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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Electricity Capacity Regulations 2014**

**PART 4**

Capacity auctions

CHAPTER 3

Eligibility criteria and prequalification

**Excluded capacity: NER 300 and CCS grant scheme CMUs**

**17.**—(1) The Delivery Body must not prequalify a CMU (“CMU i”) unless the applicant has provided to it, by the close of the prequalification window, a declaration in writing that no relevant grant has been, or will be, paid in respect of CMU i.

(2) In this regulation—

“relevant grant” means a grant under a relevant scheme, the first payment of which is made, or to be made, within the period of 10 years immediately before the commencement of the delivery period; and

“relevant scheme” means a scheme of financial assistance provided under—

- (a) NER 300;
- (b) section 1(1) of the Energy Act 2010<sup>(1)</sup> in respect of a CCS demonstration project within the meaning of that section; or
- (c) section 5(1) of the Science and Technology Act 1965<sup>(2)</sup> to support carbon capture and storage.

(3) In paragraph (2), “NER 300” means the competition established under Article 10a(8) of [Directive 2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council [Directive 96/61/EC](#)<sup>(3)</sup>.

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(1) 2010 c.27.

(2) 1965 c.4. Section 5(1) has been amended by [S.I. 1971/719](#), [S.I. 1992/1296](#), [S.I. 1995/2785](#) and [S.I. 1995/2985](#). Other amendments have been made to section 5 which are not relevant.

(3) OJ L 275, 25.10.2003, p.32. Aspects of NER 300 are implemented by Commission Decision 2010/670/EU (OJ L 290, 6.11.2010, p.39). Those projects which have received a grant under NER 300 can be examined at: [www.ec.europa.eu/clima/funding/ner300/index\\_en.htm](http://www.ec.europa.eu/clima/funding/ner300/index_en.htm).