

**DCRP/19/04/PC - Legal Text Modification Tables**

**Modifications to The Distribution Code and Associated Documents for a No Deal EU Exit**

Distribution Code Modification Table

Deletions are shown in strike through and new text is shown in red text.

The proposed modifications in this table relate to legal text in the current published version of the documents; they are not expected to conflict with any other proposed modifications that are underway. The intention is that these proposed modifications would be made to the approved version of each document applicable at the agreed implementation date.

Proposed modifications to the Distribution Code Issue 36 – 10 December 2018

Code condition	Current wording	Proposed change	Explanatory note
GUIDANCE NOTE 2/5 ER G83 AND G59	The guidance note only applies to small scale generation first connected before 27 April 2019. When the requirements of the EU Network Code “Requirements for all generators” comes into effect on 27 April 2019 it will be necessary for all small scale generation connected on or after that date to comply with the requirements of EREC G98 or EREC G99 as appropriate.	The guidance note only applies to small scale generation first connected before 27 April 2019. <del>When the requirements of the EU Network Code “Requirements for all generators” comes into effect on</del> <b>From</b> 27 April 2019 it will be necessary for all small scale generation connected on or after that date to comply with the requirements of EREC G98 or EREC G99 as appropriate.	Commission Regulation (EU) No 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. Consequently, the application of these Requirements will not apply after Exit Day and reference to them needs to be deleted.
GUIDANCE NOTE 3 ER G83	In the longer term the Panel expects that either the requirements of the EU Network Code “Requirements for all Generators” when enacted in UK law will require Stirling engine designs to be modified to comply, or to seek a specific derogation. Similarly if the growth of this technology showed a risk of being material, then	In the longer term the Panel expects that <del>either the requirements of the EU Network Code “Requirements for all Generators” when enacted in UK law will require</del> Stirling engine designs <del>to be modified to</del> <b>will</b> comply <b>with ER G83</b> , or to seek a specific derogation. Similarly if the growth of this technology showed a risk	See explanatory note above for GUIDANCE NOTE 2/5. The proposed deletion of text is necessary given the EU Network Code “Requirements for all Generators” will not be enacted in UK law but recognises that specific UK legislation could be introduced in the near future to address similar requirements.

**Commented [AMC1]:** Given the timing of the change, and that the Guidance Notes say ‘in the longer term’ referencing G83 doesn’t make too much sense. It would be better to refer to EREC G98 here. Perhaps this out of scope?

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Code condition	Current wording	Proposed change	Explanatory note
	again full compliance with G83 would be required. The Panel believes that a sensible threshold of materiality, considering the technical and commercial effects of the technology, to be 50MW.	of being material, then again full compliance with G83 would be required. The Panel believes that a sensible threshold of materiality, considering the technical and commercial effects of the technology, to be 50MW.	
GUIDANCE NOTE 3 ER G83	<b>This DCRP Guidance Note has now been extended and it is now expected that the “Stirling Engine” as an emerging technology must comply from 27 April 2019 with the requirements laid down in Articles 66-70 of the EU Network Code Requirements for all Generators. See EREC G98 and EREC G99 for details.</b>	<b>This DCRP Guidance Note has now been extended and it is now expected that the “Stirling Engine” as an emerging technology must comply from 27 April 2019 with the requirements laid down in <del>Articles 66-70 of the EU Network Code Requirements for all Generators. See EREC G98 and EREC G99 for details.</del></b>	See explanatory note above for GUIDANCE NOTE 2/5. The proposed deletion of text reflects the intention that technical requirements in EREC G98 and EREC G99 will not change despite the proposed revocation of the EU Network Code Requirements for Connection of Generators after Exit Day.
DGD Manufacturers’ Information	Information in suitable form provided by a manufacturer in order to demonstrate compliance with one or more of the requirements of the <b>Distribution Code</b> . Where equipment certificate(s) as defined in EU 2016/631, or 2016/1388 cover all or part of the relevant compliance points, the equipment certificate(s) demonstrate compliance without need for further evidence for those aspects within the scope of the equipment certificate	Information in suitable form provided by a manufacturer in order to demonstrate compliance with one or more of the requirements of the <b>Distribution Code</b> . Where equipment <del>certificate(s)</del> as defined in <del>EU 2016/631, or</del> 2016/1388 cover all or part of the relevant compliance points, the equipment certificate(s) demonstrate compliance without need for further evidence for those aspects within the scope of the equipment certificate	EU 2016/631 and EU 2016/1388 are both 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 are proposed to be deleted.
DIN2.1 (b)(iii)	Efficiently discharge the	Efficiently discharge the	The deleted text ensures

