

SCHEDULE 1

Regulation 4

Amendments to Commission Regulation (EU) 2016/631

1. In Article 1 (subject matter)—
 - (a) in the first paragraph—
 - (i) for “the internal electricity market” substitute “electricity markets”;
 - (ii) omit “Union-wide”;
 - (b) in the second paragraph, omit the words from “to provide” to the end.
- 2.—(1) Article 2 (definitions) is amended as follows.
 - (2) In the first unnumbered paragraph—
 - (a) after “of the Council” insert “(other than the definition of ‘transmission system operator’)”;
 - (b) 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) (other than the definition of ‘transmission system operator’ or ‘TSO’)”;
 - (c) omit “Article 2 of Commission Regulation (EU) 2015/1222”;
 - (d) after “Directive 2009/72/EC” insert “(other than the definitions of ‘distributed generation’, ‘renewable energy sources’ and ‘transmission system operator’)”.
 - (3) In the second unnumbered paragraph—
 - (a) in point (1) (definition of “entity”)—
 - (i) omit “national” (in the first place it occurs);
 - (ii) for “national law” substitute “an enactment”;
 - (b) in point (2) (definition of “synchronous area”) omit the words from “, such as” to the end;
 - (c) in point (46) (definition of “authorised certifier”), for the words from “the national affiliate” to the end substitute “the United Kingdom Accreditation Service or such other body as may be established from time to time to carry out the function of accreditation”;
 - (d) in point (47) (definition of “equipment certificate”)—
 - (i) in the second sentence, omit the words from “at a national” to “European level”;
 - (ii) before the final sentence insert—

“Where a range of permitted values for equipment is specified in this Regulation or another enactment, the equipment certificate must state a specific value within that range for that equipment.”;
 - (e) after point (65) insert—
 - “(66) “Great Britain” includes the areas which form part of the jurisdiction of Great Britain(1).
 - (67) “industry code” means a document maintained under a licence, or an agreement related to such a document which forms part of the same regulatory framework.
 - (68) “licence” means a licence granted under section 6 of the Electricity Act 1989(2).
 - (69) “transmission system operator” or “TSO” means—

(1) “the jurisdiction of Great Britain” is defined in article 2 of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast).

(2) 1989 c.29. Section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

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- (a) in relation to Great Britain, a person who is designated as an electricity transmission system operator under section 10H of the Electricity Act 1989⁽³⁾;
- (b) in relation to an area other than Great Britain, a person who is responsible for operating, ensuring the maintenance of and, if necessary, developing the transmission system in that area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity.”.

3.—(1) Article 3 (scope of application) is amended as follows.

(2) In paragraph 1, in the second subparagraph, omit “, or other authority where applicable in a Member State”.

(3) In paragraph 2, in point (a), for the words from “Member States of” to the end substitute “within Great Britain where the systems are not operated synchronously with the synchronous area of Great Britain”.

4.—(1) Article 4 (application to existing power-generating modules) is amended as follows.

(2) In paragraph 1—

(a) in point (a)(ii)—

(i) omit “relevant” (in the second place where it occurs);

(ii) omit “or, where applicable, the Member State”;

(b) in point (a)(iii)—

(i) omit “relevant”;

(ii) omit “or, where applicable, the Member State”;

(c) in point (b), for the words from “a regulatory authority” to “Member State” substitute “the regulatory authority⁽⁴⁾”.

(3) In paragraph 2—

(a) in the first subparagraph, in point (b)—

(i) for the words from “by two years” to “of the Regulation” (in the first place where it occurs) substitute “before 17 May 2018”;

(ii) for “must notify” substitute “must have notified”;

(iii) for the words from “within 30 months” to the end substitute “before 17 November 2018”;

(b) in the second subparagraph, for “TSO shall at least indicate” substitute “TSO must at least have indicated”;

(c) in the third subparagraph, for the words from “A Member State” to “whether the power-generating module” substitute “The regulatory authority may determine whether a power-generating module”.

(4) In paragraph 3, in the first subparagraph—

(a) for the words from “concerned,” to “extend” substitute “that”;

(b) after “application of” insert “the requirements set out in”;

(c) after “this Regulation” insert “be extended”.

