

SCHEDULE 3

Regulation 8

The Transparency Regulation

1.—(1) Article 2 of the Transparency Regulation (definitions) is amended as follows.

[^{F1}(1A) For “Regulation (EC) No 714/2009” substitute “Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast)”.]

(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).

F1 Sch. 3 para. 1(1A) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), 7(7)(a)

Commencement Information

I1 Sch. 3 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

2. Omit Article 3 (establishment of a central information transparency platform).

Commencement Information

I2 Sch. 3 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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;

Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019, SCHEDULE 3. (See end of Document for details)

- (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.”.

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Commencement Information

I3 Sch. 3 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 4.** Omit Article 5 (manual of procedures).

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Commencement Information

I4 Sch. 3 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 5.** In Article 6 (information on total load), in paragraph 1—
 - (a) for “submit” substitute “ publish ”;
 - (b) omit “to the ENTSO for Electricity”.

Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019, SCHEDULE 3. (See end of Document for details)

Commencement Information

I5 Sch. 3 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 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”.

Commencement Information

I6 Sch. 3 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 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”.

Commencement Information

I7 Sch. 3 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

- 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”.

Commencement Information

I8 Sch. 3 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

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.”.

Commencement Information

I9 Sch. 3 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019, SCHEDULE 3. (See end of Document for details)

- 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 ”.

Commencement Information

I10 Sch. 3 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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).

Commencement Information

I11 Sch. 3 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

- 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”.

Commencement Information

I12 Sch. 3 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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.

Commencement Information

I13 Sch. 3 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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”.

Commencement Information

I14 Sch. 3 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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.

Commencement Information

I15 Sch. 3 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

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

Commencement Information

I16 Sch. 3 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019, SCHEDULE 3. (See end of Document for details)

Commencement Information

I17 Sch. 3 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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Commencement Information

I18 Sch. 3 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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

Commencement Information

I19 Sch. 3 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019, SCHEDULE 3.