





| Modification  | At what stage is this document in the process?   |
|---|--|
| <p><b>DCRP/MP/19/04/Final Modification Report</b></p> <p><b>Modifications to The Distribution Code and Associated Documents for a No Deal EU Exit</b></p>   | <div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="margin-bottom: 5px;"><span style="border: 1px solid black; border-radius: 5px; padding: 2px 5px;">01</span> Modification</div> <div style="margin-bottom: 5px;"><span style="border: 1px solid black; border-radius: 5px; padding: 2px 5px;">02</span> DCRP report</div> <div style="margin-bottom: 5px;"><span style="border: 1px solid black; border-radius: 5px; padding: 2px 5px;">03</span> Public Consultation</div> <div style="margin-bottom: 5px;"><span style="border: 2px solid orange; border-radius: 5px; padding: 2px 5px;">04</span> Final Modification Report</div> </div> |
| <p>The purpose of this document is to assist the Authority in its decision to implement the proposed modifications to The Distribution Code. The proposed modifications ensure that retained EU law and provisions in relevant UK Statutory Instruments, that have been prepared under the European Union (Withdrawal) Act 2018, are correctly addressed in the Distribution Code in the event the United Kingdom (UK) leaves the European Union (EU) without a deal. For the avoidance of doubt, the proposed modifications will only be made in the event the UK leaves the EU without a deal.</p> <p><b>Date of publication: 28 March 2019</b></p> |  |
| <p><b>Recommendation</b></p> <p>The Distribution Code Review Panel (the Panel) unanimously recommends that the proposed modifications are made to The Distribution Code and the associated documents stated in this Report, which are under the governance of the Panel, in the event the UK leaves the EU without a deal.</p>  |  |
|    | <p>The Panel recommends that this modification should be:<br/>Submitted to the Authority for approval</p>  |
|    | <p>High Impact:<br/>None</p>   |
|    | <p>Medium Impact:<br/>None</p>   |
|    | <p>Low Impact:<br/>All Users of The Distribution Code and the Distribution Code Administrator</p>  |

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Any questions?

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## Document Control

| Version | Date        | Author | Change Reference                      |
|---------|-------------|--------|---------------------------------------|
| 1.0     | 22 Feb 2019 | VH     | Draft for comment                     |
| 2.0     | 05 Mar 2019 | VH     | Final draft for approval by Panel     |
| 3.0     | 24 Mar 2019 | VH     | Updated following Public Consultation |

## Timetable

|   |                  |
|---|------------------|
| Draft Final Modification Report available for Panel   | 22 February 2019 |
| Final Modification Report available for Panel         | 05 March 2019    |
| Public Consultation Open                              | 06 March 2019    |
| Public Consultation Closed                            | 20 March 2019    |
| Amended Final Modification Report available for Panel | 24 March 2019    |
| Final Modification Report submitted to Authority      | 28 March 2019    |

## 1 Purpose of the Modification

In February 2018, Ofgem published its consultation on the implications for licences and industry codes and where amendments may be required in advance of the UK's exit from the EU<sup>1</sup>. Initial analysis accompanying that consultation identified potential modifications needed to the Distribution Code and linked industry code provisions.

Subsequent analysis carried out by the Energy Networks Association (ENA) on behalf of the Panel has determined the proposed modifications needed to the Distribution Code, as well as associated documents including the Distribution Code Review Panel - Rules and Constitution and certain Qualifying Standards including ENA EREC G83, ENA EREC G98 and ENA EREC G99, in the event the UK leaves the EU without a deal.

The proposed modification affects a number of requirements, which reference the need for compliance with EU legislation. In the event the UK leaves the EU without a deal, certain EU legislation and future decisions of the European Commission and Agency for the Co-operation of Energy Regulators will cease to apply to the UK after exit day (29 March 2019).

