

SCHEDULE 3

Regulation 5

Amendments to the Interoperability Code

- 1.—(1) Article 1 is amended as follows.
 - (2) In paragraph 1, omit “harmonised”.
 - (3) In paragraph 2—
 - (a) omit “Article 18 shall apply to transmission systems.”; and
 - (b) for the last sentence, substitute “This Regulation does not apply at entry points from and exit point to another country that is not a member State unless the national regulatory authority determines otherwise.”.
 - (4) In paragraph 3—
 - (a) for “between Member States as long as one of these Member States”, substitute “with a member State that”;
 - (b) after “2009/73/EC”, insert “as it has effect in EU law”; and
 - (c) for “respective Member States”, substitute “national regulatory authority and the member State”.
 - (5) After paragraph 3, insert—
 4. 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.
 5. 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.
 6. The interconnection points within the scope of this Regulation are those where transmission system operators or network users carry out functions or activities that are regulated by a national regulatory authority.”.
2. After Article 1, insert—

“Article 1A

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 “adjacent TSOs”, or that otherwise 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 2 is amended as follows.
 - (2) In the words before point (a)—

- (a) after “984/2013,”, insert “and”; and
- (b) omit “as well as in Article 2 of [Directive 2009/73/EC](#)”.
- (3) In point (g), for “adjacent transmission system operators”, substitute “adjacent TSOs”.
- 4.** In Article 3, for “adjacent transmission system operators”, substitute “adjacent TSOs”.
- 5.—**(1) Article 4(3) is amended as follows.
 - (2) Omit “and to Entsog”.
 - (3) Omit “of the Member State”.
- 6.** Omit Article 5.
- 7.—**(1) Article 6 is amended as follows.
 - (2) For “adjacent transmission system operators”, substitute “adjacent TSOs”, each time it appears.
 - (3) In paragraph 4(a), omit “national or Union”.
 - (4) In paragraph 4(b), after “Council”, insert “as it has effect in EU law immediately before exit day”.
- 8.—**(1) Article 7 is amended as follows.
 - (2) For “adjacent transmission system operators” substitute “adjacent TSOs”, each time it appears.
 - (3) In paragraph 1(b), for “adjacent transmission system operator(s)”, substitute “adjacent TSOs”.
 - (4) In paragraph 2, after “national regulations”, insert “and the regulations of other countries or territories”.
 - (5) In paragraph 3(h), for the words “adjacent transmission system operator(s)” to the end, substitute “adjacent TSOs who operate the measurement equipment to the other adjacent TSOs”.
 - (6) In paragraph 4(b), omit “in the version applicable at the time”.
- 9.** In Article 8, each time it appears, for “adjacent transmission system operators”, substitute “adjacent TSOs”.
- 10.—**(1) Article 9 is amended as follows.
 - (2) For “adjacent transmission system operators”, substitute “adjacent TSOs” each time it appears.
 - (3) In paragraph 2, for “adjacent transmission system operator(s)”, substitute “adjacent TSOs”.
 - (4) In paragraph 3, for “by each adjacent transmission system operator”, substitute “ by each adjacent TSO”.
- 11.—**(1) Article 10 is amended as follows.
 - (2) In paragraph 1, for “adjacent transmission system operators”, substitute “adjacent TSOs”.
 - (3) In paragraph 2, for “adjacent transmission system operator(s)”, substitute “adjacent TSOs”.
- 12.—**(1) Article 11 is amended as follows.
 - (2) In paragraph 1, for “adjacent transmission system operators”, substitute “adjacent TSOs”.
 - (3) Omit paragraph 2.

13. In Article 12, for “adjacent transmission system operators”, substitute “adjacent TSOs” both times it appears.

14. For Article 13(3), substitute—

“3. If at any time the United Kingdom is connected to only one member State, or connected to a country or territory that is not connected to a member State, the adjacent TSOs at the relevant interconnection points and the parties they communicate with may agree to continue to use other reference conditions for data exchange in connection with Regulation (EC) No 715/2009 on conditions for access to natural gas transmission networks, subject to the approval of the national regulatory authority.”.

