

To:
Blue Transmission Walney 1 Limited,
Blue Transmission Walney 2 Limited,
Blue Transmission Sheringham Shoal Limited,
Blue Transmission London Array Limited

Email: unbundlingc@ofgem.gov.uk

Cc: European Commission, DECC

Date: 2 April 2014

Dear Colleague,

**Certification review in accordance with the Electricity Act 1989 –
Decision of the Gas and Electricity Markets Authority ('the Authority')**

Blue Transmission Walney 1 Limited ('Walney 1'), Blue Transmission Walney 2 Limited ('Walney 2'), Blue Transmission Sheringham Shoal Limited ('Sheringham Shoal'), and Blue Transmission London Array Limited ('London Array') (collectively and individually the 'Certified Persons') submitted updates about the change of the structure of the joint venture which owns the Certified Persons. The Authority has undertaken a review of their certification, in accordance with section 10I(5)(b) of the Electricity Act 1989 (the 'Act').

This letter sets out the Authority's final decision of our certification review under section 10L of the Act, as to whether the certification of the Certified Parties should be continued.

Certification review

The Certified Persons are licensed offshore transmission system operators (OFTOs). Walney 1 has been certified since February 2013, and the other three Certified Persons since April 2013.

The Certified Persons are owned and controlled by the same joint venture, Blue Transmission Investments Limited ('Blue Transmission'). One of Blue Transmission's parents is Barclays Infrastructure Funds Management Limited ('BIFM'). BIFM's entire issued share capital was sold to 3i Group plc ('3i') on 8 November 2013. Following the share transfer, BIFM's subsidiary-structure has not changed. The Certified Persons continue to participate in the same business of transmission of offshore wind energy. The circumstances

relevant to the Authority's review of each of their certification are essentially the same and as such, it was considered appropriate to review their certification collectively.

The review of their certification was triggered, in accordance with section 10I(5)(b) of the Act, by the Authority's receipt of information regarding the sale.

The Certified Persons requested continuation of their certification status on the first certification ground, set out in section 10E(3) of the Act. The first certification ground is that an applicant meets the ownership unbundling requirement in section 10F of the Electricity Act.

The Authority is required to apply five tests in order to determine whether, following the acquisition, the basis on which the Authority decided to certify the Certified Persons continues to apply.

The first test is that the applicant—

- (a) does not control a relevant producer or supplier;
- (b) does not have a majority shareholding in a relevant producer or supplier; and
- (c) will not, on or after the relevant date, exercise shareholder rights in relation to a relevant producer or supplier.

The second test is that, where the applicant is a company, partnership or other business, none of its senior officers has been, or may be, appointed by a person who—

- (a) controls an electricity undertaking which is a relevant producer or supplier; or
- (b) has a majority shareholding in an electricity undertaking which is a relevant producer or supplier.

The third test is that, where the applicant is a company, partnership or other business, none of its senior officers is also a senior officer of an electricity undertaking which is a relevant producer or supplier.

The fourth test is that the applicant is not controlled by a person who controls a relevant producer or supplier.

The fifth test is that the applicant is not controlled by a person who has a majority shareholding in a relevant producer or supplier.

On the basis of the information contained in the updates, the Authority considered that each of the five tests set out in section 10F of the Electricity Act remained to be met by the Certified Persons.

The Authority made its preliminary decisions under section 10L(1)(a) of the Act on 5 December 2013 that their certification should be continued. The Authority's preliminary decisions were notified to the European Commission (the 'Commission') in accordance with section 10L(5) of the Act.

The Authority received the Commission's opinion on 5 February 2014¹. In accordance with Article 3(2) of the Electricity Regulation², the Authority has taken utmost account of that opinion in reaching its final decision which is set out below.

The Authority's final decision is that as of and from the date of this decision, the certification of each of the Certified Persons should be continued as the basis on which the Authority decided to certify the Certified Persons continues to apply.

In accordance with section 10L(7) of the Electricity Act, the Authority hereby notifies its final decision to continue the certification to the Certified Persons, European Commission and the Secretary of State.

