

## **The CMA seeks views on extending energy licence modification appeals rules to Northern Ireland appeals**

The *Competition Commission Energy Licence Modification Appeals Rules* (CC14) (the Rules)<sup>i</sup> set out a procedural framework for appeals to the Competition and Markets Authority (CMA) against the Office of Gas and Electricity Markets (Ofgem) energy licence modification decisions.<sup>ii</sup> The Rules are available on the [CMA's webpages](#).

The EU Third Energy Package was implemented in Northern Ireland through various legislative changes, the latest of which came into operation on 6 February 2015.<sup>iii</sup> This legislation substantially aligns the Northern Ireland energy licence modification appeals regime with that of Great Britain. This means that energy licence modification decisions made by the Northern Ireland Authority for Utility Regulation (NIAUR)<sup>iv</sup> are appealable to the CMA.

The CMA therefore proposes to use the Rules – adapted as necessary to refer to the Northern Ireland legislation and decisions of the NIAUR – to govern the procedure for any future appeals against NIAUR energy licence modification decisions.<sup>v</sup>

The CMA does not propose to make any substantive changes to the Rules for these purposes.

**The CMA would welcome your views on this proposal by 5pm on 7 May 2015.**

Any comments on this proposal should be made to Steven Preece by email ([steven.preece@cma.gsi.gov.uk](mailto:steven.preece@cma.gsi.gov.uk)) or by writing to:

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Victoria House  
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<sup>i</sup> The Rules were originally published by the [Competition Commission](#) and have been adopted by the CMA board as rules of the CMA.

<sup>ii</sup> Ofgem is a non-ministerial government department and an independent National Regulatory Authority, recognised by EU directives. Ofgem's principal objective when carrying out its functions is to protect the interests of existing and future electricity and gas consumers. It is governed by the [Gas and Electricity Markets Authority](#), which consists of non-executive and executive members and a non-executive chair.

<sup>iii</sup> Namely, the Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 (SI 2015/1). The Third Energy Package of directives (Third Package Electricity Directive 2009/72/EC; Third Package Gas Directive 2009/73/EC) require, among other things, that member states ensure that national regulatory authorities are able to take autonomous decisions in relation to specified regulatory tasks and ensure that suitable mechanisms exist at a national level under which a party affected by a decision of a regulatory authority has a suitable right of appeal to a body independent of the parties involved and of government. Ofgem is designated as the regulatory authority for Great Britain for the purposes of the relevant directives. NIAUR is the designated regulatory authority for Northern Ireland.

<sup>iv</sup> NIAUR is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries. NIAUR's principle objective when carrying out its energy functions is to protect the interests of existing and future electricity consumers and to promote the gas industry in Northern Ireland.

<sup>v</sup> For example, to reflect that the decision appealed is one of NIAUR, rather than that of Ofgem.