
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (“the Electricity Regulation”) repealed and replaced, with amendments, Regulation (EC) 714/2009 of the European Parliament and of the Council on conditions for access to the network for cross-border exchanges in electricity (“the IME3 Regulation”). EU Regulations are directly applicable and therefore member States must comply with same.

These Regulations amend the Electricity (Northern Ireland) Order 1992 and revoke the Electricity (Priority Dispatch) Regulations (Northern Ireland) 2012, the Electricity (Priority Dispatch) (Amendment) Regulations (Northern Ireland) 2013, regulation 12 of the Energy Efficiency Regulations (Northern Ireland) 2014 and regulation 6(6)(a) of the Electricity and Gas (Internal Markets) Regulations 2020, to ensure that they conform with the requirements of Article 12 of the Electricity Regulation (which outlines the new rules for priority dispatch).

Rules for priority dispatch were previously set down in Article 16(2)(c) of [Directive 2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and Article 15(5) of [Directive 2012/27/EU](#) of the European Parliament and of the Council on energy efficiency. Article 12 of the Electricity Regulation amends and updates these rules.

Regulations 1 and 2 contain introductory provisions concerning citation, commencement and interpretation.

The Electricity Regulation narrows the criteria for generating installations to access priority dispatch. Regulation 3 substitutes Article 11AB “Conditions on transmission and distribution licences relating to priority dispatch” with Article 11ABA of the same name in order to reflect the new criteria in Article 12 of the Electricity Regulation. This allows new generating installations commissioned before 01 January 2026 to qualify for priority dispatch if they have an installed capacity of 400kW or under. Generating installations commissioned on or after that date will only qualify if they have an installed capacity of 200kW or under. Demonstration projects as defined in the Electricity Regulation and approved as such by the Authority will also qualify.

Paragraph 4(b) of Article 11ABA provides for transitional status for an existing generating installation that either:

- (i) uses only energy from renewable sources;
- (ii) uses energy from renewable sources and other energy sources, but qualifies to be treated as a hybrid plant in accordance with the criteria set out in the Decision Paper SEM-11-062 of the Single Electricity Market Committee of 26th August 2011;
- (iii) generates electricity from high efficiency co-generation; or
- (iv) is a waste energy plant.

Paragraphs 5 to 7 of Article 11ABA define the usage of the term transitional status as used in paragraph 4(b). A generating installation has transitional status if it was commissioned prior to 4th July 2019 and ceases to be eligible should it be subject to modification requiring a new connection agreement or the generation capacity is increased.

Paragraphs 9 and 10 of that Article largely replicate paragraphs 2 and 3 in the substituted 11AB (with minor drafting differences).

Paragraph 11 ensures that Article 11ABA does not rule out the general power to include conditions in a license.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 12 defines terms as applied in this Article.

Regulation 4 makes amendments, to the 1992 Order, inserting the definition of “the Electricity Regulation” into Article 3 and omitting the existing definition from Article 10L(1).

Regulation 5 revokes the following regulations:

the Electricity (Priority Dispatch) Regulations (Northern Ireland) 2012;

the Electricity (Priority Dispatch) (Amendment) Regulations (Northern Ireland) 2013;

regulations 12 and 13 of the Energy Efficiency Regulations (Northern Ireland) 2014; and

regulation 6(6)(a) of the Electricity and Gas (Internal Markets) Regulations 2020.