

Grid Code Modification Proposal Form		At what stage is this document in the process?
<h1>GC0121:</h1> <p>Mod Title: Grid Code changes in the event the UK leaves the EU without an agreement</p>		<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 5px;">01 Proposal Form</div> <div style="margin-bottom: 5px;">02 Workgroup Consultation</div> <div style="margin-bottom: 5px;">03 Workgroup Report</div> <div style="margin-bottom: 5px;">04 Code Administrator Consultation</div> <div style="margin-bottom: 5px;">05 Draft Grid Code Modification Report</div> <div style="margin-bottom: 5px;">06 Final Grid Code Modification Report</div> </div>
<p>Purpose of Modification: The proposed modification aims to ensure that retained EU law will function effectively in the context of the Grid Code. In the event the United Kingdom leaves the European Union without an agreement ('no-deal'), it will ensure that the Grid Code takes into account the provisions in the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018 as well as relevant consequential licence modifications.</p>		
	<p>The Proposer recommends that this modification should be: subject to self-governance and that it does not require a workgroup.</p> <p>This modification was raised 20 February 2019 and will be presented by the Proposer to the Panel on 28 February 2019. The Panel will consider the Proposer's recommendation and determine the appropriate route.</p>	
	<p>High Impact: None</p>	
	<p>Medium Impact: None</p>	
	<p>Low Impact: Minimal impact on all Grid Code parties</p>	

Contents		?
<p>1 Summary 4</p> <p>2 Governance 4</p> <p>3 Why Change? 5</p> <p>4 Code Specific Matters 6</p> <p>5 Solution 6</p> <p>6 Impacts & Other Considerations 7</p> <p>7 Relevant Objectives 7</p> <p>8 Implementation 8</p> <p>9 Legal Text 8</p> <p>10 Recommendations 13</p>		<p>Any questions?</p> <p>Contact: Code Administrator</p> <p> email address</p> <p> telephone</p> <p>Proposer: Sophie van Caloen</p> <p> email address Sophie.vancaloen@nationalgrid.com</p> <p> telephone 07790947180</p> <p>National Grid Representative: Rob Wilson</p> <p> email address. Robert.Wilson2@nationalgrid.com</p> <p> telephone 07799 656402</p>
Timetable		
The Code Administrator recommends the following timetable:		
Grid Code Review Panel	28 February 2019	
Code Administrator Consultation issued to the Industry (10 Working days)	4 March 2019	
Code Administrator Consultation closes	18 March 2019	
Grid Code Review Panel for self-governance vote	28 March 2019 or 1 April 2019 (special GCRP)	
Appeal window opens (15 Working days)	29 March 2019 or 1 April 2019 (following the special GCRP)	
Appeal window closes	23 April 2019 or 24 April 2019 (following the special GCRP)	
Implementation	24 April 2019 or 25 April 2019 (following the special GCRP)	

Proposer Details

Details of Proposer: (Organisation Name)	National Grid ESO
Capacity in which the Grid Code Modification Proposal is being proposed: (e.g. CUSC Party)	GB System Operator
Details of Proposer's Representative: Name: Organisation: Telephone Number: Email Address:	Sophie van Caloen National Grid ESO 07790 947180 Sophie.vancaloen@nationalgrid.com
Details of Representative's Alternate: Name: Organisation: Telephone Number: Email Address:	Mike Oxenham National Grid ESO 07554 413864 Michael.Oxenham1@nationalgrid.com
Attachments : No	

Impact on Core Industry Documentation.

Please mark the relevant boxes with an "x" and provide any supporting information

BSC	<input type="checkbox"/>
CUSC	<input type="checkbox"/>
STC	<input type="checkbox"/>
Other	<input type="checkbox"/>

It is understood that other GB frameworks will require revision in the event the UK leaves the EU without an agreement. Modifications have been raised at the CUSC and STC panels at the same time as this modification. However, this modification is not interactive with any proposal for changes to other GB frameworks.

1 Summary

Defect

In the event that the UK leaves the EU without an agreement, the Grid Code needs to be amended to ensure the provision in the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018 as well as relevant consequential licence modifications will function effectively in the context of the Grid Code.

What

The Grid Code contains a small number of references to EU Regulations and EU entities that require revision. The proposed modifications will ensure that the Grid Code is aligned with retained EU law and licence obligation, in the event of 'no deal' and from 'Exit Day'.