In accordance with section 10I of the Electricity Act, the Authority will continue to monitor whether the basis on which it decided to certify the Certified Persons continues to apply following the Authority's final decisions and if appropriate, will review its certification decisions.

Attached to this letter are copies of the final decisions.

Yours sincerely,

Stephen Beel
Associate Director, Offshore Transmission

¹ The Commission's opinion can be viewed online on http://ec.europa.eu/energy/gas_electricity/interpretative_notes/doc/certification/2013_092_uk_en.pdf.

² Regulation 714/2009 of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity.

ELECTRICITY ACT 1989
SECTION 10L
CERTIFICATION – BLUE TRANSMISSION WALNEY 1 LIMITED

Pursuant to section 10L of the Electricity Act 1989 (the 'Act') the Gas and Electricity Markets Authority hereby continues to give to Blue Transmission Walney 1 Limited³, as a person who is required to be certified as independent, certification as independent under the ground set out in section 10E(3) of the Act, subject to the attached Schedule.

Stephen Beel

Authorised in that behalf by the Gas and Electricity Markets Authority

2 April 2014

³ This is a company incorporated in England and Wales with company registration number 07353265 whose registered address is Northwest Wing Bush House, Aldwych, London WC2B 4EZ.

**SCHEDULE
PERIOD, CONDITIONS AND WITHDRAWAL OF CERTIFICATION**

A. Interpretation and Definitions

In this certification

the 'Authority'	means the Gas and Electricity Markets Authority established by section 1(1) of the Utilities Act 2000, as amended from time to time
the 'Act'	means the Electricity Act 1989, as amended from time to time
the 'Agency'	has the same meaning as in section 64 of the Act
the 'certified person'	Blue Transmission Walney 1 Limited in its capacity as a person certified as independent under section 10D of the Act
the 'Commission'	means the European Commission
'control'	has the same meaning as in section 10O of the Act
'person from a third country'	has the same meaning as in section 10O of the Act
the 'relevant date'	has the same meaning as in section 10M of the Act
'shareholder right'	has the same meaning as in section 10O of the Act

B. Period

Subject to section D below, and pursuant to section 10L of the Act, the decision to continue the certification shall come into effect on the date that it is issued and will continue until it is withdrawn in accordance with section D.

C. Conditions

This certification is made subject to the following conditions:

1. The material provided by the certified person to the Authority in respect of the review of its certification is true and complete.

2. If at any time the certified person knows or reasonably should know of any event or circumstance that has occurred or is likely to occur that may affect its eligibility for certification, the certified person shall as soon as reasonably practicable notify the Authority in writing of the event or circumstance and the reasons it considers that the event or circumstance may affect its eligibility for certification.
3. If at any time from 3 March 2013 the certified person knows or reasonably should know that any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person is or may become a person from a third country, or that a person from a third country has or may take control of the certified person, the certified person shall as soon as reasonably practicable notify the Authority in writing.
4. If at any time from the relevant date the certified person exercises or is likely to exercise any shareholder right or right of appointment in the circumstances described in section 10M of the Act, the certified person shall as soon as is reasonably practicable notify the Authority in writing of the right that has been or is likely to be exercised and the effect of exercising that right.
5. By 31 July of each year the certified person shall provide the Authority with a written declaration, approved by a resolution of the board of directors of the certified person and signed by a director of the certified person pursuant to that resolution, setting out:
 - a. Whether any event or circumstance has occurred in the previous 12 month period, or such part of that 12 month period since the certified person was certified, that may affect the certified person's eligibility for certification, and if so, the reasons it considers that the event or circumstance may affect its eligibility for certification;
 - b. Whether any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person has become a person from a third country, or that a person from a third country has taken control of the certified person, in the previous 12 month period or such part of that 12 month period since the certified person was certified, providing that the certified person is only required to provide a written declaration under this paragraph (b) in relation to a period that occurs after 3 March 2013; and
 - c. Whether the certified person has exercised any shareholder right or right of appointment in the circumstances described in section 10M of the Act in the previous 12 month period or such part of that 12 month period since the certified person was certified and if so the effect of exercising that right, providing that the certified person is only required to provide a written

declaration under this paragraph (c) where it has been certified on the certification ground in section 10E(3) of the Act and in relation to a period that occurs after the relevant date.

