



**Enduring Solution to Enable Energy Payments in the
Balancing Market for DSUs – A Consultation**

SEM-22-036

4 July 2022

EXECUTIVE SUMMARY

Consultation Paper

When establishing the Capacity Remuneration Mechanism (CRM) as part of the 'I-SEM' programme, the SEM Committee (SEMC) determined that Demand Side Units (DSUs), while able to participate in CRM auctions, would be exempt from Reliability option (RO) payments where the contracted demand reduction is delivered¹. RO difference payments would be applied to DSUs only when the demand reduction is not delivered and the Strike Price is exceeded by the Market Reference Price (MRP). This recognised the fact that DSUs do not have offsetting energy payments in the balancing market. State aid approval from the European Commission for the CRM allowed this different treatment to apply to DSUs as a temporary measure but obliged the RAs to end the exemption from payback obligations for DSUs from the delivery period starting October 2020.

To this end, and following public consultation, the SEMC published a "DSU Compliance with State aid Decision Paper" (SEM-19-029) in July 2019. The 2019 Decision Paper outlined an interim solution that could be implemented by October 2020 to be compliant with State Aid.

The interim solution, as set out in the 2019 Decision Paper, had the following key features:

- The assumption that dispatched quantity (QD) was a suitable proxy for metered quantity (QM) for DSUs;
- Use of the Socialisation Fund² to socialise the costs of DSU energy payments across Suppliers; and
- DSUs' energy payments to be made only at times of scarcity (ie. at times when DSUs are required to pay difference charges).

¹ <https://www.semcommittee.com/publication/sem-15-103-capacity-remuneration-mechanism-decision-1>

² Further to consideration of the most appropriate mechanism to use between the RAs and SEMO, the cost of energy payments to DSUs is funded through the imperfection charge (BalancingCodeModificationMod_17_19)

At the time of the SEMC’s decision, The Clean Energy Package was in draft form. The Electricity Regulation (14/06/2019 Regulation (EU) 2019/943)³ and the Electricity Directive (14/06/2019 - Directive (EU) 2019/944)⁴ which forms part of this package, includes a number of obligations designed to fully integrate DSUs into electricity markets. In its 2019 decision, the SEMC considered it appropriate to wait until the final form of the European legislation was published before considering an ‘enduring solution’.

Since March 2022, the RAs have engaged with DSU industry representatives, EirGrid and SONI in their capacity as Transmission System Operators (TSOs) and Market Operator (MO), and EirGrid, SONI, ESB Networks and NIE Networks in their capacity as Meter Data Providers (MDPs) about what a feasible enduring solution might involve now that the ‘interim solution’ has been in place for a number of years. The SEMC would like to acknowledge the time commitment from and meaningful dialogue with all third parties in developing proposals.

The SEMC is now consulting on a phased approach to implement an enduring solution to allow DSUs to participate in the market as required by the State Aid decision and signalled within the Electricity Regulation and Directive. At a high level, the SEMC proposes:

Phase	Description
<p>Phase 1: Maintain existing ‘interim solution’ design but with an assessment of DSUs performance in the balancing market</p>	<p>This will maintain the assumption that dispatched quantity (QD) is a suitable proxy for metered quantity (QM) for DSUs. It would also maintain the use of the imperfections charge as an appropriate mechanism for funding energy payments for DSUs.</p> <p>Proposed changes, however, are that:</p> <ul style="list-style-type: none"> • DSUs should receive energy payments at <u>all</u> times and not only at times of scarcity; • The effectiveness of dispatched quantity as a proxy for metered quantity in the

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0943>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0944>

