



STATUTORY INSTRUMENTS.

**S.I. No. 117 of 2017**



ELECTRICITY REGULATION ACT 1999 (SINGLE ELECTRICITY  
MARKET) (NO.2) REGULATIONS 2017

## ELECTRICITY REGULATION ACT 1999 (SINGLE ELECTRICITY MARKET) (NO.2) REGULATIONS 2017

The Commission for Energy Regulation, in exercise of the powers conferred on it by section 9BA(2) of the Electricity Regulation Act 1999 (No. 23 of 1999) (inserted by section 7 of the Electricity Regulation (Amendment) (Single Electricity Market) Act 2007 (No.5 of 2007)), and following consultation with the Northern Ireland Authority for Utility Regulation, hereby makes the following regulations:

*Citation*

1. (1) These Regulations may be cited as the Electricity Regulation Act 1999 (Single Electricity Market) (No.2) Regulations 2017.

(2) The Principal Regulations and these Regulations may be cited together as the Electricity Regulation Act 1999 (Single Electricity Market) Regulations 2007 and 2017.

*Interpretation*

2. (1) In these Regulations, except where the context otherwise requires:

“Balancing Market” means a market in which arrangements facilitate the market based management of electricity balancing;

“Act of 1999” means the Electricity Regulation Act 1999 (No. 23 of 1999);

“Act of 2007” means the Electricity Regulation (Amendment) (Single Electricity Market) Act 2007 (No. 5 of 2007);

“Act of 2016” means the Energy Act 2016 (No. 12 of 2016);

“Electricity Market Regulation revisions” means such revisions or amendments to the Single Electricity Market as are determined by the Commission in writing to be necessary for the purpose of ensuring that the European Union rules for cross-border trade in electricity contained within or adopted pursuant to the Electricity Market Regulation, and as supplemented by:

(a) network codes established under Article 6 of the Electricity Market Regulation; and

(b) guidelines adopted under Article 18 of the Electricity Market Regulation,

are applied efficiently to the Single Electricity Market;

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 31st March, 2017.*

“Principal Regulations” means the Electricity Regulation Act 1999 (Single Electricity Market) Regulations 2007 (S.I. No. 406 of 2007);

“relevant Internet website” means an Internet website of the Commission (including part of such a website):

- (a) to which access is readily available by members of the public; and
- (b) where anything published on the website is readily available for inspection by members of the public;

“revised arrangements in the State and Northern Ireland” has the meaning given to that expression by section 7(1) of the Act of 2016;

“Revised Single Electricity Market” means the competitive wholesale electricity market comprised in the revised arrangements in the State and Northern Ireland;

“Single Electricity Market” shall have the same meaning as in section 2 of the Act of 1999 (as inserted by section 3 of the Act of 2007) immediately before the coming into operation of section 8 of the Act of 2016; and

“Single Electricity Market Trading and Settlement Code” means the code of that name that was established pursuant to section 9BA(1) of the Act of 1999 and designated by the Commission pursuant to the Principal Regulations, as from time to time revised, amended, supplemented or replaced.

(2) Notwithstanding section 19 of the Interpretation Act 2005, in these Regulations:

- (a) a reference to an enactment or Regulations shall be construed as a reference to the enactment or Regulations as amended or extended by or under any subsequent enactment or Regulations; and
- (b) a reference to a Regulation of the European Parliament and Council shall be construed as a reference to the Regulation as amended or extended by any subsequent Regulation.

*Transitional Arrangements*

3. Subject to Regulation 5 of the Principal Regulations, each holder of a licence issued pursuant to section 14(1) of the Act of 1999 shall:

- (a) do all that is reasonably practicable and necessary, as determined by the licence holder, to prepare for the introduction of the Electricity Market Regulation revisions and the commencement of trading in the Revised Single Electricity Market, including the putting into place of all reasonably practicable and necessary managerial, commercial, technical, financial and legal arrangements; and
- (b) execute such transitional agreements or make such transitional arrangements, or both, as may be determined by the Commission in

writing to be necessary due to the introduction of the Electricity Market Regulation revisions and the anticipated commencement of trading in the Revised Single Electricity Market.

*The Single Electricity Market Trading and Settlement Code*

4. (1) The Commission shall, in accordance with its functions as set out in section 9BA(1) of the Act of 1999, and following consultation with the Authority, determine and set out in writing those amendments to the Single Electricity Market Trading and Settlement Code which it considers necessary for the purpose of

- (a) effecting the Electricity Market Regulation revisions and any purpose incidental thereto; and
- (b) further promoting the establishment and facilitating the operation of a single competitive wholesale electricity market in the State and Northern Ireland,

and the Single Electricity Market Trading and Settlement Code shall thereupon stand amended accordingly.

(2) The Commission shall, as soon as practicable thereafter, publish on a relevant Internet website notice of the amending of the Single Electricity Market Trading and Settlement Code pursuant to Regulation 4(1), together with a copy of the code as so amended.

(3) The Single Electricity Market Trading and Settlement Code, as amended pursuant to Regulation 4(1), shall include provisions, rules and procedures, as appropriate, providing for or relating to, inter alia, the matters specified in the Schedule to these Regulations.

*Determination of the Start Date of the Revised Single Electricity Market*

5. The Commission shall, following consultation with the Authority, determine the date on which and the time at which the Electricity Market Regulation revisions shall take effect and trading under the Single Electricity Market Trading and Settlement Code, as amended pursuant to Regulation 4(1), shall commence, and the Commission shall as soon as practicable thereafter publish notice thereof on a relevant Internet website.

*Revocation*

6. (1) The Electricity Regulation Act 1999 (Single Electricity Market) Regulations 2017 (S.I. No. 3 of 2017) are hereby revoked.

(2) Any action commenced under the Regulations referred to in Regulation 6(1) before the making of these Regulations and not completed before their making may be continued and completed under the corresponding provision of these Regulations.

## SCHEDULE

The Single Electricity Market Trading and Settlement Code, as amended pursuant to Regulation 4(1), shall include provisions, rules and procedures, as appropriate, providing for or relating to, *inter alia*:

- (1) terms of the trading and settlement arrangements for the sale and purchase (on a wholesale basis) of electricity in a Balancing Market;
- (2) settlement arrangements with respect to a capacity market;
- (3) without prejudice to these Regulations, a mechanism to amend its own terms through a modifications process;
- (4) the publication of information, as may be determined by the Commission, and subject to preservation of the confidentiality of such commercially sensitive information as is considered appropriate by the Commission, relating to transactions in the Revised Single Electricity Market; and
- (5) a mechanism to effect the resolution of disputes between parties to the code, as amended, by a dispute resolution board established pursuant to that code.



GIVEN under the common seal of the Commission for Energy  
Regulation,  
29 March 2017.

PAUL MCGOWAN,  
Chairperson of the Commission of Regulation.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These regulations revoke and replace the Electricity Regulation Act 1999 (Single Electricity Market) Regulations 2017 (S.I. No. 3 of 2017), and provide for and facilitate the revised operation of the Single Electricity Market, including the putting in place of revised trading arrangements and other related matters considered necessary to apply, to the Single Electricity Market, the requirements of Regulation (EC) 714/2009 of the European Parliament and of the Council of 13 July 2009 in relation to cross-border trade in electricity.

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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
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€2.54