6. The certified person furnishes the Authority in such manner and at such times as the Authority may reasonably require, with such information as the Authority may reasonably require, or as may be necessary, for the purpose of:
 - a. performing the functions assigned to it by or under the Act, the Gas Act, the Utilities Act 2000, the Energy Act 2004, the Energy Act 2008, or the Energy Act 2011, each as may be amended from time to time; or
 - b. monitoring and reviewing of the certification under section 10I of the Act; or
 - c. reporting by the Authority as to any connection of the licensee with a country outside the European Economic Area under section 10K of the Act.
7. Should any of the grounds for withdrawal arise under section D of this certification, the Authority may amend rather than withdraw this certification.

D. Withdrawal

Pursuant to section 10L of the Act, this certification may be withdrawn in the following circumstances:

1. This certification may be withdrawn by the Authority by giving a notice of withdrawal to the certified person not less than four months before the coming into force of the withdrawal in any of the following circumstances where:
 - a. the Authority considers that condition contained in paragraph C1 above is not met;
 - b. the Authority considers that the basis on which the Authority decided to certify the certified person does not continue to apply and has made a final decision that the certification should be withdrawn;
 - c. the certified person has a receiver (which expression shall include an administrative receiver within the meaning of section 251 of the Insolvency Act 1986, as amended from time to time) of the whole or any material part of its assets or undertaking appointed;
 - d. the certified person has entered into administration under section 8 of Schedule B1 to the Insolvency Act 1986;
 - e. the certified person is found to be in breach of any national or European competition laws, such breach relating to the licensed activity of the certified person;
 - f. the certified person has failed to provide a declaration to the Authority pursuant to paragraph C5 above and the Authority has written to certified

- person stating that the declaration has not been provided and giving the certified person notice that if the declaration remains outstanding past the period specified in the notice the certification may be withdrawn;
- g. the certified person has failed to comply with a request for information issued by the Authority under paragraph C6 above and the Authority has written to the certified person stating that the request has not been complied with and giving the certified person notice that if the request for information remains outstanding past the period specified in the notice the certification may be withdrawn; or
 - h. to ensure compliance with any legally binding decision of the Agency or of the Commission.
2. This certification may be withdrawn if the certified person notifies the Authority that it does not require to be certified and the Authority considers that the certified person is not a person who is required to be certified.

ELECTRICITY ACT 1989
SECTION 10L
CERTIFICATION – BLUE TRANSMISSION WALNEY 2 LIMITED

Pursuant to section 10L of the Electricity Act 1989 (the 'Act') the Gas and Electricity Markets Authority hereby continues to give to Blue Transmission Walney 2 Limited⁴, as a person who is required to be certified as independent, certification as independent under the ground set out in section 10E(3) of the Act, subject to the attached Schedule.

Stephen Beel

Authorised in that behalf by the Gas and Electricity Markets Authority

2 April 2014

⁴ This is a company incorporated in England and Wales with company registration number 07753568 whose registered address is Northwest Wing Bush House, Aldwych, London WC2B 4EZ.

**SCHEDULE
PERIOD, CONDITIONS AND WITHDRAWAL OF CERTIFICATION**

A. Interpretation and Definitions

In this certification

the 'Authority'	means the Gas and Electricity Markets Authority established by section 1(1) of the Utilities Act 2000, as amended from time to time
the 'Act'	means the Electricity Act 1989, as amended from time to time
the 'Agency'	has the same meaning as in section 64 of the Act
the 'certified person'	Blue Transmission Walney 2 Limited in its capacity as a person certified as independent under section 10D of the Act
the 'Commission'	means the European Commission
'control'	has the same meaning as in section 10O of the Act
'person from a third country'	has the same meaning as in section 10O of the Act
the 'relevant date'	has the same meaning as in section 10M of the Act
'shareholder right'	has the same meaning as in section 10O of the Act

B. Period

Subject to section D below, and pursuant to section 10L of the Act, the decision to continue the certification shall come into effect on the date that it is issued and will continue until it is withdrawn in accordance with section D.

