

**Northern Ireland
Electricity Transposition Note**

Directive 2019/944 concerning common rules for the internal market for electricity (EU) and repealing Directive 2009/72/EC ('the directive')

Article	Information on compliance and implementation
1.	Subject matter and scope
2	Definitions
3.	Competitive, consumer-centred, flexible and non-discriminatory electricity markets
1-5	<p>This article is a new requirement although Northern Ireland is compliant through national legislation, primarily the Electricity (Northern Ireland) Order 1992 ("the Electricity Order"), the Energy (Northern Ireland) Order 2003 ("the Energy Order") and the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007, as well as amending legislation which has been passed to implement EU legislation.</p> <p>NI will continue to ensure compliance with this article by being mindful of it in the ongoing development of DfE's Energy Strategy and other legislation.</p>
4.	Free choice of supplier
	<p>This is a partially new requirement with additions from Articles 33 and 41 in the 2009 Directive. The new requirement gives customers the right to have more than one "contract at the same time, provided that the required connection and metering points are established."</p> <p>The current system in Northern Ireland only allows one registered supplier per meter point, therefore there is no practical application of this requirement as yet. This will be taken forward in parallel with Northern Ireland's Energy Strategy which is under development.</p> <p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in 11A 2(c).</p> <p>Any legislative amendments set out in this Transposition Note have been made via the Electricity (Internal Markets) Regulations (NI) 2020, unless otherwise specified.</p>
5.	Market-based supply prices

1-10	<p>Arrangements for transposition were agreed between EU Commission and UKG at a meeting of the Specialised Committee. UKG (in respect of NI) agreed that technical discussions would continue beyond the Implementation Period regarding outstanding aspects of transposition. However, Northern Ireland is partially compliant in principle as the regulated tariff does not prejudice the operation of the wholesale market.</p>
6.	Third party access
1-2	<p>This is not new a requirement. Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to ensure that references to the directive reflect the new article numbering.</p> <p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Articles 11A(5)(d) and (e) and 11A(3)(c) and (d).</p>
3	<p>This is a new requirement concerning Citizen Energy Communities. See Article 16 for the Department's position on Citizen Energy Communities.</p>
7.	Direct lines
	<p>This is not new a requirement. Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to correct references to the directive to reflect the revised article numbering.</p> <p>An amendment has been made to Article 40(6) of the Electricity Order – Consent required for overhead lines to update the reference.</p> <p>An administrative process to update criteria will be completed as required.</p>
8.	Authorisation procedure for new capacity
1, 2(a) to (h), (j) to (l), 3 and 4.	<p>This is not new a requirement. Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>Amendment made to Article 39(9) of the Electricity Order - Consent required for construction etc. of generating stations.</p>

	An administrative process to update criteria will be completed as required.
2. (i)	New requirement related to energy storage. See Article 36 for Northern Ireland's position on energy storage
9.	Public service obligations
	This is not a new requirement. Northern Ireland is compliant via IME3 transposition.
10.	Basic contractual rights
10(1)	Northern Ireland is already compliant. There are no barriers to suppliers registered in other Member States wishing to apply for an electricity supply licence under the Electricity (Applications for Licences and Extensions of Licences) (No. 2) Regulations (Northern Ireland) 2007 ("the Applications Regulations").
10(2) and (3)	A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(k).
10(4)(5)	A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(12)(a).
	A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(12)(c).
10(6) and (8)	A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(i) and (j).
10(7)	This is a new requirement. This requirement concerns the retail market and consumer protection, therefore it is not necessary for the functioning of the SEM and is not within scope of the Northern Ireland Protocol. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.

