

## Condition XX. Competition in Connections Code of Practice

### Part A: Duties

#### 1.1 The licensee must:

(a) have and maintain an Competition in Connections Code of Practice that is designed to facilitate the achievement of the Relevant Objectives set out in paragraph 1.2; and

(b) use best endeavours to provide Input Services ~~manage and operate its Distribution Business~~ in a manner that secures the achievement of the Relevant Objectives set out in paragraph 1.2.

**Comment [BAH1]:** There is no Introduction as has been the case for all other new licence conditions

**Comment [BAH2]:** Makes it clear that this is what must be done

#### 1.2 The Relevant Objectives are to:

(a) facilitate competition in the market for new electricity distribution connections through:

i. minimising, to the fullest extent reasonably practicable, the scope and cost of its Input Services;

ii. where they are necessary, providing Input Services on an equivalent basis to its competitors and where applicable, to those parts of its own business that operate in the market;

iii. harmonising, to the fullest extent reasonably practicable, the licensee's Input Services with those provided by all other Distribution Service Providers.

**Comment [BAH3]:** This seems to act as a 'brake' on the best endeavours obligation in 1.1(b)

(b) not distort, prevent or restrict competition in the market for new electricity distribution connections; and

(c) facilitate compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.

**Comment [BAH4]:** This drafting would suggest that we would be in breach if other DNOs did not make changes to allow harmonisation

**Comment [BAH5]:** This seems to act as a 'brake' on the best endeavours obligation in 1.1(b)

**Comment [BAH6]:** This is an obligation elsewhere in the licence that has been diluted to best endeavours by 1.1(b)

**Comment [BAH7]:** This seems to have been diluted by 1.1(b)

1.3 . In providing any Input Services, the licensee must comply with the Competition in Connections Code of Practice.

1.4 The Competition in Connections Code of Practice must be approved by the Authority. Modifications to the Competition in Connections Code of Practice shall have no effect unless modified in accordance with procedures specified in the Competition in Connections Code of Practice.

1.5 The licensee must keep the Competition in Connections Code of Practice under review, and where necessary, modify it to better meet the requirements under paragraph 1.2.

1.6 The Competition in Connections Code of Practice must contain provisions for the governance arrangements of the Competition in Connections Code of Practice.

#### 1.7 The licensee must:

(a) give or send a copy of the Competition in Connections Code of Practice to any person who requests it; and

(b) ensure that a copy of the Competition in Connections Code of Practice (as from time to time modified) is publicly available on its Website.

## Part B: Compliance and Reporting

1.8 The Authority may (after consulting with the licensee and, where appropriate, any other materially affected party) issue a direction requiring the licensee to demonstrate compliance with this licence condition and the Competition in Connections Code of Practice, in a manner specified by the Authority.

**Comment [BAH8]:** Should this also include text to take account of representations etc

## Part C: Derogations

1.9 The Authority may (after consulting the licensee and, where appropriate, any other materially affected party) issue a direction ('a derogation') to the licensee that relieves it of its obligations under this condition to such extent, for such period of time, and subject to such conditions as may be specified in the direction.

**Comment [BAH9]:** Should this also include text to take account of representations etc

## Part D: Definitions

1.10 For the purposes of this condition:

<b>Input Services</b>	means any services provided by the licensee that are required to enable another party to provide a connection to the licensee's Distribution System.
<b>Competition in Connections Code of Practice</b>	means the document described in Part A.

**Comment [BAH10]:** The relationship with non contestable services remains unclear. Is it intended that DNOs must provide all services to another party even if they are contestable?