⁽³⁾ Section 10H was inserted by [S.I. 2011/2704](#). Section 10H was amended by [S.I. 2019/530](#).

⁽⁴⁾ “the regulatory authority” is defined in Article 2 of Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast).

- (5) In paragraph 4, in point (b)—
 - (a) omit “relevant”;
 - (b) omit the words from “or, where” to the end.
 - (6) In paragraph 5—
 - (a) omit “relevant” (in the first place it occurs);
 - (b) omit “or, where applicable, the Member State” (in both places it occurs).
- 5.—(1)** Article 5 (determination of significance) is amended as follows.
- (2) In paragraph 2—
 - (a) in point (a), for “0,8” substitute “0.8”;
 - (b) in Table 1—
 - (i) omit the row relating to Continental Europe;
 - (ii) omit the row relating to Nordic;
 - (iii) omit the row relating to Ireland and Northern Ireland;
 - (iv) omit the row relating to Baltic.
 - (3) In paragraph 3—
 - (a) omit “relevant” (in the first place it occurs);
 - (b) omit “or, where applicable, the Member State”;
 - (c) after “the relevant TSO shall” insert “make reasonable endeavours to”.
- 6.** In Article 6 (application to power-generating modules etc.), in paragraph 4, in point (c), for “B, C or, in the case of the Nordic synchronous area, type D” substitute “B or C”.
- 7.—(1)** Article 7 (regulatory aspects) is amended as follows.
- (2) In paragraph 1—
 - (a) for “the entity designated by the Member State” substitute “the regulatory authority”;
 - (b) omit the words from “The designated entity” to the end.
 - (3) In paragraph 2—
 - (a) for “For” substitute “The regulatory authority may determine that”;
 - (b) for the words from “Member States” to the end substitute “are to be subject to its approval”.
 - (4) In paragraph 3—
 - (a) for “Member States, competent entities” substitute “the regulatory authority”;
 - (b) in point (d), omit “, including as required by national legislation”;
 - (c) in point (f), for “agreed European” substitute “applicable”.
 - (5) In paragraph 4, for “competent entity” substitute “regulatory authority”.
 - (6) In paragraph 5, omit “relevant” (in the third place it occurs).
 - (7) In paragraph 6, for “Competent entities” substitute “The regulatory authority”.
 - (8) In paragraph 9, for “Member States” substitute “the regulatory authority”.
- 8.** In Article 8 (multiple TSOs), for paragraphs 1 and 2 substitute—
- “1.** Subject to paragraph 2, this Regulation applies to all TSOs in Great Britain.

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2. The regulatory authority may assign the responsibility of a TSO to comply with one or some or all obligations under this Regulation to one or more specific TSOs by giving a direction in writing to each of the affected TSOs.”.

9.—(1) Article 9 (recovery of costs) is amended as follows.

(2) In paragraph 1, for “relevant regulatory authorities” substitute “regulatory authority”.

(3) In paragraph 2, for “relevant regulatory authorities” substitute “regulatory authority”.

10.—(1) Article 10 (public consultation) is amended as follows.

(2) In paragraph 1, for “competent authorities of each Member State,” substitute “regulatory authority and the Secretary of State,”.

(3) In paragraph 2, omit “or, if applicable, the Member State”.

11. Omit Article 11.

12.—(1) Article 12 (confidentiality obligations) is amended as follows.

(2) In paragraph 2—

(a) after “shall apply to” insert “the regulatory authority and to”;

(b) for “any persons” substitute “any other persons”;

(c) omit “, regulatory authorities or entities”.

(3) In paragraph 3—

(a) after “received by” insert “the regulatory authority or by”;

(b) omit “, regulatory authorities or entities”;

(c) for the words after “national law,” substitute “including the other provisions of this Regulation.”.

(4) In paragraph 4—

(a) omit “or Union”;

(b) for “regulatory authorities, entities or” substitute “the regulatory authority or other”.

13.—(1) Article 13 (general requirements for type A power-generating modules) is amended as follows.

