

P263 –PROPOSED LEGAL TEXT

(ENVIRONMENTAL ASSESSMENT AND SEND BACK PROCESS)

SECTION F: MODIFICATION PROCEDURES (version 18.0)

Amend paragraph 2.1.2 to read as follows:

2.1.2 A proposal made pursuant to paragraph 2.1.1 shall be submitted in writing in accordance with BSCP40, and shall contain the following information in relation to such proposal:

- (a) the name of the Proposer;
- (b) the name of the representative of the Proposer (and his alternate) who shall represent the Proposer in person for the purposes of this paragraph 2;
- (c) a description (in reasonable but not excessive detail) of the issue or defect which the proposed modification seeks to address;
- (d) a description (in reasonable but not excessive detail) of the proposed modification and of its nature and purpose;
- (e) where possible, an indication of those parts of the Code which would require amendment in order to give effect to (and/or would otherwise be affected by) the proposed modification and an indication of the nature of those amendments or effects;
- (f) the reasons why the Proposer believes that the proposed modification would better facilitate achievement of the Applicable BSC Objective(s) as compared with the then current version of the Code and an indication of the impact of the proposed modification on greenhouse gas emissions where the Proposer believes that such impact is likely to be material;
- (g) where possible, an indication of the impact of the proposed modification on Core Industry Documents and/or the System Operator-Transmission Owner Code;
- (h) where possible, an indication of the impact of the proposed modification on BSC Systems and on other relevant computer systems and processes used by Parties;
- (i) where the Proposer has recommended that the proposal should be treated as an Urgent Modification Proposal in accordance with paragraph 2.9, its reasons why the proposal should be treated as such.

Amend paragraph 2.1.12 to read as follows:

2.1.12 Subject to paragraphs 2.2.3(b)(iii), 2.5.9(c), 2.7A.9 and 2.9.4A, a Proposer may:

- (a) withdraw his Modification Proposal on notice to the Modification Secretary at any time prior to the final evaluation by the Modification Group (in accordance with its terms of reference and working practices) of that Modification Proposal and, subject to paragraph 2.1.12B, any Modification Proposal so withdrawn shall lapse; or

- (b) vary his Modification Proposal on notice (which may be given verbally) to the chairman of the Modification Group at any time prior to the final evaluation by the Modification Group (in accordance with its terms of reference and working practices) of that Modification Proposal provided that such varied Modification Proposal:
 - (i) shall address the same issue or defect originally identified by the Proposer in his Modification Proposal; and
 - (ii) shall be deemed to be the Proposer's Modification Proposal.

Insert new paragraph 2.6.2A to read as follows:

2.6.2A Where a Proposed Modification and any Alternative Modification are likely to have a material impact on greenhouse gas emissions then the evaluation pursuant to paragraph 2.6.2, in respect of the Applicable BSC Objective(s), shall include an assessment of the quantifiable impact of the Proposed Modification and any Alternative Modification on greenhouse gas emissions and such assessment shall be conducted in accordance with the guidance (on the treatment of carbon costs and evaluation of greenhouse gas emissions) that may be issued by the Authority from time to time.

Insert new paragraph 2.7A to read as follows:

2.7A Send Back Process

2.7A.1 Where the Authority considers that it is unable to form an opinion in relation to a Modification Report submitted to it pursuant to paragraph 2.7.6 then it may issue a direction to the Panel:

- (a) specifying any additional steps that it requires in order to form such an opinion including drafting or amending the proposed text to modify the Code, revising the implementation timetable and/or proposed Implementation Date(s), revising or providing additional analysis and/or information; and
- (b) requiring such Modification Report to be revised and re-submitted to the Authority.

and the Authority may include in such direction its reasons for why it has been unable to form an opinion (a "Send Back Direction").

2.7A.2 The Panel shall re-submit the revised Modification Report as soon after the Authority's direction pursuant to paragraph 2.7A.1 as is appropriate (taking into account the complexity, importance and urgency of the Modification Proposal) and the implementation timetable and the proposed Implementation Date(s) specified in the Modification Report (but no other aspect of that Modification Report) shall be deemed to be suspended for the duration of the Send Back Process.

