

SCHEDULE 2

Regulation 4

Amendments to the Balancing Code

1.—(1) Article 2 is amended as follows.

(2) In paragraph 1, for “within the borders of the Union”, substitute “to the extent that they are within the United Kingdom or the UK marine area, and taking into account the specific nature of interconnectors”.

(3) In paragraph 2—

- (a) at the beginning, insert “To the extent they fall within the United Kingdom or the UK marine area,”;
- (b) for “in Member”, substitute “of member”; and
- (c) after “2009/73/EC, insert “as it has effect in EU law, unless the national regulatory authority and the member State agree otherwise”.

(4) In paragraph 4—

- (a) omit “under the applicable national rules and”; and
- (b) after “gas supply”, insert “and other applicable national rules”.

(5) After paragraph 5, insert—

“6. To the extent it falls within the United Kingdom or the UK marine area, this Regulation does not apply to the balancing zone of another country that is not a member State unless the national regulatory authority determines otherwise.

7. If a transmission system operator is regulated by both national regulatory authorities, where relevant they must cooperate with each other regarding the regulation of that transmission system operator.

8. If a transmission system operator is regulated by a national regulatory authority and a non-UK regulatory authority, where relevant the national regulatory authority must endeavour to cooperate with the non-UK regulatory authority regarding the regulation of that transmission system operator.

9. Any reference to an adjacent balancing zone in this Regulation includes a balancing zone outside the United Kingdom or the UK marine area.”.

2. After Article 1, insert—

“Article 2A

Obligations on transmission system operators

1. In any case where a transmission system operator cannot comply with an obligation set out in this Regulation without the cooperation of a non-UK TSO, the obligation must be interpreted as a requirement on the transmission system operator to

- (a) comply with the obligation in so far as it is able to do so without the cooperation of the non-UK TSO; and
- (b) endeavour to cooperate with the non-UK TSO in order to comply with that obligation.

2. Paragraph 1 applies so that obligations that apply to transmission system operators at an interconnection point apply to a transmission system operator that is adjacent to a non-UK TSO at an interconnection point.”.

- 3.—**(1) Article 3 is amended as follows.
- (2) In the words before point (1)—
- (a) after “715/2009,”, insert “and”;
- (b) omit “as well as Article 2 of [Directive 2009/73/EC](#)”.
- (3) In point (1), at the end insert “to the extent that the entry-exit system is part of the transmission system of Great Britain or Northern Ireland, or in the United Kingdom and the UK marine area;”.
- (4) After point (21), insert—
- “(22) the UK marine area’ has the same meaning given in section 42 of the Marine and Coastal Access Act 2009(1).”.
- 4.—**(1) Article 7(7) is amended as follows.
- (2) After “transmission system operators”, insert “must cooperate with each other and must endeavour to cooperate with non-UK TSOs”.
- (3) After “balancing zones”, omit “shall cooperate”.
- 5.—**(1) Article 14 is amended as follows.
- (2) In paragraph 1, for “13:00 UTC (winter time) or 12:00 UTC (daylight saving)”, substitute “1.00 p.m.”.
- (3) In paragraph 3, for “15:00 UTC (winter time) or 14:00 UTC (daylight saving)”, substitute “3.00 p.m.”.
- (4) In paragraph 4—
- (a) in point (b), for “12:00 UTC (winter time) or 11:00 UTC (daylight saving)”, substitute “12.00 p.m.”; and
- (b) in point (c), for “12:30 UTC (winter time) or 11:30 UTC (daylight saving)”, substitute “12.30 p.m.”.
- 6.—**(1) Article 16 is amended as follows.
- (2) In paragraph 1(a), after “transmission system operators”, insert “, non-UK TSOs”.
- (3) In paragraph 2, for “shall”, substitute “may”.
- 7.—**(1) Article 26 is amended as follows.
- (2) In paragraph 4—
- (a) after “national regulatory authorities”, insert “the non-UK regulatory authorities in adjacent balancing zones;”; and
- (b) after “transmission system operators”, insert “and non-UK TSOs”.
- (3) In paragraph 6, omit “, and send it to ENTSOG for information”.
- 8.—**(1) Article 27(2) is amended as follows.
- (2) For “with the national regulatory authorities”, substitute “with the other national regulatory authority and the non-UK regulatory authorities”.
- (3) For “Member States”, substitute “balancing zones”.
- (4) Omit the last sentence.
- 9. Omit Article 28.**

(1) [2009 c. 19](#)

10. In Article 33(1), omit point (g).
11. In Article 34(3), for “17:00 UTC (winter time) or 16:00 UTC (daylight saving)”, substitute “5.00 p.m.”.
- 12.—(1) Article 36 is amended as follows.
 - (2) In paragraph 1(a), for “12:00 UTC (winter time) or 11:00 UTC (daylight saving)”, substitute “12.00 p.m.”.
 - (3) In paragraph 2, for “13:00 UTC (winter time) or 12:00 UTC (daylight saving)”, substitute “1.00 p.m.”.
13. In Article 46(4), omit the second sentence.
- 14.—(1) Article 47 is amended as follows.
 - (2) In paragraph 2—
 - (a) after “between the transmission system operators”, insert “and non-UK TSOs”; and
 - (b) for “it shall be operated by the transmission system operators concerned”, substitute “the concerned transmission system operators must endeavour to operate it in cooperation with any concerned non-UK TSOs”.
 - (3) In paragraph 3, for “submitting”, substitute “making”.
15. Omit Articles 51 and 52.
16. In Article 53, for “28, 33(5), 38(1), 45(4), 46(3), 51 and 52”, substitute “33(5), 45(4) and 46(3)”.
17. In the text after Article 53, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.