

Single Electricity Market

|  |
| --- |
| Final REcommendation Report  Mod\_03\_13: mods process clarification  08 March 2013 |

COPYRIGHT NOTICE

All rights reserved. This entire publication is subject to the laws of copyright. This publication may not be reproduced or transmitted in any form or by any means, electronic or manual, including photocopying without the prior written permission of EirGrid plc and SONI Limited.

DOCUMENT DISCLAIMER

Every care and precaution is taken to ensure the accuracy of the information provided herein but such information is provided without warranties express, implied or otherwise howsoever arising and EirGrid plc and SONI Limited to the fullest extent permitted by law shall not be liable for any inaccuracies, errors, omissions or misleading information contained herein.

Document History

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Date** | **Author** | **Comment** |
| 1.0 | 22 February 2013 | Modifications Committee Secretariat | Issued to Modifications Committee for review and approval |
| 2.0 | 08 March 2013 | Modifications Committee Secretariat | Issued to Regulatory Authorities for final decision |

Reference Documents

|  |
| --- |
| **Document Name** |
| [Trading and Settlement Code](http://semopub/MarketDevelopment/MarketRules/TSC.doc) |
| [Agreed Procedure 12](http://semopub/MarketDevelopment/MarketRules/AP12.docx) |
| [Mod\_03\_13](http://semopub/MarketDevelopment/ModificationDocuments/Mod_03_13%20Mods%20Process%20Clarifications.doc) |

Table of Contents

[1. MODIFICATIONS COMMITTEE RECOMMENDATION 3](#_Toc349573955)

[**Recommended for Approval– unanimous Vote** 3](#_Toc349573956)

[2. Background 3](#_Toc349573957)

[3. PURPOSE OF PROPOSED MODIFICATION 3](#_Toc349573958)

[**3A.) justification of Modification** 3](#_Toc349573959)

[**3B.) Impact of not Implementing a Solution** 3](#_Toc349573960)

[**3c.) Impact on Code Objectives** 3](#_Toc349573961)

[4. Assessment of Alternatives 3](#_Toc349573962)

[5. Working Group and/or Consultation 4](#_Toc349573963)

[6. impact on systems and resources 4](#_Toc349573964)

[7. Impact on other Codes/Documents 4](#_Toc349573965)

[8. MODIFICATION COMMITTEE VIEWS 4](#_Toc349573966)

[**Meeting 47 – 12 february 2013** 4](#_Toc349573967)

[9. Proposed Legal Drafting 4](#_Toc349573968)

[10. LEGAL REVIEW 39](#_Toc349573991)

[11. IMPLEMENTATION TIMESCALE 39](#_Toc349573992)

[Appendix 1: Mod\_03\_13 40](#_Toc349573993)

# MODIFICATIONS COMMITTEE RECOMMENDATION

## Recommended for Approval– unanimous Vote

|  |  |  |
| --- | --- | --- |
| **Recommended for Approval by Unanimous Vote subject to legal drafting** | | |
| Brian Mongan | Generator Alternate | Approved |
| Julie-Anne Hannon | Supplier Alternate | Approved |
| Iain Wright-Chair | Supplier Member | Approved |
| Kevin Hannafin | Generator Member | Approved |
| Mary Doorly | Generator Alternate | Approved |
| Patrick Liddy | DSU Member | Approved |
| Philip Carson | Supplier Alternate | Approved |
| William Carr | Supplier Member | Approved |

# Background

This Modification Proposal was raised by the Secretariat on 29 January 2013.

The proposal sets out the roles and responsibilities of a Working Group with regard to Modification Proposals and addresses a number of terminology inconsistencies exist that require correction. The Modification Proposal was presented and discussed at Meeting 47 on 12 February 2013 where it was voted on.

# PURPOSE OF PROPOSED MODIFICATION

## 3A.) justification of Modification

The proposal arose following an action placed on the Secretariat at Meeting 47 of the Modifications Committee where the Secretariat agreed to draft a Working Group process document to clarify governance of Working Groups. T&SC Section 2 and Agreed Procedure 12 outlines the Modifications process and it is believed that the process is best documented in the Market Rules.

The proposal sets out the roles and responsibilities of a Working Group with regard to Modification Proposals.

A number of terminology inconsistencies exist that require correction. It sets out additional clarity around the Working Group process. This will ensure no confusion exists with regard to responsibility for the coordination and direction of Working Groups.

The proposal also includes a number of clarifications to sections of the Code and Agreed Procedure 12 with regard to the Modifications process.

## 3B.) Impact of not Implementing a Solution

Confusion will continue to exist with regard to the administration of the Working Groups process. A number of inconsistencies will remain in the AP.

