












| Stage 04: Final Modification Report | At what stage is this document in the process? |
|---|---|
| <h1>0568:</h1> <h2>Security Requirements and Invoice Payment Settlement Cycle for the Trading System Clearer</h2> | <div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid #ccc; padding: 2px; display: flex; align-items: center; gap: 5px;"> 01 Modification </div> <div style="border: 1px solid #ccc; padding: 2px; display: flex; align-items: center; gap: 5px;"> 02 Workgroup Report </div> <div style="border: 1px solid #ccc; padding: 2px; display: flex; align-items: center; gap: 5px;"> 03 Draft Modification Report </div> <div style="border: 1px solid #ccc; padding: 2px; display: flex; align-items: center; gap: 5px;"> 04 Final Modification Report </div> </div> |
| <p>This modification seeks to facilitate the Trading System Clearer’s compliance with requirements under the UNC (including the submission of Trade Nominations) via removing the obligation to provide Security and amending the invoice payment settlement cycle as applicable to the Trading System Clearer.</p> | |
|  | <p>The Panel recommends implementation.</p> |
|  | <p>High Impact: None</p> |
|  | <p>Medium Impact: None</p> |
|  | <p>Low Impact: Shipper Users, Trader Users, National Grid NTS, Trading System Clearer</p> |

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| <p>This Final Modification Report was considered by the Panel on 17 March 2016.</p> <p>The Panel unanimously recommended that this modification should be implemented.</p> <p>The Authority will consider the Panel's recommendation and decide whether or not this change should be made.</p> | | |
| Modification timetable | | |
| Initial consideration by Workgroup | 30 November 2015 | |
| Workgroup Report presented to Panel | 18 February 2016 | |
| Draft Modification Report issued for consultation | 18 February 2016 | |
| Consultation Close-out for representations | 10 March 2016 | |
| Final Modification Report presented to Panel | 17 March 2016 (short notice) | |
| UNC Modification Panel recommendation | 17 March 2016 | |

1 Summary

Is this a Self-Governance Modification?

The Proposer's recommendation to the Modification Panel was that this modification meets the Self Governance criteria since only a small change to the UNC text is envisaged which is not expected to have a material impact on competition between Shipper Users, nor on operation of the pipeline system. The main impact that is anticipated is on the obligation for the Trading System Clearer to provide Security and to adhere to the existing 35-day invoice payment settlement cycle.

At its meeting in November 2015, the Panel determined that the Self Governance criteria are not met and that normal governance procedures should apply. The Workgroup also considered this, agreeing with Panel's view.

Is this a Fast Track Self-Governance Modification?

Fast track procedures are not proposed, as it is not a house keeping modification.

Why Change?

It is intended that, on 24 February 2016, ICE Endex Spot Limited (ICE Endex) will assume the role of Trading System Clearer (TSC) for the independent market for balancing (On-the-day Commodity Market or OCM). Pursuant to a service level agreement, ICE Endex will discharge its obligations as Trading System Clearer by relying on ICE Clear Europe Limited (ICE Clear) to provide clearing and settlement services.

The UNC requires a User (including the Trading System Clearer) to provide "Security" i.e. letters of credit or cash by way of security for a User's indebtedness for Energy Balancing Charges in accordance with the Energy Balancing Credit Rules (EBCR).

ICE Endex will not be able to comply with the requirement to provide Security as described above, as ICE Clear – not ICE Endex – holds collateral provided by members of ICE Clear. Although the obligation to provide security is on ICE Endex, as role of Trading System Clearer, the Proposer notes that ICE Clear is also unable to use the collateral provided by its members to provide the Security due to restrictions under applicable regulatory laws, as described further below.

As a result of (1) ICE Endex's inability to provide the Security as a result of not holding collateral provided by members of ICEU (ICE Clear Europe Ltd) and (2) ICE Clear's inability to provide the Security as a result of regulatory restrictions, the amendments detailed below are necessary to ensure that ICE Endex is able to discharge its obligations as Trading System Clearer.

Solution

1. ICE Endex, as the proposed Trading System Clearer, will continue to be liable and accountable for proper performance of all Trading System Clearer obligations. As it is unable to provide Security for the reasons described above, it is proposed that UNC TPD Section X.2.1 be amended to allow the Energy Balancing Credit Rules (EBCR) to apply only to Trading System Clearer as modified or waived by National Grid NTS. This amendment would allow National Grid NTS to remove the requirement that the Trading System Clearer provides Security.
2. In order to reduce the credit exposure of NGG to the Trading System Clearer resulting from the above amendment of TPD Section X.2.1, it is also proposed to dis-apply the current 35-day invoice payment settlement cycle in relation to Energy Balancing Invoices by amending TPD Section S.3.1,

and to replace the settlement cycle with a period as agreed between National Grid Gas (NGG) and the Trading System Clearer, following consultation with the Energy Balancing Credit Committee (EBCC). This shortened settlement cycle will additionally reduce security requirements for the Trading System Clearer.

