

2020 No. 1016

EXITING THE EUROPEAN UNION

ELECTRICITY

GAS

**The Electricity and Gas etc. (Amendment) (EU Exit)
Regulations 2020**

Made - - - - *14th September 2020*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

A draft of this instrument has been laid before and approved by resolution of each House of Parliament in accordance with paragraph 1(1) of Schedule 7 to that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020.

(2) These Regulations come into force on the day after the day on which they are made.

(3) Subject to paragraphs (4) and (5), an amendment made by these Regulations has the same extent as the provision being amended.

(4) The following provisions extend to England and Wales and Scotland only—

(a) regulations 5(4) and (5);

(b) regulations 6(3) and (4).

(5) The following provisions extend to Northern Ireland only—

(a) regulation 5(2)(a);

(b) regulation 6(2)(b).

(a) 2018 c. 16. Paragraph 21 of schedule 7 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 41(4) and schedule 5, part 2, paragraphs 38 and 53(1) and (2).

Amendments to the Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018

2.—(1) The Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018(a) are amended as follows.

- (2) In regulation 1—
 - (a) in paragraph (2)—
 - (i) omit sub-paragraph (a)(i);
 - (ii) in sub-paragraph (a) for “exit day” substitute “IP completion day”.
- (3) In regulation 2, omit the definition of “the Electricity Regulation”(b).
- (4) Omit Chapter 1 of Part 2.
- (5) In regulation 10—
 - (a) in paragraph 1(d), for “exit day” substitute “IP completion day”;
 - (b) in paragraph 1(h), for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (c) in paragraph 9, for “exit day” substitute “IP completion day”.
- (6) For regulation 17(3)(b) substitute—

“(b) for sub-paragraph (d) substitute—

“(d) network codes and framework guidelines adopted in accordance with Regulation (EC) No 714/2009 before 1 January 2020 and network codes and framework guidelines adopted, or regulations made, under the Gas Regulation and Electricity Regulation.””.
- (7) In regulation 18—
 - (a) for paragraph (6)(b)(ii) substitute—

“(ii) for the second sentence substitute “Regulations under this paragraph shall take account of existing reporting obligations under the Gas Regulation and Electricity Regulation.””;
 - (b) in paragraph (7), for “exit day” substitute “IP completion day”.

Amendments to the Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019

3.—(1) The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019(c) are amended as follows.

- (2) In regulation 1—
 - (a) in the heading, for “and extent” substitute “, extent and interpretation”;
 - (b) after paragraph (2) insert—

“(3) In these Regulations, “the Electricity Regulation” means Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) and “predecessor”, in relation to that Regulation, means Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network of cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.”.
- (3) In regulation 14, for “exit day” substitute “IP completion day”.
- (4) In regulation 15(6), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (5) In regulation 16—

(a) S.I. 2018/1286.

(b) See the definition of “the Electricity Regulation” in S.I. 2019/543, Schedule 1, paragraph 2(8) as amended by regulation 7(5)(a).

(c) S.I. 2019/530.