The UK Government plans to introduce Statutory Instruments, by virtue of the European Union (Withdrawal) Act 2018, to ensure legislation (of both UK and EU origin) governing the UK's energy networks is effective in this event. As such, certain EU legislation and aspects of it, will continue to form part of UK legislation after exit day. This is termed "retained EU law" and has the meaning attributed to it in section 6(7) of the European Union (Withdrawal) Act 2018 and includes any modifications to UK legislation made under the Section 8 of the of the European Union (Withdrawal) Act 2018 to address inoperabilities including but not limited to The Electricity and Gas Etc. (Amendment Etc.) (Eu Exit) Regulations 2019. The use of the term "retained EU law" in this proposed modification has the same meaning as that defined in the proposal for modification of the Distribution Licence.

The effect of the proposed modification to the legal text in the Distribution Code and the associated documents stated in this Report, which are under the governance of the Panel, is to ensure that retained EU law and provisions in relevant Statutory Instruments, that have been prepared under the European Union (Withdrawal) Act 2018, are correctly addressed in the event the UK leaves the EU without a deal.

## 2 Details of the Proposal

### General

The following documents, under the governance of the Panel, have been identified as requiring modification.

- The Distribution Code.
- Distribution Code Review Panel – Rules and Constitution.
- ENA Engineering Recommendation G83.

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<sup>1</sup> Preparing for EU exit – implications for licences and industry codes – 8th February 2018.

- ENA Engineering Recommendation G98.
- ENA Engineering Recommendation G99.

The proposed modifications are not intended to change current obligations, duties, policies or technical requirements in the Distribution Code and the associated documents stated in this Report so far as they would still apply under retained EU law and related Statutory Instruments after exit day.

As such, no changes are proposed to references to International, European and British standards.

The proposed changes principally effect references to EU legislation (Directives and Regulations of the European Commission) and where compliance with decisions of the European Commission and/or Agency for the Co-operation of Energy Regulators is stated in The Distribution Code.

Appendix 1 to this Report includes a modification table containing: the current wording, the proposed change and explanatory note (explaining the reason for the proposed change) for each provision requiring modification.

The following approach to the proposed modification has been taken.

1. To align, as appropriate, with the approach and legal text changes proposed for the Distribution Licence as being consulted on by Ofgem<sup>2</sup>.
2. To ensure any current requirements to comply with EU legislation generally are modified to reference retained EU law.
3. To remove the obligation to comply with binding decisions of the European Commission and/or Agency for the Co-operation of Energy Regulators so far as it, or part of it, is not retained EU law.
4. To reference primary legislation rather than secondary or tertiary legislation, to provide consistency of text changes and to minimise the need for amendments should secondary or tertiary legislation change.
5. To remove references to EU legislation that is to be revoked by UK Statutory Instruments made under the European Union (Withdrawal) Act 2018, principally COMMISSION REGULATION (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators and COMMISSION REGULATION (EU) 2016/1388 of 17 August 2016 establishing a Network Code on Demand Connection<sup>3</sup>.

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<sup>2</sup> Preparing for EU Exit: statutory consultation on consequential licence modifications in the event the UK leaves the EU without a deal – 14<sup>th</sup> January 2019.

<sup>3</sup> COMMISSION REGULATION (EU) 2016/631 and COMMISSION REGULATION (EU) 2016/1388 (referred to as the ‘Connection Codes’) will be revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019. It is the UK Government’s intention that both the provisions not incorporated by the European Union (Withdrawal) Act 2018 and those revoked above will be created in domestic law under the powers of the Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2019 as soon as practicable after exit day. As the relevant requirements of these Connection Codes have already been

A summary of the proposed modification for each affected document, including code conditions in The Distribution Code, is provided below.

## **Distribution Code Modifications**

The proposed modifications affect the following conditions in the Distribution Code.

