Appendix A – Legal Text

The legal text below has been drafted on the current STC as of August 2019.

SECTION B - GOVERNANCE
7.1.3A Amendments to The Code and Code Procedures may be in response to a Significant Code Review or 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~~, as provided for in the Transmission Licence.
7.1.3B (a) A STC Modification Proposal may be a Standard STC Modification Proposal, or it may be subject to additional process steps, if raised during a Significant Code Review, or it may be raised pursuant to paragraph 7.1.10.1 where the Authority reasonably considers that such STC Modification Proposal is 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~~.
7.1.10.1 The Authority may: (a) itself; or (b) direct a Party to raise a STC Modification Proposal that is in respect of a Significant Code Review and/or where the Authority reasonably considers that such STC Modification Proposal is 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~~.
7.1.10.8 In relation to any STC Modification Proposal raised by a Party other than pursuant to Paragraph 7.1.10.1, where the Authority reasonably considers such STC 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 decision of the European Commission and/or the Agency~~, the provisions of Paragraphs 7.1.10.1 to 7.1.10.7 shall apply.~~.~~

SECTION C - TRANSMISSION SERVICES AND OPERATIONS
4.5A As a part of, or otherwise at the same time as, notice to NGESO~~T~~ under paragraph 4.5, an Offshore Transmission Owner shall provide NGESO~~T~~ with all of the necessary information required in order to fulfil its reporting obligations under **Retained EU Law** (formerly Article 10.1c of European Commission Regulation No. 543/2013) within the required timescales (i.e. as soon as possible but no later than one hour after the change in actual availability) in accordance with STCP 02-1 (Alarm & Event Management).

SECTION J - INTERPRETATION AND DEFINITIONS

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Commented [BM1]: This bit had been missed off the existing draft

"**Competent Authority**" the Secretary of State, the Authority and any local or national agency, authority, department, inspectorate, minister (including Scottish ministers), ministry, official or public or statutory person (whether autonomous or not) of, or of the government of, the United Kingdom ~~or the European Community~~;
"Legally Binding Decisions of the European Commission and/or the Agency" means 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**;
"Retained EU Law" has the same meaning as that given by section ~~6(7)~~26 of the European Union (Withdrawal Agreement) Act 2020~~18~~.
"**Significant Code Review**" means a review of one or more matters which the Authority considers is likely to: (a) relate to the Code (either on its own or in conjunction with other industry codes); and (b) be of particular significance in relation to its principal objective and/or general duties (under section 3A of the Act), statutory functions ~~and/or relevant obligations arising under EU law~~, and concerning which the Authority has issued a notice to a Party or the Parties (among others, as appropriate) stating: (i) that the review will constitute a significant code review; (ii) the start date of the significant code review; and (iii) the matters that will fall within the scope of the review;