

2019 No.

EXITING THE EUROPEAN UNION

ELECTRICITY

**The Electricity Network Codes and Guidelines (System
Operation and Connection) (Amendment etc.) (EU Exit)
Regulations 2019**

Made - - - -

Laid before Parliament

Coming into force in accordance with regulation 1

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018^(a) (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, that Act:

Citation and commencement

1.—(1) These Regulations may be cited as the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

Interpretation

2. In these Regulations—

“the Electricity Transmission System Operation Regulation” means Commission Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operation;

“the Emergency and Restoration Regulation” means Commission Regulation (EU) 2017/2196 establishing a network code on electricity emergency and restoration.

Amendments to the Electricity Transmission System Operation Regulation

3. The Electricity Transmission System Operation Regulation is amended as set out in Schedule 1.

^(a) 2018 c. 16.

Amendments to the Emergency and Restoration Regulation

4. The Emergency and Restoration Regulation is amended as set out in Schedule 2.

Revocations

5. The following instruments, in so far as they are retained EU law, are revoked—
- (a) Commission Regulation (EU) 2016/631 establishing a network code on requirements for grid connection of generators;
 - (b) Commission Regulation (EU) 2016/1388 establishing a network code on demand connection;
 - (c) Commission Regulation (EU) 2016/1447 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power park modules.

	<i>Name</i>
	Minister of State
Date	Department for Business, Energy and Industrial Strategy

SCHEDULE 1

Regulation 3

Amendments to the Electricity Transmission System Operation Regulation

1. The Electricity Transmission System Operation Regulation is amended as follows.
2. In Article 1, in point (f), omit “Union”.
- 3.—(1) Article 2 is amended as follows.
 - (2) In paragraph 1—
 - (a) in the opening words of paragraph 1, after “SGUs” insert “within the jurisdiction of Great Britain”;
 - (b) in point (d), omit “in accordance with the criteria in Article 27 of Commission Regulation (EU) 2016/1388”.
 - (3) In paragraph 2—
 - (a) at the beginning of the sentence insert “Except for Article 13,”;
 - (b) for “in the Union and regional security coordinators” substitute “within the jurisdiction of Great Britain”;
 - (c) for the words from “of Member States” to the end of the sentence, substitute “which are not part of the GB synchronous area”.
 - (4) In paragraph 3—
 - (a) for the first sentence, substitute “Except for Article 13, this Regulation applies to all TSOs that are certified by the regulatory authority, to the extent they are operating within the jurisdiction of Great Britain.”;
 - (b) in the second sentence, for “Member States may, under the national regulatory regime,” substitute “the regulatory authority may”.
 - (5) After paragraph 3 insert—

“3A. Article 13 applies to TSOs in Northern Ireland.”.
 - (6) Omit paragraph 4.
 - (7) In paragraph 5, for “Member States” substitute “the regulatory authority”.

4.—(1) Article 3 is amended as follows.

(2) In paragraph 1—

- (a) at the beginning of the sentence insert, “Except where stated in this Article,”;
- (b) after “Commission Regulation (EU) 2016/1447” insert “and”;
- (c) omit “, Article 2 of Commission Regulation (EU) 2016/1719,”;
- (d) omit “and Article 2 of Directive 2009/72/EC of the European Parliament and of the Council”;
- (e) at the end, insert “, subject to paragraphs 1A and 1B”.

(3) After paragraph 1 insert—

“1A. The following definitions do not apply for the purposes of this Regulation—

- (a) the definition of “individual grid model” in Article 2 of Commission Regulation (EU) 2015/1222;
- (b) the definitions of “equipment certificate” and “synchronous area” in Article 2 of Commission Regulation (EU) 2016/631;
- (c) the definition of “closed distribution system” in Article 2 of Commission Regulation (EU) 2016/1388;
- (d) the definition of “the regulatory authority” in Article 2 of Commission Regulation (EU) 714/2009.

and instead the definitions of those terms in points (162), (164), (166), (169) and (171) of paragraph 3 apply.

1B. The definition of “transmission system operator” or “TSO” in Article 2 of Regulation (EC) No 714/2009 applies for the purposes of this Regulation except where specified otherwise.

1C. In this Regulation—

- (a) any reference to Commission Regulation (EU) 2015/1222, 2016/631, 2016/1388 or 2016/1447 is a reference to that Regulation as it applied in EU law immediately before exit day;
- (b) any reference to something that is subject, or not subject, to Commission Regulation (EU) 2016/631, 2016/1388 or 2016/1447 or to a provision of any of those Regulations, is to be treated as a reference to a thing of the kind specified which would be subject, or not subject (as the case may be), to that Regulation or provision if it were part of the law of Great Britain.”.

(4) In paragraph 2—

- (a) omit points (23) to (26);
- (b) in point (49) after “interconnector” insert “and includes a TSO operating outside the jurisdiction of Great Britain and for this purpose “TSO” has the meaning given in Article 2 of Directive 2009/72/EC”;
- (c) omit points (67), (69), and (74);
- (d) in point (94) omit “and/or imbalance netting process and/or cross border activation process”;
- (e) omit points (107), (108) and (115);
- (f) in point (120), for “and IE/Ni synchronous areas” substitute “synchronous area”;
- (g) in point (121), for “, for the synchronous areas GB and IE/Ni” substitute “GB synchronous area”;
- (h) in point (122), for “IE/Ni and Nordic synchronous areas,” substitute “synchronous area”;
- (i) omit points (124), (128), (129), (137) and (138);
- (j) in point (152), omit “, additionally for GB and IE/Ni, to restore”;

(k) at the end insert—

“(160) ‘ancillary service’ means a service necessary for the operation of a transmission or distribution system;

(161) ‘authorised certifier’ means an entity that issues equipment certificates and power-generating module documents and whose accreditation is given by the United Kingdom Accreditation Service or such other relevant entity established for such purpose from time to time;

(162) ‘closed distribution system’ means a distribution system classified as a closed distribution system by the regulatory authority, which distributes electricity within a geographically confined industrial, commercial or shared services site and does not supply household customers, without prejudice to incidental use by a small number of households located within the area served by the system and with employment or similar associations with the owner of the system;

(163) ‘closed distribution system operator’ or ‘CDSO’ means a distribution system operator which is responsible for operating a closed distribution system;

(164) ‘equipment certificate’ means a document issued by an authorised certifier for equipment used by a power generating module, demand unit, distribution system, demand facility or HVDC system. Where a range of permitted values for equipment is specified in this Regulation or another enactment, the equipment certificate must state a specific value within that range for the equipment;

(165) ‘GB synchronous area’ means the area within the jurisdiction of Great Britain covered by synchronously interconnected TSOs;