- (a) in paragraph (5), for “exit day” substitute “IP completion day”;
 - (b) in paragraph (7)—
 - (i) for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (ii) for subsection (11)(a) substitute—
 - “(a) Article 14(1) is to be read as if the second and third sentences were omitted;”.
- (6) In regulation 17—
- (a) in paragraph (6), for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (b) in paragraph (7), in the definition of “the Gas Directive” at the end insert “, as amended by Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019”.
- (7) In regulation 20(1)(a), for “exit day” substitute “IP completion day”.
- (8) In regulation 21(10), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (9) In regulation 25(5), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (10) In regulation 27(5), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (11) In regulation 28(3), for “exit day” substitute “IP completion day”.
- (12) In regulation 31(4), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (13) In regulation 34(3), for “exit day” substitute “IP completion day”.
- (14) In regulation 35(4)—
- (a) omit “as amended from time to time on or after exit day,”;
 - (b) for “exit day”, in each place it occurs, substitute “IP completion day”.
- (15) In regulation 37(4), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (16) In regulation 45, for “exit day” substitute “IP completion day”.
- (17) In regulation 46(6)—
- (a) for the words from “Article 3 of” to “Regulation (EC) No 1228/2003” substitute “Article 51 of the Electricity Regulation (or Article 3 of its predecessor)”;
 - (b) for “Article 3” (in the second place it occurs) substitute “Article 51 of the Electricity Regulation”;
 - (c) for “exit day”, in each place it occurs, substitute “IP completion day”.
- (18) In regulation 47—
- (a) in paragraph (2)(a)(ii), omit “whether”;
 - (b) in paragraph (5), for “exit day” substitute “IP completion day”.
- (19) In regulation 48—
- (a) in paragraph (6), for “exit day”, in each place it occurs, substitute “IP completion day”.
 - (b) in paragraph (7), omit the definition of “the Electricity Regulation”.
- (20) In regulation 51(1)(a), for “exit day” substitute “IP completion day”.
- (21) In regulation 52(10)—
- (a) for the words from “Article 3 of” to “Regulation (EC) No 1228/2003” substitute “Article 51 of the Electricity Regulation (or Article 3 of its predecessor)”;
 - (b) for “Article 3” (in the second place it occurs) substitute “Article 51 of the Electricity Regulation”;
 - (c) for “exit day”, in each place it occurs, substitute “IP completion day”.
- (22) For regulation 54 substitute—
- “**54.** In section 25 (orders for securing compliance), in subsection (8)—
 - (a) in the definition of “regulated person” omit paragraph (e);

- (b) in the definition of “relevant requirement”, omit paragraph (b) and the “and” before it.”.
- (23) In regulation 56(4), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (24) In regulation 60(6), for the definition of “designated regulatory function” substitute—
- ““designated regulatory function” means—
 - (a) a function of the Authority conferred by—
 - (i) a provision of retained EU law, or
 - (ii) a condition in a licence under section 6 as that condition is modified from time to time after IP completion day,
 where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;
 - (b) a function of the Northern Ireland Authority as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;”.
- (25) In regulation 62—
- (a) in paragraph (1), for “(2) to (4)” substitute “(1A) to (4A)”;
 - (b) after paragraph (1) insert—
 - “(1A) In paragraph 1 (relevant provisions in relation to all licence holders)—
 - (a) omit paragraph (ca);
 - (b) omit paragraph (f).”;
 - (c) for paragraph (2) substitute—
 - “(2) In paragraph 4 (persons required to be certified as to independence)—
 - (a) in paragraph (ca), omit—
 - (i) “the CACM Regulation,”;
 - (ii) “or the FCA Regulation”;
 - (b) in paragraph (d)—
 - (i) in sub-paragraph (iv), for “16(1) to (4)” substitute “16(1), (2), (4)”;
 - (ii) omit sub-paragraph (v);
 - (iii) omit sub-paragraphs (viii) to (xi);
 - (iv) omit sub-paragraph (xiii);
 - (c) omit paragraph (g).”;
 - (d) after paragraph (4) insert—
 - “(4A) In paragraph 10 (interpretation), omit the definition of “the FCA Regulation”.”;
 - (e) in paragraph (5), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (26) In regulation 69(3), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (27) In regulation 70(e), for the definition of “designated regulatory function” substitute—
- ““designated regulatory function” means—
 - (a) a function of the Authority conferred by—
 - (i) a provision of retained EU law,
 - (ii) a condition in a licence under section 7, 7ZA or 7A of the 1986 Act, as that condition is modified from time to time on or after IP completion day, or
 - (iii) a condition in a licence under section 6 of the 1989 Act, as that condition is modified from time to time on or after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive;

- (b) a function of the Northern Ireland Authority conferred by—
 - (i) a provision of retained EU law, or
 - (ii) a condition in a licence under Article 8 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)), as that condition is modified from time to time on or after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;

- (c) a function of the Northern Ireland Authority as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;”.

(28) In regulation 77, for “exit day” substitute “IP completion day”.

(29) In regulation 81(3)(a)—

- (a) after sub-paragraph (c) insert—
 - “(ca) the definition of “ACER Regulation;”;
- (b) after sub-paragraph (d) insert—
 - “(da) the definition of “Electricity Regulation;”.

(30) Omit regulations 84 to 103.

(31) In regulation 109, for “exit day” substitute “IP completion day”.

(32) In regulation 110(7), for “exit day”, in each place it occurs, substitute “IP completion day”.

