Code Administrator Consultation

CMP454: CMP434/CMP435 Section 11 Changes

Overview: Following the Authority's decision on approving CMP434/CMP435 on 15 April 2025, two resultant definition changes are recommended to CUSC Section 11 to define concepts of "Gated Offers" and "Variations Clause" as respectively used in the CMP434/CMP435.

Modification process & timetable

1	**Proposal Form** 10 June 2025
2	**Code Administrator Consultation** 03 July – 31 July 2025
3	**Draft Final SG Modification Report** 14 August 2025
4	**Final SG Modification Report** 02 September 2025
5	**Appeals Window** 03 September – 24 September 2025
6	**Implementation** 02 October 2025

Have 5 minutes? Read our Executive summary
Have 15 minutes? Read the full Code Administrator Consultation
Have 30 minutes? Read the full Code Administrator Consultation and Annexes.

Status summary: We are now consulting on this proposed change.

This modification is expected to have a: Low impact
CUSC Schedule 1 Signatories, National Energy System Operator

Governance route	Self-Governance modification to proceed to Code Administrator Consultation

Who can I talk to about the change?	**Proposer:** Alex Curtis Alex.Curtis@neso.energy	**Code Administrator Contact:** cusc.team@neso.energy

How to respond?	Send your response proforma to cusc.team@neso.energy by **5pm** on **31 July 2025.**

Public

Contents

What is the issue?

On 15 April 2025, the Authority approved modifications <u>CMP434 – Implementing Connections Reform</u> and <u>CMP435 -Application of Gate 2 Criteria to existing contracted background</u>. These modifications introduced the concepts of "Gated Offers" and a "Variations Clause", however two changes to Section 11 'Interpretation and Definitions' to introduce these definitions were not included in the legal text of the approved modifications.

Whilst the intent of these references in CMP434 and CMP435 legal text can generally be inferred from the approved text, adding them as explicit definitions provides additional clarity to Section 11 of the CUSC and removes the need for such inference. Following the approval of the modifications by the Authority these definitions should be included.

Why change?

For the approved processes to be fully understood by the User within the context of CUSC, the additional definitions will be clearly defined within CUSC Section 11.

What is the Proposer's solution?

Insert definitions of "Gated Offers" and "Variations Clause" into Section 11 of the CUSC at the earliest opportunity to align with the implementation on CMP434 and CMP435.

Legal text

Section 11 will be amended to add the following definitions:

Concept	Definition
"Gated Offers"	offers made by **The Company** in response to a **Gated Application**;
"Variations Clause"	the Clause in the **Existing Agreements** providing that **The Company** and the **User** effect any amendment required to be made to those by the **Authority** as a result of a change in the **CUSC**, the **ESO Licence** or **Transmission Licence**, an order or direction made pursuant to the **Act** or a **Licence** or as a result of settling any of the terms thereof;

The full legal text can be found in **Annex 02**.

What is the impact of this change?

This change is of low impact to CUSC Schedule 1 Parties and The Company. It will enable Users to clearly understand the highlighted concepts and remove potential ambiguity in the CUSC as a result of CMP434 and CMP435.

Proposer's assessment against CUSC Non-Charging Objectives	
Relevant Objective	**Identified impact**
(i) The efficient discharge by the Licensee of the obligations imposed on it by the Act and by this licence*;	Neutral
(ii) Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity;	Neutral
(iii) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency **; and	Neutral
(iv) Promoting efficiency in the implementation and administration of the CUSC arrangements.	Positive This modification will ensure that additional relevant definitions (within CUSC Section 11 as a result of CMP434 and CMP435) are included.

See Electricity System Operator Licence

**The Electricity Regulation referred to in objective (iii) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006.*

Proposer's assessment of the impact of the modification on the stakeholder / consumer benefit categories

Public

Stakeholder / consumer benefit categories	Identified impact
Improved safety and reliability of the system	Neutral
Lower bills than would otherwise be the case	Neutral
Benefits for society as a whole	Neutral
Reduced environmental damage	Neutral
Improved quality of service	**Positive** This modification ensures additional definitions resultant of modifications CMP434 and CMP435 are included within Section 11, allowing for the concepts to be clearly defined aiding User understanding and removing potential ambiguity.

When will this change take place?

Implementation date:

Five Business Days following the closure of the Appeals Window.

Date decision required by

22 August 2025.

Implementation approach

Section 11 to be updated in line with implementation of CMP434/CMP435.

Interactions

☒CUSC   ☐BSC   ☐STC   ☐SQSS

☐European Network Codes   ☐ EBR Article 18 T&Cs[1]   ☐Other modifications   ☐Other

This proposal has been raised as a result of the implementation of CMP434/CMP435 but has no further interactions with any other code modifications.

How to respond

Code Administrator Consultation questions

- Please provide your assessment for the proposed solution against the Applicable Objectives versus the current baseline?
- Do you support the proposed implementation approach?
- Do you have any other comments?

- Do you agree with the Proposer's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?

Views are invited on the proposals outlined in this consultation, which should be received by **5pm** on **31 July 2025**. Please send your response to cusc.team@neso.energy using the response pro-forma which can be found on the modification page.

If you wish to submit a confidential response, mark the relevant box on your consultation proforma. Confidential responses will be disclosed to the Authority in full but, unless agreed otherwise, will not be shared with the Panel or the industry and may therefore not influence the debate to the same extent as a non-confidential response.

Acronyms, key terms and reference material

Acronym / key term	Meaning
BSC	Balancing and Settlement Code
CUSC	Connection and Use of System Code
EBR	Electricity Balancing Regulation
NETS	National Electricity Transmission System
GC	Grid Code
STC	System Operator Transmission Owner Code
SQSS	Security and Quality of Supply Standards
T&Cs	Terms and Conditions

Reference material

The modification pages, including all documents and decision letters from the Authority, can be found here:

- [CMP434 Implementing Connections Reform | National Energy System Operator](#)

- [CMP435 Application of Gate 2 Criteria to existing contracted background | National Energy System Operator](#)

Annexes

Annex	Information
Annex 01	CMP454 Proposal Form
Annex 02	CMP454 Legal Text
Annex 03	CMP454 Self - Governance Statement