(166) ‘individual grid model’ means a data set describing power system characteristics (generation, load and grid topology) and related rules to change these characteristics during capacity calculation, prepared by the responsible TSOs;

(167) ‘the jurisdiction of Great Britain’ has the meaning given in section 4(3F)(a) of the Electricity Act 1989(a);

(168) ‘national electricity transmission system operator’ means the person operating the national transmission system for Great Britain (and for this purpose “transmission system” has the same meaning as in section 4(4) of the Electricity Act 1989(b));

(169) ‘regulatory authority’ means the Gas and Electricity Markets Authority;

(170) ‘renewable energy sources’ means renewable non-fossil energy sources (wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases);

(171) ‘synchronous area’ means an area covered by synchronously interconnected TSOs, such as the GB synchronous area and for this purpose “TSO” has the meaning given in Article 2 of Directive 2009/72/EC;

(172) ‘Type A’, ‘Type B’, ‘Type C’ or ‘Type D’, in relation to a power generating module, has the meaning given in Article 5 of Commission Regulation (EU) 2016/631.”.

5.—(1) Article 4 is amended as follows.

(2) In paragraph 1—

- (a) in point (b), omit “interconnected”;
- (b) in point (d), omit “throughout the Union”;
- (c) in point (e), for “of all synchronous areas throughout the Union” substitute “in the GB synchronous area”;

(a) 1989 c. 29. The definition of “the jurisdiction of Great Britain” in section 4(3F)(a) was inserted by the Energy Act 2004 (c. 20), section 145(3).

(b) 1989 c. 29. The definition of “transmission system” in section 4(4) was substituted by the Energy Act 2004 (c. 20), section 135(4).

(d) in point (h), omit “in the Union”.

(3) In paragraph 2—

- (a) in the first sentence, for “Member States, competent authorities”, substitute “the Secretary of State, the regulatory authority”;
- (b) in point (e), omit “, including as required by national legislation”;
- (c) in point (g), omit “European”.

6.—(1) Article 5 is amended as follows.

(2) In paragraph 1, for the words from “the competent regulatory authorities” to the end, substitute “the regulatory authority in accordance with Article 6(3) and (4) within the respective deadlines set out in this Regulation”.

(3) In paragraph 2, in the second sentence, for the words from the beginning to “the Agency”, substitute “TSOs shall regularly inform the regulatory authority”.

(4) Omit paragraphs 3 to 8.

(5) In paragraph 9—

- (a) in the first sentence, for the words from “to the regulatory authorities” to “the Agency”, substitute “to the regulatory authority in accordance with Article 6(3) and (4) within the deadlines specified in this Regulation, they shall provide the regulatory authority”;
- (b) omit the second sentence.
- (c) in the third sentence—
 - (i) for “Commission” substitute “regulatory authority”;
 - (ii) for “the Agency’s information”, substitute “the relevant drafts”.

7.—(1) Article 6 is amended as follows.

(2) In paragraph 1—

- (a) in the first sentence—
 - (i) for “Each” substitute “The”;
 - (ii) for “2 and 3” substitute “2, 3 and 4”;
- (b) omit the second and third sentences.

(3) In paragraph 2—

- (a) in the opening words before point (a)—
 - (i) for “all regulatory authorities of the Union on which a Member State” substitute “the regulatory authority, on which the Secretary of State”;
 - (ii) for “concerned regulatory authority” substitute “regulatory authority”;
- (b) omit points (b) and (c).

(4) In paragraph 3—

- (a) in the opening words before point (a)—
 - (i) for “all regulatory authorities of the concerned region” substitute “the regulatory authority”;
 - (ii) for “a Member State” substitute “the Secretary of State”;
 - (iii) after “an opinion to the”, omit “concerned”.
- (b) in point (a), omit “for each synchronous area”;
- (c) omit points (b) and (c);
- (d) in point (d)—
 - (i) in subpoint (iv), for “and IE/Ni synchronous areas” substitute “synchronous area”;
 - (ii) omit subpoints (v) and (vi);
 - (iii) in subpoint (vii), omit “for synchronous areas other than CE and”;

- (iv) omit subpoints (viii) to (x).
- (5) In paragraph 4—
 - (a) for the opening words before point (a), substitute “The following terms and conditions or methodologies shall be subject to individual approval by the regulatory authority—”;
 - (b) in point (a), for “and IE/NI synchronous areas” substitute “synchronous area”;
 - (c) omit point (e).
- (6) In paragraph 5, for “Member States may require prior approval by the competent regulatory authority” substitute “the regulatory authority may require the relevant system operator or TSO to obtain its prior approval”.
- (7) In paragraph 6, omit the second and third sentences.
- (8) Omit paragraphs 7 and 8.
- (9) In paragraph 9—
 - (a) for “a single designated entity”, substitute “the regulatory authority”;
 - (b) for “designated entity” substitute “regulatory authority”.
- 8.—**(1) Article 7 is amended as follows.
- (2) In paragraph 1—
 - (a) in the first sentence—
 - (i) for “one or several regulatory authorities require” substitute “the regulatory authority requires”;
 - (ii) for “2 and 3” substitute “3 and 4”;
 - (iii) for “authorities” in the second place that it occurs substitute “authority”;
 - (b) in the second sentence, for “competent regulatory authorities” substitute “regulatory authority”.
- (3) In paragraph 2—
 - (a) in the first sentence—
 - (i) for “a designated entity” substitute “the regulatory authority”;
 - (ii) for “the designated entity” substitute “the regulatory authority”;
 - (b) in the second sentence, for “designated entity” substitute “regulatory authority”.
- (4) Omit paragraph 3.
- (5) In paragraph 4, in the first sentence, for the words from “regulatory authorities” to “their adoption”, substitute “the regulatory authority”.
- 9.** In Article 8, in paragraph 1, for “competent regulatory authorities” substitute “regulatory authority”.
- 10.** In Article 9, in paragraphs 1 and 2, for “relevant regulatory authorities” substitute “regulatory authority”.
- 11.** In Article 10 for “Agency, in close cooperation with ENTSO for Electricity,” substitute “national electricity transmission system operator”.
- 12.—**(1) Article 11 is amended as follows.
- (2) In paragraph 1—
 - (a) for “relevant authorities of each Member State” substitute “regulatory authority”;
 - (b) for “Article 6(2) and (3)” substitute “Article 6(2)(a) and (3)”.
- (3) Omit paragraph 2.
- (4) After paragraph 2 insert—

“2A. Any consultation undertaken before exit day in respect of draft proposals for terms and conditions or methodologies listed in Article 6(2)(a) is as effective for the purposes of this Regulation as consultation undertaken after exit day.”.

13.—(1) Article 12 is amended as follows.