10(9)	<p>Already compliant via Article 45B of the Electricity Order Article 10(9) and Article 11A(11)(e) which outline procedures dealing with complaints.</p> <p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(e).</p>
10(10)	<p>This is a new requirement. This requirement concerns the retail market and consumer protection, therefore it is not necessary for the functioning of the SEM and is not within scope of the Northern Ireland Protocol. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.</p>
10(11)	<p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(m)</p>
10(12)	<p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(n)</p>
11.	Entitlement to a dynamic electricity price contract
(1)-(4)	<p>It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
12.	Right to switch and rules on switching-related fees
1.	<p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(5)(f) and 11A(11)(g).</p> <p>This requirement included an addition concerning aggregation. See Article 13 for Northern Ireland's position on aggregation.</p>
2.	<p>This is not a new requirement, already compliant via IME 3 transposition. A new Article 11A was introduced into the</p>

	Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(d)
3 – 5.	These are new requirements. These requirements concerns the retail market and consumer protection, therefore it is not necessary for the functioning of the SEM and is not within scope of the Northern Ireland Protocol. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland’s new Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.
13.	Aggregation contract
1-4	<p>This is a new requirement concerning aggregation. Department analysis has shown that it falls within the scope of the Northern Ireland Protocol as it concerns the wholesale market.</p> <p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy and supported by Protocol powers.</p>
14.	Comparison tools
1-6	<p>This is a new requirement with which Northern Ireland is partially compliant. The Consumer Council Northern Ireland has a price comparison tool which meets the criteria of this requirement for households and small businesses up to 50,000 kWh.</p> <p>It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland’s ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.</p>

15.	Active Customers
1-5	<p>This is a new requirement which Department analysis has shown that it falls within the scope of the Northern Ireland Protocol as it concerns the wholesale market.</p> <p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy and supported by Protocol powers.</p>
16.	Citizen energy communities
1-4	<p>This is a new requirement which Department analysis has shown that it falls within the scope of the Northern Ireland Protocol as it concerns the wholesale market.</p> <p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy and supported by Protocol powers.</p>
17.	Demand response through aggregation
1-5	<p>This is a new requirement concerning aggregation. Department analysis has shown that it falls within the scope of the Northern Ireland Protocol as it concerns the wholesale market.</p> <p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation. While work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy and supported by Protocol powers.</p>
18.	Bills and billing information
1-3	<p>These requirements are not new, originating from Article 10 of the Energy Efficiency Directive (Directive 2012/27/EU). Legislative amendments have been made to update the references to their new location in the Electricity Directive.</p>

	A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Articles 11A(14)(b) and (c).
4. - 6	These are new requirements. These requirements concern the retail market and consumer protection, therefore it is not necessary for the functioning of the SEM and is not within scope of the Northern Ireland Protocol. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.
19.	Smart metering systems
1-6	National legislation was amended in order to correct references to the directive regarding the new article numbering. A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(h). In terms of Articles 19-21 on Smart Metering, the Department has reviewed requirements and determined that the first step towards transposition is to undertake a Cost Benefit Analysis (CBA). The Department will take this forward and, if the outcome is positive, a smart meter roll-out will be taken forward in parallel with the Energy Strategy, in line with the Directive. It is our view that dynamic price contracts are dependent on a smart metering roll-out and will be implemented at a later stage, dependent on the outcome of the CBA.
20.	Functionalities of smart metering systems
	In terms of Articles 19-21 on Smart Metering, the Department has reviewed requirements and determined that the first step towards transposition is to undertake a Cost Benefit Analysis (CBA). The Department will take this forward and, if the outcome is positive, a smart meter roll-out will be taken forward in parallel with the Energy Strategy, in line with the Directive. It is our view that dynamic price contracts are dependent on a smart metering roll-out and will be implemented at a later stage, dependent on the outcome of the CBA.
21.	Entitlement to a smart meter
1-2	In terms of Articles 19-21 on Smart Metering, the Department has reviewed requirements and determined

	that the first step towards transposition is to undertake a Cost Benefit Analysis (CBA). The Department will take this forward and, if the outcome is positive, a smart meter roll-out will be taken forward in parallel with the Energy Strategy, in line with the Directive. It is our view that dynamic price contracts are dependent on a smart metering roll-out and will be implemented at a later stage, dependent on the outcome of the CBA.
22.	Conventional meters
1-2	This is a new requirement. This requirement concerns the retail market and consumer protection, therefore it is not necessary for the functioning of the SEM and is not within scope of the Northern Ireland Protocol. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.
23.	Data management
1-5	This is a new requirement. This requirement concerns data management which Northern Ireland does not have a policy framework for at this time. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.
24.	Interoperability requirements and procedures for access to data
1-3	This is a new requirement. This requirement concerns data management which Northern Ireland does not have a policy framework for at this time. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's

	ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.
25.	Single points of contact
	This is not a new requirement. Northern Ireland single point of contact for all consumers is the General Consumer Council.
26.	Right to out-of-court dispute settlement
1-3	This is a new requirement. This requirement concerns the retail market and consumer protection, therefore it is not necessary for the functioning of the SEM and is not within scope of the Northern Ireland Protocol. It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland's ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.
27.	Universal Service
1.	This requirement is not new, it was transposed as part of the IME3 Directive.
2.	<p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article - the updated reference is found in Article 11A(11)(a).</p> <p>Universal service is currently delivered through a number of mechanisms:</p> <p>SLC 26 – duty to offer terms to domestic consumers</p> <p>SLC 14 – suppliers in dominant position cannot show undue preference towards or exercise undue discrimination against customers</p> <p>SLC 27 – all licensed suppliers must have T&C's which are in clear and comprehensible language and which (among other things) identify supply charges.</p> <p>a supplier of last resort mechanism under Articles 19 to 25 of the Electricity (NI) Order 1992</p>

	The Energy Strategy is to address universal service policy questions regarding customer base application and small businesses.
28.	Vulnerable customers
(1) – (2)	<p>This is an old requirement which contains consequential new provisions. It is our view that these new requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy. These provisions relate to consumer protection which is a theme within Northern Ireland’s ongoing Energy Strategy and the policy basis for what is suitable for Northern Ireland will be developed here prior to being implemented by primary legislation.</p> <p>Legislative amendments were required to correct references to the new articles, therefore, a new Article 11A was introduced into the Electricity Order to update the reference to the new article. The updated reference is found in Article 11A(11)(f) and 11A(11)(h).</p>
29.	Energy poverty
	<p>This is a new requirement with which Northern Ireland is already compliant. The 2016 <i>NI House Condition Survey</i> report, which was published in May 2018, presents a comprehensive overview of Northern Ireland’s dwelling stock and its occupants in 2016, including information about fuel poverty, disrepair, Decent Homes, the Standard Assessment Procedure (SAP), the Housing Health and Safety Rating System (HHSRS), unfitnes, and household profiles.</p> <p>NIHE have an internal Research Programme reporting key findings of research projects completed for or by the NIHE, the latest report covered 2017/18 & 2018/19. The research team also monitor the areas covered in the NI House Condition Survey and report on progress, fuel poverty and energy efficiency needs / progress as well as carrying out surveys of grant recipients.</p>
30.	Designation of distribution system operators
	Not a new requirement compliant via IME 3 transposition.
31.	Tasks of distribution system operators
1 - 5	These are not new requirements and Northern Ireland I is compliant via IME 3 transposition.

	<p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>In the Electricity Order Article 11A – Compliance with Community Obligations the following points were introduced in the new 11A. Provision 1 - 11A(5)(a) Provisions 2 and 3 - 11A (5)(b) Provision 5 - 11A (5)(c)</p>
6 - 10	<p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
32	Incentives for the use of flexibility in distribution networks
	<p>This is a new requirement. It is our view that these requirements still require policy development and consultation. While work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. See article 36 for Northern Ireland's view on energy storage.</p>
33.	Integration of electromobility into the electricity network
	<p>This is a new requirement. It is our view that these requirements still require policy development and consultation. While work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy which will address electromobility as part of the transport theme.</p>
34.	Tasks of distribution system operators in data management
	<p>This is a new requirement. It is our view that these requirements still require policy development and consultation. While work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy.</p> <p>Data management is in scope only in so far as it relates to SEM wholesale operations. This does not currently apply in NI due to there being no applicable regulatory framework.</p>

