

## SCHEDULE 5

Regulation 7

### Amendments to the Tariffs Code

- 1.—(1) Article 1 is amended as follows.
  - (2) Omit “harmonised”.
  - (3) Omit “rules on the application of a reference price methodology, the associated”.
  - (4) Omit “as well as the calculation of reserve prices for standard capacity products”.
  
- 2.—(1) Article 2 is amended as follows.
  - (2) In paragraph 1—
    - (a) in both places, omit “III,”; and
    - (b) for “entry points from third countries or exit points to third countries”, substitute “entry points from or exit points to other countries that are not member States”.
  - (3) Omit paragraph 2.
  - (4) After paragraph 1, insert—
    - “2. 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.
    3. 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.
    4. 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.
    5. 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.
    6. Paragraph 5 applies so that obligations that 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 3 is amended as follows.
  - (2) In the words before point (1)—
    - (a) after “312/2014,”, insert “and”;
    - (b) omit “as well as Article 2 of [Directive 2009/73/EC](#)”.
  - (3) In points (3), (5), (11) and (17), for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)”, substitute “by the national regulatory authority”.
  
4. In Article 4(4)(b), for “a Member State”, substitute “the United Kingdom”.

**5.—**(1) Article 5 is amended as follows.

(2) In paragraph 3—

(a) in point (a)—

(i) for “in euro”, substitute “in pounds sterling”;

(ii) for “the euro”, substitute “pounds sterling”;

(b) in point (b)—

(i) for “in euro”, substitute “in pounds sterling”; and

(ii) for “the euro”, substitute “pounds sterling”.

(3) In paragraph 4—

(a) in point (a)—

(i) for “in euro”, substitute “in pounds sterling”;

(ii) for “the euro”, substitute “pounds sterling”;

(b) in point (b)—

(i) for “in euro”, substitute “in pounds sterling”; and

(ii) for “the euro”, substitute “pounds sterling”.

**6.—**(1) Article 21 is amended as follows.

(2) In paragraph 3—

(a) in the first sentence, omit from “or authorities” to the end of the sentence; and

(b) in the second sentence for “all national regulatory authorities involved”, substitute “the national regulatory authority, and any non-UK regulatory authorities whose approval is required, by the date three months before the start of the annual yearly capacity auctions”.

(3) Omit paragraph 4.

(4) After paragraph 3, insert—

“**4.** If the approval of any non-UK regulatory authorities is required, the national regulatory authority must endeavour to cooperate with those non-UK regulatory authorities.

**5.** If the approval of both national regulatory authorities is required, they must cooperate with each other, and references in paragraphs 3 and 4 to “the national regulatory authority” are to be read as references to “the national regulatory authorities”. ”.

**7.** In Article 25(1)(b)(ii)(2), after “Council”, insert “as it had effect in EU law immediately before exit day”.

**8.—**(1) Article 26 is amended as follows.

(2) In paragraph 1—

(a) in the words before point (a), omit the second sentence;

(b) in point (a)—

(i) for point (ii), substitute—

“(ii) the value of any proposed adjustments for capacity-based transmission tariffs at entry points from and exit points to storage facilities, at entry points from LNG facilities and at entry points from and exit points to infrastructure developed with the purpose of ending the isolation of Great Britain or Northern Ireland, or other countries or territories, in respect of their gas transmission systems;”;