(2) In paragraph 1, in Table 2—

(a) omit the rows relating to Continental Europe;

(b) omit the rows relating to Nordic;

(c) in the rows relating to Great Britain—

(i) for “47,0” substitute “47.0”;

(ii) for “47,5” (in both places it occurs) substitute “47.5”;

(iii) for “48,5” (in both places it occurs) substitute “48.5”;

(iv) for “49,0” (in both places it occurs) substitute “49.0”;

(v) for “51,0” (in both places it occurs) substitute “51.0”;

(vi) for “51,5” (in both places it occurs) substitute “51.5”;

(vii) for “52,0” substitute “52.0”;

(d) omit the rows relating to Ireland and Northern Ireland;

(e) omit the rows relating to Baltic.

- (3) In paragraph 2—
 - (a) in point (b), omit “relevant” (in the third place it occurs);
 - (b) in point (c)—
 - (i) for “50,2” substitute “50.2”;
 - (ii) for “50,5” substitute “50.5”.
- (4) In paragraph 4, in point (b), for “49,5” substitute “49.5”.
- (5) In paragraph 5, in Figure 2—
 - (a) for “48,5” substitute “48.5”;
 - (b) for “49,5” substitute “49.5”.

14.—(1) Article 14 (general requirements for type B power-generating modules) is amended as follows.

- (2) In paragraph 3—
 - (a) in Table 3.1—
 - (i) for “0,05” substitute “0.05”;
 - (ii) for “0,3” substitute “0.3”;
 - (iii) for “0,14” (in both places it occurs) substitute “0.14”;
 - (iv) for “0,15” substitute “0.15”;
 - (v) for “0,25” substitute “0.25”;
 - (vi) for “0,7” (in both places it occurs) substitute “0.7”;
 - (vii) for “0,9” (in both places it occurs) substitute “0.9”;
 - (viii) for “0,85” substitute “0.85”;
 - (ix) for “1,5” substitute “1.5”;
 - (b) in Table 3.2—
 - (i) for “0,05” substitute “0.05”;
 - (ii) for “0,15” (in each place it occurs) substitute “0.15”;
 - (iii) for “0,14” (in both places it occurs) substitute “0.14”;
 - (iv) for “0,25” substitute “0.25”;
 - (v) for “0,85” substitute “0.85”;
 - (vi) for “1,5” substitute “1.5”;
 - (vii) for “3,0” substitute “3.0”.

15.—(1) Article 15 (general requirements for type C power-generating modules) is amended as follows.

- (2) In paragraph 2—
 - (a) in point (c)(i)—
 - (i) for “49,8” substitute “49.8”;
 - (ii) for “49,5” substitute “49.5”;
 - (b) in Table 4—
 - (i) for “1,5” substitute “1.5”;
 - (ii) for “0,02” substitute “0.02”;

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- (iii) for “0,06” substitute “0.06”;
 - (c) in point (d)(vii)—
 - (i) omit “relevant” (in the second place it occurs);
 - (ii) omit “national”;
 - (d) in Table 5, for “1,5” substitute “1.5”.
- (3) In paragraph 5, in point (a)(i), for the words from “the Member State’s” to “rules” substitute “any enactment, licence condition or industry code which confers powers on a person to introduce obligatory requirements”.
- (4) In paragraph 6, in point (c)(i), in the second subparagraph, for “Member States” substitute “The regulatory authority”.

16.—(1) Article 16 (general requirements for type D power-generating modules) is amended as follows.

- (2) In paragraph 2—
 - (a) omit point (a)(iii);
 - (b) omit point (a)(v);
 - (c) in Table 6.1—
 - (i) omit the rows relating to Continental Europe;
 - (ii) omit the rows relating to Nordic;
 - (iii) in the row relating to Great Britain—
 - (aa) for “0,90” substitute “0.90”;
 - (bb) for “1,10” substitute “1.10”;
 - (iv) omit the row relating to Ireland and Northern Ireland;
 - (v) omit the rows relating to Baltic;
 - (d) in Table 6.2—
 - (i) omit the rows relating to Continental Europe;
 - (ii) omit the rows relating to Nordic;
 - (iii) in the rows relating to Great Britain—
 - (aa) for “0,90” substitute “0.90”;
 - (bb) for “1,05” (in both places it occurs) substitute “1.05”;
 - (cc) for “1,10” substitute “1.10”;
 - (iv) omit the row relating to Ireland and Northern Ireland;
 - (v) omit the rows relating to Baltic.
- (3) In paragraph 3—
 - (a) in Table 7.1—
 - (i) for “0,14” (in both places it occurs) substitute “0.14”;
 - (ii) for “0,15” substitute “0.15”;
 - (iii) for “0,25” (in both places it occurs) substitute “0.25”;
 - (iv) for “0,45” substitute “0.45”;
 - (v) for “0,5” substitute “0.5”;
 - (vi) for “0,7” (in both places it occurs) substitute “0.7”;