Relevant Objectives

This modification furthers relevant objective g) and indirectly supports objectives in line with relevant objective d).

Implementation

ICE Endex Gas Spot Ltd request this Code Modification is implemented as soon as possible.

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

There are no expected impacts on an SCR or other significant industry change projects.

2 Why Change?

Background

ICE Endex

ICE Endex is designated by OFGEM and appointed by National Grid Gas (NGG) as the Trading System Operator of the On-the-day Commodity Market (OCM). ICE Endex has designated APX Commodities Limited (APX UK) as Trading System Clearer to provide clearing services in relation to transactions resulting from trading on the OCM. It is intended that, on 24 February 2016, ICE Endex takes over the role of Trading System Clearer from APX UK. ICE Endex will discharge its obligations as Trading System Clearer by relying on ICE Clear to provide all clearing and settlement services in respect of transactions resulting from trading on the OCM. For this purpose ICE Endex and ICE Clear have entered into a service level agreement.

Please see **Appendix 1** for a diagram showing the contractual relationships for the OCM.

ICE Endex would like to ask the Panel to note that article 2.5.2 (a) of Section V of the Unified Network Code (UNC) places restrictions on the User rights that the Trading System Clearer can exercise. This article states that ICE Endex (as the Trading System Clearer) "will not ...exercise any right or entitlement of a User other than the right to make Trade Nominations ... and any rights (consequent thereon) arising under Sections F, S, GT Section A, [this Section] V, U and X". ICE Endex takes the position that it is allowed to exercise the right of a User to propose modifications under section V, article 12.3 of the UNC because the changes that are proposed relate directly to its obligations (as the Trading System Operator) to submit trade nominations on behalf of the Trading System Clearer and other Users trading on the OCM. To be able to fulfil these obligations, ICE Endex has been admitted as a User and therefore has to comply with the obligations under Sections S and X of the UNC. As this proposal for a modification of the UNC is directly related to the latter sections and thus ICE Endex's ability to continue to meet its obligations thereunder, the Panel is advised to recognise ICE Endex as the Proposer. Finally the Panel is asked to note that National Grid NTS believes that it is right that a modification is raised to bring the issue to industry and facilitate debate.

ICE Clear

ICE Clear is a recognised clearing house under the UK's Financial Services and Markets Act 2000 and has submitted an application for approval as a central counterparty under REGULATION (EU) No 648/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 on OTC

derivatives, central counterparties and trade repositories (EMIR). This application remains under review, however, in advance of such approval ICE Clear is required by the Bank of England – which has supervisory responsibility over ICE Clear – to comply with the CPSS-IOSCO Principles for Financial Market Infrastructure (CPSS-IOSCO Principles), Recognition Requirements Regulations and EMIR.

Clearing of the OCM

Under UNC Section D, ICE Endex, as the Trading System Operator, must act as the Trading System Clearer (TSC) or appoint another person as the TSC. ICE Endex will discharge its obligations by relying on ICE Clear to provide all clearing and settlement services in respect of transactions resulting from trading on the OCM. For this purpose ICE Endex and ICE Clear have entered into a service level agreement.

The main purpose of Central Counterparty Clearing offered by ICE Endex (and ICE Clear, through the service level agreement) is to decrease systemic risk arising in relation to trading on the OCM. ICE Clear decreases systemic risks through managing payments, deliveries and defaults, in particular, because ICE Clear's interposition between the counterparties of all contracts traded on the OCM. As a result Users (including National Grid NTS) can trade on the OCM without being concerned by the credit or delivery risk of counterparties with whom they are matched.

Under EMIR, ICE Clear is required to collect collateral from its members, which must cover at least 99% of price movements over an appropriate time horizon. ICE Clear has the power to enforce the collateral of a defaulter and apply such collateral against any loss to ensure that the defaulter's settlement obligations are met.

In order to ensure that ICE Clear has sufficient capital it has established a guarantee fund, which is based on stress testing results as required by EMIR Article 43. The guarantee fund is calibrated to be sufficient to cover the potential cost of the simultaneous default of the two (clearing) member groups to which the clearing house has the largest exposure to, under extreme but plausible scenarios, and currently stands at USD 1.85 billion. In addition, ICE contributes US \$100 million to the ICE Clear Europe Guarantee Fund, all of which sits in front of Members' obligations. Users (including National Grid NTS) trading on the OCM benefit from the protection these risk management arrangements provide.