- GUIDANCE NOTE 2/5 ER G83 AND G59
- GUIDANCE NOTE 3 ER G83
- DISTRIBUTION GLOSSARY AND DEFINITION (DGD)
- DIN2.1 (b)(iii)
- DPC7.1.5
- DOC2.2(c)
- DOC5.6.2.2

### **MODIFICATION OF GUIDANCE NOTE 2/5 ER G83 AND G59**

This guidance note refers to EU network code requirements for connection of generators and the need for all small scale generation connected on or after 27 April 2019 to comply with the requirements of ENA Engineering Recommendation (EREC) G98 or G99 as appropriate. The proposed modification deletes reference to the EU network code requirements for connection of generators as these requirements will be revoked by the section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019. However, the intention is that compliance with the requirements of ENA EREC G98 and ENA EREC G99, as appropriate, will still be required and hence there will be no practical change in requirements given ENA EREC G98 and ENA EREC G99 were developed to implement these EU network code requirements.

### **MODIFICATION OF GUIDANCE NOTE 3 ER G83**

Similar to Guidance Note 2/5 above, reference to EU network code requirements for connection of generators is proposed to be deleted as this will not be retained EU law in the event the UK leaves the EU without a deal. The requirement for the “Stirling Engine” to comply with the technical requirements in ENA EREC G83 remains unchanged.

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implemented through existing national regulatory frameworks the practical effect of this revocation will be limited.

## MODIFICATION OF DISTRIBUTION GLOSSARY AND DEFINITIONS (DGD)

It is proposed to modify the definition of “Manufacturers’ Information” to delete reference to EU Regulations 2016/631<sup>4</sup> and EU 2016/1388<sup>5</sup>, which will both be revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019. As such the application of these EU Regulations is not catered for in UK legislation and the references need to be deleted. The implication of this proposed modification is that equipment certificates stating compliance with all or relevant parts of the EU Regulations 2016/631 and 2016/1388 may no longer be automatically accepted without the need for further evidence.

## MODIFICATION OF DIN2.1 (b)(iii)

The proposed modification ensures there is a requirement to still comply with legally binding decisions under the Regulation (where Regulation has the meaning defined in the Distribution Licence) so far as it is UK law. Any decisions of the European Commission and/or Agency for the Co-operation of Energy Regulators are only legally binding, where they are Retained EU Law. This caters for decisions made prior to exit day, which will continue to have effect but not future decisions of the Commission and/or Agency after exit day, which will no longer have any legal effect in the UK.

## MODIFICATION OF DPC7.1.5

This code condition requires new or substantially modified Power Generating Modules to comply with the EU network code requirements for connection of generators from the 27 April 2019. The proposed modification deletes this code condition given these requirements will be revoked by the section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019. There is considered to be no material impact of this proposed modification given ENA EREC G98<sup>6</sup> and G99<sup>7</sup> embody the technical requirements of these network code requirements. The UK Government’s intention is that both the provisions not incorporated by the European Union (Withdrawal) Act 2018 and those revoked by the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019 will be created in domestic law under the powers of the Electricity and

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<sup>4</sup> Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators.

<sup>5</sup> Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a Network Code on Demand Connection.

<sup>6</sup> ENA EREC G98 Issue 1 Amendment 3: Requirements for the connection of Fully Type Tested Micro-generators (up to and including 16 A per phase) in parallel with public Low Voltage Distribution Networks on or after 27 April 2019.

<sup>7</sup> ENA EREC G99 Issue 1 Amendment 3: Requirements for the connection of generation equipment in parallel with public distribution networks on or after 27 April 2019.

Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2019 as soon as practicable after exit day.

#### MODIFICATION OF DOC2.2(c)

This code condition states an objective of the Distribution Operating Code (DOC) as being to provide guidance for High Voltage Customers on how to comply with their obligations under Article 7 of the European Transparency Regulations (The European Commission Regulation No 543/2013) to provide information to NGC in its role as Transmission System Operator. These Regulations will be amended by virtue of Schedule 3 of The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019, which clarifies what is Retained EU Law in relation to EC Regulation No. 543/2013. It is proposed to delete this code condition as this information is required by NGC and DNOs for other reasons regardless of whether EC Regulation No. 543/2013 is Retained EU Law.