(33) In regulation 111(8), in paragraph (9)—

- (a) for sub-paragraphs (a) and (b) substitute—
 - “(a) in paragraph (1) of Article 14 the reference to “Member State” in the first sentence is to be read as if it were a reference to the Authority;
 - (b) paragraph (1) of Article 14 is to be read as if the second and third sentences were omitted;
 - (ba) in paragraph (2) of Article 14 the reference to “Member State” is to be read as if it were a reference to the Authority;”;
- (b) in sub-paragraph (c), for “exit day” substitute “IP completion day”.

(34) In regulation 112—

- (a) in paragraph (6), for “exit day”, in each place it occurs, substitute “IP completion day”;
- (b) in paragraph (7), in the definition of “the Gas Directive” at the end insert “, as amended by Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019.”.

(35) In regulation 113(2)(a), for “exit day” substitute “IP completion day”.

(36) In regulation 115(9), for “exit day”, in each place it occurs, substitute “IP completion day”.

(37) In regulation 120(4), for “exit day” substitute “IP completion day”.

(38) In regulation 121(3), for “exit day” substitute “IP completion day”.

(39) In regulation 122(3), for “exit day”, in each place it occurs, substitute “IP completion day”.

(40) In regulation 125, for “exit day” in each place it occurs, substitute “IP completion day”.

(41) In regulation 128—

- (a) omit sub-paragraphs (a) and (b);

(a) S.I. 2011/2704 was amended by S.I. 2020/96, regulation 5.

- (b) for sub-paragraph (c) substitute—
 - “(c) in the definition of “designated regulatory authority” omit the words “or Article 39 of the Gas Directive””;
- (c) after sub-paragraph (c) insert—
 - “(ca) omit the definition of “Third Package””;
- (d) in sub-paragraph (d)—
 - (i) omit the definition of “designated regulatory electricity function”;
 - (ii) omit the definition of “the designated regulatory electricity objectives”;
 - (iii) omit the definition of “designated regulatory functions”;
 - (iv) for the definition of “designated regulatory gas function” substitute—
 - ““designated regulatory gas functions” means any function of the Authority conferred by—
 - (a) a provision of retained EU law, or
 - (b) a condition in a licence under Article 8 of the Gas Order, as that condition is modified from time to time on or after IP completion day,
 where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;”

(42) In regulation 129—

- (a) for paragraph (2) substitute—
 - “(2) At the end of the heading insert “: electricity”.”;
- (b) for paragraph (3) substitute—
 - “(3) In paragraph (1) omit the words “and Article 39(3) of the Gas Directive”.”;
- (c) omit paragraphs (4) and (5).

(43) After regulation 129 insert—

“**129A.** After Article 3A insert—

“Exercise of designated regulatory gas functions etc

3B. The Authority shall ensure that its staff do not—

- (a) seek or take any instructions that might compromise, or might reasonably be seen to compromise, the Authority’s independence in relation to its designated regulatory gas functions; or
- (b) carry out any other activity, or have any financial or other interest, that might compromise, or might reasonably be seen to compromise, the Authority’s independence in relation to those functions.”

(44) For regulation 130, substitute—

“**130.**—(1) Article 6A (report on activities as designated regulatory authority) is amended as follows.

- (2) At the end of the heading insert “: electricity”.
- (3) In paragraph (2) omit “and Article 41 of the Gas Directive”.”

(45) In regulation 131(3), after “a binding decision” insert “made under the Gas Directive or the Gas Regulation”.

(46) In regulation 132, for “exit day” substitute “IP completion day”.

(47) In regulation 134, for paragraphs (2) to (4) substitute—

- “(2) At the end of the heading insert “: electricity”.
- (3) In paragraph (1)(b), omit “the Gas Directive,” and “the Gas Regulation”.