## 3c.) Impact on Code Objectives

This modification would further objectives 1.3.2 and 1.3.5 of the Trading and Settlement Code.

* to facilitate the efficient, economic and coordinated operation, administration and development of the Single Electricity Market in a financially secure manner
* to provide transparency in the operation of the Single Electricity Market

# Assessment of Alternatives

No alternatives assessed.

# Working Group and/or Consultation

N/A

# impact on systems and resources

N/A

# Impact on other Codes/Documents

N/A

# MODIFICATION COMMITTEE VIEWS

## Meeting 47 – 12 february 2013

Proposal was submitted after an action was placed on the Secretariat to draft a WG process document to clarify the governance of Working Groups.

The proposal sets out the roles and responsibilities of a Working Group with regard to Modification Proposals. A number of terminology inconsistencies exist that require correction. It sets out additional clarity around the Working Group process. This will ensure no confusion exists with regard to responsibility for the coordination and direction of Working Groups.

The proposal also includes a number of clarifications to sections of the Code and Agreed Procedure 12 with regard to the Modifications process.

The following legal drafting amendments were specified at the Meeting:

AP 12 Section 2.3:

* The Working Group may consist of members from the Modifications Committee and other interested parties as appropriate.

AP 12 Section 2.4:

* The Secretariat shall nominate a chair for the meeting from the list of attendees
* The Working Group shall consider options for a given proposal and may request appropriate impact assessments where necessary, including those procured from the vendor.

AP 12 Section 3.5(5):

* a. Is further work on the proposal required? If Yes, go to step 7 and/or go to question b.

AP 12 Section 3.6(2):

* Vote on Modification Proposal (in accordance with Standard Modification Code and AP voting procedure) and notify RAs of decision.

# Proposed Legal Drafting

As set out below:

Proposal of Modifications to the Code

* 1. Modification Proposals to the Code can be proposed by any person including the Market Operator and the Regulatory Authorities. Any Modification Proposal shall be submitted to the Secretariat.

2.188A The Proposer or the Secretariat acting on behalf of the Proposer may, upon the agreement of the Modifications Committee, withdraw a Modification Proposal at any stage prior to the Modification Proposal receiving a Final Modification Recommendation by vote of the Modifications Committee.

* 1. Any Proposer shall ensure that their proposal is clear and substantiated with appropriate detail, including how it furthers the Code Objectives, to enable it to be considered by the Modifications Committee.
  2. Each Modification Proposal shall include draft text of the relevant provision of the Code as amended by the Modification Proposal, except where its omission can be substantiated in accordance with 2.189.

Modification Recommendation Report Timeline

* 1. Save as expressly provided otherwise, the Modifications Committee shall produce a Final Recommendation Report in respect of each Modification Proposal.
  2. The Final Recommendation Report shall be submitted to the Regulatory Authorities within 8 months of receipt of a Modification Proposal, or 6 months in the case of a RA Modification Proposal, unless such period is extended with the consent of the Regulatory Authorities.

Procedure for Developing Proposals

* 1. The Secretariat shall, as soon as practicable after receipt of a Modification Proposal, publish the relevant Modification Proposal.
  2. A Modification Proposal shall be considered by the Modifications Committee at the next appropriate Meeting in accordance with Agreed Procedure 12 “Modifications Committee Operation”.
  3. The Proposer or its representative shall be entitled to present the Modification Proposal at the Meeting at which it is to be initially considered.
  4. At the Meeting where it first considers a Modification Proposal, the Modifications Committee shall first determine whether the Modification Proposal is spurious in accordance with paragraph 2.203.

2.196A At the Meeting where it first considers a Modification Proposal, the Modifications Committee may decide that the Secretariat should prepare the procedure and timetable to be followed in making a recommendation in respect of such Modification Proposals.

2.196B The Modifications Committee may establish a Working Group to develop the detail of a Modification Proposal. At the conclusion of the Working Group a recommendation shall be provided to the Modifications Committee.

* 1. The Modifications Committee may decide to modify or combine Modification Proposals. Modified or combined Modification Proposals shall reference the original Modification Proposals.
  2. The Modifications Committee may specifically invite appropriate persons, such as Participants, the Market Operator, the System Operators, industry groups, customer representatives or other persons to express their opinions on any Modification Proposal, including providing an impact analysis, in the manner provided for in Agreed Procedure 12 “Modifications Committee Operation”.
  3. Parties invited to assist the Modifications Committee under paragraph 2.198 will make available reasonable resources to respond to such request by the Modifications Committee.
  4. The Modifications Committee may hold a public consultation in relation to a Modification Proposal. Where there is a public consultation, a minimum consultation period of 10 Working Days from the date of publication of the relevant consultation paper shall be provided.
  5. In working up the detail of a Modification Proposal, the Modifications Committee shall have due regard to comments and submissions received during the consultation process.
  6. The Modifications Committee may contract consultants, experts or advisers at reasonable cost to advise the Modifications Committee regarding any Modification Proposal, including the preparation of an impact analysis report. Any reasonable costs incurred by the Modifications Committee in connection with this shall form part of the costs of the Secretariat.

