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**An appeal under section 173 Energy Act 2004**

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**E.ON UK LIMITED**

**– and –**

**GEMA**

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**Decision of the Competition Commission in relation to  
BGT's application for permission to intervene**

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1. On 5 April 2007 the Gas and Electricity Markets Authority (“GEMA”) published its decision “*Uniform Network Code (UNC): Reform of the NTS offtake arrangements (UNC 0116V, 0116BV, 0116CVV, 0116VD and 0116A)*” (“the Decision”).
2. On 30 April 2007, the Competition Commission (the CC) received an application from EON for permission to appeal against the Decision under section 173 of the Energy Act 2004 (the Act). On 11 May 2007, the CC granted E.ON permission to appeal.
3. On 30 May 2007, the CC received an application by British Gas Trading Limited (BGT) for permission to become a party to E.ON’s appeal. BGT made one of the four modification proposals considered by GEMA in the Decision (namely UNC 0116CVV).
4. Under paragraph 2(2) of Schedule 22 to the Act, a person may apply to become a party to an appeal under section 173 if he is not the applicant for permission but is a person who would have been entitled to make his own application to the CC for permission to appeal against the decision in question. The CC is satisfied that BGT would have had standing to appeal the Decision under section 173(3)(a) of the Act and so has standing to intervene in the appeal under Schedule 22 paragraph 2.
5. Under paragraph 2(1) of Schedule 22 to the Act, an application for permission to become a party to an appeal under section 173 must not be made after the end of twenty working days following the making of an application for permission to appeal (or within such longer period as an authorised member of the CC may allow). BGT’s application was made in time.

6. Accordingly, the CC directs that BGT shall be made a party to E.ON's appeal.

**Dame Barbara Mills QC**

**Group Chair**