- (vii) for “0,85” substitute “0.85”;
- (viii) for “0,9” substitute “0.9”;
- (ix) for “1,5” substitute “1.5”;
- (b) in Table 7.2—
 - (i) for “0,14” (in both places it occurs) substitute “0.14”;
 - (ii) for “0,15” substitute “0.15”;
 - (iii) for “0,25” substitute “0.25”;
 - (iv) for “0,85” substitute “0.85”;
 - (v) for “1,5” substitute “1.5”;
 - (vi) for “3,0” substitute “3.0”.

17. In Article 18 (requirements for type C synchronous power-generating modules), in paragraph 2—

- (a) in Figure 7—
 - (i) for “1,100” substitute “1.100”;
 - (ii) for “1,050” substitute “1.050”;
 - (iii) for “1,000” substitute “1.000”;
 - (iv) for “,950” substitute “.950”;
 - (v) for “,900” substitute “.900”;
 - (vi) for “,850” substitute “.850”;
 - (vii) for “-,600” substitute “-.600”;
 - (viii) for “-,500” substitute “-.500”;
 - (ix) for “-,400” substitute “-.400”;
 - (x) for “-,300” substitute “-.300”;
 - (xi) for “-,200” substitute “-.200”;
 - (xii) for “-,100” substitute “-.100”;
 - (xiii) for “-,000” substitute “-.000”;
 - (xiv) for “,100” substitute “.100”;
 - (xv) for “,200” substitute “.200”;
 - (xvi) for “,300” substitute “.300”;
 - (xvii) for “,400” substitute “.400”;
 - (xviii) for “,500” substitute “.500”;
 - (xix) for “,600” substitute “.600”;
 - (xx) for “,700” substitute “.700”;
- (b) In Table 8—
 - (i) omit the row relating to Continental Europe;
 - (ii) omit the row relating to Nordic;
 - (iii) in the row relating to Great Britain—
 - (aa) for “0,95” substitute “0.95”;
 - (bb) for “0,225” substitute “0.225”;
 - (iv) omit the row relating to Ireland and Northern Ireland;

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(v) omit the row relating to Baltic.

18. In Article 21 (requirements for type C power park modules) in paragraph 3—

(a) in Figure 8—

- (i) for “1,100” substitute “1.100”;
- (ii) for “1,050” substitute “1.050”;
- (iii) for “1,000” substitute “1.000”;
- (iv) for “,950” substitute “.950”;
- (v) for “,900” substitute “.900”;
- (vi) for “,850” substitute “.850”;
- (vii) for “-,600” substitute “-.600”;
- (viii) for “-,500” substitute “-.500”;
- (ix) for “-,400” substitute “-.400”;
- (x) for “-,300” substitute “-.300”;
- (xi) for “-,200” substitute “-.200”;
- (xii) for “-,100” substitute “-.100”;
- (xiii) for “-,000” substitute “-.000”;
- (xiv) for “,100” substitute “.100”;
- (xv) for “,200” substitute “.200”;
- (xvi) for “,300” substitute “.300”;
- (xvii) for “,400” substitute “.400”;
- (xviii) for “,500” substitute “.500”;
- (xix) for “,600” substitute “.600”;
- (xx) for “,700” substitute “.700”;

(b) in Table 9—

- (i) omit the row relating to Continental Europe;
- (ii) omit the row relating to Nordic;
- (iii) in the row relating to Great Britain—
 - (aa) for “0,66” substitute “0.66”;
 - (bb) for “0,225” substitute “0.225”;
- (iv) omit the row relating to Ireland and Northern Ireland;
- (v) omit the row relating to Baltic;