Commented [AMC2]: ditto

Commented [AMC3]: should this be (s) consistency with text later in the sentence

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Code condition	Current wording	Proposed change	Explanatory note
	obligations imposed upon <b>DNOs</b> by the <b>Distribution Licence</b> and comply with the Regulation (where Regulation has the meaning defined in the <b>Distribution Licence</b> ) and any relevant legally binding decision of the European Commission and/or Agency for the Co-operation of Energy Regulators.	obligations imposed upon <b>DNOs</b> by the <b>Distribution Licence</b> and comply with the Regulation (where Regulation has the meaning defined in the <b>Distribution Licence</b> ) and any relevant legally binding decision of the <del>European Commission and/or Agency for the Co-operation of Energy</del> <b>Regulators</b> .	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. This is to cater for any legally binding decisions made prior to Exit Day by the European Commission and/or Agency for the Co-operation of Energy Regulators.
DPC7.1.5	27 April 2019 is the date from which new or substantially modified <b>Power Generating Modules</b> must comply with the European Network Code on Requirements for Connection of Generators. Compliance with Engineering Recommendations G98 and G99 will ensure compliance with this European Network Code.	27 April 2019 is the date from which new or substantially modified <b>Power Generating Modules</b> must comply with the <del>European Network Code on Requirements for Connection of Generators. Compliance with Engineering Recommendations G98 and G99 as appropriate.</del> <b>will ensure compliance with this European Network Code.</b>	Key elements of the European Connection Codes (including connection of Generators) apply from dates after 29 March 2019 and, as a result, are not incorporated into domestic law by the European Union (Withdrawal) Act 2018 despite currently being in force in the UK. As the absence of the key elements of the Connection Codes which apply from dates after Exit Day would render the remainder of the codes inoperable, the Electricity Network Codes and Guidelines (System Operation and Connection)

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Code condition	Current wording	Proposed change	Explanatory note
			(Amendment etc.) (EU Exit) Regulations 2019 will revoke the European Connection Code Requirements for Connection of Generators. Hence reference to the European Network Code on Requirements for Connection of Generators is deleted. 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 Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2019 as soon as practicable after Exit Day.
DOC2.2(c)	To provide guidance for <b>High Voltage Customer</b> 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 <b>NGC</b> in their role as Transmission System Operator.	<del>To provide guidance for <b>High Voltage Customer</b> 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 <b>NGC</b> in their role as Transmission System Operator.</del>	Article 7 of the European Transparency Regulations (information relating to the unavailability of consumption units) will be amended by virtue of Schedule 3 of The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit)

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Code condition	Current wording	Proposed change	Explanatory note
			Regulations 2019, which clarifies what is Retained EU Law in relation to EC Regulation No. 543/2013. The clause has been deleted as this information is required by NGC and DNOs for other reasons regardless of whether EC Regulation No. 543/2013 is Retained EU Law.
DOC5.6.2.2	The test referred to in DOC5.6.2.1 on any one or more of the <b>Power Generating Modules comprising part of the relevant Embedded Medium Power Station</b> should only be to demonstrate that: (a) the relevant <b>Power Generating Module</b> meets the requirements of the paragraphs in the <b>Grid Code</b> Connection Conditions or European Connection Conditions (as applicable) which are applicable to such <b>Power Generating Modules</b> or <b>Power Station</b> ; or b) the relevant <b>Power Generating Module</b> meets the requirements for operation in limited frequency sensitive mode as describe in the <b>Grid Code</b> in accordance with CC.6.3.3 (or ECC6.3.3), BC3.5.2 and BC3.7.2,	The test referred to in DOC5.6.2.1 on any one or more of the <b>Power Generating Modules comprising part of the relevant Embedded Medium Power Station</b> should only be to demonstrate that: (a) the relevant <b>Power Generating Module</b> meets the requirements of the paragraphs in the <b>Grid Code</b> Connection Conditions or <b>the Grid Code</b> European Connection Conditions (as applicable) which are applicable to such <b>Power Generating Modules</b> or <b>Power Station</b> ; or b) the relevant <b>Power Generating Module</b> meets the requirements for operation in limited frequency sensitive mode as describe in the <b>Grid Code</b> in accordance with CC.6.3.3 (or ECC6.3.3), BC3.5.2 and BC3.7.2,	Supplemental text to make clear the European Connection Conditions are those defined in the Grid Code.

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Distribution Code Review Panel – Rules and Constitution Modification Table

Deletions are shown in strike through and new text is shown in red text.

The proposed modifications in this table relate to legal text in the current published version of the documents; they are not expected to conflict with any other proposed modifications that are underway. The intention is that these proposed modifications would be made to the approved version of each document applicable at the agreed implementation date.

Proposed modifications to The Constitution And Rules Of The Distribution Code Review Panel Of Great Britain Version 7 – May 2017.

