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STATUTORY INSTRUMENTS

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**2024 No. 706**

**The Energy Act 2023 (Consequential Amendments) Regulations 2024**

**Part 5**

**Amendment of Assimilated Law**

**Amendment of Regulation (EC) 715/2009**

**39.** In Article 16(5) of Regulation (EC) 715/2009 of the European Parliament and of the Council of 13 July 2009 on the conditions for access to the natural gas transmission networks (principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators)(1), at the end insert—

“When assessing market demand, transmission system operators shall consult the holder of a licence under section 7AA of the Gas Act 1986.”

**Amendment of Commission Regulation (EU) 2016/631**

**40.** In Article 2 of Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators (definitions)(2), in the first unnumbered paragraph, omit “(other than the definition of ‘transmission system operator’ or ‘TSO’)”.

**Amendment of Commission Regulation (EU) 2016/1388**

**41.** In Article 2 of Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a Network Code on Demand Connection (definitions)(3), in the first unnumbered paragraph, omit “(other than the definition of ‘transmission system operator’ or ‘TSO’)”.

**Amendment of Commission Regulation (EU) 2016/1447**

**42.** In Article 2 of Commission Regulation (EU) 2016/1447 of 26 August 2016 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power modules (definitions)(4), in the first unnumbered paragraph, omit “(other than the definition of ‘transmission system operator’ or ‘TSO’)”.

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(1) EUR 2009/715.

(2) EUR 2016/631. Article 2 was amended by S.I. 2020/1006.

(3) EUR 2016/1388. Article 2 was amended by S.I. 2020/1006.

(4) EUR 2016/1447. Article 2 was amended by S.I. 2020/1006.

### **Amendment of Commission Regulation (EU) 2017/459**

43. In Article 6 of Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems (capacity calculation maximisation)(5)—

- (a) in paragraph 1(a)(6), after “network users” insert “or the holder of a licence under section 7AA of the Gas Act 1986”;
- (b) in paragraph 1(b)(2), after “relevant demand and supply scenarios” insert “having regard to any information provided by the holder of a licence under section 7AA of the Gas Act 1986”.

### **Amendment of Commission Regulation (EU) 2017/1485**

44. In Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing guidance on electricity transmission system operation(6)—

- (a) in Article 3 (definitions)—
  - (i) in paragraph 1, for “paragraphs 1A and 1B” substitute “paragraph 1A”;
  - (ii) omit paragraph 1B;
  - (iii) in paragraph 2, omit point (168) (definition of national electricity transmission system operator);
- (b) in Articles 10, 15, 16, 40, 55 and 65 for “national electricity transmission system operator”, in each place it occurs, substitute “transmission system operator”.

### **Amendment of Regulation (EU) 2017/1938**

45. In Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply(7)—

- (a) in Article 7 (risk assessment), in paragraph 6, after “Natural gas undertakings” insert “, the holder of a licence under section 7AA of the Gas Act 1986,”;
- (b) in Article 8 (establishment of preventive action plans and emergency plans), in paragraph 2, after “natural gas undertakings,” insert “the holder of a licence under section 7AA of the Gas Act 1986,”.

### **Amendment of Commission Regulation (EU) 2017/2195**

46. In Article 9 of Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (stakeholder involvement)(8) omit “national electricity”.

### **Amendment of Commission Regulation (EU) 2017/2196**

47. In Article 53 of Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration (stakeholder involvement)(9), omit “national electricity”.

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(5) EUR 2017/459.

(6) EUR 2017/1485. Article 3 was amended by S.I. 2019/533.

(7) EUR 2017/1938. Article 7(6) was amended by S.I. 2019/531.

(8) EUR 2017/2195. Article 9 was amended by S.I. 2019/532.

(9) EUR 2017/2196. Article 53 was amended by S.I. 2019/533.

### Amendment of Regulation (EU) 2019/943

48. 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) (definitions)(10), for the definition of “transmission system operator” or “TSO” substitute—

““transmission system operator” or “TSO” means—

- (a) in relation to the functions set out in section 161(2) of the Energy Act 2023, so far as they relate to electricity, the holder of a licence under section 6(1)(da) of the Electricity Act 1989;
- (b) in relation to the making available for use of all or any part of a transmission system (within the meaning of section 4 of the Electricity Act 1989), a person who is designated as an electricity transmission system operator under section 10H of the Electricity Act 1989 by virtue of being either the holder of a licence granted under section 6(1)(b) of that Act or such a licence holder’s nominated independent system operator;
- (c) in relation to participating in the operation of an electricity interconnector (within the meaning of section 4 of the Electricity Act 1989), a person who is designated as an electricity transmission system operator under section 10H of the Electricity Act 1989, by virtue of being either the holder of a licence under section 6(1)(e) of that Act or such a licence holder’s nominated independent system operator;”.