(2) In paragraph 3, for “national law, the other provisions of this Regulation or other relevant Union legislation” substitute “the other provisions of this Regulation or any other enactment”.

(3) In paragraph 4, for “cases covered by national or Union legislation” substitute “any enactment”.

14. For Article 13 substitute—

“Article 13

Agreements with TSOs not bound by this Regulation

1. Each TSO in Northern Ireland must endeavour to conclude an agreement with TSOs in Ireland setting out the basis for their cooperation concerning secure system operation and setting out arrangements for compliance with relevant provisions.

2. Each TSO in Northern Ireland must endeavour to conclude the agreement referred to in paragraph 1 as soon as reasonably practicable after exit day.

3. In paragraph 1, “relevant provisions” means provisions of this Regulation which applied to TSOs in Northern Ireland immediately before exit day.”.

15.—(1) Article 14 is amended as follows.

(2) In paragraph 1—

(a) in the first sentence—

(i) for “ENTSO for Electricity” substitute “The regulatory authority”;

(ii) omit “in accordance with Article 8(8) of Regulation (EC) No 714/2009”;

(b) omit points (b) to (f);

(c) in point (g) for “third country” substitute “neighbouring”.

(3) Omit paragraph 2.

(4) In paragraph 3—

(a) for “ENTSO for Electricity” substitute “the regulatory authority”;

(b) for “paragraphs 1 and 2” substitute “paragraph 1”.

(5) Omit paragraph 4.

16.—(1) Article 15 is amended as follows.

(2) In paragraph 1—

(a) in the first sentence—

(i) for “ENTSO for Electricity” substitute “the national electricity transmission system operator”;

(ii) after “Article 8(3)(a) of Regulation (EC) No 714/2009” insert “as that provision applied in EU law immediately before exit day”;

(b) in the second sentence—

(i) for “Agency” substitute “regulatory authority”;

(ii) omit “, the electrical interdependencies between the TSOs’ control areas”.

(3) Omit paragraph 2.

(4) In paragraph 5—

(a) in the first sentence, for “adopted by ENTSO for Electricity” substitute “referred to in paragraph 1”;

- (b) in the third sentence, for “respective regulatory authorities” substitute “regulatory authority”;
- (c) in the fourth sentence—
 - (i) for “Regulatory authorities and the Agency” substitute “The regulatory authority”;
 - (ii) for “their” substitute “its”.

17.—(1) Article 16 is amended as follows.

(2) In paragraph 1—

- (a) in the first sentence, for “ENTSO for Electricity”, substitute “the national electricity transmission system operator”;
- (b) in the second sentence, omit “for each Member State”.

(3) In paragraph 2—

- (a) in the words before point (a), for the words from the beginning to “ENTSO for Electricity”, substitute “TSOs shall notify to the national electricity transmission system operator”;
- (b) in point (a), omit “in the Member State”;
- (c) in point (b), omit—
 - (i) “are not in the Member State and that”;
 - (ii) “that are in the Member State”;
- (d) omit point (c);
- (e) in point (d), for “(a), (b) and (c)” substitute “(a) and (b)”;
- (f) in point (e), omit “operating within the Member State”;
- (g) in point (f), omit “of the Member State”.

(4) In paragraph 3—

- (a) omit “synchronous areas.”;
- (b) for “(a), (b) and (c)” substitute “(a) and (b)”.

18. Omit Article 17.

19. In Article 18, in paragraph 4—

- (a) for “GB and IE/NL synchronous areas”, in each place that it occurs, substitute “the GB synchronous area”;
- (b) for “ENTSO for Electricity” substitute “the regulatory authority”.

20.—(1) Article 19 is amended as follows.

(2) In paragraph 2, omit “, taking into account the structural and real-time data in accordance with Article 42”.

(3) Omit paragraph 4.

21. In Article 20 omit paragraph 2.

22.—(1) Article 21 is amended as follows.

- (2) In paragraph 1(a), omit “which do not need to be managed in a coordinated way”.
- (3) Omit paragraph 1(b).

23.—(1) Article 22 is amended as follows.

(2) In paragraph 1—

- (a) in point (d), omit “in accordance with Regulation (EU) 2015/1222”;
- (b) in point (e), omit “, between two or more TSOs”.

(3) In paragraph 2—

- (a) in the second sentence—
 - (i) omit “relevant”;
 - (ii) for “Member State” substitute “Secretary of State”;
 - (b) omit the fourth sentence.
- 24.** In Article 23, in paragraph 2—
- (a) omit “, including redispatching or countertrading pursuant to Articles 25 and 35 of Regulation (EU) 2105/1222,”;
 - (b) omit “, in accordance with Article 75(1), Article 76(1)(b) and Article 78(1), (2) and (4)”.
- 25.** In Article 25, in paragraph 4 after “shall” insert “, where applicable, endeavour to”.
- 26.**—(1) Article 26 is amended as follows.
- (2) In paragraph 1—
- (a) omit “, taking into account Article 5 of Council Directive 2008/114/EC,”;
 - (b) for “Member State” substitute “Secretary of State”.
- (3) In paragraph 2, for “European interconnected transmission systems” substitute “transmission system”.
- 27.** In Article 27 omit paragraph 2.
- 28.** In Article 29, in paragraph 8, omit “and with neighbouring TSOs”.
- 29.**—(1) Article 33 is amended as follows.
- (2) In paragraph 2(c), for “its own or neighbouring transmission systems” substitute “its transmission system”.
- (3) Omit paragraphs 4, 5 and 6.
- 30.** In Article 34, in paragraph 2, omit “or of interconnected transmission systems”.
- 31.** In Article 35, in paragraph 5, for “a Member State” substitute “the regulatory authority”.
- 32.** In Article 36 omit paragraph 5.
- 33.** In Article 37, in point (e), omit “neighbouring TSOs and”.
- 34.**—(1) Article 38 is amended as follows.
- (2) In paragraph 3(a), omit “, at least in terms of a common grid model”.
- (3) In paragraph 4, omit “or by ENTSO for Electricity”.
- 35.** In Article 39, in paragraph 3—
- (a) in point (a), for “per” substitute “for the”;
 - (b) in point (b), omit “concerned”.
- 36.** In Article 40, in paragraph 6—
- (a) in the first subparagraph—
 - (i) in the opening words before point (a), omit the second sentence;
 - (ii) omit point (a);
 - (b) in the second subparagraph, for “ENTSO for Electricity” substitute “the national electricity transmission system operator”.
- 37.** Omit Articles 41 and 42, and the chapter number and heading immediately preceding Article 41.
- 38.**—(1) Article 43 is amended as follows.

(2) In paragraph 1, for “developed in accordance with Article 75” substitute “which must be developed by the regulatory authority from time to time”.

