

# Wind Energy Ireland Submission to the SEM-24-048 Imperfections Charges October 2024 - September 2025 Consultation Paper

## Introduction

Wind Energy Ireland (WEI) welcomes the opportunity to engage with the CRU and provide feedback on the SEM-24-048 Imperfections Charges October 2024 - September 2025 Consultation Paper.

WEI is the nation's largest renewable energy organisation with more than 200 members who have come together to plan, build, operate, and support the development of the country's chief renewable energy resource. We work to promote wind energy as an essential, economical, and environmentally friendly part of the country's low-carbon energy future.

### 1. Article 13.7 & Associated Costs

WEI welcomes the TSOs provision seek for potential payments to participants under Article 13 of Regulation (EU) 2019/943, without prejudice to the ongoing judicial review process.

The consultation paper SEM-24-048 states that;

*"The potential costs associated with the TSOs' interpretation of a recent High Court judgment is (€158 million) and it is proposed that this money is collected to help meet any future obligations which may arise."*

As detailed in EirGrid and SONI's paper Imperfections Charges Forecast Tariff Year 2024/25 v3.0, Section 4.3, it outlines the TSOs interpretation with the key assumptions of compensation for constraint and curtailment volumes from 01 January 2020 to 30 September 2025 being included up to market price level.

WEI believes this interpretation of the judgment is incorrect as it does not also include provision for state supports. We note that the most recent High Court judgement orders that;

*"A declaration that revenues from foregone financial supports, such as REFIT and RESS, must be included in the calculation of "net revenues" for the purpose of Article 13(7)(b) of the Regulation."*

WEI therefore has concerns that the provision of €158 million proposed to be collected therefore does not adequately ensure sufficient funding to meet future obligations.

WEI have queried with RAs what has been included and we would welcome clarification on the modelling and costs included to calculate the €158 million provision as part of the consultation process. We are keen to understand the basis of the €158m compensation. It says it is up to “market price” level which implies it does not include state supports (REFIT floor, RESS strike price, ROCs). Could you please clarify on whether state supports are included in the €158m or not?

Thank you for the opportunity to provide feedback on the SEM-24-048 Imperfections Charges October 2024 - September 2025 Consultation Paper. We hope you consider the comments and recommendations made within our submission and we would be happy to engage at any point to discuss.

Yours sincerely,



Marcos Byrne

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Wind Energy Ireland