Clause	Current wording	Proposed change	Explanatory note
<b>21(b)</b>	If the <b>Panel</b> has been notified by the <b>Authority</b> that the <b>Authority</b> reasonably considers it necessary to comply with or implement the <b>Regulation</b> and/or any relevant legally binding decision of the European Commission and/or Agency for the Co-operation of Energy Regulators, the <b>Panel</b> shall proceed with its periodic review in accordance with any timetable(s) directed by the <b>Authority</b> in relation to the progress of the review and/or the implementation of the relevant modification to the <b>Distribution Code</b> .	If the <b>Panel</b> has been notified by the <b>Authority</b> that the <b>Authority</b> reasonably considers it necessary to comply with or implement the <b>Regulation</b> and/or any relevant legally binding decision of the <del>European Commission and/or Agency for the Co-operation of Energy Regulators</del> , the <b>Panel</b> shall proceed with its periodic review in accordance with any timetable(s) directed by the <b>Authority</b> in relation to the progress of the review and/or the implementation of the relevant modification to the <b>Distribution Code</b> .	The deleted text 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.
<b>Standard Procedure 1 Clause 4.1 iii</b>	The <b>Panel</b> shall determine whether the proposal should be pursued, the relevance to other Network Code Review Panels (NCRPs), timescales for development, the extent of public consultation (including any initial consultation prior to development work), and whether a Standards	The <b>Panel</b> shall determine whether the proposal should be pursued, the relevance to other Network Code Review Panels (NCRPs), timescales for development, the extent of public consultation (including any initial consultation prior to development work), and whether a Standards	The deleted text 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

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Clause	Current wording	Proposed change	Explanatory note
	Working Group is required. If the <b>Panel</b> has been notified by the <b>Authority</b> that the <b>Authority</b> reasonably considers it necessary to comply with or implement the <b>Regulation</b> and/or any relevant legally binding decision of the European Commission and/or Agency for the Co-operation of Energy Regulators, the <b>Panel</b> shall proceed with a modification proposal in accordance with any timetable directed by the <b>Authority</b> in relation to the progress of the review and/or the implementation of the relevant modification to the <b>Distribution Code</b> .	Working Group is required. If the <b>Panel</b> has been notified by the <b>Authority</b> that the <b>Authority</b> reasonably considers it necessary to comply with or implement the <b>Regulation</b> and/or any relevant legally binding decision of the <del>European Commission and/or Agency for the Co-operation of Energy</del> Regulators, the <b>Panel</b> shall proceed with a modification proposal in accordance with any timetable directed by the <b>Authority</b> in relation to the progress of the review and/or the implementation of the relevant modification to the <b>Distribution Code</b> .	Co-operation of Energy Regulators that are Retained EU Law are applicable after Exit Day.

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ENA EREC G83 Modification Table

Deletions are shown in strike through and new text is shown in red text.

The proposed modifications in this table relate to legal text in the current published version of the documents; they are not expected to conflict with any other proposed modifications that are underway. The intention is that these proposed modifications would be made to the approved version of each document applicable at the agreed implementation date.

Proposed modifications to ENA Engineering Recommendation G83 Issue 2 Amendment 1 July 2018.

Clause	Current wording	Proposed change	Explanatory note
<b>1 Foreword, para 10</b>	In addition to the requirements specified in this document which allows connection to the GB electricity Distribution System, the <b>SSEG</b> and all of its components shall comply with all relevant legal requirements including European Directives and CE marking.	In addition to the requirements specified in this document which allows connection to the GB electricity Distribution System, the <b>SSEG</b> and all of its components shall comply with all relevant legal requirements <del>including European Directives and</del> <b>CE marking or UK Conformity Assessed (UKCA) marking as required by UK law.</b>	The broad reference to compliance with ‘European Directives and CE Marking’, needs to be qualified with the supplemental text so only Retained EU Law is applied after Exit Day. This reflects 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, so long as this is a requirement in UK law.
<b>4 Terms and definitions</b>	New definition	<b>Retained EU Law has the same meaning as that given by section 6(7) of the European Union (Withdrawal) Act 2018.</b>	Definition of Retained EU Law is needed to identify those EU Directives and Regulations, and parts of, that are still applicable

**Commented [AMC4]:** in similar parags below the words ‘including European Directives’ have not been deleted. Worth checking for consistency. I think that the key word is ‘relevant’ in the sense that non relevant ones don’t apply.

Main point is consistency.