- (ii) in point (v), for “in accordance with Article 7”, substitute “including its compliance with Article 13 of Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to natural gas transmission networks”;
    - (iii) omit point (vi); and
    - (c) in point (c)(ii)(3), omit “as referred to in Article 17(3)”.
  - (3) In paragraph 3, omit the last sentence.
  - (4) Omit paragraph 5.
- 9.**—(1) Article 27 is amended as follows.
- (2) Omit paragraphs 1, 2 and 3.
  - (3) In paragraph 4—
    - (a) after final consultation, insert “pursuant to Article 26”;
    - (b) omit “, acting in accordance with Article 41(6)(a) of Directive 2009/73/EC,”; and
    - (c) omit the last sentence.
  - (4) In paragraph 5, omit “The requirements set out in Chapters II, III and IV shall be taken into account in this procedure.”.
- 10.**—(1) Article 28(1) is amended as follows.
- (2) In the words before point (a)—
    - (a) after “consultation with the”, for “national”, substitute “non-UK”; and
    - (b) for “Member States”, substitute “countries or territories, the other national regulatory authority”.
  - (3) In point (b), for “the calculations set out in Article 15”, substitute “how these are calculated”.
  - (4) In point (c), for “discounts set out in Article 9(2) and 16”, substitute “any discounts at entry points from LNG facilities and at entry points from and exit points to infrastructure developed with the purpose of ending the isolation of Great Britain or Northern Ireland, or other countries or territories, in respect of their gas transmission systems and the level of any discounts for standard capacity products for interruptible capacity”.
  - (5) In the words after point (c)—
    - (a) for “in accordance with Article 41(6)(a) of Directive 2009/73/EC”, substitute “by the national regulatory authority”;
    - (b) for “Each”, substitute “The”;
    - (c) after “positions of”, for “national”, substitute “non-UK”; and
    - (d) for “Member States”, substitute “countries or territories and the other national regulatory authority”.
- 11.**—(1) Article 31 is amended as follows.
- (2) In paragraph 1—
    - (a) in the words before point (a), omit “a link on the platform referred to in point 3.1.1(1)(h) of Annex I to Regulation (EC) No 715/2009 to”; and
    - (b) omit point (d).
  - (3) In paragraph 2, in the words before point (a), for “on the platform referred to in point 3.1.1(1)(h) of Annex I to Regulation (EC) No 715/2009” substitute, “by the national regulatory authority or

the transmission system operator, as decided by the national regulatory authority, on the respective entity's website”.

- (4) In paragraph 3—
  - (a) omit point (b);
  - (b) in point (c)(vii)—
    - (i) in the words before point (1), for “the local currency and in the euro”, substitute “pounds sterling”;
    - (ii) omit point (2); and
  - (c) in the words after point (c)(vii)(2), for “the local currency and in the euro”, substitute “pounds sterling”.
- (5) Omit paragraph 4.

**12.**—(1) Article 32 is amended as follows.

- (2) In point (c)—
  - (a) omit “as set out in Article 12(3)”; and
  - (b) for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)”, substitute “of the national regulatory authority”.
- (3) In the words after point (c), for “Article 12(3)(b) is applied”, substitute “the reference price is recalculated within the tariff period due to exceptional circumstances under which the non-adjustment of tariff levels would jeopardise the operation of the transmission system operator”.

**13.**—(1) Article 33 is amended as follows.

- (2) In paragraph 3, for “in accordance with Article 41(6)(a) of [Directive 2009/73/EC](#)”, substitute “by the national regulatory authority”.
- (3) In paragraph 4, for “relevant national regulatory authorities”, substitute “national regulatory authority”.
- (4) In paragraph 5—
  - (a) for “A mandatory minimum premium approved by the national regulatory authority”, substitute “If a mandatory minimum premium is approved by the national regulatory authority, and by any non-UK regulatory authorities whose approval is required, it”;
  - (b) omit “by the respective regulatory authority”; and
  - (c) for “agreement between the involved national regulatory authorities”, substitute “decision by the national regulatory authority, or agreement between the national regulatory authority and any non-UK regulatory authorities whose approval is required”.
- (5) After paragraph 5, insert—

“6. If the approval of any non-UK regulatory authorities is required, the national regulatory authority must endeavour to cooperate with those non-UK regulatory authorities.

7. If the approval of both national regulatory authorities is required, they must cooperate with each other, and references in paragraphs 3, 4, 5 and 6 to “the national regulatory authority” are to be read as references to “the national regulatory authorities”.

**14.** Omit Article 34.

**15.** Omit Article 35(3).

**16.** Omit Article 36.

**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.”.

**18.** In Article 38, in paragraph 3, omit the second sentence.

**19.** In the text after Article 38, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.