

PROPOSED CHANGES IN LEGAL TEXT SHOWN IN RED BELOW

4.2B OTHER BALANCING SERVICES

4.2B.1 Application

The provisions of this Paragraph 4.2B shall apply to **The Company** and a **User** or other person in respect of the provision by that **User** or other person to **The Company** of **Balancing Services** other than **Mandatory Ancillary Services, Maximum Generation** and **System to Generator Operational Intertripping**.

4.2B.2 Form of Agreement

Any agreement between **The Company** and a **User** or other person in respect of the provision by that **User** or other person to **The Company** of **Balancing Services** other than **Mandatory Ancillary Services, Maximum Generation** and **System to Generator Operational Intertripping** shall be in a form to be agreed between them (but, in respect of **Commercial Services Agreements**, subject always to Paragraph 4.2B.3 where applicable).

4.2B.3 Agreed Ancillary Services

Each **User** and **The Company** shall enter into a **Commercial Services Agreement** providing for the payment for and provision of the **Agreed Ancillary Services** (other than **Maximum Generation**) and **System to Generator Operational Intertripping** (if any) set out in Appendix F1 of the relevant **Bilateral Agreement**. If, after a period which appears to **The Company** to be reasonable for the purpose, **The Company** has failed to enter into a **Commercial Services Agreement** with such **User**, **The Company** shall be entitled to initiate the procedure for resolution of the issue as an **Other Dispute** in accordance with Paragraph 7.4 to settle the terms of the said **Commercial Services Agreement**.

4.2B.4 Disclosure and Use of Information

Each **User** or other person who provides **Balancing Services** to **The Company** hereby consents to the disclosure and use by **The Company** of data and other information from any year relating to the provision by that **User** or other person of the **Balancing Service** to the extent necessary to enable **The Company** to carry out its **EMR Functions**.

4.2B.5 EBGL Article 18

Where and to the extent that:-

- (a) contractual arrangements for the provision of and payment for **Balancing Services** contain **EBGL Article 18 Terms and Conditions**; and
- (b) an **EBGL Amendment** to such contractual arrangements is proposed which under the **[Electricity Balancing Guidelines]** is subject to consultation and prior approval by the **Authority**,

then, to the extent and from such date as is required by the **[Electricity Balancing Guidelines]**, such **EBGL Amendment** shall be effective only after appropriate consultation and prior approval by the **Authority**. Accordingly, **The Company** shall ensure that the amendment processes contained within such contractual arrangements provide for appropriate consultation and prior approval by the **Authority** before any **EBL Amendment** becomes effective.

Add new definitions at CUSC Section 11.

Electricity Balancing Guideline means Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing;

EBGL Amendment means means any amendment to contractual arrangements for the provision of and payment for **Balancing Services** referred to in Section 4.2B5 which amends the **EBGL Article 18 Terms or Conditions** including to introduce a new provision for the purposes of Article 18 into such contractual arrangements;

EBGL Article 18 Terms and Conditions means terms and conditions which have been approved by the **Authority** pursuant to and for the purposes of Article 18 of the **[Electricity Balancing Guidelines]**

