

DEPARTMENT FOR THE ECONOMY

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING TEMPLATE

This form should be completed when considering options for a new policy, service or programme, or changing an existing policy, service or programme. Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The template will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will be included in the quarterly Screening Report which is published on the Department's website.

Please complete the Cover Sheet Table below

Policy Title (in full):	Gas (Internal Market) Regulations (NI) 2020 and associated Gas (Amendment) (EU Exit) Regulations (NI) 2020
Policy Aim	To transpose the requirements of EU Gas Directive 2009/73/EC, as amended by EU Directive 2019/692/EC, into Northern Ireland energy legislation and make some consequential amendments to the legislation, effective from 31 December 2020, to ensure that it continues to operate effectively from the end of the transition period following the UK's exit from the EU.
Decision (delete as appropriate)	Policy screened out without mitigation or an alternative policy adopted.
Business Area:	Energy Markets and European Relations Division, Department for the Economy
Contact:	Fred Frazer, Gas Branch
Date of form completion:	17 November 2020

For Equality Unit Completion:

Date received:	
Amendments requested?	Yes/ No
Date returned to Business Area:	
Date final version received:	
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Screening flowchart and template *(taken from Section 75 of the Northern Ireland Act 1998 – A Guide for public authorities April 2010 (Appendix 1)).*

Introduction

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

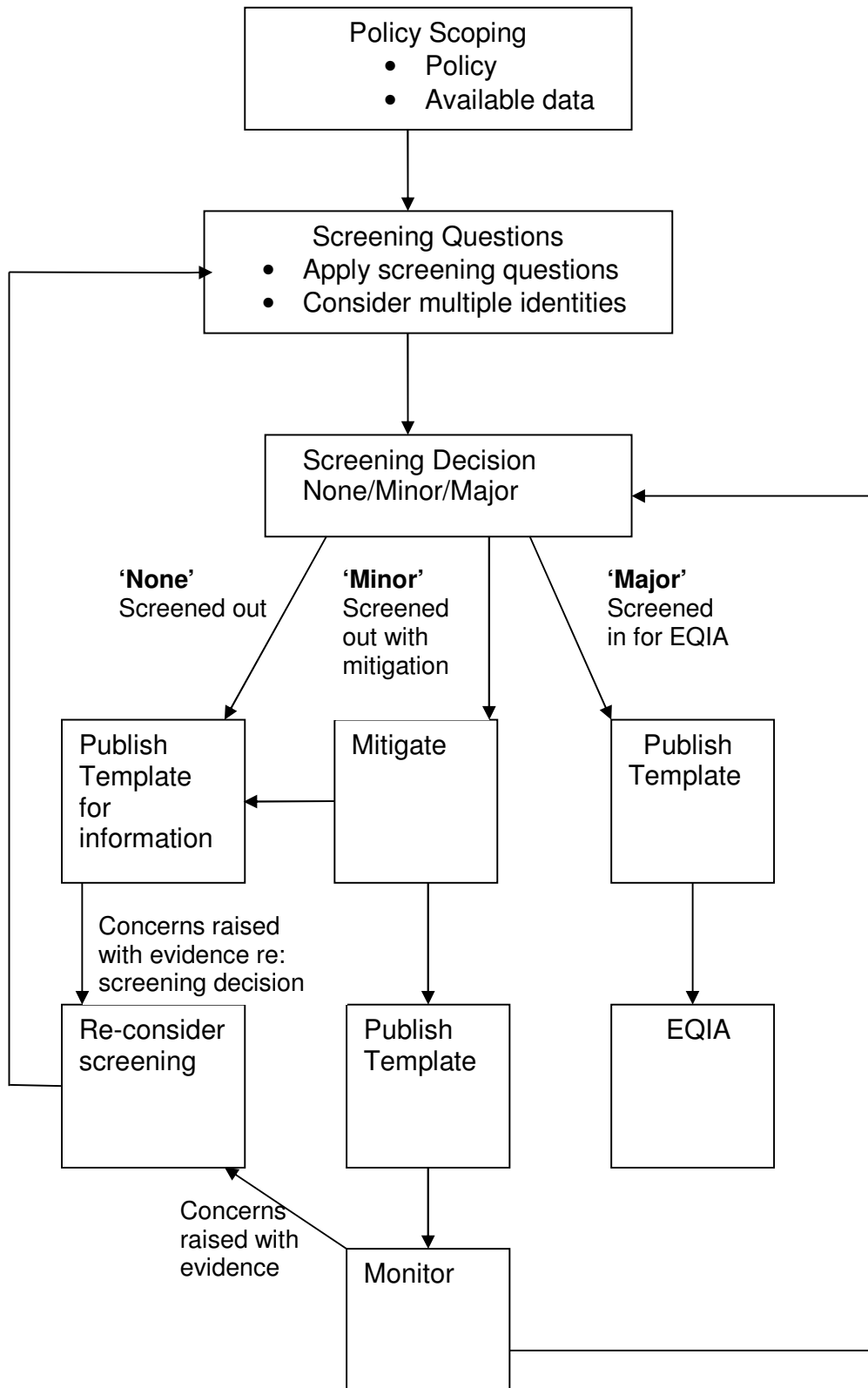
Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided overleaf.



Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy
Gas (Internal Market) Regulations (NI) 2020 and associated Gas (Amendment) (EU Exit) Regulations (NI) 2020
Is this an existing, revised or new policy?
The proposed legislative measures will make some amendments to existing energy legislation in order to transpose the requirements of EU Gas Directive 2009/73/EC ('the Gas Directive'), as amended by EU Directive 2019/692/EC ('the Gas Directive Amendment'), into Northern Ireland legislation. The proposed legislative measures will also make some consequential amendments, effective from 31 December 2020, to ensure that the legislation continues to operate effectively from the end of the transition period following the UK's exit from the EU.
What is it trying to achieve? (intended aims/outcomes)
Compliance with the requirements of the 2009 Gas Directive as amended by the 2019 Gas Directive Amendment. The Department made the Gas and Electricity (Internal Markets) Regulations (NI) 2011, and the Gas and Electricity (Internal Markets) (Amendment) Regulations (NI) 2013, to implement the requirements of the 2009 Gas Directive which represented a major step in the creation of fully competitive, liberalised internal markets in both natural gas and electricity in the European Union.

In 2019, the Gas Directive Amendment amended some aspects of the Gas Directive in order to improve the functioning of the European Union's internal energy market, particularly in relation to arrangements for gas pipe-lines which connect a Member State with another country (“**a third country**”) outside the European Union.

There are currently no existing or planned gas pipe-lines connecting Northern Ireland with a third country but the proposed Regulations will make some minor changes to:

- The Gas (NI) Order 1996;
- The Energy (NI) Order 2003; and
- The Energy Act 2008

to ensure that NI energy legislation is compliant with the EU Gas Directive’s amended requirements and avoid potential infraction fines.

The proposed Regulations will also take the opportunity to address an unintended legislative gap on arrangements for organising third party access to a gas storage facility sited in the territorial seas adjacent to Northern Ireland in order to ensure compliance with the Gas Directive. As there are no existing or planned gas storage facilities in the territorial sea adjacent to Northern Ireland, these legislative amendments have no immediate practical implications.

In addition and following on from the above legislative measures, it is proposed make a number of necessary consequential amendments to NI energy legislation to ensure that it continues to operate effectively from the end of the transition period at 31 December 2020 following the UK’s exit from the EU. A number of consequential amendments are necessary following transposition of the Gas Directive Amendment in order to, for example, remove ‘inoperabilities’ from the Gas Order and Energy Order from 31 December 2020. These include provisions for reporting to the European Commission, liaising with the Agency for the Cooperation of Energy Regulators (‘ACER’), and consulting with the relevant authorities in other Member States regarding gas issues. Such provisions are being added to our legislation to ensure compliance with the Gas Directive Amendment and avoid infraction fines, but will no longer be appropriate following the end of the transition period.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

No, the proposed legislative amendments to existing energy legislation are largely technical in nature. As Northern Ireland has no existing or planned gas transmission pipelines which connect with a third country, or gas storage facilities in its territorial seas, the Regulations are expected to have very limited, or no immediate practical consequences. They will primarily impact upon owners or operators of any such future gas infrastructure and the Northern Ireland Authority for Utility Regulation (“**the Utility Regulator**”) who would have a regulatory role. It is not considered that the proposals would have a significant impact on energy consumers, including any of the Section 75 equality groups, or on particular regions or communities, rural or otherwise.

If so, explain how.

Who initiated or wrote the policy?

Department for the Economy (“**DfE**”) has drawn up the proposed legislative measures based on the requirements of the 2009 EU Gas Directive as amended by the 2019 Gas Directive Amendment.

DfE has an obligation to ensure that EU Directives are implemented in full in NI. Failure to fully implement the Gas Directive and Gas Directive Amendment could result in infraction proceedings and substantial fines which would have to be paid out of the NI block.

In developing these proposals, the Department has sought the views of the Utility Regulator and the Departmental Solicitor’s Office (DSO).

Who owns and who implements the policy?