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Clause	Current wording	Proposed change	Explanatory note
			after Exit Day. This includes any modifications to UK legislation made under the Section 8 of the Act to address inoperabilities including but not limited to The Electricity and Gas Etc. (Amendment Etc.) (Eu Exit) Regulations 2019.
<b>5.4 Quality of Supply</b>	The connection of the SSEG in parallel with a <b>DNO's Distribution System</b> shall not impair the quality of supply provided by the <b>DNO</b> to the <b>User</b> or any other <b>Customer</b> . In this respect the SSEG shall comply with the requirements of the EMC Directive and in particular the product family emission standards listed in Table 2.	The connection of the SSEG in parallel with a <b>DNO's Distribution System</b> shall not impair the quality of supply provided by the <b>DNO</b> to the <b>User</b> or any other <b>Customer</b> . In this respect the SSEG shall comply with the requirements of the EMC Directive, <b>except where those requirements, or part of them, are not Retained EU Law</b> , and in particular the product family emission standards listed in Table 2.	The broad reference to compliance with the EMC Directive needs to be qualified with the supplemental text so only Retained EU Law is applied after Exit Day.
<b>5.9.2 Compliance</b>	The SSEG shall comply with all relevant European Directives and should be labelled with a CE marking.	The SSEG shall comply with all relevant European Directives and should be labelled with a CE marking <b>or UK Conformity Assessed (UKCA) marking as required by UK law.</b>	Same as explanatory note for ENA EREC G83 Clause 1 Foreword, para 10.
<b>A1.2 CE Marking and Certification</b>	The type verification procedure requires that the SSEG interface be certified to the relevant requirements of the applicable Directives before the unit can be labelled with a CE mark. Where the protection control is to be provided	The type verification procedure requires that the SSEG interface be certified to the relevant requirements of the applicable Directives before the unit can be labelled with a CE marking <b>or UK Conformity Assessed</b>	Same as explanatory note for ENA EREC G83 Clause 1 Foreword, para 10.

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Clause	Current wording	Proposed change	Explanatory note
	as a separate device, this must also be <b>Type Tested</b> and certified to the relevant requirements of the applicable Directives before it can be labelled with a CE mark.	<b>(UKCA) marking as required by UK law.</b> Where the protection control is to be provided as a separate device, this must also be <b>Type Tested</b> and certified to the relevant requirements of the applicable Directives before it can be labelled with a CE marking <b>or UK Conformity Assessed (UKCA) marking as required by UK law.</b>	
<b>B1.2 CE Marking and Certification</b>	The type verification procedure requires that the <b>SSEG</b> interface be certified to the relevant requirements of the applicable Directives before the unit can be labelled with a CE mark. Where the protection control is to be provided as a separate device, this must also be <b>Type Tested</b> and certified to the relevant requirements of the applicable Directives before it can be labelled with a CE mark.	The type verification procedure requires that the <b>SSEG</b> interface be certified to the relevant requirements of the applicable Directives before the unit can be labelled with a CE marking <b>or UK Conformity Assessed (UKCA) marking as required by UK law.</b> Where the protection control is to be provided as a separate device, this must also be <b>Type Tested</b> and certified to the relevant requirements of the applicable Directives before it can be labelled with a CE marking <b>or UK Conformity Assessed (UKCA) marking as required by UK law.</b>	Same as explanatory note for ENA EREC G83 Clause 1 Foreword, para 10.

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ENA EREC G98 Modification Table

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Proposed modifications to ENA Engineering Recommendation G98 Issue 1 Amendment 2.

Clause	Current wording	Proposed change	Explanatory note
<b>Foreword, para 2</b>	This document has been prepared and approved under the authority of the <b>Great Britain Distribution Code Review Panel</b> . This EREC G98 has been written to take account of the EU Network Code on Requirements for Grid Connection of Generators 14 April 2016.	This document has been prepared and approved under the authority of the <b>Great Britain Distribution Code Review Panel</b> . This EREC G98 <del>has been</del> <b>was initially</b> written to take account of the EU Network Code on Requirements for Grid Connection of Generators 14 April 2016. <b>Subsequently, EREC G98 has been amended to remove references to Commission Regulation (EU) No 2016/631, Establishing a network code on Requirements for Grid Connection of Generators, which has been revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019. Notwithstanding, the requirements in EREC G98 have not been modified.</b>	The requirements in EREC G98 were initially written to take into account the application of Commission Regulation (EU) No 2016/631, Establishing a network code on Requirements for Grid Connection of Generators. In the event the UK leaves the EU without a deal this Regulation will be revoked and hence the need to remove references to compliance to it. However, the intent is that the technical requirements in EREC G98 will still apply, except where those requirements, or part of them, are not Retained EU Law. The various Statutory Instruments prepared under the European Union (Withdrawal) Act 2018 make clear what constitutes Retained EU Law.
<b>1.4 Legal Aspects</b>	In addition to the requirements specified in this document which allows connection to the	In addition to the requirements specified in this document which allows connection to the	The broad reference to compliance with 'European Directives and CE Marking', needs to be

