

SCHEDULE 3

Regulation 6

Amendments to Commission Regulation (EU) 2016/1447

1. In Article 1 (subject matter)—
 - (a) for “the internal electricity market” substitute “electricity markets”;
 - (b) omit “Union-wide”;
 - (c) omit “to provide a level playing field throughout the Union”.
2. In Article 2 (definitions)—
 - (a) 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’)”;
 - (b) omit “Article 2 of Commission Regulation (EU) 2015/1222”;
 - (c) after “Directive 2009/72/EC” insert “(other than the definitions of ‘distributed generation’, ‘renewable energy sources’ and ‘transmission system operator’)”;
 - (d) after point (10), insert—

“(11) “remedial action” means any measure applied by a TSO or more than one TSO, manually or automatically, in order to maintain operational security.”.
- 3.—(1) Article 3 (scope of application) is amended as follows.
 - (2) In paragraph 2, for “competent regulatory authorities” substitute “the regulatory authority”.
 - (3) In paragraph 6, omit “, or other authority where applicable in a Member State”.
 - (4) In paragraph 7, in point (b), for the words from “Member States” 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 HVDC systems and DC-connected power park modules) is amended as follows.
 - (2) In paragraph 1—
 - (a) in point (a)(ii)—
 - (i) omit “relevant” (in the second place 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”.
 - (3) In paragraph 2—
 - (a) in point (b)—
 - (i) for the words from “by two years” to “of the Regulation” (in the first place it occurs) substitute “before 28September 2018”;
 - (ii) for “must notify” substitute “must have notified”;
 - (iii) for the words from “within 30 months” to the end of the first paragraph substitute “before 28March 2019.”;

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- (iv) for “TSO shall at least indicate” substitute “TSO must at least have indicated”;
 - (v) for the words from “A Member State” to “regulatory authority” substitute “The regulatory authority”.
- (4) In paragraph 3—
- (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”.
- (5) In paragraph 4, in point (b)—
- (a) omit “relevant”;
 - (b) omit “or, where applicable, the Member State”.
- (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 (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”.
- (9) In Article 6 (multiple TSOs), for paragraphs 1 and 2 substitute—
- 1.** Subject to paragraph 2, this Regulation applies to all TSOs in Great Britain.
 - 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.”.
- 6.—**(1) Article 7 (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”.
- 7.—**(1) Article 8 (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”.

8. Omit Article 9.

9.—(1) Article 10 (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”.

10. In Article 12 (rate-of-change-of-frequency withstand capability), for “2,5” (in both places it occurs) substitute “2.5”.

11. In Article 13 (active power controllability, control range and ramping rate), in paragraph 3, omit “national”.

12. In Article 18 (voltage ranges), omit paragraph 5.

13. In Article 20 (reactive power capability), in paragraph 2, in point (b) for “each” substitute “the Great Britain”.

14. In Article 22 (reactive power control mode), in paragraph 3, in point (c)(i), for “0,1” substitute “0.1”.

15. In Article 29 (interaction between HVDC systems or other plants and equipment), in paragraph 2, for “Member States” substitute “The regulatory authority”.

16. In Article 31 (subsynchronous torsional interaction damping capability), in paragraph 2, for “Member States” substitute “The regulatory authority”.

17. In Article 39 (frequency stability requirements), in paragraph 1, in point (a), for “0,1” substitute “0.1”.

18. In Article 40 (reactive power and voltage requirements), in paragraph 2, in point (b)(i)—

- (a) omit the words from “the Ten-Year” to “Regulation (EC) No 714/2009 or”;
- (b) for “Article 22 of Directive 2009/72/EC” substitute “the requirements of the relevant TSO’s licence”.

19. In Article 57 (ION for HVDC systems), in paragraph 4, omit “national”.

20. In Article 62 (ION for DC-connected power park modules), in paragraph 4, omit “national”.

21.—(1) Article 65 (identification of costs and benefits of application of requirements to existing HVDC systems or DC-connected power park 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,”.

