



127 Baggot Street Lower,
Dublin 2,
Ireland.

7th May 2015

Steven Preece,
Competition and Markets Authority,
Victoria House,
Southampton Row,
London WC1B 4AD.

RE: Application of Appeals Rules to Northern Ireland appeals

Dear Mr Preece,

I am writing on behalf of the Electricity Association of Ireland (EAI), which represents electricity generation, supply and distribution members in Northern Ireland (and the Republic of Ireland) on the CMA's consultation on the above matter. EAI wishes to make three comments in this respect:

1. EAI has no objections in principle to the approach presented in the Consultation i.e. application of current rules setting out the procedural framework for appeals in respect of energy licence modification decisions by Ofgem to NIAUR.
2. However we are aware that, in respect of the application of the framework to Ofgem, issues have arisen regarding the timeframes the appeals process imposes on the CMA and the consequent risk that all parties may not get a full hearing. We would request that consideration be given to extending relevant periods in the context of Northern Ireland.
3. As noted in your paper (footnote iii), the "Third Package" electricity and gas Directives *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.* EAI is strongly of the view that regulatory authority decisions other than license modifications can have materially significant impact on market participants and, where such incidences are demonstrated, should also be subject to appeal. We would urge that if due to pressure of time, the CMA cannot in this instance address our point, then in the future the Authority gives it urgent consideration.

On a separate but related matter relevant for Northern Ireland EAI is of the view that, when considering price controls, decisions should address the business in full rather than treat component elements separately. Such an approach can offer better value for both customers and regulated businesses.

Yours sincerely,

Owen Wilson
Chief Executive,
Electricity Association of Ireland.