- (4) In paragraph (2), for “Third Package” substitute “Electricity Directive”.
- (5) In paragraph (3), in the definition of “region”—
- (a) in sub-paragraph (a), omit “in relation to electricity,”;
 - (b) omit sub-paragraph (b) and the “and” preceding it.”.
- (48) After regulation 134 insert—
- “134A.** After Article 8A insert—
- “Duty on the authority to have regard to the need for consultation and co-operation with regard to other authorities: gas**
- 8B.**—(1) When carrying out its designated regulatory gas functions, the Authority shall, to the extent it considers necessary, consider whether there is a need to—
- (a) consult and co-operate with the Great Britain authority or the regulatory authorities of other countries or territories;
 - (b) provide the Great Britain authority with information it may require in order to carry out any functions of the Great Britain authority corresponding to the Authority’s designated regulatory gas functions; and
 - (c) consult relevant national authorities.
- (2) In this Article, “relevant national authorities” has the same meaning as in Article 8A(3).”.
- (49) Omit regulations 135 and 136.
- (50) Omit regulation 139(2).
- (51) In regulation 140—
- (a) for paragraph (1), substitute—

“(1) In Article 45 (financial penalties), in paragraph (9)(b), after “Electricity Directive or” insert “by or under a provision referring to a provision of”;
 - (b) in paragraph (2)—
 - (i) for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (ii) for “a Community Regulation (within the meaning given in that Article)” substitute “the Gas Regulation (within the meaning of that Order)”.
- (52) Omit regulation 141.
- (53) In regulation 143, for paragraph (a) substitute—
- “(a) at the end of sub-paragraph (b)(i) omit “or”;
 - (ab) after sub-paragraph (b)(i) insert—

“(ia) any retained EU obligation; or”;
- (54) For regulation 144 substitute—
- “144.** In Article 62 (reasons for decisions), in paragraph (1)(g), after “Northern Ireland” insert “or designated regulatory gas functions”.”.
- (55) For regulation 145 substitute—
- “145.** In Article 63 (general restrictions on disclosure of information), in paragraph (4)(i), after “Community obligation” insert “or retained EU obligation”.”.
- (56) Omit regulations 146 to 149.
- (57) Omit regulation 150 and Schedule 1.
- (58) In Schedule 3, omit paragraph 4.
- (59) In Schedule 4—
- (a) in paragraph 1, for “exit day” substitute “IP completion day”;

- (b) in paragraph 2, for “exit day” substitute “IP completion day”;
- (c) in paragraph 3, for “exit day”, in each place it occurs, substitute “IP completion day”;
- (d) in paragraph 7, for “exit day”, in each place it occurs, substitute “IP completion day”;
- (e) in paragraph 9, for “exit day” substitute “IP completion day”.

Amendments to the Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019

4.—(1) The Gas (Security of Supply and Network Codes) (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In Schedule 1, in paragraph 5, for “exit day”, in each place it occurs, substitute “IP completion day”.

(3) In Schedule 3—

- (a) in paragraph 7(4), for “exit day” substitute “IP completion day”;
- (b) in paragraph 23, for “exit day” substitute “IP completion day”.

(4) In Schedule 4—

- (a) in paragraph 2(4), for “exit day” substitute “IP completion day”;
- (b) in paragraph 6(7), for “Article 42” substitute “and Article 42”.

(5) In Schedule 5, paragraph 7, for “exit day” substitute “IP completion day”.

Amendments to the Electricity Network Codes and Guidelines (Markets and Trading) (Amendment) (EU Exit) Regulations 2019

5.—(1) The Electricity Network Codes and Guidelines (Markets and Trading) (Amendment) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In regulation 1—

- (a) for paragraph (2) substitute—
 - “(2) These Regulations do not extend to Northern Ireland.”;
- (b) omit paragraph (3).

(3) In regulation 5, omit paragraph (2).

(4) In Schedule 1, in paragraph 5, omit “and Northern Ireland” in each place it occurs.

(5) In Schedule 2—

- (a) in paragraph 3(2), 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)”;
- (b) in paragraph 3(3)(d), for “exit day”, in each place it occurs, substitute “IP completion day”;
- (c) in paragraph 14(4)(a), for “exit day” substitute “IP completion day”.

Amendments to the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019

6.—(1) The Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019(c) are amended as follows.

(2) In regulation 1—

(a) S.I. 2019/531, as amended by S.I. 2019/1393.
 (b) S.I. 2019/532.
 (c) S.I. 2019/533, as amended by S.I. 2019/1104.

