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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Electricity Market Reform (General) Regulations 2014**

**PART 3**

**Supply chain statements and documents**

**Application for supply chain statements**

**9.**—(1) An eligible generator may make a supply chain application to the Secretary of State in respect of a generating station identified in the application (“a relevant generating station”).

(2) An eligible generator who makes an application described in paragraph (1) is “an applicant”.

(3) The Secretary of State must not provide a supply chain statement unless the Secretary of State is satisfied that—

- (a) the applicant is an eligible generator in respect of the relevant generating station; and
- (b) the establishment or alteration of the relevant generating station is likely to make a material contribution to the development of supply chains.

(4) In deciding whether or not to provide a supply chain statement to an applicant, the Secretary of State must have regard to the extent to which the establishment or alteration of the relevant generating station is likely to support the following matters—

- (a) the development of competition in supply chains;
- (b) innovation in supply chains; and
- (c) the development of skills in supply chains.

**Particulars of applications**

**10.**—(1) A supply chain application must—

- (a) identify the relevant generating station;
- (b) describe how the relevant generating station is to be established or altered;
- (c) set out how the applicant considers that the establishment or alteration of the relevant generating station is likely—
  - (i) to make a material contribution to the development of supply chains; and
  - (ii) to support the matters listed in regulation 9(4); and
- (d) include the information necessary in support of the matters in sub-paragraphs (a) to (c).

(2) An applicant must—

- (a) identify any information included in, or in support of, a supply chain application which the applicant considers is commercially confidential; and
- (b) where such information is identified, provide reasons why the applicant considers that disclosure of that information (other than to the Secretary of State for the purposes of

determining the supply chain application) may damage the commercial interests of the applicant or another person.

- (3) Paragraph (4) applies where—
- (a) the first allocation round is established by virtue of the Allocation Regulations;
  - (b) except where regulation 12 applies, the Allocation Regulations require a supply chain statement to be provided in support of an application for a CFD; and
  - (c) the applicant or other eligible generator in respect of the relevant generating station intends to make an application for a CFD in the first allocation round (“a first round CFD application”).
- (4) Where this paragraph applies the applicant must—
- (a) make the supply chain application by no later than 10 working days before the last date by which applications for a CFD must be made for the first allocation round; and
  - (b) state in the supply chain application that a first round CFD application is intended to be made.

#### **Providing supply chain statements or refusing applications**

**11.**—(1) Except where regulation 12 applies, the Secretary of State must as soon as practicable after a supply chain application is received by the Secretary of State give a notice to the applicant which includes—

- (a) a supply chain statement and the period for which the statement has effect; or
  - (b) a refusal of the application and reasons for that refusal.
- (2) Where paragraph (1)(a) applies, the period for which a supply chain statement has effect is—
- (a) 12 months from the date of the notice; or
  - (b) where the Secretary of State is of the opinion that there is a compelling reason for the period to be longer, such longer period.

#### **First allocation round**

**12.**—(1) This regulation applies only to the first allocation round established by virtue of the Allocation Regulations.

(2) The Secretary of State may determine that no supply chain statements will be provided in respect of supply chain applications where a first round CFD application is to be made.

(3) A determination must only be made under paragraph (2) where the Secretary of State considers that it is not possible properly to assess by the relevant date all supply chain applications where a first round CFD application is to be made.

(4) Where a determination is made under paragraph (2), the Secretary of State must immediately—

- (a) publish that determination; and
- (b) give a notice of the determination to the delivery body.

(5) In paragraph (3), “relevant date” means the last date by which applications for a CFD must be made for the first allocation round.

## Confidentiality

**13.**—(1) The Secretary of State must not disclose to any other person any information contained in a supply chain application where that disclosure may, in the opinion of the Secretary of State, damage the commercial interests of the applicant or another person, except—

- (a) in the case of the commercial interests of—
  - (i) the applicant, with the consent of the applicant; or
  - (ii) another person, with the consent of that person;
- (b) as required by or under—
  - (i) an order of the court;
  - (ii) an enactment; or
  - (iii) an EU obligation; or
- (c) to a permitted person for a permitted purpose, and the Secretary of State is satisfied that arrangements have been made with that person to prevent any further disclosure of that information by that person.

(2) In paragraph (1)—

“permitted person” means—

- (a) a public authority to which the Human Rights Act 1998<sup>(1)</sup> applies; or
- (b) a person providing services to the Secretary of State in relation to a permitted purpose or any officer, employee or agent of that person;

“permitted purpose” means—

- (a) to enable the Secretary of State to determine whether or not to provide a supply chain statement; or
- (b) to support the development of supply chains.

## Documents

**14.** The Schedule (documents) has effect, except in respect of Part 4.

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(1) 1998 c. 42.