

Trading and Settlement Code Modifications Committee
C/O Sherine King
SMO Modifications Committee Secretariat
The Oval
160 Shelbourne Rd
Dublin 4

7th March 2011

Our Ref: D/11/2242

**SEM Committee Decision for the Regulatory Authorities in relation to Mod_03_11
(Recommendation Report FRR_03_11_V1.0)**

Dear Aisling,

On 22nd February 2011, the Modifications Committee submitted its Modification Recommendation Report with regard to a Modification Proposal, Mod_03_11 (Housekeeping 3), in accordance with paragraph 2.213 of the SEM Trading and Settlement Code (the Code).

This Modification Proposal, which was raised by the Secretariat of the Modifications Committee, seeks to correct a number of minor formatting, numbering and reporting errors in the Code.

The SEM Committee notes that the Modifications Committee agreed unanimously that the Modification Proposal furthers the Code Objective “to facilitate the efficient discharge by the Market Operator of the obligations imposed upon it by its Market Operator Licenses” and that the Modification should be made effective on a Trading day basis on the next Working Day after the Regulatory Authorities’ decision is made.

The SEM Committee notes the proposed corrections to the numbering of paragraphs 3.34, 3.44 and 3.45 to 3.42A, 3.42B and 3.42C respectively and understands that these corrections are required because the legal drafting of an earlier Modification, Mod_47_08_V2, was inputted incorrectly. This mistake had implications for the numbering of subsequent paragraphs in Section 3, which should also be corrected.


The SEM Committee further notes that there is one proposed change to the legal drafting which is incorrect. The suggested change to paragraph 3.3, which moves the location of a comma, would change the intended meaning of the Code. It is therefore the decision of the SEM Committee that this paragraph should remain unchanged.

Additionally the SEM Committee notes that there is an extra instance of the word 'may' in paragraph 6.264 which should be deleted. The relevant excerpt of the paragraph should therefore read:

“...The Market Operator shall then issue debit notes or credit notes, as the case may be, to relevant Participants applying such adjusted rate of VAT to the Invoices and Self Billing Invoices to which the adjustment applies, together with Interest on the difference between the original sum and the sum adjusted by this paragraph, in each case from the due date of payment of the relevant Invoices or Self Billing Invoices until the date when such debit note or credit note is issued...”

Considering the above, and in accordance with paragraph 2.218 of the Code, the SEM Committee directs that a Modification be made in accordance with the Final Recommendation Report of the Modifications Committee (FRR_03_11_V0.1), for the avoidance of doubt based upon the legal drafting set out in Appendix 1, with the additional changes outlined above. The Regulatory Authorities therefore direct that a Modification be made on a Trading Day basis with effect from the next Working Day after the date of this letter.

Yours sincerely,



Sheenagh Rooney
Manager - Wholesale Electricity Market