- (a) in the heading, for “and commencement” substitute “, commencement and extent”.
 - (b) after paragraph (2) insert—
 - “(3) These Regulations do not extend to Northern Ireland.”.
- (3) Schedule 1 is amended as follows.
- (a) omit paragraph 3(5);
 - (b) in paragraph 4(2), after sub-paragraph (a), insert—
 - “(ab) 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)”;;”;
 - (c) in paragraph 4(3)—
 - (i) for paragraph (1A)(d), substitute—
 - “(d) the definition of “regulatory authority” in Article 2 of Regulation (EU) 2019/943;;”;
 - (ii) in paragraph (1B), for “Regulation (EC) No 714/2009”, substitute “Regulation (EU) 2019/943”;
 - (iii) in paragraph (1C), for “exit day” substitute “IP completion day”;
 - (d) in paragraph 4(4), after sub-paragraph (c) insert—
 - “(ca) omit point (89);”;
 - (e) in paragraph 12(4), for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (f) for paragraph 14 substitute—
 - “14. Omit Article 13.”;
 - (g) in paragraph 16(2)(a), for paragraph (ii) substitute—
 - “(ii) for “Article 8(3)(a) of Regulation (EC) No 714/2009” substitute “Article 30(1)(i) of Regulation (EU) 2019/943 as that provision applied in EU law immediately before IP completion day”;;”;
 - (h) in paragraph 23(2), after sub-paragraph (b) insert—
 - “(c) in point (i), for “Article 16(2) of Regulation (EC) No 714/2009” substitute “Article 16(2) of Regulation (EU) 2019/943 as that provision applied in EU law immediately before IP completion day”;;”;
 - (i) in paragraph 24, for “2105/1222” substitute “2015/1222”;
 - (j) in paragraph 44(2), for sub-paragraph (b) substitute—
 - “(b) for “Article 8(3)(a) of Regulation (EC) No 714/2009” substitute “Article 30(1)(i) of Regulation (EU) 2019/943 as that provision applied in EU law immediately before IP completion day”;;”;
 - (k) in paragraph 46(4), for paragraph (b) substitute—
 - “(b) in point (h), after “Regulation (EC) No 714/2009” insert “before 1 January 2020 or according to Articles 59 and 61 of Regulation (EU) 2019/943 as they apply in domestic law”;;”.
- (4) Schedule 2 is amended as follows.
- (a) omit paragraph 3(5);
 - (b) in paragraph 4—
 - (i) in subparagraph (2) for “exit day”, in each place it occurs, substitute “IP completion day”;
 - (ii) in subparagraph (3), after paragraph (b) insert—
 - “(ba) for “Regulation (EC) 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)”;;”;

- (c) for paragraph 10 substitute—
 - “10. Omit Article 10.”;
- (d) in paragraph 26, for “exit day” substitute “IP completion day”.

Amendments to the Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019

7.—(1) The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In regulation 3(2), for “exit day”, in each place it occurs, substitute “IP completion day”.
- (3) For regulation 4(2) substitute—
 - “(2) In regulation 2 (definitions)—
 - (a) in paragraph (1), for the definition of “REMIT” substitute—
 - ““REMIT” has the meaning given by paragraphs (3) and (4);”;
 - (b) after paragraph (2) insert—
 - “(3) In these regulations so far as they apply to England and Wales and Scotland “REMIT” means—
 - (a) in relation to anything done before IP completion day, Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency, as it applied immediately before IP completion day;
 - (b) in relation to anything done on or after IP completion day, that Regulation as it applies in the law of England and Wales and Scotland on or after IP completion day.
 - (4) In these regulations so far as they apply to Northern Ireland, “REMIT” means—
 - (a) in relation to anything done before IP completion day, Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency, as it applied immediately before IP completion day;
 - (b) in relation to anything done on or after IP completion day, that Regulation as it applies in the law of Northern Ireland on or after IP completion day by virtue of section 3 of the European Union (Withdrawal) Act 2018.”.
- (4) In regulation 5, for paragraph (2) substitute—
 - “(2) In regulation 2(1) (interpretation), for the definition of REMIT substitute—
 - ““REMIT” means—
 - (a) in relation to anything done before IP completion day, Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency, as it applied immediately before IP completion day;
 - (b) in relation to anything done on or after IP completion day, that Regulation as it applies in the law of Northern Ireland on or after IP completion day by virtue of section 3 of the European Union (Withdrawal) Act 2018.”.
- (5) Schedule 1 is amended as follows.
 - (a) in paragraph 2—
 - (i) for sub-paragraph (2)(a) substitute—

(a) S.I. 2019/534.