(3) In paragraph 2, omit “in accordance with Article 75”.

39.—(1) Article 45 is amended as follows.

(2) Omit paragraph 1(k).

(3) In paragraph 2—

(a) in point (c), omit “according to the definition and requirements of the Article 173”;

(b) omit point (h).

40. In Article 46 omit paragraph 1(d) and the “; and” before it.

41. In Article 48, in paragraph 1(b), omit “according to the definition and requirements of Article 173”.

42. In Article 49 omit point (c) and the “; and” before it.

43. In Article 52 omit paragraph 2(d) and the “; and” before it.

44.—(1) Article 55 is amended as follows.

(2) In point (d)—

(a) omit “by ENTSO for Electricity”;

(b) after “Regulation (EC) No 714/2009” insert “as that provision applied in EU law immediately before exit day”;

(c) in the second line, for “ENTSO for Electricity” substitute “the national electricity transmission system operator”.

(3) In point (e), for “ENTSO for Electricity” substitute “the national electricity transmission system operator”.

45. In Article 56, omit paragraph 5(b) and the “; and” after it.

46.—(1) Article 58 is amended as follows.

(2) In paragraph 1(b), omit the second sentence.

(3) In paragraph 3—

(a) in the first sentence, omit the words from “and feedback” to the end of the sentence;

(b) omit the second sentence.

(4) In paragraph 4—

(a) omit point (g);

(b) in point (h), after “Regulation (EC) No 714/2009” insert “as they apply in domestic law from time to time”;

(c) in point (j), omit “which shall be given in English unless otherwise specified”;

(d) in point (m), omit the words from “, including those” to the end of the sentence.

(5) In paragraph 5, omit “(g),”.

(6) In paragraph 6, omit “, (g)”.

(7) In paragraph 7, omit “relevant”.

47. Omit Articles 62 and 63.

48.—(1) Article 64 is amended as follows.

(2) In the heading, omit “and common”.

(3) In paragraph 1—

- (a) in the opening words before point (a), for the words from “in accordance with” to “Article 114(2)”, substitute “for each of the following time frames”;
 - (b) in point (a), omit “, 67”;
 - (c) omit point (b);
 - (d) in points (c) and (d), omit “, in accordance with Article 70”.
- (4) Omit paragraphs 2 and 3.

49. In Article 65, in paragraph 4, for “ENTSO for Electricity” substitute “The national electricity transmission system operator”.

50.—(1) Article 66 is amended as follows.

- (2) In paragraph 1, omit the second sentence.
- (3) Omit paragraph 2(a).
- (4) In paragraph 3(a), omit “41,”.

51. Omit Article 67.

52.—(1) Article 68 is amended as follows.

- (2) In the heading, omit “and common”.
- (3) In paragraph 1, omit “and publish it on the ENTSO for Electricity operational planning data environment”.
- (4) Omit paragraph 2.

53. Omit Articles 69 to 71.

54.—(1) Article 72 is amended as follows.

- (2) In paragraph 1—
 - (a) in the words before point (a), omit “coordinated”;
 - (b) omit point (b).
- (3) Omit paragraphs 2, 4 and 5.

55.—(1) Article 73 is amended as follows.

- (2) In the heading, omit “up to and including week-ahead”.
- (3) In paragraph 1, omit “and, where applicable, week-ahead”.

56. Omit Articles 75 to 81.

57. In the heading preceding Chapter 1 of Title 3 Article 82, after “CHAPTER 1”, omit “coordination regions” and insert “planning agents”.

58. Omit Articles 82 to 88.

59. In Article 91 omit “, provided that the outage coordination of other synchronous areas is not impacted”.

60. In Article 94, in paragraph 1, omit “taking part in an outage coordination region” in both places which it occurs.

61.—(1) Article 95 is amended as follows.

- (2) In the heading, omit the words “taking part in an outage coordination region”.
- (3) In paragraph 3(c), for “its regulatory authority” substitute “the regulatory authority”.

62.—(1) Article 96 is amended as follows.

- (2) In the heading, omit the words “taking part in an outage coordination region”.

(3) In paragraph 1, for “the TSOs of the same outage coordination region” substitute “other TSOs”.

(4) In paragraph 4, omit “taking part in an outage coordination region”.

(5) In paragraph 5(c), for “relevant regulatory authorities” substitute “regulatory authority”.

(6) In paragraph 6, for “on the ENTSO for Electricity operational planning data environment” substitute “to the other TSOs of the GB synchronous area”.

63. In Article 97, in paragraph 1, for “, via the ENTSO for Electricity operation planning data environment,” substitute “of the GB synchronous area”.

64.—(1) Article 98 is amended as follows.

(2) In the heading, omit “within outage coordination regions”.

(3) Omit paragraph 2.

(4) In paragraph 3—

(a) in the first sentence—

(i) omit “of the outage coordination region(s) concerned”;

(ii) omit “taking part in an outage coordination region,”;

(b) in the second sentence, omit “of the concerned outage coordination region(s)”.

(5) In paragraph 4—

(a) in the opening words before point (a), for “competent regulatory authority where the Member State so provides” substitute “regulatory authority”;

(b) in point (b), for “relevant regulatory authorities” substitute “regulatory authority”.

(6) In paragraph 5, omit “of the concerned outage coordination regions”.

65. In Article 99, in paragraph 1(b), omit “and store them on the ENTSO for Electricity operational planning data environment.”.

66.—(1) Article 100 is amended as follows.

(2) In paragraph 2, omit “taking part in an outage coordination region”.

(3) In paragraph 3—

(a) in point (b), omit “of the outage coordination region”;

(b) in point (c), omit “on the ENTSO for Electricity operational planning data environment”.

(4) In paragraph 4—

(a) in the opening words before point (a), omit “taking part in an outage coordination region”;

(b) in point (a), for “all other TSOs of its outage coordination region” substitute “the involved TSOs”;

(c) in point (b), omit “of the outage coordination region”;

(d) in point (c), omit “on the ENTSO for Electricity operational planning data environment”.

67. In Article 101, in paragraph 3, omit “of its outage coordination region(s)”.

68. In Article 102 omit paragraph 7.

69. In Article 104 omit “through the ENTSO for Electricity operational planning data environment”.

70.—(1) Article 105 is amended as follows.

(2) In paragraph 3, for “its regulatory authority or when explicitly foreseen in national law, another competent authority” substitute “the regulatory authority”.

(3) Omit paragraph 4.