Why

In an absence of agreements concerning the UK's withdrawal from the EU and future trade and political relationship with the EU ('no deal'), from Exit Day, EU Regulations will no longer be directly applicable in the UK. In addition, EU entities will no longer have a part to play in the creation of UK policy and legislation.

The approach specified in the European Union (Withdrawal) Act 2018 is to incorporate EU law into UK law (where possible). The UK Government has published statutory instruments with the aim of correcting or removing inoperable provisions of EU Regulations, relevant to the electricity industry, such that they reflect the UK no longer being an EU Member State. The Authority is also proceeding with a statutory consultation on consequential licence modifications.

How

It is proposed to modify existing references to EU Regulations with appropriate references. The objective being that the references appropriately reflect the changes as foreseen in the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018.

2 Governance

Justification for Self-Governance

Application of Self-Governance procedures is sought because the changes proposed are unlikely to discriminate between different classes of Grid Code Parties and is unlikely to have a material effect on:

- i) Existing or future electricity customers;

- ii) Competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution or supply of electricity,
- iii) The operation of the National Electricity Transmission System
- iv) Matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies
- v) The Grid Code's governance procedures or the Grid Code's modification procedures

The Proposal follows the principle of minimal changes required to ensure continued operability of the prevailing Grid Code arrangements and minimise disruption in the UK's energy market following Exit Day.

Requested Next Steps

This modification should:

- be subject to self-governance (without a workgroup)
- proceed directly to a Code Administrator consultation

As set out above the changes proposed in this modification proposal are not considered material, therefore the proposed changes should be suitable for Self-Governance procedures and not require development by a work group.

3 Why Change?

The Grid Code contains a small number of references to EU Regulations and EU entities. These were introduced as a consequence of the integration of the UK into the EU Internal Energy Market (IEM) and more specifically in order to comply with a number of EU Regulations which were directly applicable in UK Law.

Following the outcome of a referendum on UK membership of the EU on 23 June 2016, the UK government notified its intention to leave the EU in March 2017 (as permitted by Article 50 of the Treaty on European Union). This departure will become effective on 'Exit Day' (currently legislated for 23:00 on 29 March 2019). In the absence of agreements concerning the UK's withdrawal from the EU ('no deal'), from Exit Day, EU Regulations will no longer be directly applicable in the UK and EU entities will no longer have a part to play in the creation of UK policy and legislation.

The approach specified in the European Union (Withdrawal) Act 2018 is to incorporate EU law into UK law (where possible). The UK Government has published statutory instruments with the aim of correcting or removing inoperable provisions of EU Regulations, relevant to the electricity industry, such that they reflect the UK no longer being an EU Member State. The Authority is also proceeding with a statutory consultation on consequential licence modifications.

As a consequence, the Grid Code needs to be changed so that the references appropriately reflect this change in approach.

Should a Withdrawal Agreement between the UK and the EU be concluded and take effect from Exit Day, this Modification in this form and timescale will no longer be required.

4 Code Specific Matters

Technical Skillsets

Knowledge of EU Exit principles.

Reference Documents

[European Union \(Withdrawal\) Act 2018](#)

[The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

[The Electricity Network Codes and Guidelines \(Markets and Trading\) \(Amendment\) \(EU \(EU Exit\) Regulations 2019](#)

[The Electricity Network Codes and Guidelines \(System Operation and Connection\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

[The Electricity and Gas \(Market Integrity and Transparency\) \(Amendment\) \(EU Exit\) Regulations 2019](#)

[Statutory Consultation on licence modification in the event the UK leaves the EU without a deal](#)

5 Solution

- In section Glossary & Definitions (GD), it is proposed to update some definitions where there are references to EU legislation or EU entities.
- It is also proposed to add a definition on “Legally Binding Decisions of the European Commission and/or the Agency”, aligned with the modification proposed in the statutory consultation of the licence. In the event the UK leaves the EU without an agreement, future decisions of the Commission and the Agency will no longer have any legal effect in the UK. However, decisions made prior to “Exit Day” are to continue to have effect.
- A definition of “Data Publisher” is also added, in accordance with the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018.
- In section Planning Code (PC), the reference to ENTSO-E Central Information Transparency Platform is removed, in accordance with the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018.
- In section European Connection Conditions (ECC), the reference to European legislation is removed, in accordance with the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018.
- In section Demand Response Services Code (DRS), the reference to European legislation will be removed, in accordance with the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018.
- In section Operating Code (OC), it is proposed to update the data publication requirement according the new requirement in the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018.