#### MODIFICATION OF DOC5.6.2.2

The proposed modification makes clear the European Connection Conditions are those defined in the Grid Code.

### **Distribution Code Review Panel – Rules And Constitution**

The proposed modification to the legal text in Clause 21(b) and Standard Procedure 1, Clause 4.1 iii is similar to that proposed for DIN2.1 (b)(iii) of The Distribution Code and ensures there is a requirement to still comply with legally binding decisions under the Regulation so far as it is UK law. This aligns with the proposed modification of the Distribution Licence, where only legally binding decisions of the European Commission and/or Agency for the Co-operation of Energy Regulators that are Retained EU Law are applicable after Exit Day.

### **ENA EREC G83**

Clause 1, Clause 5.4, Clause 5.9.2, Clause A1.2 and Clause B1.2 all refer to the requirement for Small Scale Embedded Generators (SSEG) and their components to comply with all relevant legal requirements including European Directives and CE marking. It is proposed to modify the broad references to compliance with 'European Directives and CE Marking' with supplemental text to reflect the currently proposed legal framework where products that have undergone the complete process of manufacturing and conformity assessment (i.e. which are ready for placing on the market) can still be placed on the UK market with a CE Marking after 29 March 2019. This proposed change requires SSEG supplied before exit day to have CE marking and those supplied after exit day to have CE marking or UK Conformity Assessed (UKCA) marking, as required in UK law.

The proposed modification to Clause 4 Terms and definitions introduces a new definition for "Retained EU Law", which is the same definition as that proposed for the modified Distribution Licence. This definition and application is needed to identify those EU Directives and Regulations, and parts of, that are still applicable after exit day. This includes any modifications to UK legislation made under the Section 8 of the of the European Union (Withdrawal) Act 2018 to address

inoperabilities including but not limited to The Electricity and Gas Etc. (Amendment Etc.) (Eu Exit) Regulations 2019.

## ENA EREC G98

ENA EREC G98 extensively references the application of Commission Regulation (EU) 2016/631 of 14 April 2016<sup>8</sup>, which establishes requirements for grid connection of generators (one of the EU network codes). In the event the UK leaves the EU without a deal this Regulation will be revoked under UK law. The proposed modification addresses the need to remove references to compliance to it after exit day. However, the intent is that the technical requirements in ENA EREC G98, which were initially written to take account of this Regulation, will still apply except where those requirements, or part of them, are not Retained EU Law. This proposed modification effects the Foreword, Clause 3.1 and Appendix 1.

Clause 3.1 References, lists the application of Directive 2009/72/EC<sup>9</sup>, Regulation (EC) No 714/2009<sup>10</sup> and Regulation (EC) No 765/2008<sup>11</sup>. The proposed modification includes supplemental text that makes clear requirements, or part of them, in these documents only apply after exit day provided they are Retained EU Law. The various Statutory Instruments prepared under the European Union (Withdrawal) Act 2018 make clear what constitutes Retained EU Law. The proposed change also makes clear that the version of EU law that has effect immediately before exit day is the version that has effect and that subsequent changes after exit day do not apply to the UK.

Similarly, the proposed modification to Clause 4 Terms and definitions introduces the same definition for “Retained EU Law” as for the proposed modification of the EREC G83. A new definition of “Exit Day” is required to give effect to the version of the document to be referenced after Exit Day. This is identical to that proposed in the proposed modification to the Distribution Licence.

Similar modifications to those for SSEG in ENA EREC G83, relating to the correct application of EU Directives and CE marking (see above) after exit day, are also proposed for micro-generators in Clause 1.4 and Clause 6.2.

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<sup>8</sup> Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators.

<sup>9</sup> Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.

<sup>10</sup> Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.

<sup>11</sup> REGULATION (EC) No 765/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.



