



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Certification of EirGrid as TSO for Ireland

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1 Introduction

Under Directive 2009/72/EC (the “Directive”), transposed in Ireland by S.I. No. 570 of 2011¹, National Regulatory Authorities are required to certify the unbundling arrangements of Transmission System Operators (TSOs) in each Member State in a form consistent with the Directive. Unbundling refers to effective separation of networks from activities of generation and supply. There are three available models described in the Directive: full ownership unbundling (FOU); independent system operator (ISO); independent transmission operator (ITO); while Article 9(9) of the Directive allows for a derogation from these models provided that the existing transmission arrangements can be shown to guarantee more effective independence for the TSO than would be possible under the ITO model. The procedure for this certification process is further outlined in Regulation 714/2009 (the “Regulation”). The SEM Committee has determined that TSO Certification is a SEM matter² and accordingly this process has been carried out by the CER on behalf of the SEM Committee.

The SEM Committee published a guidance paper (SEM-12-005) outlining the process for application for certification in Ireland on 6th February 2012. This paper set a deadline of 2nd April 2012 for applications for certification. On 2nd April ESB made an application for certification under Article 9(9) of the Directive. Under the SEM Committee’s process, EirGrid was offered the opportunity to make a submission in relation to the application which they did on 27th April 2012. The SEM Committee also made several requests for additional information from both ESB and EirGrid.

The SEM Committee acknowledges that the various submissions from both parties were comprehensive and detailed. It is evident that a significant amount of time, effort and thought went into their preparation. In addition both parties engaged fully with the SEM Committee’s process.

On 12th February 2013 the SEM Committee issued its Preliminary Decision on ESB’s application, in addition to all of the supporting documentation, to the European Commission. The European Commission has now issued its decision³ on the 12th April 2013, this decision has been published on the European Commission’s website and CER’s website.

2 SEM Committee Decision

In accordance with Article 1 of the European Commission Decision of 12th April 2013, pursuant to Article 3(1) of Regulation (EC) No 714/2009 and Article 10(6) of Directive 2009/72/EC, the CER hereby certifies EirGrid as the transmission system operator for Ireland. This certification has immediate effect. It shall be implemented and monitored in accordance with the requirements of Article 1 of the European Commission’s Decision.

¹ Other aspects of the Directive were transposed by SI 630 of 2011. SI 570 of 2011 refers only to TSO certification in electricity.

² Refer to the Minutes of [SEM Committee meeting 47](#) (29th November 2011)

³ Commission Decision of 12th April 2013 – C(2013) 2169