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Clause	Current wording	Proposed change	Explanatory note
	<b>GB public Low Voltage Distribution Network</b> , the <b>Micro-generator</b> and all of its components shall conform to all relevant legal requirements including European Directives and CE marking.	<b>GB public Low Voltage Distribution Network</b> , the <b>Micro-generator</b> and all of its components shall conform to all relevant legal requirements including <del>European</del> Directives and CE marking <b>or UK Conformity Assessed (UKCA) marking as required by UK law.</b>	qualified with the supplemental text so only Retained EU Law is applied after Exit Day. This reflects 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, so long as this is a requirement in UK law.
<b>3 References</b>	The following referenced documents, in whole or part, are indispensable for the application of this document. It is expected that it will be appropriate to use the most recent version of the documents below. Where any conflict arises the version in place at the time of commissioning of the <b>Micro-generator</b> shall take precedence.	The following referenced documents, in whole or part, are indispensable for the application of this document. It is expected that it will be appropriate to use the most recent version of the documents below, <del>except for Retained EU Law</del> , <b>where the version that has effect immediately before Exit Day applies as read with the modifications to UK legislation made under the Section 8 of the European Union (Withdrawal) Act 2018. Except for Retained EU Law, <del>W</del>where any conflict</b>	The current wording needs to be qualified with the supplemental text for correct application of Retained EU Law. The proposed change makes clear that the version of EU law that has effect immediately before Exit Day applies and subsequent changes after Exit Day do not apply to the UK.

**Commented [AMC5]:** In similar parags the word 'European' is absent. Consistecy

**Commented [AMC6]:**  
This doesn't read quite right. The sentence refers documents except Retained Law – is Retained Law documents?  
Should this be.....versions of the documents below, except for those referenced in (included in the scope of?) Retained EU Law.....

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Clause	Current wording	Proposed change	Explanatory note
		arises the version in place at the time of commissioning of the <b>Micro-generator</b> shall take precedence.	
<b>3.1</b>	<b>COMMISSION REGULATION (EU) No 2016/631</b> Establishing a network code on Requirements for Grid Connection of Generators.	<b>COMMISSION REGULATION (EU) No 2016/631</b> Establishing a network code on Requirements for Grid Connection of Generators.  <b>NOTE: This Regulation is not Retained EU Law and is revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019.</b>	EU 2016/631 is 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. Note added to this effect.
<b>3.1</b>	<b>Directive 2009/72/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b> Concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.	<b>Directive 2009/72/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b> Concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.  <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>	This proposed change aligns with the proposed modification to the Directive in Standard Licence Condition 1.3 of the Distribution Licence and will ensure that the references to the Directive are to be interpreted on the basis of the Directive as it has effect immediately before Exit Day as read with the modifications inserted into section 5B of the Electricity Act 1989 by regulation 39 of the Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019.
3.1	<b>Regulation (EC) No 714/2009 of the European Parliament and of the Council</b>	<b>Regulation (EC) No 714/2009 of the European Parliament and of the Council</b>	After Exit Day, the requirements in Regulation (EC) No 714/2009 apply as set out

**Commented [AMC7]:** See comment below re the use of the term Electricity Act 1989 in G99

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Clause	Current wording	Proposed change	Explanatory note
	on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.	on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.  <b>NOTE: This Regulation applies except where those conditions, or part of them, are not Retained EU Law.</b>	in The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 and The Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019. This proposed change will enable the retained requirements from the Regulation to apply correctly.
3.1	<b>Regulation (EC) No 765/2008 of the European Parliament and of the Council</b> Setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.	<b>Regulation (EC) No 765/2008 of the European Parliament and of the Council</b> Setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.  <b>NOTE: This Regulation applies except where those conditions, or part of them, are not Retained EU Law.</b>	The reference to Regulation (EC) No 765/2008, needs to be qualified with the supplemental text so that only Retained EU Law is applied after Exit Day. This reflects the currently proposed legal framework where certain requirements for accreditation and market surveillance of products in this Regulation will apply as modified by UK law.
<b>4 Terms and definitions</b>	New definition	<b>Retained EU Law has the same meaning as that given by section 6(7) of the European Union (Withdrawal) Act 2018.</b>	Definition of Retained EU Law, as proposed for EREC G83, 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 Act to address inoperabilities including but not limited to The Electricity and Gas Etc. (Amendment