2.7A.3 Subject to paragraph 2.7A4, in relation to each Send Back Direction BSCCo shall prepare a draft Send Back Process for approval by the Panel which:

- (a) shall include a procedure and timetable for the reconsideration by the Panel of its recommendation and the re-submission of the revised Modification Report to the Authority; and

(b) may include such further matters as the Panel considers necessary to address the Send Back Direction including:

- (i) further consultation with Parties and interested third parties;
- (ii) revised or additional analysis and/or information;
- (iii) drafting or amending proposed text to modify the Code;
- (iv) revising the proposed Implementation Date(s) (and, without prejudice to the generality of paragraph 2.7A.3(b)(i)), the Panel shall conduct a consultation with Parties and interested third parties in respect of any revised proposed Implementation Date(s); and
- (v) any other steps required by the Panel to address the Send Back Direction.

2.7A.4 Where the requirements specified in the Send Back Direction are of a minor nature such that it would be more appropriate for BSCCo to address the matters contained therein without preparing a draft Send Back Process then:

- (a) BSCCo may take such steps as are necessary to address the requirements of that Send Back Direction; and
- (b) the provisions of paragraphs 2.7A.6(b), 2.7A.6(c), 2.7A.7 and 2.7A.8 shall apply thereto provided that if the Panel does not approve the revised draft Modification Report then it may require BSCCo to prepare a draft Send Back Process in accordance with paragraph 2.7A.3.

2.7A.5 The Panel shall consider the draft Send Back Process and, having considered any comments made or received by the representative of the Authority, shall determine whether to approve the draft Send Back Process or to instruct BSCCo to make such changes to the draft Send Back Process as may be specified by the Panel.

2.7A.6 Following approval by the Panel of the Send Back Process:

- (a) BSCCo and (where applicable) the Workgroup shall perform the additional steps set out in the Send Back Process (including, to the extent necessary, the revision by the Workgroup of its views and rationale as to whether the Proposed Modification and any Alternative Modification better facilitate the achievement of the Applicable BSC Objective(s));
- (b) the Modification Secretary shall notify the persons specified in paragraph 2.7.6(b) that the Authority has issued a Send Back Direction, revise the Modification Report, re-submit that Modification Report to the Panel and take any further steps in relation to it as are set out in this paragraph 2.7A and the Send Back Process; and
- (c) the Panel shall consider the revised Modification Report in accordance with paragraph 2.7A.7,

in each case in accordance with the procedure(s) and timetable set out in the Send Back Process.

2.7A.7 The Panel shall consider the revised Modification Report and determine:

- (a) whether to revise the recommendation it made to the Authority pursuant to paragraph 2.7.5(a):
- (b) whether to approve the revised Modification Report or to instruct the Modification Secretary to make such further changes to the revised report as may be specified by the Panel;
- (c) (if applicable) whether to approve any revised proposed text to modify the Code or to instruct the Modification Secretary to make any further changes as may be specified by the Panel; and/or
- (d) (if applicable) whether to approve any revised proposed Implementation Date(s) for implementation of the Proposed Modification or any Alternative Modification (whether or not the Panel recommends the making of such Proposed Modification or Alternative Modification).

2.7A.8 The Modification Secretary shall:

- (a) finalise the revised Modification Report which shall, for the purposes of the Code, be deemed to be the Modification Report as from the date of the Panel's determination pursuant to paragraph 2.7A.7; and
- (b) submit such Modification Report to the Authority and copy it to the persons specified in paragraph 2.7.6(b).

2.7A.9 For the avoidance of doubt, a Proposer shall have no right to withdraw or vary his Modification Proposal during the Send Back Process.

ANNEX F-1: CONTENTS OF REPORTS

Amend paragraph 1(o) to read as follows:

- (o) any other matters which the Modification Group consider should properly be brought to the attention of the Panel to assist the Panel in forming a view as to whether the Proposed Modification and any Alternative Modification would better facilitate achievement of the Applicable BSC Objective(s) including an assessment, conducted in accordance with paragraph 2.6.2A, of the quantifiable impact of the Proposed Modification and any Alternative Modification on greenhouse gas emissions where such impact is likely to be material;

SECTION X: DEFINITIONS AND INTERPRETATION (Version 48.0)

ANNEX X-1: GENERAL GLOSSARY

Amend Section X by inserting the following definition in alphabetical order into Annex X – 1 General Glossary:

<u>"Send Back Direction":</u>	<u>means a direction issued by the Authority pursuant to paragraph 2.7A.1 of Section F;</u>
<u>"Send Back Process":</u>	<u>means, in respect of a Modification Proposal, the process determined in accordance with paragraph 2.7A of Section F;</u>
<u>"Workgroup":</u>	<u>a group established by the Panel in accordance with and</u>

for the purposes set out in Section F2.4;