35.	Unbundling of distribution system operators
1-4	<p>These are not new requirements and Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article. The updated reference is found in Article 11A(7)(a)(b)(c); and Article 50 (3B) - Other functions of Director</p>
36.	Ownership of energy storage facilities by distribution system operators
1-4	<p>This is a new requirement and considers significant policy development. It is our view that one of the first steps in developing this regulatory and legislative framework is to make energy storage a licensable activity. This would require a legislative amendment to prohibit operation of storage without an appropriate licence and would require primary legislation. The UR would then be able to issue such licences as required.</p> <p>The Electricity (Internal Markets) Regulations (NI) 2020 are made under section 2(2) of the European Communities Act 1972, which is used to enable EU obligations to be implemented in domestic legislation. These powers are limited to those acts which are required to implement EU obligations and cannot be used for anything outside of that purpose.</p> <p>The Department has considered the requirements in the Directive around energy storage to determine whether making storage a licensable activity would naturally arise from the requirements. The main thrust of the requirements relating to energy storage in the Directive is to ensure market access and a right to provide certain services but these obligations rest with the Transmission System Operator and Distribution System Operator, not the energy storage operator. It is our view therefore that it would not be appropriate to make legislation to create a licensing regime for energy storage under section 2(2) of the European Communities Act as that would be over and above the requirements of the Directive. The creation of a new licensable activity requires primary legislation.</p> <p>Therefore the Department proposes that an appropriate policy framework should be developed as part of the Energy Strategy and primary legislation introduced at that</p>

		stage as part of any primary legislation required to implement the Strategy.
37.		Confidentiality obligation of distribution system operators
		This is not a new requirement and Northern Ireland is compliant via licence conditions. A new Article 11A(5) was introduced into the Electricity Order in order to place a duty on the license holder not to disclose information contrary to this provision.
38.		Closed distribution systems
1.	(a) (b)	This is not a new requirement and Northern Ireland is compliant via IME 3 transposition.
2.		
(a)		This is not a new requirement and Northern Ireland is compliant via IME 3 transposition.
(b)		This is not a new requirement and Northern Ireland is compliant via IME 3 transposition. However, this article includes an additional reference to a new article at 31(7). See Article 31 for further details.
(c)		This is a new requirement and the article which it refers to requires significant policy development. See Article 32 for further details.
(d)		This is a new requirement and the article which it refers to requires significant policy development. See Article 33 for further details.
(e)		New requirement – see article 36 for Northern Ireland position on energy storage.
3.		This is not a new requirement and Northern Ireland is compliant via IME 3 transposition.
4.		This is not a new requirement and Northern Ireland is compliant via IME 3 transposition.
39.		Combined operator
		These are not new requirements and Northern Ireland is compliant via IME 3 transposition. National legislation was amended in order to correct references to the directive regarding the new article numbering. A new Article 11A was introduced into the Electricity Order to update the reference to the new article. The updated reference is found in Article 11A(8)
40.		Tasks of transmission system operators
(1)		
(a) – (h)		These are not new requirements and Northern Ireland is compliant via IME 3 transposition.

		<p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article. The updated reference is found in Articles 11A(3)(a) and 11A(4).</p>
(i)		<p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
(j)		<p>This is a new requirement.</p> <p>A new Article 11A(3)(a) and (4) were introduced into the Electricity Order to give the license holder a duty carry out tasks laid down by this provision and to take into account recommendations issued by the appropriate regional coordination centre respectively.</p>
(k)		<p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
(l)		<p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
(m)		<p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
40(2) to (8) 2		<p>These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.</p>
3.		<p>This is a new requirement.</p>

		A new Article 11A(4) has been introduced into the Electricity Order to give the license holder a duty to carry out tasks laid down by this provision and to take into account recommendations issued by the appropriate regional coordination centre.
4.		
(a)		These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation while work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.
(b)		New requirement – see article 36 for Northern Ireland position on energy storage.
5.		New requirement – see article 36 for Northern Ireland position on energy storage.
6.		New requirement – see article 36 for Northern Ireland position on energy storage.
7.		These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation. While work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.
8.		These are new requirements and are not required for the operation of the SEM therefore were not prioritised. It is our view that these requirements still require policy development and consultation. While work has commenced, it is not possible to legislate for these by 31 December 2020 and will need to be developed on a longer timeframe, in parallel with the energy strategy.
41.		Confidentiality and transparency requirements for transmission system operators and transmission system owners
		These are not new requirements and Northern Ireland is compliant via IME 3 transposition. National legislation was amended in order to correct references to the directive regarding the new article numbering. A new Article 11A was introduced into the Electricity Order to update the reference to the new article, the updated reference is found in Article 11(A)(3).
42.		Decision-making powers regarding the connection of new generating installations and energy storage facilities to the transmission system