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Clause	Current wording	Proposed change	Explanatory note
			Etc.) (Eu Exit) Regulations 2019.
4 Terms and definitions	New definition	<b>Exit Day</b> has the same meaning as that given in section 20(1) of the European Union (Withdrawal) Act 2018.	This new definition is required to give effect to the version of the document to be referenced after Exit Day.
6.2 Compliance	The <b>Micro-generator(s)</b> shall conform to all relevant European Directives and should be labelled with a CE marking.	The <b>Micro-generator(s)</b> shall conform to all relevant European Directives and should be labelled with a CE marking or UK Conformity Assessed (UKCA) marking as required by UK law.	The broad reference to compliance with ‘European Directives and CE Marking’, needs to be qualified with the supplemental text so only Retained EU Law is applied after Exit Day. See explanatory note for proposed modification of ENA EREC G83 Clause 1 Foreword, para 10.
Appendix 1, p.29, para 1	For the purpose of assessing the 800 W threshold, the <b>Registered Capacity</b> of the <b>Micro-generating Plant</b> should not include the capacity of <b>Electricity Storage</b> devices where they are AC coupled with generation, as <b>Electricity Storage</b> devices are exempt from the European Network Code Requirement for Generators. However, where the <b>Electricity Storage</b> devices are <b>DC</b> coupled with generation, the <b>Registered Capacity</b> of the <b>Micro-generating Plant</b> is dictated by the <b>Inverter</b> rating, and this will determine whether the 800 W exception applies. Where <b>Electricity Storage</b> devices are <b>DC</b> coupled with generation with a	For the purpose of assessing the 800 W threshold, the <b>Registered Capacity</b> of the <b>Micro-generating Plant</b> should not include the capacity of <b>Electricity Storage</b> devices where they are AC coupled with generation, as <b>Electricity Storage</b> devices are exempt from the European Network Code Requirement for Generators. However, where the <b>Electricity Storage</b> devices are <b>DC</b> coupled with generation, the <b>Registered Capacity</b> of the <b>Micro-generating Plant</b> is dictated by the <b>Inverter</b> rating, and this will determine whether the 800 W exception applies. Where <b>Electricity Storage</b> devices are <b>DC</b> coupled with generation with a	Deleted text regarding exemption of Electricity Storage Devices from the European Network Code Requirement for Generators given 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.

Commented [AMC8]: Se earlier comment

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Clause	Current wording	Proposed change	Explanatory note
	<b>Registered Capacity</b> of or greater than 800 W, then the <b>Electricity Storage</b> exceptions do not apply to the <b>Inverter</b> .	<b>Registered Capacity</b> of or greater than 800 W, then the <b>Electricity Storage</b> exceptions do not apply to the <b>Inverter</b> .	



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ENA EREC G99 Modification Table

Deletions are shown in strike through and new text is shown in red text.

The proposed modifications in this table relate to legal text in the current published version of the documents; they are not expected to conflict with any other proposed modifications that are underway. The intention is that these proposed modifications would be made to the approved version of each document applicable at the agreed implementation date.

Proposed modifications to ENA Engineering Recommendation G99 Issue 1 Amendment 3.

Clause	Current wording	Proposed change	Explanatory note
<b>Foreword, footnote 1</b>	This document is a culmination of EREC G59, parts of <b>Distribution Code</b> and the European Network Code Requirements for Generators. The Requirements for Generators Network Code has a number of exclusions, one of which is <b>Electricity Storage</b> (except for pumped-storage). A number of requirements in this document, which have originated from the Requirements for Generators Network Code, do not apply to <b>Electricity Storage</b> . Refer to Annex A.4 for full details. All other requirements in this document apply to <b>Electricity Storage</b> .	This document <del>is a culmination of</del> <b>has been prepared and approved under the authority of the Great Britain Distribution Code Review Panel. This EREC G99 was initially written to take account of the EU Network Code on Requirements for Grid Connection of Generators 14 April 2016. This document was based on</b> EREC G59, parts of <b>Distribution Code</b> and the European Network Code Requirements for Generators. <del>The Requirements for Generators Network Code</del> <b>EREC G99</b> has a number of exclusions, one of which is <b>Electricity Storage</b> (except for pumped-storage). <del>A number of requirements in this document, which have originated from the Requirements for Generators Network Code, do not apply to</del> <b>Electricity Storage</b> . Refer to Annex A.4 for full details. All other requirements in this document apply to <b>Electricity Storage</b> .	The proposed changes in this clause clarify that any requirements from the European Network Code Requirements for Generators are those that were in effect immediately before Exit Day. For clarity, any subsequent amendment of the European Network Code Requirements for Generators by the European Commission will not apply after Exit Day.
<b>1.2</b>	The requirements set out in this EREC are designed to	The requirements set out in this EREC are designed to	Deleted text regarding exemption of Electricity

