

## SCHEDULE 3

Regulation 8

### The Transparency Regulation

- 1.—(1) Article 2 of the Transparency Regulation (definitions) is amended as follows.
  - (2) For point (14) substitute—
    - “(14) ‘data publisher’ means—
      - (a) the person providing a reporting service, in relation to data which are submitted to the reporting service under Article 4; or
      - (b) a TSO, in relation to data which the TSO is required to publish under Articles 6 to 17.”.
  - (3) Omit point (31).
2. Omit Article 3 (establishment of a central information transparency platform).
- 3.—(1) Article 4 (submission and publication of data) is amended as follows.
  - (2) In paragraph 1—
    - (a) in the first subparagraph—
      - (i) for “data providers”, in the first place that it occurs, substitute “a reporting service”;
      - (ii) for “data providers”, in the second place that it occurs, substitute “data publishers”;
      - (iii) for the words from “process” to “obligations” substitute “meet their respective obligations”;
    - (b) omit the second subparagraph.
  - (3) After paragraph 1 insert—

“**1A.** In relation to any requirement in this Regulation for a TSO to publish data, the TSO must—
    - (a) publish the data so that they are available to the public free of charge through the internet in English;
    - (b) ensure that the data are up to date, easily accessible, downloadable and available for at least five years;
    - (c) ensure that data updates are time stamped, archived and made available to the public.”.
  - (4) For paragraph 2 substitute—

“**2.** At any time while a reporting service is in operation, in relation to data which are able to be submitted to that reporting service—
    - (a) primary owners of the data other than TSOs may fulfil their obligation under paragraph 1 by submitting the data to the reporting service, subject to the prior agreement of the TSO in whose control area the primary owner is located;
    - (b) TSOs may fulfil their obligations in Articles 6 to 17 to publish data, and their obligations in paragraph 1A relating to such publication, by submitting the data to the reporting service.”.
  - (5) Omit paragraph 4.
  - (6) In paragraph 5—
    - (a) omit “and of the ENTSO for Electricity”;
    - (b) for “paragraph 1 and Article 3” substitute “paragraphs 1 and 1A”;

- (c) omit “TSOs’ or”.
- (7) In paragraph 6—
  - (a) for “National regulatory authorities shall” substitute “The national regulatory authority must”;
  - (b) for “, TSOs and data providers” substitute “and TSOs”.
- (8) After paragraph 6 insert—
  - “7. In this Article, “reporting service” means a service for the reporting and publication of data which is approved by the national regulatory authority for the purposes of this Article.
  - 8. The national regulatory authority must not approve a service under paragraph 7 unless it is satisfied that the service will publish data which it receives under this Article in accordance with the requirements in paragraph 1A.”.
- 4. Omit Article 5 (manual of procedures).
- 5. In Article 6 (information on total load), in paragraph 1—
  - (a) for “submit” substitute “publish”;
  - (b) omit “to the ENTSO for Electricity”.
- 6. In Article 7 (information relating to the unavailability of consumption units), in paragraph 1—
  - (a) for “provide” substitute “publish”;
  - (b) omit “to the ENTSO for Electricity”.
- 7. In Article 8 (year-ahead forecast margin), in paragraph 1, in the first subparagraph—
  - (a) for “provide” substitute “publish”;
  - (b) omit “to the ENTSO for Electricity”.
- 8. In Article 9 (transmission infrastructure), in the first paragraph—
  - (a) for “establish and provide” substitute “publish”; and
  - (b) omit “, to the ENTSO for Electricity”.
- 9.—(1) Article 10 (information relating to the unavailability of transmission infrastructure) is amended as follows.
  - (2) In paragraph 1, for “provide to the ENTSO for Electricity” substitute “publish”.
  - (3) In paragraph 4—
    - (a) for “their Member States” substitute “the United Kingdom”;
    - (b) at the end, insert as a new subparagraph—

“For the purposes of this paragraph and Article 11(4), Article 2 of Council [Directive 2008/114/EC](#) is to be read as if, in point (a), the references to ‘Member States’ and ‘a Member State’ were references to the United Kingdom.”.
- 10. In Article 11 (information relating to the estimation and offer of cross zonal capacities)—
  - (a) in paragraph 1—
    - (i) for “provide” substitute “publish”; and
    - (ii) omit “to the ENTSO for Electricity”;
  - (b) in paragraph 4—

- (i) in the first subparagraph, for “ENTSO for Electricity” substitute “national regulatory authority”;
- (ii) in the second paragraph, for “their Member States” substitute “the United Kingdom”.

**11.**—(1) Article 12 (information relating to the use of cross-zonal capacities) is amended as follows.

- (2) In paragraph 1—
  - (a) for “provide” substitute “publish”;
  - (b) omit “to the ENTSO for Electricity”; and
  - (c) omit point (h).
- (3) In paragraph 2, omit point (g).

**12.** In Article 13 (information relating to congestion management measures), in paragraph 1—

- (a) for “provide” substitute “publish”; and
- (b) omit “to the ENTSO for Electricity”.

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

- (2) In paragraph 1—
  - (a) for “provide” substitute “publish”; and
  - (b) omit “to the ENTSO for Electricity”.
- (3) In paragraph (2)—
  - (a) in point (c), for “18.00 Brussels time” substitute “5 p.m.”;
  - (b) in point (d)—
    - (i) for “18.00 Brussels time” substitute “5 p.m.”;
    - (ii) for “8.00 Brussels time” substitute “7 a.m.”;
    - (iii) omit the third sentence.

**14.** In Article 15 (information relating to the unavailability of generation and production units), in paragraph 1—

- (a) for “provide” substitute “publish”; and
- (b) omit “to the ENTSO for Electricity”.

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

- (2) In paragraph 1—
  - (a) for “provide” substitute “publish”; and
  - (b) omit “to the ENTSO for Electricity”.
- (3) In paragraph 2—
  - (a) in point (c), omit the second sentence; and
  - (b) in point (d), omit the second sentence.

**16.** In Article 17 (balancing), in paragraph 1—

- (a) for “provide” substitute “publish”; and
- (b) omit “to the ENTSO for Electricity”.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:  
*The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019 No. 534*

**17.** In Article 18 (liability), for the words from “owner” to “ENTSO for Electricity” substitute “owner of the data and the data publisher”.

**18.** Omit Article 19.

**19.** After Article 20, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.