- 71.**—(1) Article 106 is amended as follows.
- (2) In the heading, omit “up to and including week-ahead”.
 - (3) Omit paragraph 1.
 - (4) In paragraph 2, omit the words from “, taking into account” to the end of the sentence.
- 72.**—(1) Article 107 is amended as follows.
- (2) In paragraph 1(e), omit the words from “consistent with cross-zonal capacities” to the end of the sentence.
 - (3) In paragraph 3, for “its regulatory authority or other competent authority”, in both places which it occurs, substitute “the regulatory authority”.
- 73.**—(1) Article 108 is amended as follows.
- (2) In paragraph 2, in the words before point (a)—
 - (a) after “services, and” insert “endeavouring to do so”;
 - (b) for “other” substitute “neighbouring”.
- 74.** In Article 110 omit paragraph 1.
- 75.** In Article 111 omit paragraph 2.
- 76.** In Article 112 omit paragraphs 2 to 6.
- 77.** Omit Article 113.
- 78.** Omit Articles 114 to 117, and the Title number and heading preceding Article 114.
- 79.**—(1) Article 118 is amended as follows.
- (2) In paragraph 1—
 - (a) in the opening words before point (a), for “each synchronous area” substitute “the GB synchronous area”;
 - (b) omit point (d);
 - (c) in point (m), omit “for the GB and IE/Nl synchronous areas,”;
 - (d) omit points (o), (r) and (s);
 - (e) in point (t), omit “for synchronous areas other than CE,”;
 - (f) in points (u) and (v), insert at the beginning of each point “if applicable,”;
 - (g) omit points (w), (x), (y), (z) and (aa).
 - (3) In paragraph 2—
 - (a) in the first sentence—
 - (i) for “each synchronous area” substitute “the GB synchronous area”;
 - (ii) for “all the regulatory authorities of the concerned synchronous area” substitute “the regulatory authority”;
 - (b) in the second sentence, for “each” substitute “the GB”.
- 80.**—(1) Article 119 is amended as follows.
- (2) In paragraph 1—
 - (a) in point (c), for “Article 137(3) and (4)” substitute “Article 137(4)”;
 - (b) in point (m), omit “the exchange of FCR between the LFC areas of the different LFC blocks within the CE synchronous area and”;
 - (c) omit points (n), (o), and (p).
 - (3) In paragraph 2, in the first sentence, for “all the regulatory authorities of the concerned LFC block” substitute “the regulatory authority”.

81. Omit Articles 122 to 126.

82.—(1) Article 127 is amended as follows.

(2) In paragraph 1—

- (a) in points (a) to (e), omit “for all synchronous areas”;
- (b) in point (f), omit “for the GB and IE/Ni synchronous areas”;
- (c) in point (g), omit “for the GB, IE/Ni and Nordic synchronous areas”;
- (d) in point (h), omit “for the GB and IE/Ni synchronous areas”;
- (e) in point (i), omit “for all synchronous areas”.

(3) In paragraph 2, omit “for all synchronous areas”.

(4) In paragraph 5—

- (a) for “a synchronous area” substitute “the GB synchronous area”;
- (b) omit “6,”.

(5) Omit paragraph 6.

(6) In paragraph 7, for “and IE/Ni synchronous areas” substitute “synchronous area”.

(7) In paragraph 8, in the words before point (a), omit “6 and”.

83.—(1) Article 128 is amended as follows.

(2) Omit paragraphs 1 to 3.

(3) In paragraph 5, for “and IE/Ni synchronous areas” substitute “synchronous area”.

(4) In paragraph 6, in the opening words before point (a), for “and IE/Ni synchronous areas” substitute “synchronous area”.

84.—(1) Article 131 is amended as follows.

(2) In paragraph 1—

- (a) in point (a)(vi)—
 - (i) omit “50% of the standard frequency deviation for the CE synchronous area and to”;
 - (ii) for “, IE/Ni and Nordic synchronous areas” substitute “synchronous area”;
- (b) in point (a)(vii), for “and IE/Ni synchronous areas,” substitute “synchronous area”;
- (c) omit point (b);
- (d) in point (c), omit “or IE/Ni”.

(3) In paragraph 2, in the first and third sentences, for “each synchronous area” substitute “the GB synchronous area”.

85. In Article 133, in paragraph 1, for “a synchronous area” substitute “the GB synchronous area”.

86. Omit Article 136.

87.—(1) Article 137 is amended as follows.

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3, in the third sentence, for “a synchronous area” substitute “the GB synchronous area”.

88.—(1) Article 138 is amended as follows.

(2) In the opening words before point (a), for “the relevant synchronous area” substitute “the GB synchronous area”.

(3) For “the synchronous area”, in each place that it occurs, substitute “the GB synchronous area”.

89.—(1) Article 139 is amended as follows.

- (2) In paragraph 1—
- (a) in the first sentence, for “each synchronous area” substitute “the GB synchronous area”;
 - (b) in the second sentence, for “its synchronous area” substitute “the GB synchronous area”.
- (3) In paragraph 2, in the opening words before point (a), for “each synchronous area” substitute “the GB synchronous area”.
- 90.**—(1) Article 140 is amended as follows.
- (2) In paragraph 1, omit point (c) and the “; and” before it.
- (3) In paragraph 2—
- (a) omit points (b), (c) and (d);
 - (b) in point (e), omit “for synchronous areas other than CE,”.
- 91.**—(1) Article 141 is amended as follows.
- (2) In paragraph 1, for “each synchronous area” substitute “the GB synchronous area”.
- (3) In paragraph 2, for “a synchronous area” substitute “the GB synchronous area”.
- (4) In paragraphs 6 and 10, for “each synchronous area” substitute “the GB synchronous area”.
- (5) Omit paragraph 11.
- 92.** In Article 142, in paragraph 2, for “a synchronous area” substitute “the GB synchronous area”.
- 93.**—(1) Article 143 is amended as follows.
- (2) For paragraph 1, substitute—
- “1. The control target of the FRP shall be to regulate the FRCE towards zero within the time to restore frequency.”.
- (3) Omit paragraphs 4 and 5.
- 94.** In Article 144, in paragraph 1(c), omit “for the GB and IE/NI synchronous areas,”.
- 95.**—(1) Article 145 is amended as follows.
- (2) In paragraph 2—
- (a) in the first sentence—
 - (i) for “and IE/NI synchronous areas” substitute “synchronous area”;
 - (ii) for “their competent regulatory authorities” substitute “the regulatory authority”;
 - (b) in the third sentence—
 - (i) for “competent regulatory authorities” substitute “regulatory authority”;
 - (ii) for “regulatory authorities” substitute “the regulatory authority”.
- (3) Omit paragraph 3.
- (4) In paragraph 4, omit the third sentence.
- 96.** Omit Articles 146 to 150.
- 97.** In Article 151, in paragraph 2, for “a synchronous area” substitute “the GB synchronous area”.
- 98.**—(1) Article 152 is amended as follows.
- (2) In paragraph 1, for “the synchronous area” substitute “the GB synchronous area”.
- (3) In paragraph 2, for “its synchronous area” substitute “the GB synchronous area”.
- (4) In paragraph 3, for “each synchronous area” substitute “the GB synchronous area”.
- (5) In paragraph 5, for “all synchronous areas” substitute “the GB synchronous area”.
- (6) In paragraph 6, for “a synchronous area” substitute “the GB synchronous area”.