	<p>balancing market needs to be assessed.</p> <p>It is proposed that performance of DSUs in the balancing market would require a continuous monitoring process to be introduced by the TSOs once the SEMC publishes a decision; the review would conclude results at the end of a 12-month period.</p> <p>This review would entail but not be limited to:</p> <ul style="list-style-type: none"> • Assessing dispatched quantity (QD) as a suitable proxy for metered quantity (QM) i.e have DSUs provided requested capacities; • The suitability of the imperfections charge for funding DSU Energy payments; • The level of participation and cost of DSU participation in the balancing market. <p>Following this review, a decision will be made by the SEMC as to whether to continue with this interim solution while an enduring solution is implemented.</p>
<p>Phase 2: Implement previously proposed 'enduring solution' in SEM-19-029 with existing operational metering.</p>	<p>This involves continuing with most elements of the previously proposed enduring solution which include:</p> <ul style="list-style-type: none"> • Associating each individual demand site (IDS) with a host Supplier; • Removing the Trading Site Supplier Unit (TSSU) for the DSU from the settlement algebra of the TSC; • Amending the TSC to construct the metered quantity for each DSU from the sum of the metered demand response of each IDS; • Amending the TSC to adjust metered quantity for each supplier unit by removing any metered demand response from any associated IDS; • System changes to Meter Data Providers (MDPs), Market Operator (MO) and Transmission System Operators' (TSOs') systems to support the above changes. <p>However, a change from the initial proposed enduring solution is the use of existing operational site metering. DSU performance is currently assessed in both the Capacity Market and DS3, while most IDSs</p>

	sites participating in DSU's have appropriate metering at least at the connection level with quarter/half hourly reading.
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The advantages of the above proposed phased approach are that, before the enduring 'phase 2' is developed/ implemented, 'phase 1' would allow DSUs full market access in the near term without a requirement for major modifications to industry rules or market systems, it would allow a period to assess DSUs' performance in the balancing market and it would allow DSUs to earn energy payments at all times. This approach is intended to act as an incentive to DSUs to participate in the market, potentially adding additional flexibility as early as possible while remaining realistic that the time to develop/ implement the enduring 'phase 2' may take a number of years.

A number of questions are posed at the end of this consultation. Responses to the consultation paper should be sent to Leigh Greer (Leigh.Greer@uregni.gov.uk) and Guneet Kaur (gkaur@cru.ie) by close of business on 26 August 2022. The SEMC intends to make a decision in October 2022 on the approach to an enduring energy payment solution for DSUs.

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Glossary of Terms and Abbreviations

Abbreviation or Term	Definition or Meaning
CRM	Capacity Remuneration Mechanism
DSU	Demand Side Unit
IDS	Individual Demand Site
RO payments	Reliability Option Payments
SEM	Single Electricity Market
SEMC	Single Electricity Market Committee
TSC	Trading and Settlement Code
TSO	Transmission System Operator
TSSU	Trading Site Supplier Unit

1. Introduction

1.1 Background

Within the Single Electricity Market (SEM), a Demand Side Unit (DSU), is usually formed by a third-party company specialising in demand side management, which may contract with a number of individual demand sites (IDSs) and aggregate them together to operate as a single DSU. Instructions to reduce demand are issued to the DSU by the Transmission System Operator (TSO) at an aggregate level and the DSU then coordinates the reduction from all its IDSs. IDSs typically use on-site generation, plant shutdown or storage technology to deliver the demand reduction.

The Capacity Remuneration Mechanism (CRM) forms part of the Single Electricity Market (SEM) launched in October 2018. When establishing the CRM, the SEM Committee (SEMC) determined that DSUs, while able to participate in CRM auctions, would be exempt from Reliability Option (RO) payments where the contracted demand is delivered⁵. RO difference payments would instead be applied to DSUs only when the demand reduction is not delivered and the Strike Price is exceeded by the MRP.

Where a capacity provider has participated at its full obligated capacity in one or more of the energy markets, it will have energy revenue from that market which it can offset against the obligation to make a difference payment. Where a capacity provider has not participated or participated below its obligated capacity it is exposed to “uncovered difference payments”, i.e. it is required to make a difference payment without any energy market revenue to fund this payment. This provides the incentive for capacity providers to deliver their capacity at times of scarcity.

1.1.1. State Aid Approval and the Clean Energy Package

When establishing the CRM, the SEMC determined that DSUs, while able to participate in CRM auctions, would be exempt from RO payments where the

⁵ SEM-15-103

contracted demand is delivered⁶. RO difference payments would instead be applied to DSUs only when the demand reduction is not delivered and the Strike Price is exceeded by the MRP.