- “(a) for sub-paragraph (a) substitute—
- “(a) information which is required to be made public in accordance with:
- (i) guidelines and network codes adopted pursuant to Regulation (EC) No 714/2009 before 1 January 2020; or
- (ii) the Electricity Regulation or the Gas Regulation, including guidelines and network codes adopted, or regulations made, pursuant to those Regulations;”;
- (ii) in sub-paragraph (8)—
- (aa) in point (16) for “Regulation (EC) No 714/2009 of the European Parliament and of the Council on conditions for access to the network of cross-border exchanges in electricity” substitute “Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast)”;
- (bb) in point (19) for “exit day”, in each place it occurs, substitute “IP completion day”;
- (cc) in point (21) for “Regulation (EC) No 713/2009 of the European Parliament and of the Council” substitute “Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 (recast)”;
- (dd) in point (25), in paragraph (b) omit “Article 10 of the Electricity (Northern Ireland) Order 1992 or”;
- (b) in paragraph 3(2), for “exit day”, in each place it occurs, substitute “IP completion day”;
- (c) in paragraph 4—
- (i) for sub-paragraph (3) substitute—
- “(3) For paragraph 4 substitute—
- “4. The publication of inside information, including in aggregated form, in accordance with:
- (a) guidelines and network codes adopted pursuant to Regulation (EC) No 714/2009 before 1 January 2020; or
- (b) the Electricity Regulation or the Gas Regulation, or guidelines and network codes adopted, or regulations made, pursuant to those Regulations,
- constitutes simultaneous, complete and effective public disclosure.”;
- (ii) in sub-paragraph (6), in paragraph 6A—
- (aa) in sub-paragraph (a), for “exit day” substitute “IP completion day”;
- (bb) at the end of sub-paragraph (b), omit “or”;
- (cc) in sub-paragraph (c), for “.” substitute “; or”;
- (dd) after sub-paragraph (c) insert—
- “(d) any network codes or guidelines adopted under Regulation (EC) No 714/2009 before 1 January 2020.”;
- (d) in paragraph 7—
- (i) for sub-paragraph (8)(a), substitute—
- “(a) enters into a reportable transaction on or after IP completion day but before the end of the period of 28 days beginning with the day after that on which IP completion day falls;”;
- (ii) in sub-paragraph (8)(c), for “exit day” substitute “IP completion day”;
- (iii) in sub-paragraph (9), for “27th April 2019” substitute “the end of the period of 28 days beginning with the day after that on which IP completion day falls”.
- (6) Schedule 2 is amended as follows.

- (a) in paragraph 3(2), in paragraph A1(b)(i), omit “electricity or”;
 - (b) in paragraph 12, for “exit day” substitute “IP completion day”.
- (7) Schedule 3 is amended as follows.

- (a) after paragraph 1(1) insert—
 - “(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)”.
- (b) omit paragraph 18.

14th September 2020

Kwasi Kwarteng
Minister of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend provisions in six statutory instruments made under section 8(1) of that Act (“the principal instruments”) to take account of the United Kingdom leaving the European Union on 31st January 2020. As a consequence, retained EU law will take effect on IP completion day, instead of exit day, and these Regulations amend the principal regulations to reflect this change.

These Regulations also update references to EU legislation which has come into force since the principal instruments were made. Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network of cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003, was repealed and recast by Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), which came into force on 1st January 2020. Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators was repealed and recast by Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing an Agency for the Cooperation of Energy Regulators (recast). The amendments in these Regulations update these references in the principal instruments.

These Regulations also omit provisions in the principal instruments where EU legislation will continue to apply through section 7A of the European Union (Withdrawal) Act 2018 in respect of Article 9 to, and Annex 4 of, the Northern Ireland Protocol annexed to the Withdrawal Agreement.

Regulations 3(14)(a), 3(18)(a), 3(41)(a), 4(4)(b) 6(3)(d) and 6(3)(i) correct errors in the principal regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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