Security requirements

The UNC (TPD Sections X.2.3.1 and X.2.2.3) requires Users to provide "Security" i.e. letters of credit or cash by way of security for a User's indebtedness for Energy Balancing Charges in accordance with the Energy Balancing Credit Rules (EBCR). The amount of Security or the Secured Credit Limit to be provided by a User represents the value of security provided by a User, which, in the event of a default, may be realised to meet its Outstanding Relevant Balancing Indebtedness (EBCR Section 2.1a). Outstanding Relevant Balancing Indebtedness is defined as invoiced, unpaid Energy Balancing Charges and accrued Energy Balancing Charges for the period that has yet to be invoiced (EBCR Section 2.1a).

ICE Endex is unable to provide this Security because it will discharge its obligations as Trading System Clearer by relying on ICE Clear to provide clearing and settlement services. This means that ICE Clear (and not ICE Endex) will in fact hold any collateral received from the clearing of transactions arising from the OCM.

Given that ICE Endex is unable to provide the Security, the amendments detailed below are necessary to ensure that ICE Endex is able to discharge its obligations as Trading System Clearer.

The Proposer also notes that ICE Clear is prohibited from providing the collateral it receives from its members as Security, due to prohibitions under the CPSS-IOSCO Principles, Recognition Requirements Regulations and EMIR, as set out below.

a. Recognised Clearing House restrictions

ICE Clear, as a Recognised Clearing House under the UK's Financial Services and Markets Act 2000, is subject to supervision by the Bank of England. The Bank of England, in its Approach to the Supervision of Financial Market Infrastructures (FMIs) document dated April 2013, notes that its regulatory regime is "framed by the CPSS-IOSCO Principles for Financial Market Infrastructures". Principle 16 requires FMIs to safeguard their own and their participants' assets, and hold their own and their participants' assets at supervised and regulated entities that have robust accounting practices, safekeeping procedures, and internal controls that fully protect these assets.

Similarly, under paragraph 19(2)(e) of the Schedule to the Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001, a recognised clearing house must make "satisfactory arrangements" in relation to safeguarding and administration of assets of its members.

b. EMIR restrictions

ICE Clear has submitted an application for approval as a central counterparty under EMIR. This application remains under review. However, in advance of such approval, ICE Clear is required by the Bank of England – which has supervisory responsibility over ICE Clear – to comply with the requirements of EMIR. Pursuant to Articles 44 - 45 of Commission Regulation 153/2013, ICE Clear is required to hold the assets it has received as collateral only with central banks or securities settlement systems, or in limited situations, commercial sector regulated banks or custodians. NGG does not fall into one of these specified types of entities and therefore, there is no ability for ICE Clear to provide the collateral it has received from clearing members as Security to National Grid NTS.

Settlement Cycle

Under the EBCR, an Outstanding Energy Balancing Invoice is "[t]he amount invoiced to Users 23 Business Days after month end..." (EBCR Section 3.1). In addition, the UNC provides that the invoice due date is the 12th day after the day on which the invoice document was deemed to be received (UNC TPD Section S 3.1.2). The result of the UNC and EBC Rules requirements is that ICE Endex, as Trading System Clearer, will be required to provide Security on the basis of the 35 day invoice payment settlement cycle.

ICE Clear and its members will typically settle transactions on a much faster (daily) invoice payment settlement cycle than 35 days after month end. In addition to reducing exposure of National Grid NTS to ICE Endex (as the TSC) – which is important given the removal of the obligation to provide Security as described above – a faster (daily) settlement cycle will also significantly lower the collateral requirement for Users (including NGG) who are trading on the OCM. This significant reduction in costs of trading increases the attractiveness of the OCM, which helps to bolster the liquidity of this market. Additionally, the reduction in the invoice payment settlement cycle will bring the OCM in line with other trading venues offering comparable products, thereby eliminating the competitive disadvantage for the Trading System Operator (TSO) associated with the 35-day settlement cycle.

The Workgroup heard that, in this regard, Users with access to the OCM currently provide the Trading System Clearer (APX UK) with £459m in collateral of which £291m is in Letters of Credit and £168m in cash. Moving to daily settlement is likely to reduce the collateral requirement by 80% (1 week instead of 9 weeks (M+35)). As a result, the costs, which APX UK charges to Users for managing their Letters of Credit, decrease by £116k from £145k to £29k per year. The reduction of the amount of cash collateral

by 80% reduces the cost of capital by an additional £10.35m (based on a pre-tax Weighted Average cost of Capital of 7.7%¹).