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- (4) In paragraph 5, omit “or, where applicable, the Member State”.
- 22.** In Article 66 (principles of cost-benefit analysis), in paragraph 2, in point (c), for “the internal market in electricity” substitute “electricity markets”.
- 23.** In Article 68 (common provisions on compliance simulation), in paragraph 2, in point (a), for “with national legislation” substitute “another enactment, or a licence or industry code”.
- 24.** In Article 71 (compliance testing for HVDC systems), in paragraph 3, in point (c)(ii), for “0,01” substitute “0.01”.
- 25.** In Article 72 (compliance testing for DC-connected power park modules etc.), in paragraph 4, in point (c)(ii), for “0,01” substitute “0.01”.
- 26.** In Title 6, omit Chapter 4.
- 27.**—(1) Article 77 (power to grant derogations) is amended as follows.
- (2) In paragraph 1, for “Regulatory authorities” substitute “The regulatory authority”.
- (3) Omit paragraph 2.
- 28.**—(1) Article 78 (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 79 to 81 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”.
- 29.**—(1) Article 79 (request for derogations by an HVDC system owner or DC-connected power park module owner) is amended as follows.
- (2) In paragraph 11—
- (a) for “A regulatory authority” substitute “The regulatory authority”;
- (b) omit the words from “or upon” to the end.
- 30.**—(1) Article 80 (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”;
- (b) omit “and the Agency”.
- (3) In paragraph 10—
- (a) for “Regulatory authorities” (in the first place it occurs) substitute “The regulatory authority”;
- (b) for “regulatory authorities” (in the second place it occurs) substitute “the regulatory authority”;
- (c) 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.

31. In Article 82 (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.”.

32.—(1) Article 84 (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 it occurs);

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

33. In Article 85 (HVDC System or DC-connected power park modules connecting with synchronous areas or control areas not bound by EU legislation), in paragraph 1, for “application of Union legislation” substitute “this Regulation”.

34. In the text after Article 86, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

35. In Annex 1, in Table 1—

(a) for “47,0” substitute “47.0”;

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

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

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

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

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

(g) for “52,0” substitute “52.0”.

36.—(1) Annex 2 is amended as follows.

(2) In section A, in paragraph 1—

(a) in point (a), omit “national”;

(b) in point (b), in Table 2, for “0,1” (in both places where it occurs) substitute “0.1”;

(c) in point (c), omit “national”;

(d) in point (d)—

(i) in paragraph (ii), omit “national”;

(ii) in Figure 2, for “0,5” substitute “0.5”;

(iii) in Table 3, for “0,5” substitute “0.5”.

(3) In section B—

(a) in paragraph 1, in point (a)—

(i) for “50,2” substitute “50.2”;

(ii) for “50,5” substitute “50.5”;

(iii) for “0,1” substitute “0.1”;

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- (b) in paragraph 1, in point (c), omit “national”;
 - (c) in paragraph 2, omit “national”.
- (4) In section C—
- (a) in paragraph 1—
 - (i) for “49,8” substitute “49.8”;
 - (ii) for “49,5” substitute “49.5”;
 - (iii) for “0,1” substitute “0.1”;
 - (iv) omit “national”;
 - (b) in paragraph 2, omit “national”.
- 37.**—(1) Annex 3 is amended as follows.
- (2) In Table 4—
- (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 “0,90” substitute “0.90”;
 - (ii) for “1,10” substitute “1.10”;
 - (d) omit the row relating to Ireland and Northern Ireland;
 - (e) omit the rows relating to Baltic.
- (3) In Table 5—
- (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 “0,90” substitute “0.90”;
 - (ii) for “1,05” (in both places it occurs) substitute “1.05”;
 - (iii) for “1,10” substitute “1.10”;
 - (d) omit the row relating to Ireland and Northern Ireland;
 - (e) omit the rows relating to Baltic.
- 38.**—(1) Annex 4 is amended as follows.
- (2) In Figure 5—
- (a) for “1,15” substitute “1.15”;
 - (b) for “1,1” substitute “1.1”;
 - (c) for “1,0” substitute “1.0”;
 - (d) for “0,9” substitute “0.9”;
 - (e) for “0,85” substitute “0.85”;
 - (f) for “0,8” substitute “0.8”;
 - (g) for “-0,6” substitute “-0.6”;
 - (h) for “-0,5” substitute “-0.5”;
 - (i) for “-0,4” substitute “-0.4”;
 - (j) for “-0,3” substitute “-0.3”;