C. Conditions

This certification is made subject to the following conditions:

1. The material provided by the certified person to the Authority in respect of the review of its certification is true and complete.

2. If at any time the certified person knows or reasonably should know of any event or circumstance that has occurred or is likely to occur that may affect its eligibility for certification, the certified person shall as soon as reasonably practicable notify the Authority in writing of the event or circumstance and the reasons it considers that the event or circumstance may affect its eligibility for certification.
3. If at any time from 3 March 2013 the certified person knows or reasonably should know that any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person is or may become a person from a third country, or that a person from a third country has or may take control of the certified person, the certified person shall as soon as reasonably practicable notify the Authority in writing.
4. If at any time from the relevant date the certified person exercises or is likely to exercise any shareholder right or right of appointment in the circumstances described in section 10M of the Act, the certified person shall as soon as is reasonably practicable notify the Authority in writing of the right that has been or is likely to be exercised and the effect of exercising that right.
5. By 31 July of each year the certified person shall provide the Authority with a written declaration, approved by a resolution of the board of directors of the certified person and signed by a director of the certified person pursuant to that resolution, setting out:
 - a. Whether any event or circumstance has occurred in the previous 12 month period, or such part of that 12 month period since the certified person was certified, that may affect the certified person's eligibility for certification, and if so, the reasons it considers that the event or circumstance may affect its eligibility for certification;
 - b. Whether any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person has become a person from a third country, or that a person from a third country has taken control of the certified person, in the previous 12 month period or such part of that 12 month period since the certified person was certified, providing that the certified person is only required to provide a written declaration under this paragraph (b) in relation to a period that occurs after 3 March 2013; and
 - c. Whether the certified person has exercised any shareholder right or right of appointment in the circumstances described in section 10M of the Act in the previous 12 month period or such part of that 12 month period since the certified person was certified and if so the effect of exercising that right, providing that the certified person is only required to provide a written

declaration under this paragraph (c) where it has been certified on the certification ground in section 10E(3) of the Act and in relation to a period that occurs after the relevant date.

6. The certified person furnishes the Authority in such manner and at such times as the Authority may reasonably require, with such information as the Authority may reasonably require, or as may be necessary, for the purpose of:
 - a. performing the functions assigned to it by or under the Act, the Gas Act, the Utilities Act 2000, the Energy Act 2004, the Energy Act 2008, or the Energy Act 2011, each as may be amended from time to time; or
 - b. monitoring and reviewing of the certification under section 10I of the Act; or
 - c. reporting by the Authority as to any connection of the licensee with a country outside the European Economic Area under section 10K of the Act.
7. Should any of the grounds for withdrawal arise under section D of this certification, the Authority may amend rather than withdraw this certification.

D. Withdrawal

Pursuant to section 10L of the Act, this certification may be withdrawn in the following circumstances:

1. This certification may be withdrawn by the Authority by giving a notice of withdrawal to the certified person not less than four months before the coming into force of the withdrawal in any of the following circumstances where:
 - a. the Authority considers that condition contained in paragraph C1 above is not met;
 - b. the Authority considers that the basis on which the Authority decided to certify the certified person does not continue to apply and has made a final decision that the certification should be withdrawn;
 - c. the certified person has a receiver (which expression shall include an administrative receiver within the meaning of section 251 of the Insolvency Act 1986, as amended from time to time) of the whole or any material part of its assets or undertaking appointed;
 - d. the certified person has entered into administration under section 8 of Schedule B1 to the Insolvency Act 1986;
 - e. the certified person is found to be in breach of any national or European competition laws, such breach relating to the licensed activity of the certified person;
 - f. the certified person has failed to provide a declaration to the Authority pursuant to paragraph C5 above and the Authority has written to certified

- person stating that the declaration has not been provided and giving the certified person notice that if the declaration remains outstanding past the period specified in the notice the certification may be withdrawn;
- g. the certified person has failed to comply with a request for information issued by the Authority under paragraph C6 above and the Authority has written to the certified person stating that the request has not been complied with and giving the certified person notice that if the request for information remains outstanding past the period specified in the notice the certification may be withdrawn; or
 - h. to ensure compliance with any legally binding decision of the Agency or of the Commission.
2. This certification may be withdrawn if the certified person notifies the Authority that it does not require to be certified and the Authority considers that the certified person is not a person who is required to be certified.