3 Solution

In order for ICE Endex, as Trading System Clearer, to comply with the requirement of the UNC to grant Security, the Proposer suggests that the wording contained in UNC TPD Section X.2.1 be amended to remove the obligation to provide Security, as set out below.

As a result of the removal of the obligation to provide Security, and to realise the other advantages noted above associated with a shorter invoice payment settlement cycle, the Proposer also suggests amending the wording contained in UNC TPD Section S.3.1 to provide for a shorter invoice payment settlement cycle in relation to Energy Balancing Invoices, as agreed between the Trading System Clearer and NGG, as set out below.

Proposed changes to UNC TPD Section X.2.1

The effect of the proposed changes to UNC TPD Section X.2.1 set out below is that the provisions contained in the EBCR only apply, as modified or waived by NGG, to the Trading System Clearer who is either a Recognised Clearing House under the Financial Services and Markets Act 2000, or who has appointed a Recognised Clearing House under the Financial Services and Markets Act 2000 to discharge its obligations as a Trading System Clearer.

In regards to the proposed change of UNC TPD Section X.2.1 does not limit the ability of National Grid NTS (or Xoserve) to make a Cash Call to ICE Endex thereby reducing the exposure of National Grid NTS to a level deemed appropriate by the EBCC. ICE Endex would meet this requirement by instructing ICE Clear to apply Rule 305 of the ICE Clear Rules. Rule 305 gives the Trading System Clearer (through ICE Clear) the legal title to take money from the Member account(s) of the Users that bought gas from NGG on the OCM (which adds to the indebtedness of ICE Endex to National Grid NTS) and transfer it to the account of the Clearing Member if National Grid NTS.

Proposed changes to UNC TPD Section S.3.1

The effect of the proposed changes to UNC TPD Section S.3.1 set out below is that the Invoice Due Date, which, amongst other things, references the 12th day after the day on which the Invoice Document was deemed to be received, does not apply in relation to Energy Balancing Invoices applied to a Trading System Clearer who either is a Recognised Clearing House under the Financial Services and Markets Act 2000, or has appointed a Recognised Clearing House under the Financial Services and Markets Act 2000 to discharge its obligations as a Trading System Clearer. Instead, for Energy Balancing Invoices, the applicable meaning of Invoice Due Date to such a Trading System Clearer is as agreed between the NGG and the Trading System Clearer, following consultation with the EBCC, and can therefore be a shorter period. If an agreement between NGG and the Trading System Clearer cannot be met, the Invoice Due Date will continue to be as specified within UNC. It should be noted that only Market Balancing Actions contained within Energy Balancing Invoices for transactions between NGG and the Trading System Clearer are within scope of this amendment. It should be noted that the reduction in payment settlement cycle in relation to such Energy Balancing Invoices will reduce the level of financial exposure and security requirements, which will ultimately lead to reduced costs for Users trading on the OCM.

User Pays

¹ Competition and Markets Authority. "Energy market investigation. Analyses if cost of capital of energy firms:", 25 February 2015, https://assets.digital.cabinet-office.gov.uk/media/54edfe9340f0b6142a000001/Cost_of_capital.pdf.

| | |
|--|---|
| Classification of the modification as User Pays, or not, and the justification for such classification. | No User Pays service would be created or amended by implementation of this modification and it is not, therefore, classified as a User Pays Modification. |
| Identification of Users of the service, the proposed split of the recovery between Gas Transporters and Users for User Pays costs and the justification for such view. | N/A |
| Proposed charge(s) for application of User Pays charges to Shippers. | N/A |
| Proposed charge for inclusion in the Agency Charging Statement (ACS) – to be completed upon receipt of a cost estimate from Xoserve. | N/A |

4 Relevant Objectives

| Impact of the modification on the Relevant Objectives: | |
|--|-------------------|
| Relevant Objective | Identified impact |
| a) Efficient and economic operation of the pipe-line system. | None |
| b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters. | None |
| c) Efficient discharge of the licensee's obligations. | None |
| d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers. | Positive |
| e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers. | None |
| f) Promotion of efficiency in the implementation and administration of the Code. | None |
| g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators. | Positive |

This modification furthers relevant objective g) and indirectly supports objectives in line with d).

This modification furthers relevant objective g) because it allows the Trading System Clearer to discharge its obligations (either a Recognised Clearing House under the Financial Services and Markets Act 2000, or through the has appointment of a Recognised Clearing House under the Financial Services and Markets Act 2000) in a manner which is compliant with the UNC, the UK's Financial Services and Markets Act 2000 as well as EMIR.

In relation to relevant objective d) (and g), this modification will reduce the cost of trading thereby indirectly fostering the liquidity of the OCM in line with Ofgem, EC and ACER objectives to improve liquidity across the energy markets. Increased market opportunities and increased liquidity are expected to facilitate the securing of effective competition.