- (7) In paragraph 7—
- (a) for “and IE/NI synchronous areas” substitute “synchronous area”;
 - (b) for “a synchronous area” substitute “the GB synchronous area”.
- (8) In paragraph 10, for “a synchronous area” substitute “the GB synchronous area”.
- (9) In paragraph 11, for “the synchronous area and the TSOs of other synchronous areas” substitute “the GB synchronous area”.
- (10) Omit paragraph 13.
- (11) In paragraph 14, in the first sentence, for “paragraphs 12 and 13” substitute “paragraph 12”.
- (12) In paragraph 15—
- (a) in the first sentence—
 - (i) for “to 13” substitute “and 12”;
 - (ii) for “each synchronous area” substitute “the GB synchronous area”;
 - (b) in the second sentence—
 - (i) for “to 13” substitute “and 12”;
 - (ii) for “the synchronous area” substitute “the GB synchronous area”.

99.—(1) Article 153 is amended as follows.

- (2) In paragraph 1, for “each synchronous area” substitute “the GB synchronous area”.
- (3) In paragraph 2—
- (a) in the opening words before point (a), for “each synchronous area” substitute “the GB synchronous area”;
 - (b) in point (a), omit the words from “and, for the CE and Nordic synchronous areas” to the end of the sentence;
 - (c) for point (b) substitute—

“(b) the size of the reference incident shall be either—

 - (i) the largest imbalance that may result from an instantaneous change of active power such as that of a single power generating module, single demand facility, or single HVDC interconnector or from a tripping of an AC line; or
 - (ii) the maximum instantaneous loss of active power consumption due to the tripping of one or two connection points,

and the reference incident shall be determined separately for positive and negative direction;”;
 - (d) omit point (c);
 - (e) in point (d), for “the synchronous area” substitute “the GB synchronous area”.

100. Article 154 is amended as follows.

- (1) In paragraph 1, for “its synchronous area” substitute “the GB synchronous area”.
- (2) In paragraph 2—
- (a) in the first sentence, for “a synchronous area” substitute “the GB synchronous area”;
 - (b) in the second sentence, for “the synchronous area” substitute “the GB synchronous area”.
- (3) Omit paragraph 7.

101.—(1) Article 156 is amended as follows.

- (2) In paragraph 1, for “the same synchronous area in accordance with Articles 153, 163, 173 and 174” substitute “the GB synchronous area in accordance with Articles 153 and 163”.
- (3) In paragraph 2—
- (a) in the opening words before point (a), for “a synchronous area” substitute “the GB synchronous area”; and

- (b) omit point (d).
- (4) Omit paragraph 3.
- (5) In paragraph 6—
 - (a) omit point (a);
 - (b) in point (b), for “GB, IE/NI and Nordic synchronous areas” substitute “the GB synchronous area”.
- (6) In paragraphs 7 and 8, for “and IE/NI synchronous areas” substitute “synchronous area”.
- (7) Omit paragraphs 9 to 11.
- (8) For paragraph 13, substitute—

“13. A FCR provider using FCR providing units or FCR providing group with an energy reservoir that limits their capability to provide FCR shall ensure the recovery of the energy reservoirs in the positive or negative directions for the GB synchronous area, using the methods specified in the synchronous area operational agreement.”.

102.—(1) Article 157 is amended as follows.

- (2) In paragraph 2—
 - (a) omit points (a) to (c), (h) and (i);
 - (b) in point (j), for the second sentence, substitute—

“The sharing agreement for the GB synchronous area shall require that the positive reserve capacity on FRR and the risk of non-delivery due to sharing shall be assessed continually by the TSOs of the LFC block.”;
 - (c) in point (k), for the second sentence, substitute—

“The sharing agreement shall require that the negative reserve capacity on FRR and the risk of non-delivery due to sharing shall be assessed continually by the TSOs of the LFC block.”.

103. In Article 158, in paragraph 1, in point (c) omit “or 171(4)”.

104.—(1) Article 160 is amended as follows.

- (2) In paragraph 3—
 - (a) for point (a), substitute—

“(a) there shall be sufficient positive reserve capacity on RR to restore the required amount of positive FCR and positive FRR;”;
 - (b) for point (b), substitute—

“(b) there shall be sufficient negative reserve capacity on RR to restore the required amount of negative FCR and negative FRR;”.

105. In Article 161, in paragraph 1, in point (c), omit “or 171(4)”.

106. In Article 163, in paragraphs 1 and 2, for “a synchronous area” substitute “the GB synchronous area”.

107. In Article 164, for “its synchronous area” substitute “the GB synchronous area”.

108.—(1) Article 165 is amended as follows.

- (2) In paragraph 1, for “a synchronous area” substitute “the GB synchronous area”.
- (3) Omit paragraph 3, points (c) and (d).

109.—(1) Article 166 is amended as follows.

- (2) In paragraph 1, for “a synchronous area”, substitute “the GB synchronous area”.
- (3) Omit paragraph 3(b).
- (4) In paragraph 5, for the second sentence substitute—

“The control capability providing TSO can be the reserve instructing TSO for the reserve capacity on FRR and RR, subject to the sharing of FRR/RR.”.

110. Omit Articles 167 to 170.

111. In Article 171, omit paragraphs 2 to 9.

112. Omit Articles 172 to 179.

113. Omit Article 180, and the Chapter number and heading preceding it.

114. In Article 181, in paragraph 2, for “a synchronous area” substitute “the GB synchronous area”.

115.—(1) Article 183 is amended as follows.

(2) Omit paragraph 2.

(3) In paragraph 3, for “made available to ENTSO for Electricity” substitute “published”.

(4) Omit paragraph 4.

116.—(1) Article 184 is amended as follows.

(2) In paragraph 1, for “its regulatory authority or, where applicable, with another competent authority” substitute “the regulatory authority”.

(3) In paragraph 2—

(a) for “All TSOs of each synchronous area shall notify” substitute “All TSOs in the GB synchronous area shall publish”;

(b) omit “to ENTSO for Electricity for publication”.

(4) In paragraph 3, for “its regulatory authority or, where applicable, with another competent authority” substitute “the regulatory authority”.

117.—(1) Article 185 is amended as follows.

(2) In paragraph 1—

(a) for “a synchronous area” substitute “the GB synchronous area”;

(b) for “notify” substitute “publish”;

(c) omit “to ENTSO for Electricity for publication”.