- In section Balancing Codes (BC), the reference to European legislation will be removed. Note that the objective of this modification is to implement minimum changes to ensure continued operability of the Grid Code arrangements.
- In SCHEDULE 6 Users Outage Information, the reference to European legislation will be updated and reference to Energy Identification Code will be removed.
- In section Governance Rules (GR) as well as preface (P), some reformatting is proposed to reflect the new definition.

The proposed legal text has been added to section 9 of this proposal form.

6 Impacts & Other Considerations

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

None

Consumer Impacts

None

7 Relevant Objectives

Mandatory for the Proposer to complete. Please delete the Grid Code Objectives that is not applicable.

Impact of the modification on the Applicable Grid Code Objectives:	
Relevant Objective	Identified impact
(a) To permit the development, maintenance and operation of an efficient, coordinated and economical system for the transmission of electricity	Positive
(b) Facilitating effective competition in the generation and supply of electricity (and without limiting the foregoing, to facilitate the national electricity transmission system being made available to persons authorised to supply or generate electricity on terms which neither prevent nor restrict competition in the supply or generation of electricity);	None
(c) Subject to sub-paragraphs (i) and (ii), to promote the security and efficiency of the electricity generation, transmission and distribution systems in the national electricity transmission system operator area taken as a whole;	None

(d) To efficiently discharge the obligations imposed upon the licensee by this license and to comply with the Electricity Regulation and any relevant legally binding decisions of the European Commission and/or the Agency; and	None
(e) To promote efficiency in the implementation and administration of the Grid Code arrangements	None

8 Implementation

No implementation costs are associated with this Modification.

No implementation timescales are set out or proposed, although implementation of this modification would be sought as soon as practicable following the UK's exit from the EU, in the event the UK leaves the EU without an agreement. However, implementation is specifically dependent upon the implementation of the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018 as well as relevant consequential licence modifications and so implementation of this proposal should align with the Statutory Instruments and licence modifications.

9 Legal Text

P – Preface

P.2. The Grid Code is designed to: [...] (iv) efficiently discharge the obligations imposed upon the licensee by this license and to comply with the Electricity Regulation and any relevant **Legally Binding Decisions of the European Commission and/or the Agency** ~~legally binding decisions of the European Commission and/or the Agency~~.

GD – Glossary & Definitions

Authorised Certifier: An entity that issues **Equipment Certificates** and **Power Generating Module Documents** ~~and whose accreditation is given by the national affiliate of the European cooperation for Accreditation ('EA'), established in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council (1).~~

Data Publisher: The person providing a reporting service, in relation to data which is submitted to the reporting service under OC2.4.2.3; or a **Transmission Licensee**, in relation to data which the **Transmission Licensee** is required to publish;

Equipment Certificate: A document issued by an **Authorised Certifier** for equipment used by a **Power Generating Module, Demand Unit, Network Operators System, Non Embedded Customers System, Demand Facility** or **HVDC System**. The **Equipment Certificate** defines the scope of its validity at a national ~~or other level at~~