State aid approval from the European Commission for the CRM allowed this different treatment to apply to DSUs as a temporary measure. The RAs were required by the State aid decision to deliver their commitment to end the exemption from payback obligations for DSUs from the delivery period starting October 2020. The Clean Energy Package, published in 2019 also sets out requirements and key obligations for DSUs.

Article 17 of the Electricity Directive sets out the key obligations with respect to DSUs in paragraph 1

“Member States shall allow and foster participation of demand response through aggregation. Member States shall allow final customers, including those offering demand response through aggregation, to participate alongside producers in a non-discriminatory manner in all electricity markets.”

This principle is further detailed in the Electricity Regulation. Article 6 of the Regulation sets out the obligations for demand response through aggregation in balancing markets and states that balancing markets should:

“ensure non-discriminatory access to all market participants, including electricity generated from variable renewable sources, demand response and energy storage, be it individual or through aggregation.”

Due to the timescales involved in making system changes and developing the profiles and code changes required to determine the actual delivered quantity of an IDS and therefore a DSU, SEM Committee proposed an interim solution, with an enduring solution, which would be compliant with the final Electricity Regulation, to be rolled out as soon as reasonably practicable.

To this end the SEMC published a decision in July 2019 (SEM-19-029: DSU Compliance with State aid). This was referred to as an ‘interim solution’ and was applied from October 2020 in line with the State aid approval for the CRM.

1.1.2. The 'interim solution' of 2019

The SEMC decided that energy payments in respect of DSU volumes dispatched in the balancing market over and above their ex-ante position would be made to DSUs at those times when the Imbalance Price (PIMBy) is above the Strike Price, i.e. when DSUs are liable to pay difference charges.

At the time of decision, due to unavailability of settlement quality metering for all Individual Demand Site (IDSs), the SEMC proposed the interim period where the DSUs would be settled as if they had delivered the demand response that TSOs had requested, i.e. settlement for DSUs would be based on the dispatched quantity (QD) rather than the metered quantity (QM).

Due to the timescales involved in making different system changes, developing the profiles, and making code changes required to determine the actual delivered quantity of an IDS, the SEMC proposed an interim solution, with an enduring solution to follow.

The SEMC also decided that the dispatched quantity was a suitable proxy for metered quantity and that the costs of these payments would be socialised across suppliers. Upon implementation, Mod_17_19 to the TSC recognised that the SEMC's decision allowed for some flexibility and noted that socialisation of the cost of the new energy payments should be via a mechanism which was robust to their lumpy nature. The Imperfections Charge was decided as the most appropriate mechanism.

At the time of decision, the SEMC noted that It is the intention to move to a situation of making full energy payments to DSUs at all times, once it has been determined to the satisfaction of the RAs that:

- Performance monitoring by the TSOs indicates that dispatched quantity is an effective proxy formetered quantity; and
- The socialisation mechanism is operating effectively to ensure that DSUs are paid energy payments and that the costs are socialised as per the principles set out above.

The SEMC consultation (SEM-19-013) which preceded the SEMC's decision on an 'interim solution' in 2019 also outlined key features of a potential 'enduring solution' which was not formally consulted upon. These included:

- Installing settlement quality metering at each IDS;
- Associating each IDS with a host Supplier;
- Removing the TSSU for the DSU from the settlement algebra of the TSC;
- Amending the TSC to construct the metered quantity for each DSU from the sum of the metered demand response of each IDS;
- Amending the TSC to adjust metered quantity for each supplier unit by removing any metered demand response from any associated IDS;
- System changes to MDPs, MO and TSOs' systems to support the above changes.

However, respondents to that consultation expressed concern regarding the key features to the enduring solution such as

- The use of Settlement Quality Metering
- The Development time and cost of updating data systems and transfers that do not exist within the current retail and wholesale market designs
- The development of an appropriate baseline calculation or profile for each Demand Site.

The SEMC therefore noted at the time the need for further engagement with industry before any enduring solution would be designed or implemented.

1.1.3. Wider context

The SEMC published its Forward Work Plan for October 2021- September 2022⁷. This recognises development of a demand side management enduring solution for energy payments as one of its key projects. While not initially a driver for instigating this project, the SEMC is mindful of short- to medium-term security of supply challenges across the island of Ireland. Demand side management can be incentivised to encourage responsiveness and aid system-wide flexibility.