## ENA EREC G99

The proposed modifications to ENA EREC G99 are similar to those previously outlined for ENA EREC G98 and, as such, are only briefly summarised below to avoid repetition:

- i. Foreword: Supplemental text to clarify the application of the European Network Code Requirements for Generators (RfG) after exit day<sup>12</sup>.
- ii. Clause 1.2: Delete text regarding exemption of Electricity Storage Devices from the European Network Code Requirement for Generators given Regulation EU 2016/631 establishing a network code on requirements for grid connection of generators will be revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019.
- iii. Clause 1.4: Supplemental text relating to the correct application of EU Directives and CE marking or UK Conformity Assessed (UKCA) marking after exit day for micro-generators<sup>13</sup>.
- iv. Clause 3.2: Supplemental text to clarify the application of EU Directives and Regulations, or part of them, so far as they are Retained EU Law<sup>14</sup>.
- v. Clause 4: New definitions for “Retained EU Law” and “Exit Day”, as proposed for modification of Clause 4 in ENA EREC G98.
- vi. Clause 5.1: Supplemental text relating to the correct application of EU Directive 2009/72 after exit day<sup>15</sup>.
- vii. Clause 5.2: Significant rewording of the clause to clarify that requirements in EREC G99 were initially written to take into account the application of Commission Regulation (EU) No 2016/631 but that this Regulation will be revoked and hence the need to remove references to compliance with it. Also, that the technical requirements in EREC G99 will still apply except where those requirements, or part of them, are not Retained EU Law.
- viii. Clause 16.1.6: Supplemental text relating to the correct application of EU Directives and CE marking or UK Conformity Assessed (UKCA) marking after exit day for Power Generating Modules<sup>16</sup>.
- ix. Clause 19.7.2 (c): Delete reference to “Article 3.1 of the RfG”, in relation to initiating the process for disconnecting a Power Generating Facility from the DNO’s Distribution Network, given Commission Regulation (EU) 2016/631 will be revoked under UK law. This proposed deletion does not change the technical requirement of the clause.

## 3 Impacts & Other Considerations

### Impacts on Users of The Distribution Code

This modification proposal is foreseen as having a low impact on Users of The Distribution Code and the associated documents stated in this Report given the intent is to align legal text with the

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<sup>12</sup> This proposed modification is similar to that proposed for the Foreword in ENA EREC G98.

<sup>13</sup> This proposed modification is similar to that proposed for SSEG in ENA EREC G83 and for micro-generators in Clause 1.4 and Clause 6.2 of ENA EREC G98.

<sup>14</sup> This proposed modification is similar to that proposed for modification of Clause 3.1 in ENA EREC G98.

<sup>15</sup> This proposed modification is similar to that proposed for modification of Clause 3.1 in ENA EREC G98.

<sup>16</sup> This proposed modification is similar to that proposed for modification of Clause 1.4 and Clause 6.2 in ENA EREC G98.

proposed changes to the legal framework and not to change current obligations, duties, policies or technical requirements.

The changes in the legal text will be of particular interest to those Users that manufacturer, purchase, install and commission micro-generators and Power Generating Modules in accordance with the requirements of ENA EREC G98 and ENA EREC G99, as appropriate.

### **Impacts on Total System and the DNOs' Systems**

There is no foreseen impact on the Total System or the DNOs' Systems associated with this proposed modification.

### **Impacts on Users of DNOs' Systems**

There are no foreseen impacts on Users of DNOs' Systems.

### **Environmental Impact Assessment**

There are no environmental impacts associated with this proposed modification.

## **4 Impact on other Industry Documents**

Although this modification does not directly impact on other industry codes, the Distribution Licence and other industry codes are the subject of modification proposals to ensure that legislative references and requirements can be correctly and efficiently implemented in the event the UK leaves the EU without a deal.