<p>which a specific value is selected from the range allowed at a European level. For the purpose of replacing specific parts of the compliance process, the Equipment Certificate may include models or equivalent information that have been verified against actual test results.</p>
<p>EU Transparency Availability Data: Such data as Customers and Generators are required to provide under Retained EU Law Articles 7.1(a) and 7.1(b) and Articles 15.1(a), 15.1(b), 15.1(c), 15.1(d) of European Commission Regulation No. 543/2013 respectively (known as the Transparency Regulation), and which also forms part of DRC Schedule 6 (Users' Outage Data).</p>
<p>European Regulation (EU) 2016/631: Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a Network Code on Requirements of Generators</p>
<p>European Regulation (EU) 2016/1388: Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a Network Code on Demand Connection</p>
<p>European Regulation (EU) 2016/1447: 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 Park Modules</p>
<p>European Regulation (EU) 2017/1485: Commission Regulation (EU) 2017/1485 establishing a guideline on electricity transmission system operation</p>
<p>European Regulation (EU) 2017/2195: Commission Regulation (EU) 2017/2195 of 17 December 2017 establishing a guideline on electricity balancing</p>
<p>Intraday Cross-Zonal Gate Closure time: Has the meaning set out in the Regulation (EU) 2015/1222 The point in time where cross-zonal capacity allocation is no longer permitted for a given market time unit.</p>
<p>Intraday Cross-Zonal Gate Opening Time: Has the meaning set out in the Regulation (EU) 2015/1222 The point in time when cross-zonal capacity between bidding zones is released for a given market time unit and a given bidding zone border.</p>
<p>Legally Binding Decisions of the European Commission and/or the Agency: Any relevant legally binding decision or decisions of the European Commission and/or the Agency, but a binding decision does not include a decision that is not, or so much of a decision as is not, Retained EU Law.</p>
<p>Retained EU Law: has the same meaning as that given by section 6(7) of the European Union (Withdrawal) Act 2018.</p>
<p>Single Intraday Coupling: Has the meaning set out in the Regulation (EU) 2015/1222 The continuous process where collected orders are matched and cross-zonal capacity is allocated simultaneously for different bidding zones in the intraday market.</p>
<p>TERRE: Trans European Replacement Reserves Exchange – a market covering the procurement of replacement reserves across Europe as described European Regulation (EU) 2017/2195 (EBGL) and European Regulation (EU) 2017/1485</p>
<p>GD.2.1 [...] (xiii) For the purposes of the Grid Code, physical quantities such as current</p>

or voltage are not defined terms as their meaning will vary depending upon the context of the obligation. For example, voltage could mean positive phase sequence root mean square voltage, instantaneous voltage, phase to phase voltage, phase to earth voltage. The same issue equally applies to current, and therefore the terms current and voltage should remain undefined with the meaning depending upon the context of the application. ~~European Regulation (EU) 2016/631 defines requirements of current and voltage but they have not been adopted as part of EU implementation for the reasons outlined above.~~

PC – PLANNING CODE

PC.A.3.1.4 [...] a) In the case of an **Embedded Small Power Station** first connected on or after 1 January 2015, the production type must be selected from the list below ~~derived from the Manual of Procedures for the ENTSO-E Central Information Transparency Platform:~~

ECC – EUROPEAN CONNECTION CONDITIONS

ECC.1.1 [...]

~~(c) The requirements of **European Regulation (EU) 2016/631** shall not apply to~~

~~(i) **Power Generating Modules** that are installed to provide backup power and operate in parallel with the **Total System** for less than 5 minutes per calendar month while the **System** is in normal state. Parallel operation during maintenance or commissioning of tests of that **Power Generating Module** shall not count towards that five minute limit.~~

~~(ii) **Power Generating Modules** connected to the **Transmission System** or **Network Operators System** which are not operated in synchronism with a **Synchronous Area**.~~

~~(iii) **Power Generating Modules** that do not have a permanent **Connection Point** or **User System Entry Point** and used by **The Company** to temporarily provide power when normal **System** capacity is partly or completely unavailable.~~

ECC.2.1 The objective of the **ECC** is to ensure that by specifying minimum technical, design and operational criteria the basic rules for connection to the **National Electricity Transmission System** and (for certain **Users**) to a **User's System** are similar for all **Users** of an equivalent category and will enable **The Company** to comply with its statutory and **Transmission Licence** obligations ~~and **European Regulations**.~~

ECC.6.3.17.1.5 All parties identified by **The Company** as relevant to each **Grid Entry Point** or **User System Entry Point** (if **Embedded**) , including the **Relevant Transmission Licensee**, shall contribute to the studies and shall provide all relevant data and models as reasonably required to meet the purposes of the studies. **The Company** shall collect this data and, where applicable, pass it on to the party responsible for the studies ~~in accordance with Article 10 of **European Regulation 2016/1447**.~~ Specific information relating to the interface schedules, input/output requirements, timing and submission of any studies or data would be agreed between the **User** and **The Company** and specified (where applicable) in the **Bilateral**

Agreement.

ECC.6.3.17.1.7 **The Company** in coordination with the **Relevant Transmission Licensee** may review or replicate the study. The **HVDC System Owner** shall provide **The Company** with all relevant data and models that allow such studies to be performed. ~~Submission of this data to Relevant Transmission Licensee's shall be in accordance with the requirements of Article 10 of European Regulation 2016/1447.~~

ECC.6.3.17.2.3 All **User's** identified by **The Company** as relevant to the connection, and where applicable **Relevant Transmission Licensee's**, shall contribute to the studies and shall provide all relevant data and models as reasonably required to meet the purposes of the studies. **The Company** shall collect this input and, where applicable, pass it on to the party responsible for the studies ~~in accordance with Article 10 of European Regulation 2016/1447.~~ Specific information relating to the interface schedules, input/output requirements, timing and submission of any studies or data would be agreed between the **User** and **The Company** and specified (where applicable) in the **Bilateral Agreement**.