⁷ [SEMCM Forward Work Programme Oct21 - Sept 22.pdf \(semcommittee.com\)](#)

1.1.4. Purpose of this consultation

This consultation is the first public engagement about a proposed ‘enduring solution’ since the ‘interim solution’ decision was published/ implemented and elements of an ‘enduring solution’ were outlined (but not decided on or implemented) in 2019.

It was noted as part of the interim solution that it was the SEMC’s intention to move to a situation of making energy payments to DSUs at all times.

The consultation aims to seek views of interested stakeholders on the proposals outlined herein.

1.1.5. Approach to this consultation

Since March 2022, the RAs have engaged with DSU industry representatives, EirGrid and SONI in their capacity as Transmission System Operators (TSOs) and Market Operator (MO), and EirGrid, SONI, ESB Networks and NIE Networks in their capacity as Meter Data Providers (MDPs) about what a feasible enduring solution might involve now that the ‘interim solution’ has been in place for a number of years. The SEMC would like to acknowledge the time commitment from and meaningful dialogue with all third parties in developing proposals.

2. Proposed phases for implementation of an enduring solution

2.1.1. Summary proposals

For consultation, the SEMC proposes taking a phased approach to implementing an enduring solution that allows DSUs to receive energy payments from the balancing market at all times. Two phases are proposed. These include:

Phase 1: Existing ‘interim solution’ design with an assessment of DSU performance in the balancing market

Phase 2: Develop/ implement proposed enduring solution in SEM-19-029 but with existing operational metering.

The advantage of this phased approach is that it will allow DSUs full and non-discriminatory access in the short-term (potentially for winter 2022-23) by extending the current interim solution to give full access to the market. This solution will allow DSUs the opportunity to earn energy payments at all times before/while an enduring solution is implemented. This could incentivise units to be available this coming winter aiding system-wide flexibility. This initial phase also provides the opportunity to review and analyse DSU performance and effectiveness in the balancing market.

Each phase is now discussed in turn.

2.1.2. Proposed 'Phase 1': Interim Solution design with an assessment of performance of DSUs in the balancing market

Under the current interim solution, DSUs earn energy payments for volumes dispatched in the balancing market over and above their ex-ante position at those times when the Imbalance Price (PIMBy) is above the Strike Price, i.e. when DSUs are liable to pay difference charges.

For consultation, the SEMC proposes that DSUs would receive energy payments in the balancing market at all times (Phase 1). It is proposed that this solution would be implemented at the earliest opportunity.

Phase 1 involves the continuation of the existing interim solution which includes the assumption that dispatched quantity is a suitable proxy for metered quantity for DSUs⁸. This means that the DSUs will continue to be settled as if they had delivered the demand response that had been requested from the TSOs. While the SEMC's previous decision in 2019 recognised that the use of dispatched quantity may be considered sub-optimal for an enduring solution, from stakeholder engagement with the TSOs prior to publication of this consultation it would suggest that dispatched quantity is an appropriate proxy for metered quantity for DSUs. However, for the SEMC to be satisfied that this proposed solution is effective in practice, it would require an assessment by the TSOs of DSUs' performance in the balancing market. This is discussed in the next section.

For 'phase 1', the existing 'interim solution' approach of DSU energy payments being funded through the imperfections charge in accordance with TSC modification, Mod_17_19, would be maintained.

Modifications required to the TSC to implement Phase 1 would include removal of the Trading Site Supplier Unit (TSSU) for the DSU. (This currently exists to cancel out any activity by the DSU in the Balancing Market below the strike price).