15. In Article 14, omit the words from “based on” to the end.

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

(2) In paragraph 1, after “cooperate”, insert “with each other and must endeavour to cooperate with non-UK TSOs”.

(3) In paragraph 2—

(a) in the words before point (a)—

(i) for “national regulatory authorities, those authorities”, substitute “national regulatory authority, it”;

(ii) after “require the”, insert “concerned”;

(b) in point (e)—

(i) for “their respective national regulatory authorities”, substitute “the national regulatory authority”;

(ii) omit “of each involved member State”;

(c) after point (e), insert—

“In performing the actions referred to in points (a) to (e), the concerned transmission system operators must endeavour to cooperate with the concerned non-UK TSOs.”; and

(d) in the words after point (e), after “transmission system operators”, insert “and concerned non-UK TSOs”.

(4) In paragraph 3—

(a) for “each national”, in both places it occurs, substitute “the national”;

(b) after “consult the”, for “national”, substitute “non-UK”;

(c) for “Member States”, substitute “countries or territories”; and

(d) after “adjacent”, for “national”, substitute “non-UK”.

(5) After paragraph 3, insert—

“4. If both national regulatory authorities are concerned, they must cooperate with each other, and references in paragraphs 2 and 3 to “the national regulatory authority” are to be read as references to “the national regulatory authorities”. ”.

17. In Article 16, omit the last sentence.

18. Omit Article 18.

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

(2) In paragraph 1—

(a) for “national authorities”, substitute “the national regulatory authority”;

- (b) for “the authorities”, substitute “the national regulatory authority”;
 - (c) after “operators to”, insert “endeavour to”;
 - (d) for “adjacent transmission system operators”, substitute “adjacent TSOs”; and
 - (e) for “their respective national authorities”, substitute “the national regulatory authority”.
- (3) In paragraph 2—
- (a) for “national authorities agree”, substitute “national regulatory authority considers”;
 - (b) for “adjacent transmission system operators”, substitute “adjacent TSOs”; and
 - (c) for “with national authorities”, substitute “with the national regulatory authority”.
- (4) In paragraph 3—
- (a) in point (e)—
 - (i) for “the feasible” substitute “any feasible”;
 - (ii) for “national authorities”, substitute “national regulatory authority”;
 - (b) in the words after point (e)—
 - (i) for “Once”, substitute “If”; and
 - (ii) for “national authorities”, substitute “national regulatory authority”.
- (5) In paragraph 4—
- (a) for “national authorities do”, substitute “national regulatory authority does”;
 - (b) after “paragraph 2,”, insert “the concerned transmission system operators shall endeavour to implement”;
 - (c) after “flow of non-odourised gas”, omit “shall be implemented”; and
 - (d) for “by the national authorities”, substitute “by the national regulatory authority”.
- (6) After paragraph 4, insert—
- 5.** In performing their functions set out in this Article, the concerned transmission system operators must endeavour to cooperate with the concerned non-UK TSOs.
- 6.** Before determining whether to grant approval under paragraphs (1), (3) or (4) of this Article, the national regulatory authority must endeavour to cooperate with the concerned non-UK regulatory authorities with a view to reaching a joint decision.
- 7.** If both national regulatory authorities are concerned, they must cooperate with each other, and references in paragraphs 1, 2, 3, 4 and 6 to “the national regulatory authority” are to be read as references to “the national regulatory authorities”.
- 20.**—(1) Article 21 is amended as follows.
- (2) In paragraph 2—
- (a) in point (a)(ii), omit the last sentence; and
 - (b) in point (b)(ii), omit the last sentence.
- (3) Omit paragraph 3.
- 21.** In Article 23, omit “of the transmission system operator”.
- 22.** Omit Article 24.
- 23.** For the text of Article 25, substitute—

“Article 25

Implementation monitoring

If immediately before exit day a transmission system operator has not complied with its obligations under Article 25(2) of this Regulation as it has effect in EU law, the obligations under that paragraph continue to apply.”.

24. In Article 26, in the second paragraph, omit “without prejudice to Article 5”.

25. In the text after Article 26, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.