

Post meeting notes

In respect of action 0701 (amended) Ofgem confirmed the following position;

Modification development is an industry-led process. The working group should set out detailed analysis on the legality of proposed changes as part of the Draft Modification Report, and to ensure legal / compliance issues are fully covered in workgroups and at panel.

In response to correspondence between some workgroup members the following advice relating to the definition of an Interconnector in the Gas Act was received from BEIS.

The UK transposed Directive (EU) 2019/692 by making the Gas (Internal Markets) Regulations 2020 (SI 2020/625). The Regulations operated by amending other legislation, including the Gas Act 1986, and modifying the standard conditions of a gas interconnector licence. The Regulations included a provision to sunset some of its changes at the end of the transition period.

Section 5(8) of the Gas Act 1986 defines “gas interconnector” for the purposes of Part 1 of the Act as:

...so much of any pipeline system as—

(a) is situated at a place within the jurisdiction of Great Britain; and

(b) subsists wholly or primarily for the purposes of the conveyance of gas (whether in both directions or in only one) between Great Britain and another country or territory.

This definition was inserted by the Energy Act 2004 and has not been amended (whether as part of transposing Directive (EU) 2019/692 or in relation to EU exit). Our assessment at the time was that the definition of interconnector that we had in UK domestic law was already broad enough to include third countries, so no amendments were necessary to transpose the Directive.