ELECTRICITY ACT 1989

SECTION 10L

CERTIFICATION – BLUE TRANSMISSION SHERINGHAM SHOAL LIMITED

Pursuant to section 10L of the Electricity Act 1989 (the 'Act') the Gas and Electricity Markets Authority hereby continues to give to Blue Transmission Sheringham Shoal Limited⁵, as a person who is required to be certified as independent, certification as independent under the ground set out in section 10E(3) of the Act, subject to the attached Schedule.

Stephen Beel

Authorised in that behalf by the Gas and Electricity Markets Authority

2 April 2014

⁵ This is a company incorporated in England and Wales with company registration number 8085795 whose registered address is Northwest Wing Bush House, Aldwych, London WC2B 4EZ.

**SCHEDULE
PERIOD, CONDITIONS AND WITHDRAWAL OF CERTIFICATION**

A. Interpretation and Definitions

In this certification

the 'Authority'	means the Gas and Electricity Markets Authority established by section 1(1) of the Utilities Act 2000, as amended from time to time
the 'Act'	means the Electricity Act 1989, as amended from time to time
the 'Agency'	has the same meaning as in section 64 of the Act
the 'certified person'	Blue Transmission Sheringham Shoal Limited in its capacity as a person certified as independent under section 10D of the Act
the 'Commission'	means the European Commission
'control'	has the same meaning as in section 10O of the Act
'person from a third country'	has the same meaning as in section 10O of the Act
the 'relevant date'	has the same meaning as in section 10M of the Act
'shareholder right'	has the same meaning as in section 10O of the Act

B. Period

Subject to section D below, and pursuant to section 10L of the Act, the decision to continue the certification shall come into effect on the date that it is issued and will continue until it is withdrawn in accordance with section D.

C. Conditions

This certification is made subject to the following conditions:

1. The material provided by the certified person to the Authority in respect of the review of its certification is true and complete.

2. If at any time the certified person knows or reasonably should know of any event or circumstance that has occurred or is likely to occur that may affect its eligibility for certification, the certified person shall as soon as reasonably practicable notify the Authority in writing of the event or circumstance and the reasons it considers that the event or circumstance may affect its eligibility for certification.
3. If at any time from 3 March 2013 the certified person knows or reasonably should know that any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person is or may become a person from a third country, or that a person from a third country has or may take control of the certified person, the certified person shall as soon as reasonably practicable notify the Authority in writing.
4. If at any time from the relevant date the certified person exercises or is likely to exercise any shareholder right or right of appointment in the circumstances described in section 10M of the Act, the certified person shall as soon as is reasonably practicable notify the Authority in writing of the right that has been or is likely to be exercised and the effect of exercising that right.
5. By 31 July of each year the certified person shall provide the Authority with a written declaration, approved by a resolution of the board of directors of the certified person and signed by a director of the certified person pursuant to that resolution, setting out:
 - a. Whether any event or circumstance has occurred in the previous 12 month period, or such part of that 12 month period since the certified person was certified, that may affect the certified person's eligibility for certification, and if so, the reasons it considers that the event or circumstance may affect its eligibility for certification;
 - b. Whether any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person has become a person from a third country, or that a person from a third country has taken control of the certified person, in the previous 12 month period or such part of that 12 month period since the certified person was certified, providing that the certified person is only required to provide a written declaration under this paragraph (b) in relation to a period that occurs after 3 March 2013; and
 - c. Whether the certified person has exercised any shareholder right or right of appointment in the circumstances described in section 10M of the Act in the previous 12 month period or such part of that 12 month period since the certified person was certified and if so the effect of exercising that right, providing that the certified person is only required to provide a written

declaration under this paragraph (c) where it has been certified on the certification ground in section 10E(3) of the Act and in relation to a period that occurs after the relevant date.