(3) In paragraphs 2, 3, 4 and 5—

(a) for “each synchronous area” substitute “the GB synchronous area” in each place that it occurs;

(b) for “notify” substitute “publish” in each place that it occurs;

(c) omit “to ENTSO for Electricity for publication” in each place that it occurs.

118.—(1) Article 186 is amended as follows.

(2) In paragraph 1—

(a) for “each” substitute “the GB”;

(b) for “notify” substitute “publish”;

(c) omit “to ENTSO for Electricity for publication”.

(3) Omit paragraph 2.

119.—(1) Article 187 is amended as follows.

(2) In paragraphs 1, 2 and 3—

(a) for “each synchronous area” substitute “the GB synchronous area” in each place that it occurs;

(b) for “notify” substitute “publish” in each place that it occurs;

(c) omit “to ENTSO for Electricity for publication” in each place that it occurs.

120.—(1) Article 188 is amended as follows.

(2) In paragraphs 1, 2, 3 and 4—

(a) for “notify” substitute “publish” in each place that it occurs;

(b) omit “to ENTSO for Electricity for publication” in each place that it occurs.

(3) In paragraphs 3 and 4, for “each synchronous area” in each place where it occurs, substitute “the GB synchronous area”.

121.—(1) Article 189 is amended as follows.

(2) In paragraphs 1, 2 and 3—

(a) for “notify” substitute “publish” in each place that it occurs;

(b) omit “to ENTSO for Electricity for publication” in each place that it occurs.

(3) In paragraphs 2 and 3, for “each synchronous area” substitute “the GB synchronous area” in each place that it occurs.

122.—(1) Article 190 is amended as follows.

(2) In paragraph 1—

(a) for “each synchronous area” substitute “the GB synchronous area”;

(b) for “notify” substitute “publish”;

(c) omit “to ENTSO for Electricity for publication”.

(3) Omit paragraph 2.

(4) In paragraph 3, omit “FCR,”.

123. In Article 192 omit the third paragraph.

124. In the words following Article 192, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

125. Omit Annex I.

126. In Annex II, in Tables 1 and 2, omit the rows for “Continental Europe”, “Nordic”, “Ireland and Northern Ireland” and “Baltic”.

127. In Annex III—

(a) in the headings of Tables 1 and 2, for “the synchronous areas” substitute “the GB synchronous area”;

(b) in Tables 1 and 2, omit the columns for “CE”, “IE/NL” and “Nordic”.

128. In Annex IV—

(a) in the heading of the Table, omit “and IE/NL”;

(b) in the Table, omit the column for “IE/NL”.

129. In Annex V—

(a) in the heading of the Table, for “the different synchronous areas” substitute “the GB synchronous area”;

(b) in the Table—

(i) omit the second column;

(ii) in the third column, in the entries which correspond with the second, third and fourth rows of the first column, omit the entries which correspond with “CE”, “IE/NL” and “Nordic” in the second column.

130. In Annex VI—

- (a) omit the entry in the first column for “CE synchronous area”, and the entries in the second and third columns which correspond with it;
- (b) in the first column, for “Other synchronous areas” substitute “GB synchronous area.

131. Omit Annexes VII and VIII.

SCHEDULE 2

Regulation 4

Amendments to the Emergency and Restoration Regulation

- 1.** The Emergency and Restoration Regulation is amended as follows.
- 2.** In Article 1, in point (b), omit “across the Union”.
- 3.**—(1) Article 2 is amended as follows.
 - (2) In paragraph 1—
 - (a) after “balance responsible parties,” insert “and”;
 - (b) omit the words from “, nominated electricity market operators” to the end of the sentence.
 - (3) In paragraph 6—
 - (a) at the beginning of the sentence insert, “Except for Article 10,”;
 - (b) for the words from “in the Union” to the end of the sentence substitute “within the jurisdiction of Great Britain.”.
 - (4) In paragraph 7—
 - (a) for the first sentence, substitute “Except for Article 10, this Regulation shall apply to all transmission system operators within Great Britain.”;
 - (b) in the second sentence, for “Member States” substitute “the regulatory authority”.
 - (5) After paragraph 7 insert—

“7A. Article 10 applies to TSOs in Northern Ireland.”.
 - (6) Omit paragraph 8.
- 4.**—(1) Article 3 is amended as follows.
 - (2) At the beginning insert—

“1. In this Regulation—

 - (a) any reference to Commission Regulation (EU) 2016/631, Commission Regulation (EU) 2016/1388 or Commission Regulation 2016/1447 is a reference to that Regulation as it applied in EU law immediately before exit day; and
 - (b) any reference to a mandatory requirement under any of those Regulations is to be treated as a reference to a requirement under that Regulation which, immediately before exit day, was a mandatory requirement for TSOs in Great Britain.”.
 - (3) Number the first existing paragraph as paragraph 2, and in that paragraph—
 - (a) at the beginning of the sentence insert, “Except where stated in this Article,”;
 - (b) omit “Article 2 of Directive 2009/72/EC of the European Parliament and of the Council,”;
 - (c) omit the words from “, Article 2 of Regulation (EU) 2015/1222” to “Article 2 of Regulation (EU) 2016/1719,”.
 - (4) Number the second existing paragraph as paragraph 3, and in that paragraph after point (13) insert—

“(14) “regulatory authority” means the Gas and Electricity Markets Authority.

“(15) “SGU” or “significant grid user” means an electricity grid user of a kind specified in Article 2(1) of Commission Regulation (EU) 2017/1485.”.

(5) After paragraph 3 insert—

“4. The following expressions have the meanings given in Article 2 of Commission Regulation (EU) 2016/631—

‘active power’;
‘black start capability’;
‘connection point’;
‘current’;
‘entity’;
‘frequency’;
‘frequency control’;
‘houseload operation’;
‘inertia’;
‘instruction’;
‘island operation’;
‘limited frequency sensitive mode – overfrequency’;
‘limited frequency sensitive mode – underfrequency’;
‘network’;
‘power park module’;
‘relevant system operator’;
‘voltage’.

5. The following expressions have the meanings given in Article 2 of Commission Regulation (EU) 2016/1388—

‘block loading’;
‘control room’;
‘demand facility’;
‘low frequency demand disconnection’;
‘on load tap changer’.”.

5.—(1) Article 4 is amended as follows.

(2) In paragraph 1—

- (a) in the opening words before point (a)—
 - (i) for “Member States” substitute “the Secretary of State”;
 - (ii) for “regulatory authorities,” substitute “the regulatory authority”;
 - (iii) omit “, competent entities”;
- (b) in point (h), omit “European”.