## **5 Governance**

Given that the proposed modifications are not intended to change current obligations, duties, policies or technical requirements in either the Distribution Code or the associated documents stated in this Report, so far as they would still apply under retained EU law and related Statutory Instruments after exit day, the Panel had initially elected to make use of, subject to the assent of the Authority, paragraph 21(d) of the Panel's Constitution and Rules:

*When agreed by a majority resolution of the Panel a proposed modification will normally go out to public consultation. In certain cases where minor modifications have been approved unanimously, the Panel may decide not to go out to public consultation, subject to the agreement of the Authority.*

Following discussion with the Authority, the Panel subsequently agreed for the proposed modifications to go out to public consultation. As there were no objections received from the public consultation the Panel unanimously agree that this Final Modification Report should be submitted to the Authority.

## 6 Assessment against Distribution Code Objectives

*(i) To permit the development, maintenance and operation of an efficient, coordinated and economical system for the distribution of electricity.*

The proposed modification has a neutral impact on this objective.

*(ii) To facilitate competition in the generation and supply of electricity.*

The proposed modification has a neutral impact on this objective.

*(iii) Efficiently discharge the obligations imposed upon distribution licensees by the distribution licences and comply with the Regulation and any relevant legally binding decision of the European Commission and/or the Agency for the Co-operation of Energy Regulators.*

The proposed modifications align with the proposed changes to the obligations imposed upon DNOs and the proposed interpretation of the Regulation as set out in the proposed modification to the Distribution Licence<sup>17</sup>, and address the necessary changes to referenced EU legislation in the Distribution Code.

*(iv) Promote efficiency in the implementation and administration of the Distribution Code.*

The proposed modifications will ensure that legislative references in the Distribution Code can be correctly and efficiently implemented in the event the UK leaves the EU without a deal.

## 7 Consultation

On 6th March 2019 the DCRP formally opened up a Distribution Code public consultation DCRP/PC/19/04. This public consultation sought views from industry stakeholders on proposed modifications to the Distribution Code, the Distribution Code Review Panel - Rules and Constitution and certain Distribution Code Annex 1 and Annex 2 documents, identified in the Consultation Paper DCRP/19/04/PC, which require amendment should the United Kingdom (UK) exit the European Union (EU) without a deal. The deadline for responses was 8th March 2019

There was one response to the public consultation which is attached to the Final Modification Report (Appendix 2 & 3). This response was supportive of the modification proposal subject to a review of a small number of editorial points in the proposed legal text changes in the document titled 'DCRP/19/04/PC - Legal Text Modification Tables', in the DCRP/19/04/PC Consultation Pack.

In response, the following editorial changes to the legal text in Appendix 1 of this Final Modification Report have been made, which have no material impact on the modification proposal.

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<sup>17</sup> Preparing for EU Exit: statutory consultation on consequential licence modifications in the event the UK leaves the EU without a deal – 14th January 2019.

## Distribution Code

| Code condition                 | Proposed change                 | Amended text                      | Comment                              |
|--------------------------------|---------------------------------|-----------------------------------|--------------------------------------|
| DGD Manufacturers' Information | Where equipment certificates... | Where equipment certificate(s)... | Amended to align with original text. |

## ENA Engineering Recommendation G83

| Code condition      | Proposed change  | Amended text  | Comment  |
|---------------------|--|---|--|
| 1 Foreword, para 10 | ...the SSEG and all of its components shall comply with all relevant legal requirements <del>including European Directives</del> and CE marking... | ...the SSEG and all of its components shall comply with all relevant legal requirements including European Directives and CE marking... | Amended reflects consistency of use reference to relevant European Directives in EREC G83. |

## ENA Engineering Recommendation G98

| Code condition | Proposed change   | Amended text  | Comment  |
|----------------|---|---|--|
| 3 References   | It is expected that it will be appropriate to use the most recent version of the documents below, <b>except for Retained EU Law,...</b> | It is expected that it will be appropriate to use the most recent version of the documents below, <b>except for those that constitute Retained EU Law,...</b> | Amended text to clarify those documents that constitute Retained EU Law. |

