SEC
Smart Energy Code

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SECMP0069 'EU Exit Changes'

Annex A

Legal text – version 1.0

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

These changes have been drafted against SEC Version 6.3.

Section A 'Definitions and Interpretation'

Amend the following terms in Section A1 as follows:

~~**Agency for the Co-operation 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 establishing an Agency for the Co-operation of Energy Regulators.~~
Competent Authority	means the Secretary of State, the Authority, and any local or regional or national agency, authority, department, inspectorate, minister, ministry, official or public or statutory person (whether autonomous or not) of the government of the United Kingdom ~~or of the European Union~~ (but only insofar as each has jurisdiction over the relevant Party, this Code or its subject matter).
EU Regulations	Means any retained EU Law~~:~~ ~~(a) 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 exchange in electricity and repealing Regulation 2003/1228/EC; and~~ ~~(b) Regulation 2009/715/EC of the European Parliament and of the Council of 13 July 2009 on conditions for access to the national gas transmission networks and repealing Regulation 2005/1775/EC, as amended by Commission Decision 2010/685/EU of 10 November 2010 amending Chapter 3 of Annex I to Regulation~~

~~2009/715/EC of the European Parliament and of the Council on conditions for access to the natural gas transmission networks.~~

~~**Notification**~~ ~~means, in respect of a Modification Proposal, notification of that modification to the EU Commission pursuant to EU Directive 2015/1535/EU.~~

Significant Code Review means a review of one or more matters by the Authority which the Authority considers is:

(a) related to this Code (whether on its own or together with other Energy Codes); and

(b) likely to be of significance in relation to the Authority's principal objective and/or general duties (as set out in section 3A of the Electricity Act and section 4AA of the Gas Act), and statutory functions~~ and/or relevant obligations arising under EU law~~,

and concerning which the Authority has issued a notice that the review will constitute a significant code review.

Section D 'Modification Process'

Amend Section D1.3 as follows:

Persons Entitled to Submit Modification Proposals

D1.3 A Modification Proposal may be submitted by any of the following persons (the **Proposer**):

(a) a Party;

(b) Citizens Advice or Citizens Advice Scotland;

(c) any person or body that may from time to time be designated in writing by the Authority for the purpose of this Section D1.3;

(d) the Authority or the DCC acting at the direction of the Authority, but in each case only in respect of variations to this Code which~~:~~

~~(i) the Authority reasonably considers are necessary to comply with or implement the EU Regulations, any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators; and/or~~

~~(ii)~~ are in respect of a Significant Code Review; and

(e) the Panel (where all Panel Members at the relevant meeting vote unanimously in favour of doing so), but only in respect of variations to this Code which are intended to give effect to:

(i) recommendations contained in a report published by the Panel pursuant to Section C2.3(i) (Panel Duties);

(ii) recommendations contained in a report published by the Code Administrator pursuant to Section C7.2(c) (Code Administrator);

(iii) Fast-Track Modifications (as described in Section D2 (Modification Paths)); and/or

(iv) consequential changes to this Code required as a result of changes proposed or already made to one or more other Energy Codes.