SEC
Smart Energy Code

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SECMP0069 'EU Exit Changes' Table of EU References in the SEC – version 1.0

About this document

This document contains a table of the EU references within the SEC that need to be considered and rationale for changes required to deliver this Modification Proposal. These changes have been drafted against SEC Version 6.3.

EU Exit – EU References in the SEC

Code Reference	Suggested Redlining	No Deal or EU Exit Day Changes Rationale
Section A, Definition of "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."~~	ACER is a European Union Agency therefore removal of any reference is necessary
Section A, Definition of "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)."	Removing the reference to the European Union leaves an appropriate definition of 'Competent Authority'
Section A, Definition of "EU Regulations"	"means~~:~~ ~~(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~~	This will be changed to refer to any retained EU Law

	~~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.”~~ any retained EU Law.	
Section A Definition of “General Data Protection Regulation”	“means EU Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.”	No changes needed. Law still applies.
Section A, Definition of “Notification”	“~~means, in respect of a Modification Proposal, notification of that modification to the EU Commission pursuant to EU Directive 2015/1535/EU.”~~	EU Notifications are required when a new technical specification is required to ensure all EU manufacturers have the same information and an ‘level playing field’. The specific reference in the SEC is an obligation on TABASC to inform the Authority if an EU Notification is required. If we are no longer subject to EU rules this no longer applies.
Section A, Definition of “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	Removal of the reference to EU law leaves an appropriate definition of SCR

	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 A Definition of "Laws and Directives"	means any law (including the common law), statute, statutory instrument, regulation, instruction, direction, rule, condition or requirement (in each case) of any Competent Authority (or of any authorisation, licence, consent, permit or approval of any Competent Authority).	Definition of a Competent Authority has been changed to remove reference to the EU.
Section D1.3(d)	"(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	This section sets out who can submit a Modification Proposal. Removal of references to the EU leave an appropriate definition of who can raise a Modification.
Section I I1.7 (g)	not transfer or Process that Personal Data outside the European Economic Area	No changes needed. Law still applies.
Section I I1.7 (d) & (m)	if the DCC is aware that, or is of the opinion that, any requirement of paragraph (a) (b) or (c) above infringes the Data Protection Legislation, the DCC shall immediately inform the User of this giving details of the infringement or potential infringement (unless the DCC is prohibited from doing so by any of its other obligations under Laws and Directives)	EU directives will no longer be applicable (other directives may). No changes needed. GDPR Law still applies.

	at the written election of the User, either securely destroy the Personal Data or return it to the User together with all copies (save to the extent that to retain a copy of the Personal Data)	
Section I I1.7 (i)	taking into account the nature of the Processing and the information available to the DCC, assist the User in ensuring compliance with the User's obligations in Articles 32-36 of the General Data Protection Regulation (or its national equivalent), including:	EU directives will no longer be applicable (other directives may). No changes needed. GDPR Law still applies.
Schedule 8 Various	European Central Bank Euro	References to Euros to be kept. The removal of these is complex and potentially costly. Also mandating removal will require a firmware update which will reduce gas meter battery life unnecessarily as this functionality is not currently used.
Schedule 9 3: Introduction	**Mutual recognition:** Any requirement for any device to comply with any of the technical specifications contained or referred to in this document shall be satisfied by compliance with: • a relevant standard or code of practice of a national standards body or equivalent body of any EEA State or Turkey; or • any relevant international standard recognised for use in any EEA State or Turkey; or • any relevant technical regulation with mandatory or de facto mandatory application for marketing or use in any EEA State or Turkey	There is no necessity to remove these references and to do so will cost the industry unnecessarily as an update to Schedule 9 would be required.
Schedule 9 Various	European Central Bank Euro	References to Euros to be kept. The removal of these is complex and potentially costly. Also mandating removal will require a firmware update which will reduce gas meter battery life

		unnecessarily as this functionality is not currently used.
Schedule 10 3: Introduction	**Mutual recognition:** Any requirement for a Communications Hub to comply with the CHTS or any of the technical specifications contained or referred to in this document shall be satisfied by compliance with: • a relevant standard or code of practice of a national standards body or equivalent body of any EEA State or Turkey; or • any relevant international standard recognised for use in any EEA State or Turkey; or • any relevant technical regulation with mandatory or de facto mandatory application for marketing or use in any EEA State or Turkey	There is no necessity to remove these references and to do so will cost the industry unnecessarily as an update to Schedule 10 would be required.
Appendix C 2.2: Quality Requirements	The quality requirements specified in this Part 2.2 are that the SMKI Independent Assurance Scheme must be a scheme: (a) which is recognised as an accreditation scheme for the purposes of Article 3(2) of Directive 1999/93/EC on a Community framework for electronic signatures	SMKI PMA has requested that this remain in force to ensure security.
Appendix H C.1: Storage and installation environmental conditions (C.1.2 & C1.3) ETSI (European Telecoms	any storage environment should meet European Telecoms Standards Institute ETSI EN 300 019-1-.1 Class 1.2 (Weather protected not temperature-controlled storage locations), or any equivalent standard that replaces this; the transport environment should meet the European Telecoms Standards Institute ETSI EN 300 019-1-.2 Class 2.3 (Public Transportation), or any equivalent standard that replaces this	We and the DCC suggest this should remain to ensure consistent standards are maintained.

Standards Institute)		
Appendix AD Table 39 & Table 81	The Currency Units currently used by a Smart Meter for display purposes, which shall be GB Pounds or European Central Bank Euros Valid set: • GBP. GB Pounds • ECB. European Central Bank Euros The Currency Units currently used by a Smart Meter for display purposes, which shall be GB Pounds or European Central Bank Euros Valid set: • GBP. GB Pounds • ECB. European Central Bank Euros	References to Euros to be kept. The removal of these is complex and potentially costly. Also mandating removal will require a firmware update which will reduce gas meter battery life unnecessarily as this functionality is not currently used.
Various Sections	Applicable Laws and Directives	This can remain as EU Laws and Directives will no longer apply