## ENA Engineering Recommendation G99

| Code condition | Proposed change  | Amended text  | Comment   |
|----------------|--|---|---|
| 3.2            | <b>NOTE: This Directive applies as it has effect immediately before Exit Day as read with the modifications set out in the Electricity Act 1989.</b> | <b>NOTE: This Directive applies as it has effect immediately before Exit Day as read with the modifications set out in the Electricity Act.</b> | Amended text reflects definition of 'Electricity Act' in EREC G99 |
| 5.1            | The operation and design of the electricity  | The operation and design of the electricity   | Amended text reflects definition of                               |

| Code condition | Proposed change  | Amended text  | Comment                       |
|----------------|--|---|-------------------------------|
|                | system in <b>Great Britain</b> is defined principally by Directive 2009/72/EC, as it has effect immediately before <b>Exit Day</b> as read with the modifications set out in the <b>Electricity Act 1989</b> , the <b>Electricity Act</b> ,... | system in <b>Great Britain</b> is defined principally by Directive 2009/72/EC, as it has effect immediately before <b>Exit Day</b> as read with the modifications set out in the <b>Electricity Act</b> , the <b>Electricity Act</b> ,... | 'Electricity Act' in EREC G99 |

During the public consultation modification proposal 'DCRP/GC0106/Report to Authority - Implementation of the EU NC System Operation Guidelines' was approved by the Authority. There are no associated impacts on this modification proposal [DCRP/MP/19/04] except for updated references to the latest version numbers of the Distribution Code, EREC G83 and EREC G98.

## 8 Legal Text

The proposed legal text changes to The Distribution Code and the associated documents stated in this Report have been prepared by the Panel and are summarised in the Modification Tables forming Appendix 1 to this Final Modification Report.

The intention is that these proposed modifications would be made to the approved version of each document applicable at the agreed implementation date.

## 9 Distribution Code Review Panel Recommendation

At the meeting of the Distribution Code Review Panel (the Panel) held on 07 February 2019, the Panel agreed the proposed modifications to the Distribution Code and the Distribution Code Annex 1 & 2 Qualifying Standards, as laid out in DCRP papers DCRP\_19\_01\_05a, DCRP\_19\_01\_05b, & DCRP\_19\_01\_05c, could be unanimously agreed pursuant to Clause 21 (d) of The Constitution and Rules of the Distribution Code Review Panel of Great Britain Version 7 – May 2017; subject to Panel member commentary being included in the text for inclusion in a Final Modification Report (FMR) for a No Deal EU Exit; and circulation of a Final Modification Report unanimously agreed by the Panel.

Initial comments on the proposed modifications, as detailed in DCRP papers DCRP\_19\_01\_05a and DCRP\_19\_01\_05b, were received from the Panel by Wednesday 13 February 2019 and were collated into a draft FMR, which the Panel agreed to circulate via email to Panel members for unanimous agreement ahead of finalising and submitting the FMR to the Authority. Following discussion with the Authority on 6 March 2019, the Panel approved the modification proposal to go to public consultation for 10 working days to allow stakeholders to comment on the modifications before final submission of the FMR.

A final draft of the FMR was circulated to the Panel on 24 March 2019 for agreement by the deadline of 27 March 2019. The panel agreed that the modification better facilitated the objectives

of the Distribution Code and the proposed changes would not have a material effect on Users. The Panel has unanimously agreed to the submission of this FMR to the Authority for approval 28 March.

## 10 Recommendation

The Licenced Distribution Network Operators and the Panel recommend that this Final Modification Report (FMR) should:

- be submitted to the Authority for approval; and
- subject to the agreement of the Authority, be implemented at the earliest opportunity following 29 March 2019 subject to the UK leaving the EU without a deal and the relevant UK Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018 becoming law.

## 11 Appendices

|            |  |
|------------|--|
| Appendix 1 | Legal Text Modification Tables.  |
| Appendix 2 | Public Consultation Response   |
| Appendix 3 | Public Consultation Response – Stakeholder Response Legal Text Modification Tables |