






DCUSA Change Report		At what stage is this document in the process?
<h1>DCP 362:</h1> <h2>The update of relevant European Union (EU) clauses as a result of Brexit.</h2> <p><i>Date Raised:</i> 03 February 2020</p> <p><i>Proposer:</i> Peter Waymont</p> <p><i>Company Name:</i> UK Power Networks</p> <p><i>Party Representation:</i> DNO</p>	01 – Change Proposal	
	02 – Consultation	
	03 – Change Report	
	04 – Change Declaration	
Purpose of Change Proposal: <p>To update and amend any DCUSA clauses referring to EU legislation as a consequence of the United Kingdom leaving the EU.</p>		
	<p>This document is issued in accordance with Clause 11.20 of the DCUSA, and details DCP 362: ‘The update of relevant European Union (EU) clauses as a result of Brexit.’</p> <p>Parties are invited to consider the proposed amendment (Attachment 1) and submit their votes using the Voting form (Attachment 2) to dcusa@electralink.co.uk by 12 February 2021.</p> <p>The voting process for the proposed variation and the timetable of the progression of the Change Proposal (CP) through the DCUSA Change Control Process is set out in this document.</p> <p>If you have any questions about this paper or the DCUSA Change Process, please contact the DCUSA by email to dcusa@electralink.co.uk or telephone 020 7432 3008.</p>	
	Impacted Parties: DNOs, IDNOs, Suppliers and CVA Registrants	
	Impacted Clauses: Section 1A, Section 3.1.5, Section 3.2.5, Schedule 2B of Section 4 and Schedule 25.	

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Timetable		 Any questions?
The timetable for the progression of the CP is as follows:		
Change Proposal timetable		
Activity	Date	
Initial Assessment Report	19 February 2020	
Change Report Approved by Panel	20 January 2021	
Change Report issued for Voting	22 January 2021	
Party Voting Closes	12 February 2021	
Change Declaration Issued to Parties	16 February 2021	
Implementation	25 February 2021	

1 Executive Summary

What?

- 1.1 This Change Proposal seeks to amend the necessary clauses that currently reference EU legislation and update them to reflect the accurate legislature as a result of Brexit. It should be noted that none of the clauses EU related clauses render the DCUSA inoperable if unamended, however it is important to update the DCUSA to reflect correct legislative arrangements.

Why?

- 1.2 This Change must be enacted in order to maintain the clarity and accuracy of the DCUSA as a result of the United Kingdom's withdrawal from the European Union on 31 January 2020 and the subsequent transition period.

How?

- 1.3 Having already undertaken an extensive review of the DCUSA and identifying clauses which contain reference to any European Union legislation, the DCUSA legal advisors can address the relevant clauses that need to be updated.

2 Governance

Justification Part 2 Matter

- 2.1 This Change Proposal is classed as a Part 2 Matter as it is required as result of legislative/constitutional changes.

Requested Next Steps

- 2.2 The Panel considered that the Proposer has carried out the level of analysis required to enable Parties to understand the impact of the proposed amendment and to vote on DCP 362.
- 2.3 The DCUSA Panel recommends that this CP be issued to Parties for voting.

3 Why Change?

- 3.1 To maintain the legislative accuracy of DCUSA post Brexit.

Part B: Code Specific Details

4 Solution

- 4.1 The Legal Advisors have provided supporting information in Attachment 4 which was a table created in 2017 against specific search parameters as requested by BEIS. A final, update column has been added to the table which explains either: a) a proposed Change; or b) why no Change has been proposed.

5 Code Specific Matters

Reference Documents

None

6 Relevant Objectives

- 6.1 For a DCUSA Change Proposal to be approved it must be demonstrated that it better facilitates the DCUSA Objectives. There are five General Objectives and six Charging Objectives. The full list of objectives is documented in the DCUSA.
- 6.2 The Proposer considers that the following DCUSA General Objectives are better facilitated by DCP 362.

DCUSA General Objectives	Identified impact
<input type="checkbox"/> 1 The development, maintenance and operation by the DNO Parties and IDNO Parties of efficient, co-ordinated, and economical Distribution Networks	None
<input type="checkbox"/> 2 The facilitation of effective competition in the generation and supply of electricity and (so far as is consistent therewith) the promotion of such competition in the sale, distribution and purchase of electricity	None
<input type="checkbox"/> 3 The efficient discharge by the DNO Parties and IDNO Parties of obligations imposed upon them in their Distribution Licences	None
<input checked="" type="checkbox"/> 4 The promotion of efficiency in the implementation and administration of the DCUSA	Positive
<input type="checkbox"/> 5 Compliance with the Regulation on Cross-Border Exchange in Electricity and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

- 6.3 This change will enable DCUSA to better reflect the current legislation and therefore has a positive impact on DCUSA General Objective Four.

7 Impacts & Other Considerations

Does this Change Proposal impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

- 7.1 There is no impact on any of the current SCRs or any other industry change projects.

Does this Change Proposal Impact Other Codes?

- | | |
|-----------|-------------------------------------|
| BSC | <input type="checkbox"/> |
| CUSC | <input type="checkbox"/> |
| Grid Code | <input type="checkbox"/> |
| MRA | <input type="checkbox"/> |
| SEC | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |
| None | <input checked="" type="checkbox"/> |

Consideration of Wider Industry Impacts

There are no wider industry impacts.

Confidentiality

There are no confidentiality concerns.

8 Implementation

Proposed Implementation Date

8.1 DCP 362 will aim to be implemented on 25 February 2021, in the DCUSA release.

9 Legal Text

- 9.1 The legal text for DCP 362 has been recommended by the Proposer and reviewed by the DCUSA legal advisor and is provided as Attachment 1.
- 9.2 The Legal Advisor has proposed changes to the definitions in Clause 1, Clause 3.1.5 and 3.2.5.

10 Recommendations

Panel's Recommendation

- 10.1 The Panel approved this Change Report on 20 January 2021. The Panel considered that the Proposer has carried out the level of analysis required to enable Parties to understand the impact of the proposed amendment and to vote on DCP 362.
- 10.2 The Panel have recommended this report be issued for voting and DCUSA Parties should consider whether they wish to submit views regarding this CP. The Voting Form can be found in Attachment 2.

11 Attachments

- Attachment 1 – DCP 362 Legal Text
- Attachment 2 – DCP 362 Voting Form
- Attachment 3 – DCP 362 Change Proposal Form
- Attachment 4 – DCP 362 References to EU in DCUSA
- Attachment 5 – Ofgem Notice of proposed licence modifications to the licence conditions of the Electricity Distribution Licence