6. The certified person furnishes the Authority in such manner and at such times as the Authority may reasonably require, with such information as the Authority may reasonably require, or as may be necessary, for the purpose of:
 - a. performing the functions assigned to it by or under the Act, the Gas Act, the Utilities Act 2000, the Energy Act 2004, the Energy Act 2008, or the Energy Act 2011, each as may be amended from time to time; or
 - b. monitoring and reviewing of the certification under section 10I of the Act; or
 - c. reporting by the Authority as to any connection of the licensee with a country outside the European Economic Area under section 10K of the Act.
7. Should any of the grounds for withdrawal arise under section D of this certification, the Authority may amend rather than withdraw this certification.

D. Withdrawal

Pursuant to section 10L of the Act, this certification may be withdrawn in the following circumstances:

1. This certification may be withdrawn by the Authority by giving a notice of withdrawal to the certified person not less than four months before the coming into force of the withdrawal in any of the following circumstances where:
 - a. the Authority considers that condition contained in paragraph C1 above is not met;
 - b. the Authority considers that the basis on which the Authority decided to certify the certified person does not continue to apply and has made a final decision that the certification should be withdrawn;
 - c. the certified person has a receiver (which expression shall include an administrative receiver within the meaning of section 251 of the Insolvency Act 1986, as amended from time to time) of the whole or any material part of its assets or undertaking appointed;
 - d. the certified person has entered into administration under section 8 of Schedule B1 to the Insolvency Act 1986;
 - e. the certified person is found to be in breach of any national or European competition laws, such breach relating to the licensed activity of the certified person;
 - f. the certified person has failed to provide a declaration to the Authority pursuant to paragraph C5 above and the Authority has written to certified

- person stating that the declaration has not been provided and giving the certified person notice that if the declaration remains outstanding past the period specified in the notice the certification may be withdrawn;
- g. the certified person has failed to comply with a request for information issued by the Authority under paragraph C6 above and the Authority has written to the certified person stating that the request has not been complied with and giving the certified person notice that if the request for information remains outstanding past the period specified in the notice the certification may be withdrawn; or
 - h. to ensure compliance with any legally binding decision of the Agency or of the Commission.
2. This certification may be withdrawn if the certified person notifies the Authority that it does not require to be certified and the Authority considers that the certified person is not a person who is required to be certified.

ELECTRICITY ACT 1989
SECTION 10L
CERTIFICATION – BLUE TRANSMISSION LONDON ARRAY LIMITED

Pursuant to section 10L of the Electricity Act 1989 (the 'Act') the Gas and Electricity Markets Authority hereby continues to give to Blue Transmission London Array Limited⁶, as a person who is required to be certified as independent, certification as independent under the ground set out in section 10E(3) of the Act, subject to the attached Schedule.

Stephen Beel

Authorised in that behalf by the Gas and Electricity Markets Authority

2 April 2014

⁶ This is a company incorporated in England and Wales with company registration number 08275752 whose registered address is The American Barns, Banbury Road, Lighthorne, Warwickshire, CV35 0AE.

**SCHEDULE
PERIOD, CONDITIONS AND WITHDRAWAL OF CERTIFICATION**

A. Interpretation and Definitions

In this certification

the 'Authority'	means the Gas and Electricity Markets Authority established by section 1(1) of the Utilities Act 2000, as amended from time to time
the 'Act'	means the Electricity Act 1989, as amended from time to time
the 'Agency'	has the same meaning as in section 64 of the Act
the 'certified person'	Blue Transmission London Array Limited in its capacity as a person certified as independent under section 10D of the Act
the 'Commission'	means the European Commission
'control'	has the same meaning as in section 100 of the Act
'person from a third country'	has the same meaning as in section 100 of the Act
the 'relevant date'	has the same meaning as in section 10M of the Act
'shareholder right'	has the same meaning as in section 100 of the Act

B. Period

Subject to section D below, and pursuant to section 10L of the Act, the decision to continue the certification shall come into effect on the date that it is issued and will continue until it is withdrawn in accordance with section D.