- (k) for “-0,2” substitute “-0.2”;
 - (l) for “-0,1” substitute “-0.1”;
 - (m) for “0,1” substitute “0.1”;
 - (n) for “0,2” substitute “0.2”;
 - (o) for “0,3” substitute “0.3”;
 - (p) for “0,4” substitute “0.4”;
 - (q) for “0,5” substitute “0.5”;
 - (r) for “0,6” substitute “0.6”;
 - (s) for “0,65” substitute “0.65”;
 - (t) for “0,7” substitute “0.7”.
- (3) in Table 6—
- (a) omit the row relating to Continental Europe;
 - (b) omit the row relating to Nordic;
 - (c) in the row relating to Great Britain—
 - (i) for “0,95” substitute “0.95”;
 - (ii) for “0,225” substitute “0.225”;
 - (d) omit the row relating to Ireland and Northern Ireland;
 - (e) omit the row relating to Baltic States.
- (4) In Annex 5, in Table 7—
- (a) for “0,00” substitute “0.00”;
 - (b) for “0,30” substitute “0.30”;
 - (c) for “0,14” substitute “0.14”;
 - (d) for “0,25” (in both places it occurs) substitute “0.25”;
 - (e) for “0,85” (in both places it occurs) substitute “0.85”;
 - (f) for “1,5” substitute “1.5”;
 - (g) for “2,5” substitute “2.5”;
 - (h) for “0,90” substitute “0.90”;
 - (i) for “10,0” substitute “10.0”.
- 39.** In Annex 6, in Table 8—
- (a) for “47,0” substitute “47.0”;
 - (b) for “47,5” (in both places it occurs) substitute “47.5”;
 - (c) for “49,0” (in both places it occurs) substitute “49.0”;
 - (d) for “51,0” (in both places it occurs) substitute “51.0”;
 - (e) for “51,5” (in both places it occurs) substitute “51.5”;
 - (f) for “52,0” substitute “52.0”.
- 40.**—(1) Annex 7 is amended as follows.
- (2) In Table 9—
- (a) for “0,85” substitute “0.85”;
 - (b) for “0,90” (in both places it occurs) substitute “0.90”;

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- (c) for “1,10” (in both places it occurs) substitute “1.10”;
 - (d) for “1,118” (in both places it occurs) substitute “1.118”;
 - (e) for “1,15” substitute “1.15”.
- (3) In Table 10—
- (a) for “0,85” substitute “0.85”;
 - (b) for “0,90” (in both places it occurs) substitute “0.90”;
 - (c) for “1,05” (in both places it occurs) substitute “1.05”;
 - (d) for “1,15” substitute “1.15”.
- (4) In Figure 7—
- (a) for “1,15” substitute “1.15”;
 - (b) for “1,1” substitute “1.1”;
 - (c) for “1,0” substitute “1.0”;
 - (d) for “0,9” substitute “0.9”;
 - (e) for “0,85” substitute “0.85”;
 - (f) for “0,8” substitute “0.8”;
 - (g) for “-0,6” substitute “-0.6”;
 - (h) for “-0,5” substitute “-0.5”;
 - (i) for “-0,4” substitute “-0.4”;
 - (j) for “-0,3” substitute “-0.3”;
 - (k) for “-0,2” substitute “-0.2”;
 - (l) for “-0,1” substitute “-0.1”;
 - (m) for “0,1” substitute “0.1”;
 - (n) for “0,2” substitute “0.2”;
 - (o) for “0,3” substitute “0.3”;
 - (p) for “0,4” substitute “0.4”;
 - (q) for “0,5” substitute “0.5”;
 - (r) for “0,6” substitute “0.6”;
 - (s) for “0,65” substitute “0.65”;
 - (t) for “0,7” substitute “0.7”.
- (5) In Table 11—
- (a) for “0,95” substitute “0.95”;
 - (b) for “0,1” substitute “0.1”;
 - (c) for “0,225” substitute “0.225”.

41.—(1) Annex 8 is amended as follows.

- (2) In Table 12—
- (a) for “0,85” substitute “0.85”;
 - (b) for “0,90” (in both places it occurs) substitute “0.90”;
 - (c) for “1,10” (in both places it occurs) substitute “1.10”;
 - (d) for “1,12” (in both places it occurs) substitute “1.12”;

- (e) for “1,15” substitute “1.15”.
- (3) In Table 13—
 - (a) for “0,85” substitute “0.85”;
 - (b) for “0,90” (in both places it occurs) substitute “0.90”;
 - (c) for “1,05” (in both places it occurs) substitute “1.05”;
 - (d) for “1,15” substitute “1.15”.
- (4) In Table 14—
 - (a) for “0,95” substitute “0.95”;
 - (b) for “0,225” substitute “0.225”.