

SCHEDULE 2

Regulation 4

Amendments to the Emergency and Restoration Regulation

1. The Emergency and Restoration Regulation is amended as follows.

Commencement Information

I1 Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

2. In Article 1, in point (b), omit “across the Union”.

Commencement Information

I2 Sch. 2 para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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 ”.

^{F1}(5)

(6) Omit paragraph 8.

Textual Amendments

F1 Sch. 2 para. 3(5) omitted (15.9.2020) by virtue of **The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016)**, **regs. 1(2), 6(4)(a)**

Commencement Information

I3 Sch. 2 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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

^{F2}(2)

(3) [^{F3}In the first paragraph—]

- (a) at the beginning of the sentence insert, “ Except where stated in this Article, ”;

Changes to legislation: There are currently no known outstanding effects for the The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

- (b) omit “Article 2 of Directive [2009/72/EC](#) of the European Parliament and of the Council,”;
- [^{F4}(ba) for “Regulation ([EC](#)) [714/2009](#)” substitute “Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast)”];
- [^{F5}(c) omit “Article 2 of Regulation (EU) 2015/1222,”
- (d) omit “Article 2 of Regulation (EU) 2016/1719,”.]
- (4) [^{F6}In the second paragraph, after point (13), insert—]
 - ^{F7}(14)
 - (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.”.
- ^{F8}(5)

Textual Amendments	
F2	Sch. 2 para. 4(2) omitted (16.9.2020) by virtue of The Electricity and Gas (Internal Markets and Network Codes) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1006) , regs. 1(2), 3(3)(a)
F3	Words in Sch. 2 para. 4(3) substituted (16.9.2020) by The Electricity and Gas (Internal Markets and Network Codes) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1006) , regs. 1(2), 3(3)(b)
F4	Sch. 2 para. 4(3)(ba) inserted (15.9.2020) by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016) , regs. 1(2), 6(4)(b)(ii)
F5	Sch. 2 para. 4(3)(c)(d) substituted for Sch. 2 para. 4(3)(c) (16.9.2020) by The Electricity and Gas (Internal Markets and Network Codes) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1006) , regs. 1(2), 3(3)(c)
F6	Words in Sch. 2 para. 4(4) substituted (16.9.2020) by The Electricity and Gas (Internal Markets and Network Codes) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1006) , regs. 1(2), 3(3)(d)(i)
F7	Words in Sch. 2 para. 4(4) omitted (16.9.2020) by virtue of The Electricity and Gas (Internal Markets and Network Codes) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1006) , regs. 1(2), 3(3)(d)(ii)
F8	Sch. 2 para. 4(5) omitted (16.9.2020) by virtue of The Electricity and Gas (Internal Markets and Network Codes) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1006) , regs. 1(2), 3(3)(e)
Commencement Information	
I4	Sch. 2 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1 , Sch. 5 para. 1(1)), see reg. 1(2)

- 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”.

Commencement Information

I5 Sch. 2 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

6. Omit Article 6.

Commencement Information

I6 Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

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

Commencement Information

I7 Sch. 2 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

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”.

Commencement Information

I8 Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

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”.

Commencement Information

I9 Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

[^{F9}10. Omit Article 10.]

Changes to legislation: There are currently no known outstanding effects for the The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

Textual Amendments

F9 Sch. 2 para. 10 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **6(4)(c)**

Commencement Information

I10 Sch. 2 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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”.

Commencement Information

I11 Sch. 2 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

12. In Article 13, omit paragraph 4.

Commencement Information

I12 Sch. 2 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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.”.

Commencement Information

I13 Sch. 2 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Commencement Information

I14 Sch. 2 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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”.

Commencement Information

I15 Sch. 2 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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”.

Commencement Information

I16 Sch. 2 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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

Commencement Information

I17 Sch. 2 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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

Commencement Information

I18 Sch. 2 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

19. In Article 25, omit paragraph 4.

Commencement Information

I19 Sch. 2 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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

Changes to legislation: There are currently no known outstanding effects for the The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

- (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.

Commencement Information

I20 Sch. 2 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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.

Commencement Information

I21 Sch. 2 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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”.

Commencement Information

I22 Sch. 2 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

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,”.

Commencement Information

I23 Sch. 2 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

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,”.

Commencement Information

I24 Sch. 2 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

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;”.

Commencement Information

I25 Sch. 2 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

26. In Article 43, in the final sentence of paragraph 3, for “For SGUs that are” substitute, “For SGUs that, immediately before [^{F10}IP completion day], were”.

Changes to legislation: There are currently no known outstanding effects for the The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

Textual Amendments

F10 Words in Sch. 2 para. 26 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **6(4)(d)**

Commencement Information

I26 Sch. 2 para. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Commencement Information

I27 Sch. 2 para. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

28. Omit Article 52.

Commencement Information

I28 Sch. 2 para. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Commencement Information

I29 Sch. 2 para. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

30. In Article 55 omit the second paragraph.

Commencement Information

I30 Sch. 2 para. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Commencement Information

I31 Sch. 2 para. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Changes to legislation: *There are currently no known outstanding effects for the The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)*

Commencement Information

I32 Sch. 2 para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2.