An assessment of pros and cons of 'phase 1' include:

Pros	Cons
<ul style="list-style-type: none">• Allows DSUs full access to the market in the near term• Perceived as straightforward to implement with minor modifications to the TSC required to expand existing interim approach	<ul style="list-style-type: none">• Assumes DQ is a good proxy for MQ without quantifiable evidence from the outset.• There is potentially no penalty for non-performance during Phase 1

⁸ This means that DSU's would be settled as if they had delivered the demand response that had been requested from the TSOs

<ul style="list-style-type: none"> • Brings additional flexible capacity to the market in the short term • Gives an opportunity to assess the performance of DSUs in the market on a short-term basis prior to implementing a lengthy and more costly enduring solution • Allows review of market participation of DSUs. • Can assess performance of DSU units, can assess use of imperfections charge 	<ul style="list-style-type: none"> • Assumes imperfections charges is appropriate to fund DSU energy payments without review • Will add additional performance monitoring requirements on TSO • If a review period duration over- runs, potentially allows an unsuitable solution to continue • Requires defined assessment criteria to assess performance
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2.1.3. Review of 'Phase 1' implementation

After a full delivery year (It is envisaged phase 1 would be implemented at the earliest opportunity depending on the length of time to approve/ implement any TSC modifications) the effectiveness of phase 1 would be reviewed by the SEMC upon production of results and recommendation by the TSOs at the end of a proposed 12-month period. Any monitoring of the effectiveness of phase 1 would be conducted by the TSOs from the outset, and the TSOs would be expected to highlight any concerns to the RAs at any point before the end of the first twelve-month period.

This review would entail but not be limited to:

- Assessing dispatched quantity as a suitable proxy for metered quantity i.e have DSUs provided requested capacities;
- The suitability of the imperfections charge for funding of DSU energy payments;
- The level of participation and cost of DSU participation in the balancing market.

Following this review, a decision will be made by the SEMC as to whether:

- **DSUs' performance is satisfactory** - If this is deemed the case, it is intended that Phase 1 would remain in place until such time Phase 2 is fully implemented.. Monitoring of DSU's performance in the balancing market would remain in place during this transition period.
- **DSUs' performance is unsatisfactory** - If this is deemed the case, it is proposed that DSUs would revert to operate under current interim arrangements as detailed in SEM-19-029, while the enduring solution outlined in phase 2 is implemented.

The effectiveness of phase 1 is not a condition of proceeding with development/ implementation of phase 2. Phase 2 requires a delivery plan from EirGrid/ SONI, and it is the view of the SEMC that development of phase 2 could start as early as possible after the SEMC makes a decision on the enduring solution (ie. Simultaneous to the implementation of phase 1).

2.1.4. Phase 2: Implement proposed enduring solution in SEM-19-029 with existing operational metering

Once the review of phase 1 has been completed, it is proposed that development/ implementation of Phase 2 would commence. Again, (subject to the SEMC's satisfaction that phase 1 is effective) it is envisaged that DSUs would operate under Phase 1 until Phase 2 is fully implemented.

In summary, Phase 2 involves continuing with most elements of the previously proposed enduring solution (SEM-019-013). These include:

- Associating each IDS with a host Supplier;
- Removing the TSSU for the DSU from the settlement algebra of the TSC;
- Amending the TSC to construct the metered quantity for each DSU from the sum of the metered demand response of each IDS;
- Amending the TSC to adjust metered quantity for each supplier unit by removing any metered demand response from any associated IDS;
- System changes to MDPs, MO and TSOs' systems to support the above changes.

The significant change from the previously proposed enduring solution is the use of existing operational site metering.

DSU performance is currently assessed in both the Capacity Market and for DS3. Metering solutions therefore exist that can potentially be used for assessment of sites in this regard. Most IDSs have appropriate metering at least at the connection level with quarter/half hourly readings. The additional cost of settlement grade metering would not be economical to entice IDS sites into the market and provide valuable flexibility. IDSs participating in demand-side in general have invested in metering to participate in the capacity market and DS3.

This option would require the following modifications to the TSC:

- Amendment of settlement algebra to construct the Metered Quantity (QM) for each DSU from the sum of the metered demand response of each of the IDSs;
- Adjusting the Metered Quantity (QM) for each Supplier unit by removing any metered demand response from any associated IDS;
- Making any necessary adjustments to other aspects of the TSC to account for changes in the treatment of DSUs and Supplier Units.

While this proposed solution would mainly affect the TSC, changes to other documents may be required including the Metering Code, Connection Agreements, licences etc. Any such changes would be conducted in the implementation phase of this project.