Spurious Proposals

* 1. A Modification Proposal shall be deemed to be spurious if, inter alia, it is clearly contrary to the Code Objectives or does not further the Code Objectives. If the Modifications Committee reasonably considers a Modification Proposal to be spurious, it shall reject such Modification Proposal.
  2. Any decision of the Modifications Committee under paragraph 2.203 to reject a Modification Proposal must set out the reasons for the decision in writing and provide them to the person making the Modification Proposal and the Regulatory Authorities.
  3. The Regulatory Authorities reserve the right to veto any decision of the Modifications Committee that a proposal is spurious and in such event, the relevant Modification Proposal must be processed by the Modifications Committee in accordance with the Code.

Urgent Modifications

* 1. A Proposer may mark a Modification Proposal as “Urgent”. A Proposer submitting a Modification Proposal marked “Urgent” shall submit the Modification Proposal to the Secretariat and to the Regulatory Authorities.
  2. The Secretariat shall, as soon as possible on receipt of a Modification Proposal which is marked “Urgent”, contact the Regulatory Authorities which shall determine whether or not it shall be treated as Urgent.
  3. A Modification Proposal shall be determined to be Urgent by the Regulatory Authorities where, if not made, it can reasonably be anticipated that the event or circumstance with which the Modification Proposal is concerned would imminently:

1. threaten or prejudice safety, security or reliability of supply of electricity; or
2. unduly interfere with, disrupt or threaten the operation of the Single Electricity Market;

or if a Modification is required to correct an obviously material error or inconsistency in the Code.

* 1. If the Regulatory Authorities determine that a Modification Proposal is Urgent under paragraph 2.208, the Modifications Committee shall convene an Emergency Meeting.
  2. If the Secretariat or the Modifications Committee considers that any of the criteria in paragraph 2.208 apply in respect of any Modification Proposal that has not been marked “Urgent” by the Proposer, the Secretariat shall promptly submit the Modification Proposal to the Regulatory Authorities for consideration in accordance with paragraph 2.207 and 2.208.
  3. In the event that a Modification Proposal is deemed to be Urgent, the Modifications Committee shall propose the procedure and timetable to be followed in making a recommendation in respect of the Urgent Modification which may fast-track the normal processes provided for in this Code. The Regulatory Authorities shall have the right to veto or direct amendments to the procedure and timetable proposed by the Modifications Committee within 2 Working Days of any such proposal by the Modifications Committee.

Alternative Proposals

* 1. If any person does not agree with a Modification Proposal to the Code, it may propose an alternative Modification Proposal, which if received in sufficient time to be considered within the Modifications Committee’s plans for progressing the initial original Modification Proposal may be considered in conjunction with, or in substitution for, the initial Modification Proposal.

Final Modification Recommendation & Report

* 1. The Modifications Committee shall make the determination for the Final Modification Recommendation by majority vote of voting members of the Modifications Committee. The Modifications Committee shall send the Final Modification Recommendation as part of the Final Recommendation Report in relation to the Modification Proposal to the Regulatory Authorities as soon as practicable after the determination of the Modifications Committee.
  2. The Modifications Committee shall recommend to the Regulatory Authorities the adoption of such Modification Proposals as it concludes will better facilitate achievement of the Code Objectives.
  3. The Final Modification Recommendation of the Modifications Committee shall be part of the Final Recommendation Report which shall include:

1. the determination of the Modifications Committee on whether or not the Modification Proposal should be adopted;
2. the reasons for such determination;
3. where the Modifications Committee is in favour of the proposal, a draft of the text of the proposed Modification;
4. the original draft of the Modification Proposal;
5. any dissenting opinions of members of the Modifications Committee;
6. a copy the Market Operator’s opinion and each System Operator’s opinion on the Modification;
7. the views of any respondents submitted during the consultation process (including any views of persons invited to give opinions or consultants, experts or advisors contracted to provide advice pursuant to paragraphs 2.198 and 2.202 respectively;
8. an assessment of the impact of the Modification Proposal including in relation to the Code, any Legal Requirements, any other codes relating to the operation of the SEM (including the Grid Codes and the Metering Codes) or any other relevant matter;
9. an assessment, where the Modifications Committee deems appropriate, of any alternative Modification Proposal proposed by any person;
10. a draft of the specific changes that it is proposed would be necessary to make to the Code if the Modification Proposal would be accepted;
11. proposed timescales for implementation; and
12. a cost/resource requirements assessment.

