

P374 DRAFT PROPOSED LEGAL TEXT

SECTION H: GENERAL

SECTION H: GENERAL (Version 23.0)

10. BSC SANDBOX

10.1 BSC Derogations

Amend paragraph 10.1.1 to read as follows:

- 10.1.1 Subject to the provisions of paragraph 10.4.3, The Authority may, in accordance with this paragraph 10, grant any person, other than a BSC Company, a derogation from one or more provisions of the Code in which case paragraph 10.4 shall apply (a "**BSC Derogation**").

Amend paragraph 10.4.3(d) to read as follows:

10.4.3 In respect of each BSC Derogation:

(d) such BSC Derogation shall have no effect to the extent that it purports to derogate from:

- (i) any Licence conditions;
- (ii) any other Industry Code (but without prejudice to any other regulatory sandbox arrangements);
- (iii) any Legal Requirement (including, for the avoidance of doubt, any Relevant European Legal Requirement - which shall include EBGL Article 18 terms and conditions);
- (iv) any provision of the Code identified in Section F1.1.9; or
- (v) any provision of this paragraph 10,

and each Derogation Party acknowledges and agrees that it shall be responsible for its compliance with any such Code provision, Licence condition, Industry Code or Legal Requirement (for the purposes of this paragraph 10.4.3 a "**relevant legal requirement**");

SECTION X: DEFINITIONS AND INTERPRETATION

ANNEX X-1: GENERAL GLOSSARY (Version 84.0)

Insert the following new definitions in alphabetical order:

"**Guideline on Electricity Balancing (EBGL)**": means Commission Regulation (EU) 2017/2192

"EBGL Article 18 terms and conditions" means the Sections or parts of the Code constituting terms and conditions approved by the Authority as the terms and conditions related to balancing pursuant to Article 18 of the EBGL, as amended from time to time;

"Self- Governance Criteria": means, a proposal that if implemented:

- (a) does not involve any amendments whether in whole or in part to the EBGL Article 18 terms and conditions; except to the extent required to correct an error in the EBGL Article 18 terms and conditions or as a result of a factual change, including but not limited to:
 - (i) correcting minor typographical errors;
 - (ii) correcting formatting and consistency errors, such as paragraph numbering; or
 - (iii) updating out of date references to other documents or paragraphs;
- (~~ii~~b) is unlikely to have a material effect on:
 - (i) existing or future electricity consumers; and
 - (ii) competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution, or supply of electricity; and
 - (iii) the operation of the national electricity transmission system; and
 - (iv) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and

(v) the Code's governance procedures or modification procedures, and

(b) is unlikely to discriminate between different classes of Parties;