements specified for such effectiveness in BSCP 31 have been satisfied.~~

~~4.4.5 Where the TU BM Unit belonged to a Sole Trading Unit, the Trading Unit shall (with effect from the time from which it includes the Exempt Export BM Unit) cease to be a Sole Trading Unit. Not used~~

## **4.5 Registration of Trading Units**

4.5.1 Where a Trading Unit Application has been approved, the Trading Unit Applicants may, at any time after the Panel notified its determination under paragraph 4.3 (but subject to paragraph 4.6.6), register the Trading Unit by giving notice to the CRA:

- (a) referring to the Panel's determination, and
- (b) specifying:
  - (i) the identity of the Trading Unit Applicants;
  - (ii) for each such applicant, the relevant BM Unit(s) for which it is Lead Party which are to belong to the Trading Unit;
  - (iii) the class (in accordance with Annex K-2) of Trading Unit; and
  - (iv) the date with effect from which the Trading Unit is to be registered.

4.5.2 An application to register a Trading Unit shall be made in accordance with and subject to BSCP 31.

4.5.3 The CRA shall in accordance with BSCP 31 validate and process an application to register a Trading Unit.

4.5.4 Registration of a Trading Unit will be effective on and from the later of:

- (a) the date specified by the applicants pursuant to paragraph 4.5.1(b)(iv), and

- (b) the date on which all of the requirements specified for such effectiveness in BSCP 31 have been satisfied.

#### **4.6 Withdrawal**

- 4.6.1 The Lead Party of any relevant BM Unit which belongs to a Trading Unit (other than a Sole Trading Unit) may terminate the registration of the Trading Unit by giving notice to the CRA and each of the Lead Parties for other relevant BM Units belonging to the Trading Unit, specifying the Trading Unit and the date with effect from which such registration is to be terminated.
- 4.6.2 Notice of termination of the registration of the Trading Unit shall be given in accordance with and subject to BSCP 31.
- 4.6.3 Termination of the registration of the Trading Unit shall be effective from later of the date specified in the notice of termination and the date (in accordance with BSCP 31) on which the CRA processes the notice.
- 4.6.4 With effect from the termination of the registration of a Trading Unit, each of the BM Units belonging to the Trading Unit shall belong to a Sole Trading Unit, except to the extent to which one or more different Trading Units, including any of such relevant BM Units, have been established and registered in accordance with this paragraph 4.
- 4.6.5 Where a relevant BM Unit belongs to a Sole Trading Unit, it shall automatically cease to do so upon the registration of any other Trading Unit to which it belongs.
- 4.6.6 If at any time the Panel determines that the relevant BM Units belonging to a Trading Unit no longer satisfy the requirements on the basis of which the Trading Unit was accepted by the Panel, the registration of the Trading Unit shall be terminated.
- 4.6.7 ~~4.6.7~~—The Lead Party of each BM Unit belonging to a Trading Unit shall forthwith notify the Panel if the BM Units belonging to a Trading Unit no longer satisfy the requirements referred to in paragraph 4.6.6.

#### **4.7 Base Trading Units**

- 4.7.1 There shall automatically be established a Trading Unit (a "Base Trading Unit") in respect of each GSP Group.
- 4.7.2 Subject to paragraph 4.7.3:
- (a) each Supplier BM Unit shall automatically belong to the Base Trading Unit for the relevant GSP Group; and
- (b) each Exempt Export BM Unit ~~(which is not a Supplier BM Unit)~~ in a GSP Group shall automatically belong to the Base Trading Unit for that GSP Group.
- 4.7.3 The Lead Party of an Exempt Export BM Unit may, by notice in writing to the CRA and BSCCo in accordance with (and with effect as specified in) BSCP 31, elect that the BM Unit shall not belong to the applicable Base Trading Unit, in which case the Trading Unit to which such BM Unit belongs shall be determined in accordance with paragraphs 4.2 to 4.6 (or where applicable paragraph 4.1.3).
- 4.7.4 The Lead Party of an Exempt Export BM Unit may, by notice in writing to the CRA and BSCCo in accordance with (and with effect as specified in) BSCP 31, withdraw an election under paragraph 4.7.3.

## ANNEX K-2 (V7.0)

### TRADING UNIT APPLICATIONS

*Amend paragraph 1.5 as shown below:*

1.5      ~~1.5~~ — **Class 4**

- 1.5.1      If the Trading Unit Application shall state that it is a Class 4 application then the Panel shall determine from the Trading Unit Application and supporting documentation and other matters (and any further evidence provided in accordance with paragraph 1.7) if all of the nominated BM Units are Supplier/Exempt/Export BM Units which and are located in the same GSP Group, in which event the nominated BM Units shall be treated as belonging to a single Trading Unit.

**ANNEX X-1 (V9.0)**

*Amend the definition of Exempt Export BM Unit to read as follows:*

**"Exempt Export BM Unit"**

means a BM Unit which comprises ~~only CVA Metering System(s) associated with~~ Exemptable Generating Plant, for which the Lead Party is the Party responsible for Exports, subject to Section K3.3A;