1-2	New requirement – see article 36 for Northern Ireland position on energy storage.
3	This is not a new requirement, Northern Ireland is compliant via IME 3 transposition.
43.	Ownership unbundling of transmission systems and transmission system operators
1-11	<p>These are not new requirements and Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>Amendments made to the Electricity Order Article 10F(8)(c) and Article 10F(4)- Grounds for certification, and introduction of the new Article 11A(6)(b).</p> <p>Article 54 inserts energy storage within the wider unbundling framework therefore full compliance will require transposition of the Articles relating to energy storage. See article 36 for Northern Ireland position on energy storage.</p>
44.	Independent System Operator
1 - 6	<p>These are not new requirements and Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>Amended Electricity Order Article 10F(5)(a) - Order Grounds for certification and introduction of the new Article 11A(6)(c)(i)(ii).</p> <p>Article 54 inserts energy storage within the wider unbundling framework therefore full compliance will require transposition of the Articles relating to energy storage. See article 36 for Northern Ireland position on energy storage.</p>
45.	Unbundling of transmission system owners
1-2	<p>These are not new requirements and Northern Ireland is compliant via IME 3 transposition.</p> <p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>Compliant via IME3 amended Electricity Order - Article 10F(5)(c)(i) - Grounds for certification -and the introduction of new Article 11A(6)(c)(i).</p>

	Article 54 of the Directive inserts energy storage within the wider unbundling framework therefore full compliance will require transposition of the Articles relating to energy storage. See article 36 for Northern Ireland position on energy storage.
46.	Assets, equipment, staff and identity
1-6	Not new requirements. Compliant via IME 3 transposition.
47.	Independence of the transmission system operator
1-10	Not new requirements. Compliant via IME 3 transposition.
48.	Independence of the staff and the management of the transmission system operator
1-8	Not new requirements. Compliant via IME 3 transposition.
49.	Supervisory Body
1-3	Not new requirements. Compliant via IME 3 transposition.
50.	Compliance programme and compliance officer
1-12	Not new requirements. Compliant via IME 3 transposition.
51.	Network development and powers to make investment decisions
	The majority of the requirements under this article are not new and we are compliant under IME3 transposition. However, it is our view that this requirement still requires policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and appropriate policy will need to be developed on a longer timeframe, in parallel with the energy strategy. See Article 36 for Northern Ireland position on energy storage.
52.	Designation and certification of transmission system operators
	Amended Article 10H(2) of the Electricity Order - Designation for the purposes of EU electricity legislation – to ensure the reference to the Directive is correct.
53.	Certification in relation to third countries
	Compliant via IME3 - Amended Article 10F(8)(a) of the Electricity Order– Grounds for certification to reference Article 53 of the Directive.
54.	Ownership of energy storage facilities by transmission system operators
1-5	New Requirements. See Article 36 for Northern Ireland position on energy storage.
55.	Right of access to accounts
1-2	Not new requirements. Compliant via IME 3 transposition.
56.	Unbundling of accounts
1-4	These are not new requirements and Northern Ireland is compliant via IME 3 transposition.