The Workgroup heard that, under current arrangements, the cost of underwriting exposures for National Grid NTS with the market operator are recovered via energy balancing neutrality in accordance with UNC TPD Section F4.5. The effect of this modification will be to enable a reduction in the settlement cycle, which, in turn, would reduce the costs associated with such arrangements. Therefore the benefits identified here are conditional on the subsequent implementation of the changes with the agreement of EBCC.

National Grid NTS advised Workgroup participants that they had considered the implications of this proposal in some detail. Two main issues had been identified, as explained below:

- Misalignment of the daily invoice settlement period and M+ 35 neutrality processes could potentially cause an increased risk to the market.
- Whether EBCC analysis on the impacts of this modification on the neutrality bank account covers stressed market events.

In both cases National Grid NTS has received feedback from its Agent (for EBCC) that concerns are unmerited and there is no increased risk to the shipper community if this modification were to be implemented.

In addition National Grid NTS clarified that the proposed consultation on the shorter invoice settlement period with ICE Endex would be undertaken by the EBCC. There may also be the need for an additional Xoserve resource to support the required changes to the processes for which National Grid has raised a ROM.

A process flow diagram for the suggested Billing Process required to support this modification is shown in **Appendix 2**.

5 Implementation

The Proposer requests that this modification is implemented as soon as possible.

6 Impacts

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

There are no impacts on other industry change projects.

7 Legal Text

Text has been provided by National Grid NTS and the Workgroup was satisfied that it meets the Solution described in this modification.

Text Commentary

An explanatory table to support the Text is published alongside this report.

Legal Text

Changes to UNC TPD Section S.3.1

3.1 Invoice Due Date

- 3.1.1 Subject to paragraphs 1.7.2, 1.7.4 and 4.2.2, the Invoice Amounts under each Invoice Document shall be paid (by the User to the Transporter or by the Transporter to the User, as the case may be) on or before the Invoice Due Date.
- 3.1.2 [Subject to 3.1.3](#), the "Invoice Due Date" in respect of an Invoice Document is the day ending at 24:00 hours on:
- (a) subject to paragraphs (b) and (c), whichever is the later of:
 - (i) the 12th Day after the Day on which the Invoice Document was deemed to be received in accordance with Section U and GT Section B5; and
 - (ii) the 20th Day after the last Day of the Billing Period to which the Invoice Document relates;
 - (b) in the case of an Adjustment Invoice, Interest Invoice or Ad-hoc Invoice, subject to paragraph (c) and paragraph (d), the 12th Day after the Day on which the Invoice Document was deemed to be received in accordance with Section U and GT Section B5;
 - (c) where the Day (the "target due date") determined under paragraph (a), (b) or (d) is not a Business Day:
 - (i) subject to paragraph (ii), the Business Day (whether before or after the target due date) which is nearest to the target due date; or
 - (ii) if the nearest Business Days before and after the target due date are equally near, the nearest Business Day after the target due date.
 - (d) subject to paragraph (e), in the case of a Small Value Invoice, the 30th Day following the end of the month in which the Invoice Document was deemed to be received in accordance with Section U and GT Section B5, or
 - (e) the Day determined in accordance with paragraph (b), where the Small Value Invoice is not paid by the Day in paragraph (d).

[3.1.3 In relation to a Trading System Clearer which either:](#)

- [\(a\) is a Recognised Clearing House for the purposes of the Financial Services and Markets Act 2000; or](#)
- [\(b\) has appointed a Recognised Clearing House for the purposes of the Financial Services and Markets Act 2000 in order to discharge its obligations as a Trading System Clearer,](#)

[and without prejudice to applicable law and the Code, the Invoice Due Date, in relation to Energy Balancing Invoices, shall be as agreed between National Grid NTS and such Trading System Clearer following consultation with the Energy Balancing Credit](#)

[Committee, Until such agreement or failing such agreement, the Invoice Due Date shall continue to be as specified in the Code.](#)

3.1.4 Where an Invoice Type contains Invoice Amounts payable both by and to a User, only the net amount (the “**Net Invoice Amount**”) shall be payable.