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Clause	Current wording	Proposed change	Explanatory note
	facilitate the connection of <b>Power Generating Module(s)</b> whilst maintaining the integrity of the <b>Distribution Network</b> , both in terms of safety and supply quality. It applies to all <b>Power Generating Module(s)</b> within the scope of Section 2, irrespective of the type of electrical machine and equipment used to convert any primary energy source into electrical energy. Note that although <b>Electricity Storage</b> is in the scope of this EREC G99, a number of technical requirements do not apply, as <b>Electricity Storage</b> (except for pumped-storage) is currently excluded from the Requirements for Generators Network Code. The exclusions for <b>Electricity Storage</b> and other exceptions are noted in Annex A.4. The rest of this document applies to <b>Electricity Storage</b> in full.	facilitate the connection of <b>Power Generating Module(s)</b> whilst maintaining the integrity of the <b>Distribution Network</b> , both in terms of safety and supply quality. It applies to all <b>Power Generating Module(s)</b> within the scope of Section 2, irrespective of the type of electrical machine and equipment used to convert any primary energy source into electrical energy. Note that although <b>Electricity Storage</b> is in the scope of this EREC G99, a number of technical requirements do not apply, as <b>Electricity Storage</b> (except for pumped-storage) is currently excluded from the Requirements for Generators Network Code. The exclusions for <b>Electricity Storage</b> and other exceptions are noted in Annex A.4. The rest of this document applies to <b>Electricity Storage</b> in full.	Storage Devices from the European Network Code Requirement for Generators given EU 2016/631 establishing a network code on requirements for grid connection of generators is revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019.
1.4 Legal Aspects	In addition to the requirements specified in this document which allows connection to the <b>GB</b> public <b>Low Voltage Distribution Network</b> , the <b>Micro-generator</b> and all of its components shall conform to all relevant legal requirements including European Directives and CE marking.	In addition to the requirements specified in this document which allows connection to the <b>GB</b> public <b>Low Voltage Distribution Network</b> , the <b>Micro-generator</b> and all of its components shall conform to all relevant legal requirements including European Directives and CE marking or UK Conformity Assessed (UKCA) marking as required by UK law.	The broad reference to compliance with ‘European Directives and CE Marking’, needs to be qualified with the supplemental text so only Retained EU Law is applied after Exit Day. See explanatory note for proposed modification of ENA EREC G83 Clause 1 Foreword, para 10.
3.2	COMMISSION	COMMISSION	EU 2016/631 is revoked

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Clause	Current wording	Proposed change	Explanatory note
	<b>REGULATION (EU) No 2016/631</b> Establishing a network code on Requirements for Grid Connection of Generators.	<b>REGULATION (EU) No 2016/631</b> Establishing a network code on Requirements for Grid Connection of Generators.  <b>NOTE: This Regulation is not Retained EU Law and is revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019.</b>	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. Note added to this effect.
<b>3.2</b>	<b>Directive 2009/72/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b> Concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.	<b>Directive 2009/72/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b> Concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.  <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>	This proposed change aligns with the proposed modification to the Directive in Standard Licence Condition 1.3 of the Distribution Licence and will ensure that the references to the Directive are to be interpreted on the basis of the Directive as it has effect immediately before Exit Day as read with the modifications inserted into section 5B of the Electricity Act 1989 by regulation 39 of the Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019.
<b>3.2</b>	<b>Regulation (EC) No 714/2009 of the European Parliament and of the Council</b> on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.	<b>Regulation (EC) No 714/2009 of the European Parliament and of the Council</b> on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.	After Exit Day, the requirements in Regulation (EC) No 714/2009 apply as set out in The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 and The Electricity and Gas (Market Integrity and Transparency)

**Commented [AMC9]:** I think in G99 Electricity Act is a defined term – not Electricity Act 1989

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Clause	Current wording	Proposed change	Explanatory note
		<b>NOTE: This Regulation applies except where those conditions, or part of them, are not Retained EU Law.</b>	(Amendment) (EU Exit) Regulations 2019. This proposed change will enable the retained requirements from the Regulation to apply correctly.
<b>3.2</b>	<b>Regulation (EC) No 765/2008 of the European Parliament and of the Council</b> Setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.	<b>Regulation (EC) No 765/2008 of the European Parliament and of the Council</b> Setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.  <b>NOTE: This Regulation applies except where those conditions, or part of them, are not Retained EU Law.</b>	The reference to Regulation (EC) No 765/2008, needs to be qualified with the supplemental text so that only Retained EU Law is applied after Exit Day. This reflects the currently proposed legal framework where certain requirements for accreditation and market surveillance of products in this Regulation will apply as modified by UK law.
<b>4 Terms and Definitions</b>	<b>Manufacturers' Information</b> Information in suitable form provided by a <b>Manufacturer</b> in order to demonstrate compliance with one or more of the requirements of this EREC G99. Where Equipment Certificate(s) as defined in EU 2016/631 cover all or part of the relevant compliance points, the Equipment Certificate(s) demonstrate compliance without need for further evidence for those aspects within the scope of the Equipment Certificate.	<b>Manufacturers' Information</b> Information in suitable form provided by a <b>Manufacturer</b> in order to demonstrate compliance with one or more of the requirements of this EREC G99. Where <del>E</del> equipment <del>C</del> ertificate(s) <del>as defined in EU 2016/631</del> cover all or part of the relevant compliance points, the <del>E</del> equipment <del>C</del> ertificate(s) demonstrate compliance without need for further evidence for those aspects within the scope of the <del>E</del> quipment <del>C</del> ertificate.	EU 2016/631 is 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 this EU Regulation is not catered for in UK legislation and the reference is proposed to be deleted.
<b>4 Terms and definitions</b>	New definition	<b>Retained EU Law has the same meaning as that given by section 6(7) of the European Union (Withdrawal) Act 2018.</b>	Definition of Retained EU Law, as proposed for the Distribution Code, is needed to identify those EU Directives and