C. Conditions

This certification is made subject to the following conditions:

1. The material provided by the certified person to the Authority in respect of the review of its certification is true and complete.
2. If at any time the certified person knows or reasonably should know of any event or circumstance that has occurred or is likely to occur that may affect its eligibility for certification, the certified person shall as soon as reasonably practicable notify the Authority in writing of the event or circumstance and the reasons it considers that the event or circumstance may affect its eligibility for certification.
3. If at any time from 3 March 2013 the certified person knows or reasonably should know that any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person is or may become a person from a third country, or that a person from a third country has or may take control of the certified person, the certified person shall as soon as reasonably practicable notify the Authority in writing.
4. If at any time from the relevant date the certified person exercises or is likely to exercise any shareholder right or right of appointment in the circumstances described in section 10M of the Act, the certified person shall as soon as is reasonably practicable notify the Authority in writing of the right that has been or is likely to be exercised and the effect of exercising that right.
5. By 31 July of each year the certified person shall provide the Authority with a written declaration, approved by a resolution of the board of directors of the certified person and signed by a director of the certified person pursuant to that resolution, setting out:
 - a. Whether any event or circumstance has occurred in the previous 12 month period, or such part of that 12 month period since the certified person was certified, that may affect the certified person's eligibility for certification, and if so, the reasons it considers that the event or circumstance may affect its eligibility for certification;
 - b. Whether any event or circumstance has occurred, or is likely to occur, that may cause the Authority to think that the certified person has become a person from a third country, or that a person from a third country has taken control of the certified person, in the previous 12 month period or such part of that 12 month period since the certified person was certified, providing that the certified person is only required to provide a written declaration under this paragraph (b) in relation to a period that occurs after 3 March 2013; and
 - c. Whether the certified person has exercised any shareholder right or right of appointment in the circumstances described in section 10M of the Act in the previous 12 month period or such part of that 12 month period since the

certified person was certified and if so the effect of exercising that right, providing that the certified person is only required to provide a written declaration under this paragraph (c) where it has been certified on the certification ground in section 10E(3) of the Act and in relation to a period that occurs after the relevant date.

6. The certified person furnishes the Authority in such manner and at such times as the Authority may reasonably require, with such information as the Authority may reasonably require, or as may be necessary, for the purpose of:
 - a. performing the functions assigned to it by or under the Act, the Gas Act, the Utilities Act 2000, the Energy Act 2004, the Energy Act 2008, or the Energy Act 2011, each as may be amended from time to time; or
 - b. monitoring and reviewing of the certification under section 10I of the Act; or
 - c. reporting by the Authority as to any connection of the licensee with a country outside the European Economic Area under section 10K of the Act.
7. Should any of the grounds for withdrawal arise under section D of this certification, the Authority may amend rather than withdraw this certification.

D. Withdrawal

Pursuant to section 10L of the Act, this certification may be withdrawn in the following circumstances:

1. This certification may be withdrawn by the Authority by giving a notice of withdrawal to the certified person not less than four months before the coming into force of the withdrawal in any of the following circumstances where:
 - a. the Authority considers that condition contained in paragraph C1 above is not met;
 - b. the Authority considers that the basis on which the Authority decided to certify the certified person does not continue to apply and has made a final decision that the certification should be withdrawn;
 - c. the certified person has a receiver (which expression shall include an administrative receiver within the meaning of section 251 of the Insolvency Act 1986, as amended from time to time) of the whole or any material part of its assets or undertaking appointed;
 - d. the certified person has entered into administration under section 8 of Schedule B1 to the Insolvency Act 1986;
 - e. the certified person is found to be in breach of any national or European competition laws, such breach relating to the licensed activity of the certified person;

- f. the certified person has failed to provide a declaration to the Authority pursuant to paragraph C5 above and the Authority has written to certified person stating that the declaration has not been provided and giving the certified person notice that if the declaration remains outstanding past the period specified in the notice the certification may be withdrawn;
 - g. the certified person has failed to comply with a request for information issued by the Authority under paragraph C6 above and the Authority has written to the certified person stating that the request has not been complied with and giving the certified person notice that if the request for information remains outstanding past the period specified in the notice the certification may be withdrawn; or
 - h. to ensure compliance with any legally binding decision of the Agency or of the Commission.
2. This certification may be withdrawn if the certified person notifies the Authority that it does not require to be certified and the Authority considers that the certified person is not a person who is required to be certified.