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Dear Ofgem

**NGV response to the Ofgem Consultation ‘Preparing for the end of the transition period: Statutory consultation on consequential licence modifications due to the end of the transition period’**

Thank you for the opportunity to comment on the above consultation, this response is being made by National Grid Ventures (NGV) on behalf of NGIC in respect of the interconnector licences held by IFA, NGIFA2, NGNSL and NGVL. Our comments in this response are entirely in respect of the changes proposed to the Electricity Interconnector Licence. This response is not confidential.

We note that the statutory consultation seeks to change the definitions of:

- The ‘Agency’;
- The ‘Directive’; and
- The ‘Regulation’.

We also note that the statutory consultation adds a new definition of:

- ‘IP completion day’.

We also note changes to specific paragraphs (3) and (5) of Standard Licence Condition 22 relating to third countries.

NGV agrees with all these changes.

In putting together this response, NGV has reviewed the full Electricity Interconnector Standard Conditions as published on Ofgem’s Electronic Public Register. The version reviewed from the register is identified as ‘consolidated to 25 February 2020’.

We note from this review that there are still several references to ‘European terms’ in the standard conditions and these are highlighted out in the table below.

Clause	Wording
Condition 10, Para 5 (a)	take all reasonable steps to ensure that all persons including those in other <b>Member States</b> who may have a direct interest in the charging methodology are consulted and allow them a period of not less than 28 days within which to make written representations; and
Condition 10, Para 11 (a)	taken all reasonable steps to ensure that all persons, including those in other <b>Member States</b> , who may have a direct interest in the charging methodology, including the Authority, are consulted on the proposed modification and has allowed such persons a period of not less than 28 days within which to make written representations; and
Condition 11A, Para 5 (a)	take all reasonable steps to ensure that all persons, including those in other <b>Member States</b> who may have a direct interest in the Access Rules, are consulted and allow them a period of not less than 28 days within which to make written representations; and
Condition 11A, Para 10 (a)	taken all reasonable steps to ensure that all persons who may have a direct interest in the Access Rules, including those in other <b>Member States</b> , are consulted on the proposed modification and has allowed such persons a period of not less than 28 days within which to make written representations; and
Condition 10, Para 4	The charges and the application of the underlying charging methodology shall be objective, transparent, non-discriminatory and compliant with the Regulation and any relevant legally binding decision of the <b>European Commission</b> and/or the Agency (collectively, the ‘relevant charging methodology objectives’).
Condition 10, Para 24 (c)	the <b>European Commission</b> requests that such contract is subject to approved tariffs and/or charging methodologies
Condition 11A, Para 4	The Access Rules shall be transparent, objective, non-discriminatory and compliant with the Regulation and any relevant legally binding decision of the <b>European Commission</b> and/or Agency (collectively ‘the relevant access rules objectives’).
Condition 12, Para 5	An exemption order issued under paragraph 2 may be revoked in accordance with its provisions, and must be revoked if the approval of the <b>European Commission</b> to the exemption expires in accordance with paragraph 8 of Article 63 of the Regulation.
Condition 3, Para 6	Definition of ‘Significant Code Review’  means a review of matters in relation to its principal objective and/or general duties (under section 3A of the Electricity Act or section 4AA of the Gas Act), statutory functions and/or relevant obligations arising under <b>EU law</b> , which the Authority considers are likely to relate to one or more of the documents referred to in this condition, or to which the licensee is required under this licence to be a party, and concerning which the Authority has consulted upon and issued a Notice to the parties stating that the review will constitute a Significant Code Review.

We note Ofgem's previous consultations on this subject as highlighted in 26 November 2020 letter, and assume that the intention is to amalgamate the outcome of all the relevant consultations to establish a revised licence for after the end of the transition period. If that is the case, then a number of these comments will already have been addressed.

We also note Ofgem's comments that an 'interregnum period' will be unavoidable. We do not consider this to be a major issue and expect to be able to continue to operate our businesses in a lawful manner and in accordance with national legislation.

I hope this response is helpful, please contact me if you need any further information.

Yours faithfully

*By email*

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