

**[EAST WEST INTERCONNECTOR/MOYLE INTERCONNECTOR] ACCESS RULES**

**ISSUE [5]**

**DRAFT FOR CONSULTATION**

## **Rule A: Introduction**

- A1.1 The Operator is issuing these Rules in its capacity as owner and operator of the Interconnector.
- A1.2 The Operator may commission a third party to operate the Interconnector.
- A1.3 In these Rules, unless the context requires otherwise, capitalised words and expressions have the meaning ascribed to them in Part 1 of Schedule.
- A1.4 The rules of interpretation applicable to these Rules are set out in Part 2 of the Schedule.

## **Rule B: Long Term Transmission Rights – Harmonised Allocation Rules**

- B1 B1 Subject to Rule B2, on and with effect from I-SEM Go Live:
  - (a) long-term transmission rights on the [East West Interconnector/Moyle Interconnector] in the form of financial transmission rights shall be allocated in accordance with the NRA Approved HAR; and
  - (b) no long-term transmission rights shall be allocated on the [East West Interconnector/Moyle Interconnector] other than in accordance with (a) above.
- B2 If the NRA Approval Date does not occur prior to I-SEM Go Live, Rule B1 shall be construed and given effect in respect of the period prior to the NRA Approval Date as if the reference therein to the NRA Approved HAR were a reference to the TSO Proposed HAR.
- B3 The Allocation Platform at the border Great Britain - Northern Ireland for the purposes of the NRA Approved HAR (and, if applicable the TSO Approved HAR) shall be the JAO.

## SCHEDULE – PART 1

### Definitions

As used in these Rules:

"**FCA Regulation**" means Commission Regulation (EU) 2016 / 1719 establishing a guideline on forward capacity allocation;

"**Interconnector**" means the interconnection of the NIE System with the NGET Transmission System;

"**I-SEM Go Live**" means and shall occur at the time at which the new wholesale electricity market for the island of Ireland (to be known as the Integrated Single Electricity Market ("I-SEM")) goes live, as determined by the SEM Committee;

"**GB Grid Code**" means the document referred to as the Grid Code in the NGET Transmission Licence;

"**Governing Act**" means the Electricity Act 1989 in England and Wales as amended and supplemented by the Utilities Act 2000;

"**JAO**" means the Joint Allocation Office SA;

"**NGET**" means National Grid Electricity Transmission plc, a company incorporated in England and Wales;

"**NGET Transmission Licence**" means the licence granted by the Secretary of State to NGET under Section 6(1)(b) of the Governing Act permitting, inter alia, the transmission of electricity in England and Wales, as amended from time to time;

"**NGET Transmission System**" means the system comprising electric lines owned or operated by NGET for the transmission of electricity as defined in the GB Grid Code;

"**NIE System**" means the electricity transmission system in Northern Ireland;

"**NRA Approval Date**" has meaning given in the definition of NRA Approved HAR below;

"**NRA Approved HAR**" means the harmonised allocation rules for long term transmission rights at EU level developed pursuant to Article 51 of the FCA Regulation (which, for the avoidance of doubt, shall include a reference to the Annex thereto entitled "Regional Specific Annex for the Borders Great Britain - Ireland and Great Britain - Northern Ireland"), as approved by all relevant national regulatory authorities and, in the case of the said Annex, by the relevant regional national regulatory authorities, being the Gas and Electricity Markets Authority, the Utility Regulator and the Commission for Energy Regulation (the date on which all such approvals are given being the "**NRA Approval Date**"), as such rules may be amended from time to time;

"**Operator**" is [EirGrid Interconnector DAC/Moyle Interconnector Limited] or, as applicable, any party engaged by [EirGrid Interconnector DAC/Moyle Interconnector Limited] Limited to discharge its functions under these Rules;

"**SEM Committee**" has the meaning given in The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007; and

"**TSO Proposed HAR**" means the proposal of all TSOs for harmonised allocation rules, as embodied in the ENTSO-E publication dated 10 April 2017 and entitled "All TSOs' proposal for harmonised allocation rules for long-term transmission rights in

accordance with Article 51 of Commission Regulation (EU) 2016 / 1719 of 26 September 2016 establishing a Guideline on Forward Capacity Allocation";

## SCHEDULE – PART 2

### Interpretation

- (a) Any word or expression used (but not defined) in these Rules which is defined in the NRA Approved HAR or (in respect of the period prior to the NRA Approval Date) in the TSO Proposed HAR shall have the same meaning in these Rules as it has in the NRA Approved HAR or, as the case may be, the TSO Proposed HAR;
  
- (b) In these Rules (including the Schedule), unless the context requires otherwise:
  - (i) the singular indicates the plural and vice versa;
  - (ii) references to one gender include all other genders;
  - (iii) headings and examples are inserted for convenience only and do not affect the interpretation of the Rules;
  - (iv) the word “including” and its variations are to be construed without limitation;
  - (v) any reference to legislation, regulations, directive, order, instrument, code or any other enactment shall include any modification, extension or re-enactment of it then in force;
  - (vi) any reference to a “Rule” is a reference to a rule contained in the relevant Section, any reference in a Schedule to a “paragraph” is a reference to a paragraph contained in that Schedule and any reference to a “Schedule” is a reference to a Schedule to the Rules. Rules are identified by reference to the relevant Section and Rule number. For example Rule B1 refers to Rule 1 in Section B;
  - (vii) any reference to another agreement or document, or any deed or other instrument is to be construed as a reference to that other agreement, or document, deed or other instrument as amended, varied, supplemented, substituted or novated from time to time; and
  - (viii) where the Operator is required to publish any information under these Rules, it may do so by making the information or data available on its website or via the Allocation Platform.