For implementation, the proposed Phase 2 of the solution will practically require:

- the creation of links in the TSC and the TSOs' and MO systems between DSUs and IDSs to calculate the actual demand response of each DSU to enable assessment of performance
- [possibly] adjustments to be made at the meter level prior to wholesale aggregation in order to adjust the Metered Quantity of each Supplier Unit/ remove any metered demand response from IDSs;
- additional registration data for each IDS, linking it to a Supplier unit;
- creation of a relationship between the DSU and its component IDSs to ensure that the approach nets the energy paid to DSUs from the energy revenues received by Suppliers in order to avoid double-counting;
- changes to data transfers for all IDSs between Meter Data Providers (MDPs), the MO and the TSOs to reflect the changes to the TSC and meter aggregation arrangements.

It is proposed the imperfection charge will be used to fund energy payments, dependent on review of the suitability of the imperfection charge to fund energy payments.

An assessment of pros and cons of 'phase 2' include:

Pros	Cons
<ul style="list-style-type: none"> • Use of existing site metering • identify the actual metered volume at each IDS; • calculate the total demand response for each DSU by combining the demand response at each IDS registered to that DSU; • net the demand response at each IDS from the meter data of the relevant • Enables the assessment of MQ data for DSU's • Allows MQ data to be used as settlement • Allows the distinction of IDS associated with Supplier and DSU Units 	<ul style="list-style-type: none"> • Requires a number of modifications to TSC • Will require a number of system updates to put in place data transfers between MDP, TSO and MO • Will likely take a lengthy time to implement.

3 . Consultation Questions

Question 1:

The SEMC is keen to hear stakeholders' views on the continuation of dispatched quantity as a suitable proxy for metered quantity for an extended interim period (until phase 2 is live), acknowledging the absence of evidence during the first year in which 'phase 1' will be in place.

Question 2:

Do stakeholders have a view on the extent of industry code or system modifications/ time involved to develop and implement phase 1?

Question 3:

Is 12 months an appropriate period of time over which to assess effectiveness of dispatched quantity as a good proxy for metered quantity?

Question 4:

In stakeholders' views, what would be deemed as satisfactory or unsatisfactory effectiveness of outcomes for a DSU operating in the market in phase 1 to aid the SEMC's assessment?

Question 5:

Are there any other elements than those suggested which need to be included in the review of phase 1 to allow conclusion to be reached on feasibility to continue with 'phase 1' before phase 2 goes live?

Question 6:

The SEMC welcomes views on the introduction of a new Generator Performance Incentive (GPI) to apply to DSUs if Phase 1 continues beyond the first twelve months (ie. after review has evidenced its effectiveness) until Phase 2 is implemented.

Question 7:

Do stakeholders have a view on the extent of industry code or system modifications/ time involved to develop and implement phase 2?

Question 8:

The SEMC welcomes views on 'phase 2' being an 'enduring solution' if/once implemented.

Question 9:

Do stakeholders have any concerns with either phase regarding accommodating the different types of demand response?

Question 10:

All other stakeholders' views are welcomed.

4. Next Steps

Interested parties are invited to respond to the consultation, presenting views on the proposals set out in this paper. The SEMC would particularly welcome evidence supporting any alternative to the proposals, where possible supported by quantitative analysis. Should stakeholders have any objections to the proposals, a clear articulation of technical or practical barriers should be provided.

As a next step, EirGrid/ SONI are asked to provide a high-level delivery plan for 'phase 2' with estimated timeframes to the RAs before a decision can be recommended to the SEMC for approval in October 2022. The RAs will engage with EirGrid/ SONI over the coming months about this.

Responses to the consultation paper should be sent to Leigh Greer (Leigh.Greer@uregni.gov.uk) and Guneet Kaur (gkaur@cru.ie) by close of business on 26 August 2022.

The SEMC intends to make a decision in October 2022 on the approach to an enduring energy payment solution for DSUs.

Please note that we intend to publish all responses unless marked confidential. While respondents may wish to identify some aspects of their responses as confidential, we request that non-confidential versions are also provided, or that the confidential information is provided in a separate annex. Please note that both Regulatory Authorities are subject to Freedom of Information legislation.