

## CUSC Code Administrator Consultation Response Proforma

### CMP309 - CUSC changes in the event the UK leaves the EU without an agreement

Industry parties are invited to respond to this Code Administrator Consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses by **5:00pm** on **21 March 2019** to [cusc.team@nationalgrid.com](mailto:cusc.team@nationalgrid.com). Please note that any responses received after the deadline or sent to a different email address may not be included within the Final Modification Report to the Authority.

Any queries on the content of the consultation should be addressed to Ren Walker at [Lurrentia.Walker@nationalgrid.com](mailto:Lurrentia.Walker@nationalgrid.com)

These responses will be included within the Draft CUSC Modification Report to the CUSC Panel and within the Final CUSC Modification Report to the Authority.

<b>Respondent:</b>	Paul Mott
<b>Company Name:</b>	EDF Energy
<b>Please express your views regarding the Code Administrator Consultation, including rationale. (Please include any issues, suggestions or queries)</b>	<p><i>For reference, the Applicable Standard (non-charging) CUSC objectives are:</i></p> <ul style="list-style-type: none"><li>(a) The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;</li><li>(b) Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity; (c) That, so far as is consistent with sub-paragraphs (a) and (b), the use of system charging methodology, as far as is reasonably practicable, properly takes account of the developments in transmission licensees' transmission businesses;</li><li>(c) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and</li><li>(d) Promoting efficiency in the implementation and administration of the CUSC arrangements.</li></ul>

\*Objective (c) refers specifically to European Regulation 2009/714/EC. Reference to the Agency is to the Agency for the Cooperation of Energy Regulators (ACER).

## Code Administrator Consultation questions

Q	Question	Response
1	<p><b>Do you believe that CMP309 better facilitates the Applicable CUSC objectives? Please include your reasoning.</b></p>	<p>Yes, CMP309 aims to ensure that retained EU law will function effectively in the context of the CUSC. It makes appropriate changes to a very small handful of references to EU Regulation and EU entities. It reflects the effect of the European Union (Withdrawal) Act 2018, so that if the UK leaves the EU without an agreement, future decisions of the Commission and the Agency will no longer have any legal effect in the UK, but decisions made prior to “Exit Day” are to continue to have effect. The changes to CUSC in this mod and its close cousin, CMP310, make sure that this is so. The relevant CUSC standard (non-charging) objective that is better facilitated is “The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence”.</p>
2	<p><b>Do you support the proposed implementation approach?</b></p>	<p>Yes; we note that implementation of this Modification is sought by the proposer as soon as possible following UK’s exit from the EU, in the event the UK leaves the EU without an agreement. A date can’t be cited at present because implementation is dependent upon the implementation of the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018 as well as relevant consequential licence modifications. The proposer says that implementation date will need to align with the Statutory Instruments and licence modifications – EDF Energy agrees.</p>
3	<p><b>Do you have any other comments in relation to CMP309?</b></p>	<p>No</p>