

## SCHEDULE 5

### Amendments to the Tariffs Code

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

(2) In paragraph 1, in the words before point (a)—

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

(b) after “that Directive”, insert “as these Articles have effect in EU law,”; and

(c) omit “jointly”.

(3) For paragraph 3, substitute—

“3. The national regulatory authority must endeavour to assess the request for a derogation jointly with any non-UK regulatory authorities whose approval is required and deal with the non-UK regulatory authorities in close cooperation. Where the national regulatory authority grants a derogation, the national regulatory authority must specify its duration in its decision.”.

(4) Omit paragraph 4.

(5) For paragraph 5, substitute—

“5. The national regulatory authority may revoke a derogation if the circumstances or underlying reasons, or both, no longer apply. The national regulatory authority must endeavour to cooperate with any non-UK regulatory authorities whose approval is required in reaching a decision on whether to revoke a derogation.”.

(6) After paragraph 5, insert—

“6. If the approval of both national regulatory authorities is required, they must cooperate with each other, and references in paragraphs 1, 3 and 5 to “the national regulatory authority” are to be read as references to “the national regulatory authorities.”.