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Code Administrator Consultation Response Proforma

CMP462: Provision for Alternate Panel Members

Industry parties are invited to respond to this consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to usc.team@neso.energy by **5pm** on **25 November 2025**. Please note that any responses received after the deadline or sent to a different email address may not receive due consideration.

If you have any queries on the content of this consultation, please contact usc.team@neso.energy

Respondent details	Please enter your details	
Respondent name:	Lauren Jauss	
Company name:	RWE Supply & Trading GmbH	
Email address:	Lauren.jauss@rwe.com	
Phone number:	07825 995497	
Which best describes your organisation?	<input type="checkbox"/> Consumer body <input checked="" type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input checked="" type="checkbox"/> Generator <input type="checkbox"/> Industry body <input type="checkbox"/> Interconnector	<input checked="" type="checkbox"/> Storage <input checked="" type="checkbox"/> Supplier <input type="checkbox"/> System Operator <input type="checkbox"/> Transmission Owner <input checked="" type="checkbox"/> Virtual Lead Party <input type="checkbox"/> Other

I wish my response to be:

(Please mark the relevant box)	<input checked="" type="checkbox"/> Non-Confidential (<i>this <u>will be shared</u> with industry and the Panel for further consideration</i>)
	<input type="checkbox"/> Confidential (<i>this will be disclosed to the Authority in full but, unless specified, <u>will not be shared</u> with the Panel or the industry for further consideration</i>)

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For reference the Applicable CUSC (non-charging) Objectives are:

- i. *The efficient discharge by the Licensee of the obligations imposed on it by the Act and by this licence*;*
- 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;*
- iii. *Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency **; and*
- iv. *Promoting efficiency in the implementation and administration of the CUSC arrangements.*

** 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.*

For reference, (for consultation questions 5) the Electricity Balancing Regulation (EBR) Article 3 Objectives and regulatory aspects are:

- a) *fostering effective competition, non-discrimination and transparency in balancing markets;*
- b) *enhancing efficiency of balancing as well as efficiency of national balancing markets;*
- c) *integrating balancing markets and promoting the possibilities for exchanges of balancing services while contributing to operational security;*
- d) *contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector while facilitating the efficient and consistent functioning of day-ahead, intraday and balancing markets;*
- e) *ensuring that the procurement of balancing services is fair, objective, transparent and market-based, avoids undue barriers to entry for new entrants, fosters the liquidity of balancing markets while preventing undue market distortions;*

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- f) *facilitating the participation of demand response including aggregation facilities and energy storage while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;*
- g) *facilitating the participation of renewable energy sources and supporting the achievement of any target specified in an enactment for the share of energy from renewable sources.*

What is the EBR?

The Electricity Balancing Regulation (EBR) is a European Network Code introduced by the Third Energy Package European legislation in late 2017.

The EBR regulation lays down the rules for the integration of balancing markets in Europe, with the objectives of enhancing Europe's security of supply. The EBR aims to do this through harmonisation of electricity balancing rules and facilitating the exchange of balancing resources between European Transmission System Operators (TSOs). Article 18 of the EBR states that TSOs such as the NESO should have terms and conditions developed for balancing services, which are submitted and approved by Ofgem.

Please express your views in the right-hand side of the table below, including your rationale.

Standard Code Administrator Consultation questions		
1	Please provide your assessment for the proposed solution against the Applicable Objectives against the current baseline?	Mark the Objectives which you believe the proposed solution better facilitates than the current baseline:
		<div>Original</div> <div> <input type="checkbox"/>i <input type="checkbox"/>ii <input type="checkbox"/>iii <input checked="" type="checkbox"/>iv </div> <div> <input type="checkbox"/>None </div>
		We believe the ability to elect and appoint Alternate Panel members, if none have been appointed following the usual CUSC Election

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		<p>process, is positive for objective iv) because it will ensure that any lack of availability of panel members does not have a detrimental impact on code development.</p> <p>However, we do have concerns that this modification has not addressed the underlying problem and reason as to why an adequate number of nominations were not made, which appears to be shortcomings in administration of the baseline CUSC arrangements</p> <p>In previous years, invitations for nominations were sent out as a standalone email, as befits the importance of the role. On this occasion it appears that invitations to nominations were found at the bottom of the regular code administrator newsletter, rather than being prominently highlighted. Anecdotal evidence shows that a number of industry participants were therefore unaware that CUSC panel nominations had opened.</p> <p>We believe that industry expected to receive notification of elections in a specific email. A separate email was circulated for Grid Code elections which took place in Q4 2024, after the Code Administrator daily update email was first issued in Summer 2024.</p> <p>CUSC Section 8A.1.2.1 states “The Code Administrator shall not later than 1st July in the election year prepare and circulate to all Users (by publication on the Website and, where relevant details are supplied, by electronic mail), with a copy to the Authority, an invitation to nominate candidates who must be willing to be</p>
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		<p>either a User Panel Member or an Alternate Member and a timetable for the election (the “Election Timetable”). Although the code administrator complied with the letter of this regulation, we do not believe the spirit of the regulation, to ensure that industry participants are sufficiently notified of the panel elections, was fulfilled.</p> <p>RWE has fed back to the Code Administrator multiple times that a daily newsletter is inadequate in bringing attention to important topics, such as this, requiring industry input within a given timeframe.</p> <p>This modification addresses the fact that ex-post we do not have any panel members, however it overlooks the new fundamental problem in the election process and communications with industry on other important topics.</p> <p>Whilst we support this code modification, we would ask that the Code Administrator reflects on its processes and reports to both OFGEM and TCMF what changes will be made to its processes to ensure future such code changes are not necessary.</p> <p>Additionally, we note that regular CUSC panels are always held on the last Friday of the month. Consistently holding such a critical meeting on the same day of the week prevents applications from those part-time workers that do not work on Fridays. Given this modification is a reflection of a limited pool of applications, and the significant evidence that diversity within a group supports more effective decision-making, we</p>
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		would ask that the code administrator reflects on the justification for continuing to hold regular panel meetings on the same day of the week, and communicates this to Ofgem and TCMF (which is also consistently on a Thursday – with the same negative implications).
2	Do you support the proposed implementation approach?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Click or tap here to enter text.
3	Do you have any other comments?	Click or tap here to enter text.
4	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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Click or tap here to enter text.