Changes to UNC TPD Section X.2.1

2.1 Energy Balancing Credit Rules

- 2.1.1 The "Energy Balancing Credit Rules" are the rules established by National Grid NTS dated 1 March 1996 and so entitled, as from time to time amended in accordance with paragraphs 2.1.4 and 2.1.5.
- 2.1.2 [Subject to paragraph 2.1.6](#), the Energy Balancing Credit Rules provide for the specified forms and the basis on which a User may provide a letter of credit or cash by way of security for the User's indebtedness in respect of Energy Balancing Charges.
- 2.1.3 Subject to paragraph 2.1.5, and without prejudice to any express requirement under this Section X to comply therewith, the Energy Balancing Credit Rules do not form part of and are not incorporated into the Code.
- 2.1.4 With the approval of the Energy Balancing Credit Committee, National Grid NTS may revise the Energy Balancing Credit Rules upon giving notice to all Users of not less than 2 months or such shorter period as may in any particular case be approved by the Committee.
- 2.1.5 For the purposes only of enabling National Grid NTS or a User to propose a modification pursuant to the Modification Rules, the Energy Balancing Credit Rules shall be deemed to be incorporated into and to form part of the Code.

[2.1.6 In relation to a Trading System Clearer which either:](#)

- (a) [is a Recognised Clearing House for the purposes of the Financial Services and Markets Act 2000; or](#)
- (b) [has appointed a Recognised Clearing House for the purposes of the Financial Services and Markets Act 2000 in order to discharge its obligations as a Trading System Clearer.](#)

[and without prejudice to applicable law and the Code, the Energy Balancing Credit Rules may apply to such Trading System Clearer as waived by or to the extent agreed with National Grid NTS to implement a decision by the Energy Balancing Credit Committee.](#)

8 Consultation Responses

Of the 4 representations received implementation was unanimously supported.

Representations were received from the following parties:

| Organisation | Response | Relevant Objectives | Key Points |
|-------------------------|----------|----------------------------|--|
| British Gas Trading Ltd | Support | d- positive g- positive | <ul style="list-style-type: none">• Considers that the modification is a pragmatic approach to dealing with a regulatory requirement that impacts the Trading System Clearer and appears to be necessary for ensuring the continued provision of services from that party. |

| | | | |
|-------------------|---------|----------------------------|--|
| | | | <ul style="list-style-type: none"> • Paves the way for a reduction in the settlements period, which, if permitted by the Energy Balancing Credit Committee, should result in a lower cost of credit for users. • Considers that the lower cost of credit essentially provides for a lower cost of trading, having a positive bearing on securing effective competition between shippers. • Observes that input by National Grid Gas and the Energy Balancing Credit Committee during the development stage has enabled them to fully support the proposal. • Expects early agreement on a shorter settlement period to enable the cost reduction benefits to be realised. • Believes self-governance should not apply. • Implementation should be as soon as practicable. |
| EBCC | Support | d- positive g- positive | <ul style="list-style-type: none"> • Considers that this modification reduces potential financial exposures, which in turn reduces the cost of credit to underwrite such exposures. • Observes that any resulting change to the Energy Balancing Credit Rules will be subject to the normal notice period referred to in UNC Section X 2.1.4. • Believes the legal text provides clarity in respect of changes pertaining to payment due date, it does not provide clarity in respect of the change of issue date for the Energy Balancing Invoice charges in relation to the Market Operator. |
| National Grid NTS | Support | d- positive g- positive | <ul style="list-style-type: none"> • Supports implementation of the model as it brings benefits to the market through reducing the credit requirements for shippers (and associated fees), which may help increase participation in and liquidity of the OCM. • Agrees that this modification should not be self-governance as it may have a material impact on competition between Shipper Users, or on the operation of the pipeline system. • Observes that this modification requires changes to an existing process that require a Change Order to be raised and the work initiated, which will only occur once a decision on implementation is reached. • Understands that Xoserve have stated that their current processes are able to cover the proposed changes but would require an extra resource to manage the |

| | | | |
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| | | | increased volume. |
| Scottish Power | Support | d- positive g- positive | • Believes that the modification will lead to reductions in the cost of credit to the industry. |

Representations are published alongside the Final Modification Report.

| Views expressed in response to the question raised by UNC Modification Panel as part of this Consultation | |
|--|---|
| Q1: Respondents are asked to comment specifically on compliance with relevant objective g) “Compliance with the Regulation...”, with evidence to support. | |
| Organisation | Response |
| British Gas Trading Ltd | Agrees that the anticipated reduction in trading costs should enhance trading activity and therefore better promote compliance with the Regulation. |
| EBCC | Agrees that moving to an indirect clearing model introduces wider regulation that the Market Operator in its capacity as TSO & TSC are exposed to (e.g. Regulation around being a recognised Clearing House under the UK’s Financial Services and Markets Act 2000 subject to supervision by the Bank of England and also the compliance under EMIR). |
| National Grid NTS | Recognises that this modification will facilitate ICE Endex’s compliance with EU Financial regulation. |
| Scottish Power | No Comment |

9 Panel Discussions

Discussion

The Panel Chair summarised that Modification 0568 seeks to clarify the TSC’s Security requirements and amend the TSC’s invoice payment settlement cycle to minimise the financial risk to shippers.

