

DCUSA CP 362 – DCUSA EU Exit Code Modifications

Draft Legal Text

Amend the following definitions in Clause 1 as follows:

Agency for the Cooperation of Energy Regulators	means the agency of that name established under Regulation 2009/713/EC of the European Parliament and of the Council of 13 July 2009 <u>as construed as reference to and read in accordance with the correlation table in Annex II of Regulation 2019/942/EU</u> establishing an <u>a European Union</u> Agency for the Cooperation of Energy Regulators <u>(recast)</u> , <u>and as it had effect immediately before IP Completion Day</u> .
Authority Change Proposal	means modifications proposed to this Agreement: <ul style="list-style-type: none"> (a) where the Authority reasonably considers the modifications are necessary to comply with or implement the <u>EU Internal Market Regulation</u> on Cross-Border Exchanges in Electricity and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Cooperation of Energy Regulators; and/or (b) in respect of a Significant Code Review (including where the Authority has issued a statement in accordance with Condition 22.9E(bb) of the Distribution Licences and/or a "back-stop" direction in accordance with Condition 22.9ED of the Distribution Licences).
<u>EU Internal Market Regulation</u>	<u>means Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately</u>

	<u>before IP Completion Day as read with the modifications set out in the SI 2020/1006.</u>
Regulation on Cross-Border Exchanges in Electricity	means Regulation 2009/714/EC of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation 2003/1228/EC.

Add the following new definition to Clause 1 as follows:

<u>IP Completion Day</u>	<u>has the same meaning as that given in section 39(1) of the European Union (Withdrawal Agreement) Act 2020.</u>
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Amend Clause 3.1.5 as follows:

3.1.5 compliance with the EU Internal Market ~~Regulation on Cross-Border Exchanges in Electricity~~ and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.

Amend Clause 3.2.5 as follows:

3.2.5 that compliance by each DNO Party with the Charging Methodologies facilitates compliance with the EU Internal Market ~~Regulation on Cross-Border Exchanges in Electricity~~ and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators; and