

SCHEDULE 3

The Transparency Regulation

- 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.

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

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.”.