Members considered the representations made noting that, of the 4 representations received, implementation was unanimously supported.

Members noted that respondents welcomed the lower costs that would be enabled by 0550.

Consideration of Relevant Objectives

d) Securing of effective competition:

- (i) between relevant shippers;
- (ii) between relevant suppliers; and/or
- (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.

g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators

Members considered relevant objectives d), and g), agreeing that implementation would have positive impacts by reducing the financial exposure and settlement periods, together with potentially lowering the cost of credit and securing effective competition between Shippers within the Industry.

Members also noted respondent's views on Panel's specific question about relevant objective g), agreeing that 0568 enabled compliance with EU financial regulations following the organisational changes described in Section 2 of this report. One Member noted that the relevant objective g) specifically referred to Regulation 715/2009 in the NTS Licence, so any reference here was tenuous.

Panel Determinations

Members voted unanimously to recommend implementation of Modification 0568.

10 Recommendation

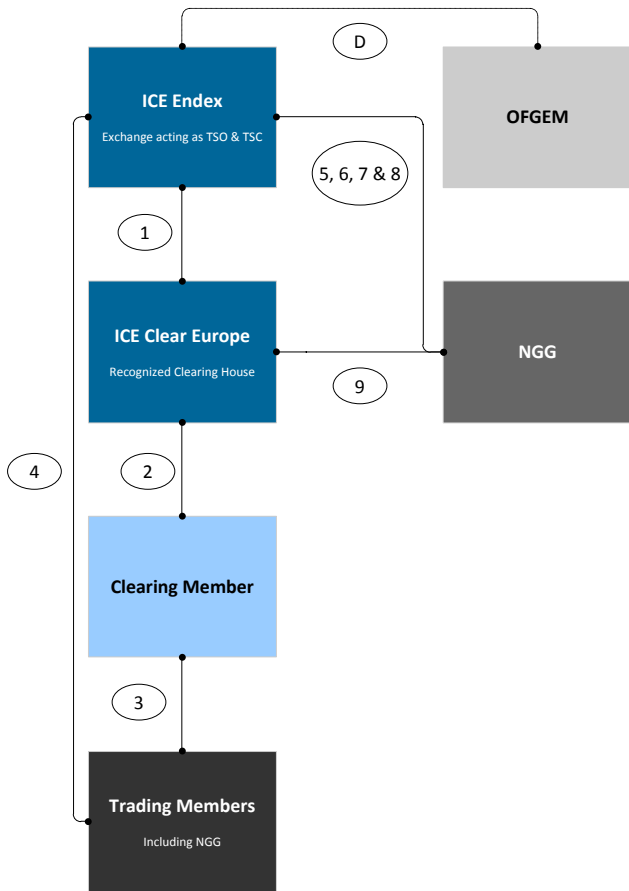
Panel Recommendation

Having considered the Modification Report, the Panel recommends:

- that proposed Modification 0568 should be made.

11 Appendices

Appendix 1 – OCM Contractual Framework



- 1. Clearing Service Agreement** between ICE Index (exchange, acting as TSO and TSC) and ICE Clear Europe (Clearing House)
 - 2. Clearing Membership Agreement** between ICE Clear Europe (Clearing House) and Clearing Member
 - 3. Terms of Business** – agreement between Clearing Member and OCM Trading Member
 - 4. Membership Agreement** between ICE Index (exchange) and OCM trading Member
 - 5. Agreement for the Appointment of the Operator** of the Independent Market for Balancing between ICE Index (TSO) and NGG
 - 6. User Accession Agreement** between ICE Index (TSC and Restricted User) and NGG
 - 7. Prepayment Agreement** between ICE Index (TSC and Restricted User) and NGG
 - 8. Deposit Deed** between ICE Index (TSC and Restricted User) and NGG
 - 9. Side Letter** between ICE Clear Europe (Clearing House) and NGG in regards to the termination of the Clearing Service Agreement (ad 1) by ICE Clear Europe
- D. Designation** by OFGEM of ICE Index (TSO) as market operator of the independent market for balancing

