



Orsted ESS Mersey Limited
5 Howick Place,
London,
United Kingdom,
SW1P 1WG

12 September 2024

To: Orsted ESS Mersey Limited (Company number: 11206846)

Direction under Generation Standard Licence Condition 21

Whereas

1. Orsted ESS Mersey Limited (the Licensee) holds a generation licence granted by the Gas and Electricity Markets Authority (the Authority) under 6(1)(a) of the Electricity Act 1989 (the Act) to generate electricity for the purposes of giving a supply (the Licence).
2. Between July 2022 and April 2024, Ofgem and the Department consulted on new ownership arrangements for Elexon Limited, including the introduction of Generation Standard Licence Condition 21 (the Licence Condition).
3. The Licence Condition will require the Licensee to hold one share in Elexon Limited if directed to do so by the Secretary of State or the Authority with effect from the date specified in such direction.
4. On 21 August 2024, the Secretary of State listed the Licensee in the Government and Ofgem response (the Consultation Response) to the January 2024 statutory consultation on “The Future Ownership of Elexon: new electricity supply and generation licence conditions and Balancing and Settlement Code (BSC) changes”,¹ indicating that the addressee of this Direction is to be a shareholder in Elexon Limited, subject to the Secretary of State deciding to proceed with the introduction of the Licence Condition and designation of the Independent System Operator and Planner (ISOP) under the Energy Act 2023, and provided reasons for that decision.

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¹ <https://www.gov.uk/government/consultations/future-ownership-of-elexon-licence-and-code-changes>

5. This direction (the Direction) is treated as given immediately after the introduction of the Licence Condition is effective on 1 October 2024. The Effective Date of this Direction is 00:00 on that date.
6. In exercise of its powers under paragraph 21.1 of the Licence Condition, the Secretary of State hereby directs the Licensee to hold one share in Elexon Limited, a company incorporated in England and Wales with company number 03782949 and registered office at 4th Floor, 350 Euston Road, London, NW1 3AW (Elexon) with effect on and from the Effective Date (as defined in paragraph 5 of this document).
7. The relevant share will be transferred to the Licensee pursuant to a transfer scheme to be made by the Secretary of State pursuant to paragraph 1(2) of Part 1 of Schedule 9 to the Energy Act 2023 (the Elexon Transfer Scheme).
8. The Secretary of State hereby specifies Orsted Salg and Service AS as an affiliate of the Licensee for the purposes of paragraph 21.4 of the Licence Condition.
9. The reason for the decision of the Secretary of State to issue this Direction is to give effect to the decisions in the Consultation Response that the Licensee should hold a share in Elexon in preparation for the designation of the ISOP under the Energy Act 2023.
10. This Direction and the documents referred to herein constitute the reasons for the Secretary of State's decision pursuant to section 49A of the Act.

Emily Bourne
12 September 2024