(c) in Figure 9—

- (i) for “1,000” substitute “1.000”;
- (ii) for “,900” substitute “.900”;
- (iii) for “,800” substitute “.800”;
- (iv) for “,700” (in both places it occurs) substitute “.700”;
- (v) for “,600” (in both places it occurs) substitute “.600”;
- (vi) for “,500” (in both places it occurs) substitute “.500”;
- (vii) for “,400” (in both places it occurs) substitute “.400”;

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- (viii) for “,300” (in both places it occurs) substitute “.300”;
- (ix) for “,200” (in both places it occurs) substitute “.200”;
- (x) for “,100” (in both places it occurs) substitute “.100”;
- (xi) for “,000” substitute “.000”;
- (xii) for “-,600” substitute “-.600”;
- (xiii) for “-,500” substitute “-.500”;
- (xiv) for “-,400” substitute “-.400”;
- (xv) for “-,300” substitute “-.300”;
- (xvi) for “-,200” substitute “-.200”;
- (xvii) for “-,100” substitute “-.100”;
- (xviii) for “-,000” substitute “-.000”;
- (d) in point (d)(ii)—
 - (aa) for “0,95” substitute “0.95”;
 - (bb) for “1,05” substitute “1.05”;
 - (cc) for “0,01” substitute “0.01”;
 - (dd) for “0,5” substitute “0.5”;
- (e) in point (d)(iii), for “0,5” substitute “0.5”;
- (f) in point (d)(vi), for “0,01” substitute “0.01”.

19.—(1) Article 25 (voltage stability requirements applicable to AC-connected offshore power park modules) is amended as follows.

- (2) Omit paragraph 2.
- (3) In paragraph 3—
 - (a) omit the words from “Notwithstanding the provisions” to “Continental Europe synchronous area”;
 - (b) for Table 10 substitute—

“Table 10

<i>Synchronous area</i>	<i>Voltage range</i>	<i>Time period for operation</i>
Great Britain	0.90 pu – 1.10 pu where the voltage base for pu values is below 300kV	Unlimited
	0.90 pu – 1.05 pu where the voltage base for pu values is from 300kV to 400kV	Unlimited
	1.05 pu – 1.10 pu where the voltage base for pu values is from 300kV to 400kv	15 minutes”

- (4) In paragraph 5, for Table 11 substitute—

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“Table 11

Parameters for Figure 8

<i>Synchronous area</i>	<i>Maximum range of Q/P_{max}</i>	<i>Maximum range of steady-state voltage level in PU</i>
Great Britain	0, at the offshore connection point for configuration 1 (as described in Article 23(3)(a)).	0.225
	0.33, at the offshore connection point for configuration 2 (as described in Article 23(3)(b)).	0.225”

- 20.** In Article 30 (operational notification of type A power-generating modules), in paragraph 3—
- (a) for “competent authority of the Member State” substitute “regulatory authority”;
 - (b) omit “in accordance with national legislation”.

21.—(1) Article 32 (procedure for type B and C power-generating modules) is amended as follows.

- (2) In paragraph 4—
 - (a) for “competent authority of the Member State” substitute “regulatory authority”;
 - (b) omit “in accordance with national legislation”.
- (3) In paragraph 6, for “Member States” substitute “The regulatory authority”.

22.—(1) Article 38 (identification of costs and benefits of application of requirements to existing power-generating modules) is amended as follows.

- (2) In paragraph 3, in point (b), omit “or where applicable the Member State”.
- (3) In paragraph 4, omit “or, where applicable, the Member State,”.
- (4) In paragraph 5, omit “or, where applicable, the Member State”.

23. In Article 39 (principles of cost-benefit analysis), in paragraph 2, in point (c), for “the internal market in electricity” substitute “electricity markets”.

24. In Article 40 (responsibility of the power-generating facility owner), in paragraph 1, omit “, issued as per Regulation (EC) No 765/2008”.

25. In Article 43 (common provisions on compliance simulation), in paragraph 2, in point (a), for “with national legislation” substitute “another enactment, or a licence or industry code”.

