



Information paper:

**Application for exemption from
Compliance with Codes of Practice**

October 2002

ENERGY MARKET AUTHORITY OF SINGAPORE

APPLICATION FOR EXEMPTION FROM CODES OF PRACTICE

Aim

This document is to set out the guidelines for the application for exemption from compliance with codes of practice.

Compliance with codes of practice

2 An electricity licensee is subject to and shall comply with the relevant codes of practice issued or approved under Section 16 of the Electricity Act 2001.

3 The Authority may by written notification, exempt a licensee from compliance with any code of practice, in whole or in part, and subject to such terms and conditions as the Authority may determine.

4 An exemption from compliance with any code of practice (in whole or in part) would only be considered under exceptional circumstances. An electricity licensee who applies for an exemption from compliance with specific provisions in the code of practice will have to provide justifications for his application. The procedure for applying for an exemption is set out in the Annex.

Compliance with Market Rules

5 An electricity licensee shall at all times comply with the provisions of the Market Rules applicable to the licensee.

6 The Energy Market Company (EMC) may by written notification, grant a derogation from a specific provision of the Market Rules to a derogation applicant, on such terms and conditions as the EMC Board or the EMC Board Committee considers appropriate.

7 A derogation applicant who applies to EMC for derogation from a provision in the Market Rules that requires compliance with a provision of a code of practice, shall separately apply to the Authority for an exemption from that provision of the code of practice.

Note:

This document is intended to provide an account of the Authority's policy on this matter. It does not in any way bind the Authority to grant any approval or official permission for any matters, including but not limited to the grant of any exemption nor to the terms of any exemption. The Authority reserves the right to change its policies and/or to amend the terms of this document without prior notice.

Application for exemption from compliance with respective Codes of Practice

- 1 An electricity license (the exemption applicant) may apply for an exemption by filing with the Authority an exemption application containing **but not limited to** the following information and supporting documents:
 - 1.1 the specific obligation, requirement or standard in the code of practice that is the subject of the exemption application;
 - 1.2 the reasons and justification for the exemption application;
 - 1.3 a plan :
 - (a) containing
 - (i) details of the manner and time within which the exemption applicant will become compliant with the obligation, requirement or standard that is the subject of the exemption application; or
 - (ii) a request for a permanent exemption from any obligation, requirement or standard that is the subject of the exemption application; and
 - (b) specifying the manner in which the exemption applicant proposes to mitigate any adverse effects of any non-compliance with the obligation, requirement or standard, and to operate or modify its equipment or facilities or to otherwise conduct its operations during the period of time for which the exemption is sought so as to achieve, as closely as possible the objectives of the obligation, requirement or standard that is the subject of the exemption application.

Processing of Exemption Applications

- 2 The Authority shall upon receipt of an exemption application:
 - 2.1 within 7 days, acknowledge the exemption application in writing;
 - 2.2 process the exemption application and decide to either

- (a) grant an exemption to the applicant, on such terms and conditions as the Authority considers appropriate; or
- (b) reject the exemption application,

and shall provide reasons for its decision.

2.3 In considering an exemption application, the Authority may have regard to any previous decision on exemption applications but is not bound to follow any previous decision.

2.4 The Authority shall consult the relevant parties e.g. EMC, Power System Operator, Market Support Services License and Transmission License in respect of any exemption application if necessary.

2.5 A exemption granted pursuant to section 2.2 shall identify:

2.5.1 the obligation, requirement or standard that is the subject of the exemption;

2.5.2 any terms and conditions attaching to the grant of the exemption, including the manner in which the exemption applicant must operate or modify its equipment or facilities or otherwise conduct its operations during the period of time for which the exemption is in effect; and

2.5.3 the dates on which the exemption takes effect and expires.