(3) In paragraph 2—

- (a) in the words before point (a), for “the relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC” substitute “the regulatory authority”;
- (b) in point (d), omit the words from “, unless defined by” to the end of the sentence.

(4) Omit paragraph 3.

(5) In paragraph 5, omit “or the entity designated by the Member State”.

(6) In paragraph 6, for “Member States may” to “authorities of the Member States”, substitute “the Secretary of State may require prior approval by the regulatory authority”.

6. Omit Article 6.

7. In Article 7, in paragraph 1 in the first sentence, for “competent authorities of each Member State” substitute “regulatory authority”.

8.—(1) Article 8 is amended as follows.

(2) In paragraph 1, for “relevant regulatory authorities in accordance with Article 37 of Directive 2009/72/EC” substitute “regulatory authority”.

(3) In paragraph 2, for “relevant regulatory authorities” substitute “regulatory authority”.

9.—(1) Article 9 is amended as follows.

(2) In paragraph 3, for “national legislation, the other provisions of this Regulation or other relevant Union legislation,” substitute “the other provisions of this Regulation or any other enactment”.

(3) In paragraph 4, for “national or Union legislation” substitute “any enactment”.

10. For Article 10 substitute—

“Article 10

Agreements with TSOs not bound by this Regulation

1. Each TSO in Northern Ireland must endeavour to conclude an agreement with TSOs in Ireland setting out the basis for their cooperation concerning secure system operation and setting out arrangements for compliance with relevant provisions.

2. Each TSO in Northern Ireland must endeavour to conclude the agreement referred to in paragraph 1 as soon as reasonably practicable after exit day.

3. In paragraph 1, “relevant provisions” means provisions of this Regulation which applied to TSOs in Northern Ireland immediately before exit day.”.

11. In Article 11, in paragraph 1, for “national regulatory authorities, or entities referred to in Article 4(3), neighbouring TSOs” substitute “the regulatory authority”.

12. In Article 13, omit paragraph 4.

13.—(1) Article 14 is amended as follows.

(2) In paragraph 1, for the words from “Upon request from” to “the requesting TSO” substitute, “Each TSO shall endeavour to provide through interconnectors any possible assistance to a requesting TSO in Northern Ireland in an emergency situation”.

(3) In paragraph 3, omit the words from “, subject to the following requirements:” to the end.

(4) In paragraph 4—

(a) omit the first sentence;

(b) for second sentence substitute—

“Where a TSO manually disconnects a transmission system element having a significant cross border impact, the TSO shall prepare a report within 30 days of the incident containing a detailed explanation of the rationale, implementation and impact of this action and submit it to the regulatory authority and make it available to the significantly affected system users.”.

14. In Article 15, in paragraph 9 omit “national”.

15.—(1) Article 18 is amended as follows.

(2) In paragraph 1, in the second sentence, omit “in accordance with Article 78(4) of Regulation (EU) 2017/1485”.

(3) In paragraph 4, for “relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC” substitute “regulatory authority”.

16. In Article 20, in paragraph 3 in the final sentence, for “relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC” substitute “regulatory authority”.

17. In Article 22, in paragraph 4, for “relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC” substitute “regulatory authority”.

18. In Article 23, in paragraph 1, for “national regulatory authorities or entities referred to Article 4(3), neighbouring TSOs” substitute “the regulatory authority”.

19. In Article 25, omit paragraph 4.

20.—(1) Article 35 is amended as follows.

(2) In paragraph 2—

- (a) omit point (a);
- (b) in point (e), omit “and (2)”.

(3) In paragraph 5—

- (a) omit points (a) and (c);
- (b) omit point (e) and the “; and” before it.

21.—(1) Article 36 is amended as follows.

(2) In paragraph 2, for “relevant regulatory authority in accordance with Article 37 of Directive 2009/72/EC” substitute “regulatory authority”.

(3) In paragraph 3—

- (a) omit point (a);
- (b) in point (e), omit “and (2)”.

(4) In paragraph 4—

- (a) in point (c), omit subpoint (ii) and the “or” before it;
- (b) in point (d), omit subpoint (iii);
- (c) in point (e)—
 - (i) omit subpoint (i);
 - (ii) in subpoint (v), omit “and (2)”.

(5) Omit paragraphs 7 and 8.

22.—(1) Article 37 is amended as follows.

(2) In paragraph 1, omit “, in coordination with the NEMO(s) active in its control area and with the neighbouring TSOs,”.

(3) In paragraph 2, omit “, in coordination with neighbouring TSOs,”.

(4) Omit paragraphs 3 to 5.

(5) In paragraph 6—

- (a) omit “at least in English”;
- (b) for “relevant regulatory authority in accordance with Article 37 of Directive 2009/72” substitute “regulatory authority”.

(6) In paragraph 7, for “authorities of the Member States or the Agency” substitute “authority”.

23.—(1) Article 38 is amended as follows.

(2) In paragraph 2(e), for “relevant regulatory authority of the concerned Member States in accordance with Article 37 of Directive 2009/72” substitute “regulatory authority”.

(3) In paragraph 3, omit points (c), (g) and (h).

(4) In paragraph 4, omit “, the NEMO(s) and other entities assigned or delegated to execute market functions referred to in paragraph 3,”.

24.—(1) Article 39 is amended as follows.

(2) In the second subparagraph of paragraph 1, for “relevant regulatory authority in accordance with Article 37 of Directive 2009/72” substitute “regulatory authority”.

(3) In the third subparagraph of paragraph 1, for “A Member State or, where applicable, a regulatory authority,” substitute “The Secretary of State or, where applicable, the regulatory authority,”.

25.—(1) Article 40 is amended as follows.

(2) In paragraph 2, omit point (a).

(3) In paragraph 4—

(a) omit point (a);

(b) for point (b), substitute—

“(b) to the regulatory authority;”.

26. In Article 43, in the final sentence of paragraph 3, for “For SGUs that are” substitute, “For SGUs that, immediately before exit day, were”.

27. In Article 51 omit paragraph 1(d) and the “; and” before it.

28. Omit Article 52.

29. In Article 53, in the first sentence, for “Agency, in close cooperation with ENTSO for Electricity,” substitute “national electricity transmission system operator”.

30. In Article 55 omit the second paragraph.

31. In the words following Article 55 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

32. In the Annex, omit the second, third and fifth columns of the table.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (e) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend Commission Regulation (EU) No 2017/1485 establishing a guideline on electricity transmission system operation, and Commission Regulation (EU) No 2017/2196 establishing a network code on electricity emergency and restoration which form part of the domestic law of the United Kingdom on and after exit day by virtue of section 3 of the European Union (Withdrawal) Act 2018.

These Regulations also revoke Commission Regulations (EU) No 2016/631, 2016/1388 and 2016/1447.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.