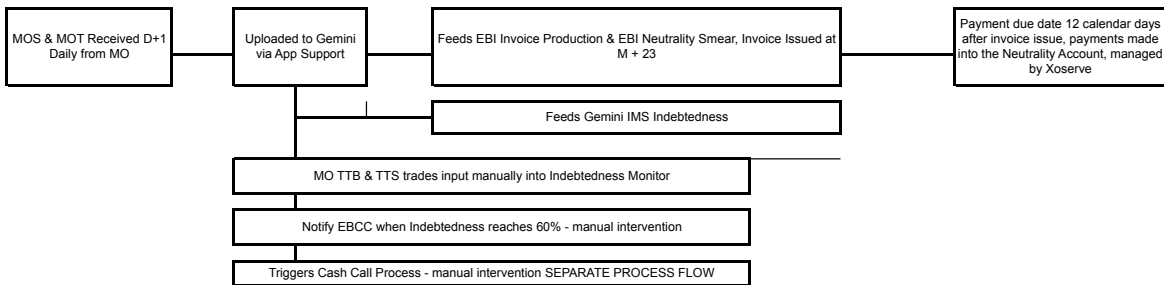
Appendix 2 – Proposed Billing Process

It is anticipated that the main differences will be:

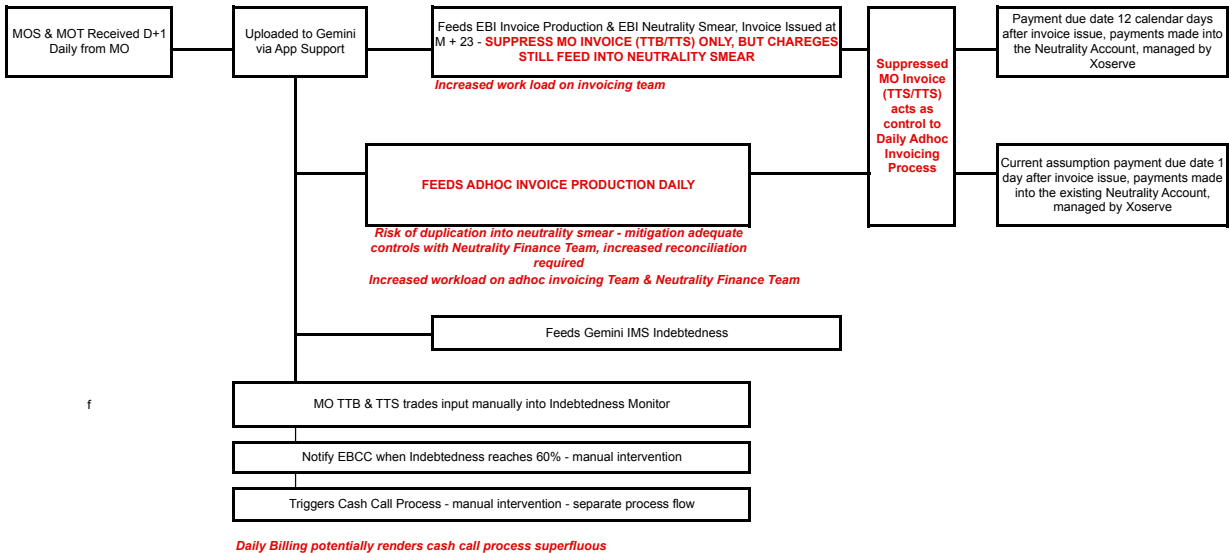
- An additional DAILY flow into the Ad hoc Invoice Production Process for MO charge types only, resulting in a net daily invoice being produced (in order to maintain transparency an additional ad hoc invoice charge type will be introduced for the MO charges only). This will require suppression of the monthly EBI for the MO only. An additional cross check from suppressed charges to daily charges will be introduced as a control, further controls will also be introduced to act as an independent validation to ensure neutrality remains whole.
- The impact of moving to daily billing significantly reduces the credit exposure period to both National Grid and the Market Operator. It is further worth noting that daily billing potentially renders the cash call process superfluous, as settlement of invoices would be due under the same time frames.

MARKET OPERATOR ENERGY BALANCING INVOICE PROCESS - CURRENT & POTENTIAL FUTURE

Existing Process



New Process



12 Acronyms

This document refers to a number of acronyms unfamiliar to the gas industry, and which are in use in the financial sector.

| | |
|-------------------|--|
| APX UK | APX Commodities Limited |
| CPSS | Committee on Payment and Settlement Systems |
| EBCC | Energy Balancing Credit Committee |
| EBCR | Energy Balancing Credit Rules |
| EMIR | European Market Infrastructure Regulation (Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories (EMIR)) |
| FMI | Financial Market Infrastructure Supervision |
| ICE | INTERCONTINENTAL EXCHANGE |
| ICE Clear or ICEU | ICE Clear Europe Limited |
| ICE Endex | ICE Endex Gas Spot Ltd |
| ICEU | ICE Clear Europe Limited |
| IOSCO | International Organisation of Securities Commissions |
| OCM | On-the-day Commodity Market |
| TSC | Trading System Clearer |
| TSO | Trading System Operator |