		<p>National legislation was amended in order to correct references to the directive regarding the new article numbering.</p> <p>A new Article 11A was introduced into the Electricity Order to update the reference to the new article. The updated reference is found in Article 11A(2)(b).</p>
57.		Designation and independence of regulatory authorities
1 – 4		Not new requirements. Compliant via IME 3 transposition.
3		Amended Articles 2(2)(a) and 3A(1) in the Energy Order.
5.		
(a)-(d)		Not new requirements. Compliant via IME 3 transposition.
(e)		<p>Energy Order Schedule 1 3(1A) inserted the requirements of the Public Appointments Code of Practice into statute insofar as it relates to appointments to the Authority and the publication of criteria.</p> <p>SEM Order schedule 2 amended to insert the requirements of the Public Appointments Code of Practice into statute insofar as it relates to appointments to the Authority and the publication of criteria.</p>
(f)		<p>The Energy Order schedule 2A amended to insert (c) a provision relating to confidentiality.</p> <p>SEM Order Schedule 2 amended to insert a provision relating to confidentiality.</p>
(g)		Northern Ireland is already compliant with this requirement via Energy Order Schedule 1 paragraph 3-6
6.		New requirement. Compliant via Section 13 of the Government Resources and Accounts Act (NI) 2001.
7.		Article 3A(4) gives the RA the authority to provide EC with information required
58.		General objectives of the regulatory authority
(a)-(c)		<p>Amendment to Energy Order Article 12 1A in order to update the references to Article 36(a) to (h) of Directive 2009/72.</p> <p>Amendment to Energy Order in Article 13(1B) for the above</p>
(d)		Further policy work is required in terms of heat therefore it was deemed not appropriate to legislate until that policy consideration has completed. Amended Article 12 of the Energy Order provides for the remainder of Article 58(d).
(e)		This provision adds a requirement associated with energy storage. Northern Ireland is compliant with the rest of the provision via IME 3 transposition. See article 36 for Northern Ireland position on energy storage
(f)-(h)		Not new requirements. Compliant via IME 3 transposition.
59.		Duties and powers of the regulatory authorities

(1)		Amendment The Energy Order Article 6A(2) to reference Articles 59 and 60
(a)		Not new requirements. Compliant via IME 3 transposition.
(b)		Not new requirements. Compliant via IME 3 transposition. The Energy Order Article 8A 2C, 2D and 2E has been amended.
(c)		This is a new requirement. The Energy Order Article 8A 2C, 2D and 2E has been amended.
(d)		This is a new requirement which introduces a new duty for the Regulator to approve products and procurement process for non-frequency ancillary services. A new Article 11A(9)(a) has been introduced into the Electricity Order to include this as a new licence condition for both TSO's and DSO's.
(e)		This is a new requirement which introduces a new duty to implement network codes and guidelines adopted pursuant to Articles 59, 60 and 61 of Regulation (EU) 2019/943 through national measures or, where so required, coordinated regional or Union-wide measures. A new Article 11A(9)(b) has been introduced into the Electricity Order to include this as a new licence condition for both TSO's and DSO's.
(f)		The Energy Order Article 8A 2C, 2D and 2E has been amended.
(g)		Not new requirements. Compliant via IME 3 transposition.
(h)		This is a new requirement that adds in a new duty for the Regulator to ensure that transmission system operators make available interconnector capacities to the utmost extent pursuant to Article 16 of Regulation (EU) 2019/943. A new Article 11A3 has been introduced into the Electricity Order to add this as a qualified obligation for TSO licences.
(i)		Not new requirements. Compliant via IME 3 transposition.
(j)		This is not a new requirement but includes additions. The additions increase the Regulator's duties around ensuring that there is no cross-subsidisation between transmission, distribution and supply activities <u>or other electricity or non-electricity activities</u> . This is added as a new licence condition for all licence holders in new Article 11A(2)(d) of the Electricity Order.
(k)		Not new requirements but with additions. An amendment has been made to The Electricity Order Article 50(3B) (b).
(l)		Not new requirements but with additions. An amendment has been made to The Electricity Order Articles 50(3B)(b). and 3C.
(m)		It is our view that other requirements still require policy development and while work has commenced, it is not possible to legislate for these by 31 December 2020 and