DfE owns the policy and implementation of the policy, if required, would fall to the Department and the Utility Regulator.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they:

- financial
- legislative
- other - please specify

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary / community/trade unions
- other - please specify

[NI gas undertakings and the Utility Regulator](#)

Other policies with a bearing on this policy

- what are they?
- who owns them?

[In Great Britain, the Gas Directive Amendment has been transposed through the Gas \(Internal Markets\) Regulations 2020. DfE has taken account of GB's approach to transposition in developing NI's draft regulations.](#)

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Currently there are some 278,000 natural gas customers in Northern Ireland. The natural gas market in Northern Ireland is regulated by the Utility Regulator who, in line with the principal objectives and duties established under the Energy (Northern Ireland) Order 2003, is obliged to have regard to the need to protect the interests of individuals who are disabled or chronically sick; individuals of pensionable age; and individuals with low incomes.

A consultation paper outlining the proposed legislative measures, together with draft impact assessments, was placed on the DfE website at <https://www.economy-ni.gov.uk/consultations> on 24 September 2020 with responses invited by 23 October 2020. Information on the consultation issued to key stakeholders in the energy sector; MLAS and MPs; and over 200 organisations on the Department's equality consultation list. The Department's Twitter feed also alerted interested parties to the consultation. During the consultation period, we responded to three requests for clarification about the proposed measures.

Two written responses were submitted to the consultation. No equality issues were raised. The first response provided information on climate change and cautioned against interpreting the proposed measures as an opportunity to expand the gas network in NI. The second did not comment on the specific proposals but objected to the consultation on the basis that it included measures aimed at promoting gas storage in the NI territorial sea which had not been subject to appropriate assessment, including for environmental impacts.

The Regulations are **not** being taken forward to promote either gas network extension or gas storage. A regulatory regime for gas transmission pipe-lines, and for on-shore gas storage (including for the proposed Islandmagee gas storage project at Larne Lough), is already established. The measures are designed to ensure effective regulation of any future gas transmission pipe-line connecting with a third country, or gas storage facility sited in the territorial sea, in line with EU Directive requirements.

Section 75 category	Details of evidence/ information
Religious belief	The proposed legislative measures are of a largely technical nature and are not anticipated to have any practical impact on gas consumers. No equality issues were identified during consultation on the proposed measures.
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and women generally	As above
Disability	As above
Dependants	As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	The issues to be addressed in the proposed legislative measures are largely technical in nature, and are likely to have very limited to no immediate practical impact. They largely concern arrangements for gas transmission pipe-lines connecting with a third country, and for gas storage facilities in the territorial seas adjacent to NI. As such infrastructure does not currently exist in NI nor is planned, it is not anticipated that the Regulations will have any immediate impact on energy consumers. In any case, it is not considered that individuals in any of the Section 75 categories would have different needs in relation to the proposals.
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and women generally	As above

Disability	As above
Dependants	As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 10-12 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are

complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	There is likely to be no differential impact on this group.	None
Political opinion	There is likely to be no differential impact on this group.	None
Racial group	There is likely to be no differential impact on this group.	None
Age	There is likely to be no differential impact on this group.	None
Marital status	There is likely to be no differential impact on this group.	None
Sexual orientation	There is likely to be no differential impact on this group.	None
Men and women generally	There is likely to be no differential impact on this group.	None
Disability	There is likely to be no differential impact on this group.	None

Dependants	There is likely to be no differential impact on this group.	None
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2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No. The issues addressed are largely technical in nature and as such, it is felt will primarily be of interest to the natural gas industry.
Political opinion		As above
Racial group		As above
Age		As above
Marital status		As above
Sexual orientation		As above
Men and women generally		As above

Disability		As above
Dependants		As above

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	No impact	None
Political opinion	No impact	None
Racial group	No impact	None

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		The proposed legislative measures are largely technical in nature and are anticipated to have no practical impact on energy consumers.
Political opinion		As above
Racial group		As above

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

The proposed legislative measures are largely technical in nature and are anticipated to have no practical impact on consumers.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

DfE does not propose to undertake a full Equality Impact Assessment on the Gas (Internal Markets) Regulations (NI) 2020 and associated Gas (Amendment) (EU Exit) Regulations (NI) 2020. The amendments to existing energy legislation which will be made through these regulations are relatively minor, largely technical in nature, and not anticipated to have any practical impact on energy consumers.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

No mitigation is considered necessary.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on

equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been ‘**screened in**’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by:	Position/Job Title	Date
Fred Frazer	Grade 7/Gas Branch	17 November 2020
Approved by:		
Joe Reynolds	Head of Energy Markets and European Relations Division	24 November 2020

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.