**GC0148: Implementation of EU Emergency and Restoration Code Phase II – Addressing the Ofgem Send-Back**

**Why did Ofgem send-back GC0148?**

On 24 January 2023, Ofgem sent back GC0148 and noted the following:

* **Deficiencies of Final Modification Report**
  + Information received after FMR submission that aggregators may not be able to satisfy some of the requirements placed on them by the Proposal.
  + If the Proposal was approved in its current form it is likely that aggregators would be in breach of their obligations under the Grid Code.
* **Ofgem’s Expectations**
  + Updates to the legal text need to enable all relevant parties to comply with the new provisions.
  + Changes need only be made to the sections of legal text in the Proposal which were updated in order to comply with Article 42 of the NCER.

**What approach was agreed at Grid Code Panel to address this?**

Grid Code Panel on 26 February 2023 agreed next steps following send-back on 24 January 2023:

* They noted that Ofgem are asking the Final Modification Report and Legal Text to be revised and resubmitted;
* They agreed that this needs to be assessed by a Workgroup *(there is no Workgroup Consultation, or Workgroup Report and no further Workgroup Alternatives can be raised);*
* They agreed the Workgroup’s Terms of Reference; and
* They agreed (following the assessment by the Workgroup) that a Code Administrator Consultation is needed to be run before it is re-presented to Panel for Recommendation Vote.

**Agreed Terms of Reference to address Send-Back**

* Identify and clarify the issues regarding critical tools and facilities affecting parties (specifically aggregators) to comply with the provisions in the NCER.
* Propose solutions, and the associated legal text, to resolve these issues.
* Review the proposed changes to ensure there are no unintended impacts to the previous solution.

The Workgroup met on 09 March 2023 and 15 March 2023 to address these Terms of Reference and these discussions and conclusions are set out below:

**Identify and clarify the issues regarding critical tools and facilities affecting parties (specifically aggregators) to comply with the provisions in the NCER.**

Workgroup Discussions/Conclusions

**Propose solutions, and the associated legal text, to resolve these issues.**

Workgroup Discussions/Conclusions

**Review the proposed changes to ensure there are no unintended impacts to the previous solution.**

Workgroup Discussions/Conclusions