		will need to be developed on a longer timeframe, in parallel with the energy strategy.
(n)		Not new requirements. Compliant via IME 3 transposition. Amendment has been made to Article 50(3B)(b) of the Electricity Order to ensure references to the Directive are correct.
(o)		Not new requirement but with additions This is now implemented in a revised Article 50(3B) of the Electricity Order with the exception of (i) monitoring the impact of dynamic electricity price contracts and the use of smart metering systems; and (ii) the relationship between household and wholesale prices, the evolution of grid tariffs and levies – these areas require policy consideration and will be developed on a longer time frame. The revised Article 50(3B) also updates the references to other monitoring duties under the Directive.
(p) – (z)		Not new requirements. Compliant via IME 3 transposition. This is now implemented in a revised Article 50(3B) of the Electricity Order which also updates the references to other monitoring duties under the Directive.
59(2)		Not new requirements. Compliant via IME 3 transposition.
59(3) a)(b)(c)(e)		Not new requirements. Compliant via IME 3 transposition.
(d)		Not new requirement but includes an addition with which Northern Ireland is compliant with via changes to the definition of the Electricity Regulation made by the Electricity (Priority Dispatch) Regulations (NI) 2020.
59(4)		No action for Northern Ireland required.
59(5)(a)(b)(d)(e)(f)		Not new requirements. Compliant via IME 3 transposition. It was necessary to amend Article 50(3B)(d) of the Electricity Order to update references to the Directive.
(c)		Not new requirement but with addition. Article 59(5)(c) provides for the Authority to approve multi annual development plans submitted by an independent system operator. This has been included as a new provision in Article 11A(6)(c)(iii) of the Electricity Order.
59(6)		Not new requirements. Compliant via IME 3 transposition.
59(7)		Not new requirements. Compliant via IME 3 transposition.
59(8)		Not new requirements. Compliant via IME 3 transposition.
59(9)		New requirements Article 59(9) requires the Regulator to make publically available the detailed methodology and underlying costs used for the calculation of the relevant network tariffs, while preserving the confidentiality of commercially sensitive information. Article 62(2A) of the Energy Order has been amended to include this provision.

59(10)		Not new requirements. Compliant via IME 3 transposition.
60.		Decisions and complaints
		Not new requirements. Compliant via IME 3 transposition. Legislative amendments made to Energy Order Article 62(2A) and the Electricity Order Article 6A(2) to update references.
61.		Regional cooperation between regulatory authorities on cross-border issues
1. 2. (a)(d)(e) 3. 4.		Not new requirements. Compliant via IME 3 transposition.
2.(b)(c)		New requirements Amendment to Energy Order Article 8A(2E)(a) to consider the need to enter arrangements with Regulatory Authorities of other member states.
5.		An amendment to Article 8A(2F) of the Energy Order requires the Authority when exercising its powers in relation to regional co-ordination to have due regard to the Commission guidelines under Article 61(5).
62.		Duties and powers of regulatory authorities with respect to regional coordination centres
1-2		Article 53A inserted into the Electricity Order and an amendment made to Article 8A(2E)(b) of the Energy Order.
1.	(a)(e)	Compliant via the above amendment.
	(b)	Amendment made to Article 11A(3)(e)(i) of the Electricity Order
	(c)	Amendment made to Article 11A (3)(e)(ii) of the Electricity Order
	(d)	Amendment made to Article 11A (3)(e)(iii) of the Electricity Order
	(f)	Amendment made to Article 11A(3)(g) of the Electricity Order
	(g)	Amendment made to Article 50(3B)(e) of the Electricity Order for 62(1)(g)
2.	(a)	Compliant via new Article 53A of the Electricity Order
	(b)	Amendment made to Article 11A(3)(f) of the Electricity Order
	(c)	Amendment made to Article 11A(3)(g) of the Electricity Order and Article 8 (1B) of the Energy Order
3.		Amendment to Article 41A (6A) of the Energy Order.
63.		Compliance with the network codes and guidelines
1-8		Not new requirements. Compliant via IME 3 transposition.
64		Record Keeping
65		Level Playing Field
66		Derogations in relation to small connected systems or small isolated systems.
67		Exercise of the delegation
68		Committee

69	Reporting
70	These amendments were addressed by the Electricity (Priority Dispatch) Regulations (Northern Ireland) 2020
71.	Transposition
72.	Repeal
73.	Entry into force
74.	Addressees