DRS – DEMAND RESPONSE SERVICES CODE

DRSC.1.5 This **Demand Response Services Code** is designed to complement the arrangements which would form part of an **Ancillary Services** agreement between a **Demand Response Provider** and **NGET** ~~nd to discharge the obligations under European Regulation (EU) 2016/1388.~~ The **Ancillary Services** agreement will include an obligation on the **Demand Response Provider** to satisfy the applicable requirements of this **Demand Response Services Code**.

The objectives of the **DRSC** are to

~~DRSC.2.1 Ensure the obligations of European Regulation (EU) 2016/1388 have been discharged; and~~

OC – OPERATING CODE

OC2.4.2.3 Under **Retained EU Law** ~~European Commission Regulation No. 543/2013,~~ **Users** are required to submit certain data for publication ~~to the Data Publisher on the Central European Transparency Platform managed by the European Network of Transmission System Operators for Electricity (ENTSO-E).~~ **The Company** is required to facilitate the collection, verification and processing of data from **Users** for onward transmission to ~~the Data Publisher the Central European Transparency Platform.~~

OC2.4.7 [...] such **Non-Embedded Customer** or **Generator** shall provide **The Company** with the **EU Transparency Availability Data** in accordance with **DRC** Schedule 6 (Users' Outage Data) using **MODIS** and, with reference to points OC2.4.7(a) to (f), ~~Retained EU Law EU Transparency Regulation articles 7.1(a), 7.1(b), 15.1(a), 15.1(b), 15.1(c) and 15.1(d)~~ respectively.

BC – Balancing Codes
<p>BC4.4 PREQUALIFICATION</p> <p>European Regulation (EU) 2017/1485 provides an overview of the minimum technical requirements and the prequalification process for TERRE.</p>
<p>BC4.4.2 Prequalification Timelines</p> <p>European Regulation 2017/1485 gives tThe following minimum timescales for the prequalification process apply</p>
<p>BC4.8.1 Publication of Data at the European level</p>

SCHEDULE 6 - USERS OUTAGE INFORMATION
<p>Page 2. The data below is to be provided to The Company as required for compliance with Retained EU Law the European Commission Regulation No. 543/2013 (OC2.4.2.3). Data provided under Article Numbers 7.1(a), 7.1(b), 15.1(a), 15.1(b), and 15.1(c) and 15.1(d) is to be provided using MODIS.</p>
<p>ECR ARTICLE No. 7.1(a) Planned unavailability of the Apparatus belonging to a Non-Embedded Customer where OC2.4.7 (a) applies –Energy Identification Code (EIC)* [...]</p>
<p>ECR ARTICLE No. 7.1(b) Changes in actual availability of the Apparatus belonging to a Non-Embedded Customer where OC2.4.7 (b) applies –Energy Identification Code (EIC)* [...]</p>
<p>* Energy Identification Coding (EIC) is a coding scheme that is approved by ENTSO-E for standardised electronic data interchanges and is utilised for reporting to the Central European Transparency Platform. The Company will act as the Local Issuing Office for IEC in respect of GB.</p>

GR – Governance Rules
<p>GR.15.1 A proposal to modify the Grid Code may be made: [...] (c) by the Authority: [...] (iii) in order to comply with or implement the Electricity Regulation and/or any relevant Legally Binding Decisions of the European Commission and/or the Agency legally binding decisions of the European Commission and/or the Agency.</p>
<p>GR.16.4 (p.14) A Grid Code Modification Proposal that falls within the scope of a Significant Code Review may be made where: [...] (c) it is raised by the Authority pursuant to GR15.1(c) (i) who reasonably considers the Grid Code Modification Proposal to be necessary to comply with or implement the Electricity Regulation and/or any relevant Legally Binding Decisions of the European Commission and/or the Agency legally binding decisions of the European Commission and/or the Agency;</p>

10 Recommendations

Proposer's Recommendation to Panel

Panel is asked to:

- Agree that Self Governance procedures should apply
- Issue this modification directly to Consultation