26. In Article 48 (compliance tests for type C power park modules), in paragraph 7, in point (c) (ii), for “0,01” substitute “0.01”.

27. In Article 53 (compliance simulations for type D synchronous power-generating modules), in paragraph 2, in point (c)(ii), for “0,6” substitute “0.6”.

28. In Title 4, omit Chapter 8.

29.—(1) Article 60 (power to grant derogations) is amended as follows.

- (2) In paragraph 1, for “Regulatory authorities” substitute “The regulatory authority”.
- (3) Omit paragraph 2.

30.—(1) Article 61 (general provisions) is amended as follows.

(2) For paragraph 1 substitute—

“1. Subject to paragraph 2, the regulatory authority’s published criteria for granting derogations pursuant to Articles 62 and 63 which applied immediately before IP completion day continue to apply on and after IP completion day, and the regulatory authority must continue to publish those criteria (including any subsequent amendments) on its website.”.

(3) In paragraph 2, for “in accordance with paragraph 1” substitute “after consulting relevant system operators, power generating facility owners and other stakeholders who it considers may be affected by this Regulation”.

31. In Article 62 (request for a derogation by a power-generating facility owner), in paragraph 11—

- (a) for “A regulatory authority” substitute “The regulatory authority”;
- (b) omit the words from “or upon” to the end.

32.—(1) Article 63 (request for a derogation by a relevant system operator or relevant TSO) is amended as follows.

(2) In paragraph 9—

- (a) after “derogation,” insert “and to”;
- (b) omit “and the Agency”.

(3) In paragraph 10—

- (a) for “Regulatory authorities”—
 - (i) (in the first place it occurs) substitute “The regulatory authority”;
 - (ii) (in the second place it occurs) substitute “the regulatory authority”;
- (b) omit “at the national level”.

(4) In paragraph 11—

- (a) for “A regulatory authority” substitute “The regulatory authority”;
- (b) omit the words from “or upon” to the end.

33. In Article 64 (register of derogations from the requirements of this Regulation), for paragraph 1 substitute—

“1. The regulatory authority must maintain a register of all derogations it has granted or refused.”.

34. Omit Article 65.

35. In Article 66 (emerging technologies), in paragraph 2, in point (c), for “established pursuant to” substitute “specified in”.

36.—(1) Article 67 (establishment of thresholds for classification as emerging technologies) is amended as follows.

(2) In paragraph 1, for the words from “a synchronous area” to the end substitute “the synchronous area of Great Britain is 58.023 MW”.

(3) Omit paragraphs 2 and 3.

37. Omit Article 68.

38.—(1) Article 69 (assessment and approval of requests for classification as an emerging technology) is amended as follows.

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(2) For paragraph 1 substitute—

“1. The regulatory authority must publish a list of power-generating modules which it had, before IP completion day, approved as emerging technologies under this Article as it had effect in EU law immediately before IP completion day.”.

(3) Omit paragraph 2.

39.—(1) Article 70 (withdrawal of classification as an emerging technology) is amended as follows.

(2) In paragraph 1—

(a) for “regulatory authorities pursuant to Article 69(1)” substitute “regulatory authority to classify a power-generating module as an emerging technology”;

(b) after “of any” insert “such”;

(c) for “per Member State” substitute “in Great Britain”.

(3) In paragraph 2 omit “relevant”.

(4) In paragraph 3—

(a) for the words from “Without prejudice” to “coordinated manner” substitute “The regulatory authority may decide for any other reason”;

(b) omit the words “The regulatory authorities of the synchronous area concerned” to “the opinion of the Agency.”;

(c) for the words from “each” to “synchronous area” substitute “the regulatory authority”.

40.—(1) Article 71 (amendment of contracts and general terms and conditions) is amended as follows.

(2) In paragraph 1, for “Regulatory authorities” substitute “The regulatory authority”.

(3) In paragraph 2, omit “or Member State”.

(4) In paragraph 3—

(a) for “Regulatory authorities” substitute “The regulatory authority”;

(b) omit “national” (in the first place where it occurs);

(c) for “national network codes” substitute “industry codes”.

41. In the text after Article 72, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.