

Extra Ordinary SEM Committee Meeting

Minutes Meeting No. 61

Location: Telephone Conference
Date: Friday 19th October 2012
Time: 11.00am – 12.00pm

Attendees: Garrett Blaney (GB) (CER) (SEMC Chairman), Dermot Nolan (DN) (CER), Alan Rainey (AR) (Utility Regulator) (UR), Shane Lynch (SL) (UR), Ignacio Perez-Arriaga (IP-A) (Independent Member), Jose Sierra Lopez (JS-L) (Deputy Independent Member).

Apologies: Paul McGowan (PMcG) (CER)

In attendance:

For all items: Eugene Coughlan (EC) (CER), Tanya Hedley (TH) (UR), Cathy Mannion (CM) (CER), Joe Craig (JC) (UR), Robert O'Rourke (RO'R) (CER), Gordon Downie (GD) (Shepherd and Wedderburn)

Minute Taker: Mignonne Smith (MS) (SEMC Secretariat)

1. Approval and Adoption of the Agenda

The Agenda was amended and adopted.

2. TSO Certification for Ireland and Northern Ireland – Review of Legal Opinion

AR as chair of the Sub Committee provided an overview of legal advice dated 15th and 18th October 2012 provided by GD which focused on three main areas as follows:

- The SEM Committee's role in the certification process;
- Legal Framework within which the certification decisions are to be taken; and
- The process by which applicants are certified

The SEM Committee fully reviewed and discussed the legal advice and identified two further issues in relation to criteria and process which would require further advice from the European Commission (EC) prior to the Committee making their final decisions. The Committee agreed that it would be prudent to write to the EC providing a detailed account of their concerns on this issues prior to their pre-arranged meeting with the Commission on the 7th of November.

The Committee further agreed to review draft preliminary decisions for TSO Certification in both Ireland and Northern Ireland at their meeting on 25th October 2012.

Actions: Sub Committee to draft letter to the European Commission providing detailed question of their concerns in relation to issues identified on criteria and process in advance of their meeting with the Commission on the 7th November. Project Team to prepare and submit draft

preliminary decisions on TSO Certification for Ireland and Northern Ireland for consideration by the SEM Committee at their next meeting on 25th October 2012.

3. AOB

There were no further items discussed.

Date of Next Meeting:

SEM Committee 62, Thursday 25th October, Ballymascanlon Hotel, Dundalk