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Clause	Current wording	Proposed change	Explanatory note
			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 Act to address inoperabilities including but not limited to The Electricity and Gas Etc. (Amendment Etc.) (Eu Exit) Regulations 2019.
<b>4 Terms and definitions</b>	New definition	<b>Exit Day</b> has the same meaning as that given in section 20(1) of the European Union (Withdrawal) Act 2018.	This new definition is required to give effect to the version of the document to be referenced after Exit Day.
<b>5.1</b>	The operation and design of the electricity system in <b>Great Britain</b> is defined principally by Directive 2009/72/EC, the <b>Electricity Act</b> , the <b>Electricity Safety Quality and Continuity Regulations (ESQCR)</b> 2002, as well as general considerations under the Health and Safety at Work Act (HASWA) 1974 and the Electricity at Work Regulations (EaWR) 1989. A brief summary of the main statutory obligations on <b>DNOs</b> , <b>Generators</b> and <b>Customers</b> is included as Annex D.4.	The operation and design of the electricity 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> , the <b>Electricity Safety Quality and Continuity Regulations (ESQCR)</b> 2002, as well as general considerations under the Health and Safety at Work Act (HASWA) 1974 and the Electricity at Work Regulations (EaWR) 1989. A brief summary of the main statutory obligations on <b>DNOs</b> , <b>Generators</b> and <b>Customers</b> is included as Annex D.4.	See explanatory note for 3.2 Directive 2009/72/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL.

**Commented [AMC10]:** Duplication of Electricity Act?

I think this should simply be Electricity Act. Worth checking other references to this Act as in EREC G99 it's defined as being the Electricity Act 1989 as amended .....

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Clause	Current wording	Proposed change	Explanatory note
<b>5.2</b>	Directive 2009/72/EC gives rise to a number of pieces of other EU law, the most relevant of which is Commission Regulation (EU) 2016/631, the Network Code Requirements for all Generators (RfG). This code supersedes UK law, although it is not a complete set of requirements. This EREC has been written to comply fully with the requirements of the RfG, and to include other requirements required for connection to the <b>GB</b> power system.	<del>Directive 2009/72/EC gives rise to a number of pieces of other EU law, the most relevant of which is Commission Regulation (EU) 2016/631, the Network Code Requirements for all Generators (RfG). This code supersedes UK law, although it is not a complete set of requirements.</del> This EREC has been <del>was initially</del> written to comply fully with the requirements of <b>Commission Regulation (EU) No 2016/631, Establishing a network code on Requirements for Grid Connection of Generators (the RfG)</b> , and to include other requirements required for connection to the <b>GB</b> power system. <b>Subsequently, EREC G99 has been amended to remove references to Commission Regulation (EU) No 2016/631, which has been revoked by section 5 of the Electricity Network Codes and Guidelines (System Operation and Connection) (Amendment etc.) (EU Exit) Regulations 2019. Notwithstanding, the requirements in EREC G99 have not been modified.</b>	The requirements in EREC G99 were initially written to take into account the application of Commission Regulation (EU) No 2016/631, Establishing a network code on Requirements for Grid Connection of Generators. In the event the UK leaves the EU without a deal this Regulation will be revoked and hence the need to remove references to compliance with it. However, the intent is that the technical requirements in EREC G99 will still apply, except where those requirements, or part of them, are not Retained EU Law. The various Statutory Instruments prepared under the European Union (Withdrawal) Act 2018 make clear what constitutes Retained EU Law.
16.1.6	The <b>Power Generating Module</b> shall comply with all relevant European Directives and should be labelled with a corresponding CE marking.	The <b>Power Generating Module</b> shall comply with all relevant European Directives and should be labelled with a corresponding CE marking <b>or UK Conformity</b>	See explanatory note for proposed modification of ENA EREC G99 Clause 1.4.

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Clause	Current wording	Proposed change	Explanatory note
		<b>Assessed (UKCA) marking as required by UK law.</b>	
19.7.2 (c)	decides not to grant any derogation in respect of the plant and/or apparatus, then there will be no Operational Notification in place and in accordance with Article 3.1 of the RfG the <b>DNO</b> will initiate a process to disconnect the <b>Power Generating Facility</b> from the <b>DNO's Distribution Network</b> .	decides not to grant any derogation in respect of the plant and/or apparatus, then there will be no Operational Notification in place and in <del>accordance with Article 3.1 of the RfG</del> the <b>DNO</b> will initiate a process to disconnect the <b>Power Generating Facility</b> from the <b>DNO's Distribution Network</b> .	See explanatory note for Clause 5.2.