No Recommendation or Decision by Modifications Committee

* 1. In the event that the Modifications Committee is unable to make a determination in respect of a Modification Proposal within the timeframes set out in paragraph 2.192 the matter shall be referred to the Regulatory Authorities. This referral shall detail the proposal and the information referred to in paragraphs 2.215 (with the exception of sub-paragraphs 2.215.1 to 2.215.2 and 2.215.11 to 2.215.12). In such event, the Regulatory Authorities shall either make a binding decision in accordance with paragraph 2.218A, or shall extend the applicable time-limit for the Modifications Committee under paragraph 2.192.
  2. In the event that the Modifications Committee does not issue a determination in respect of a Modification Proposal within the timeframes set out in paragraph 2.192 and does not refer the matter to the Regulatory Authorities under paragraph 2.216, the Regulatory Authorities shall either make a binding decision in accordance with paragraph 2.218A, or shall extend the applicable time-limit for the Modifications Committee under paragraph 2.192.

Decision of the Regulatory Authorities

* 1. Following receipt of a Final Recommendation Report created by the Modifications Committee, the Regulatory Authorities shall decide whether to:

1. direct a Modification in accordance or otherwise with the Final Modification Recommendation of the Modifications Committee;
2. reject the Final Modification Recommendation of the Modifications Committee; or

direct the Modifications Committee that further work is required in respect of the Modification Proposal concerned in the Final Recommendation Report, extending the 8 month timeline if necessary.

2.218A In the circumstances set out in paragraphs 2.216 or 2.217, the Regulatory Authorities shall decide whether to direct a Modification in accordance with the Modification Proposal or any alternative Modification Proposal or otherwise or reject the Modification Proposal.

* 1. The Regulatory Authorities shall make their decision under paragraphs 2.218 and 2.218A in relation to a Modification Proposal as soon as reasonably practicable following receipt of the Final Recommendation Report or for the purposes of paragraphs 2.216 and 2.217.
  2. If approved by the Regulatory Authorities, the Modification shall become effective 2 Working Days after the date of the decision of the Regulatory Authorities or such other date as may be specified by the Regulatory Authorities in its decision.
  3. Once any Modification has been made, the Market Operator will be required to implement the change, including making the necessary changes to systems and processes with effect from the date provided for pursuant to paragraph 2.220. The Market Operator shall publish the decision of the Regulatory Authorities promptly on its receipt.

Modifications of Agreed Procedures

* 1. If at a Meeting at which any Agreed Procedure Modification Proposal is considered, a unanimous determination is made by the Modifications Committee, which, for the purposes of this paragraph, shall be required to be by the vote of all members except the Regulatory Authorities’ representatives, in respect of the Agreed Procedure Modification Proposal including, where the decision is to adopt the Agreed Procedure Modification Proposal, the text of the relevant Agreed Procedure Modification, the decision of the Modifications Committee shall be final and binding, provided that the Regulatory Authorities shall have a right to veto any such decision within 2 Working Days of the decision being made. The date of the Modifications Committee decision shall be deemed to be the date of the publication of the relevant notification to the Regulatory Authorities as set out in paragraph 2.223.
  2. In the event that the Modifications Committee makes a determination to modify an Agreed Procedure in accordance with paragraph 2.222, the Modification shall be made to the relevant Agreed Procedure in the form determined by the Modifications Committee. The Modifications Committee shall notify the Regulatory Authorities of this and shall publish such notification and the Agreed Procedure Modification shall become effective on a date specified by the Modifications Committee which date may not be earlier than the date 3 Working Days after the publication of the notification to the Regulatory Authorities.
  3. If the Modifications Committee does not make a determination in relation to an Agreed Procedure Modification Proposal in accordance with paragraph 2.222 at the relevant Meeting, the Secretariat shall send the Agreed Procedure Modification Proposal to the Regulatory Authorities for determination and the Regulatory Authorities shall:

1. direct a Modification in accordance or otherwise with the Agreed Procedure Modification Proposal; or
2. reject the Agreed Procedure Modification Proposal; or
3. direct the Modifications Committee that further work is required in respect of the Agreed Procedure Modification Proposal.
   1. The Regulatory Authorities shall make a decision in relation to an Agreed Procedure Modification Proposal as soon as reasonably practicable after receipt.
   2. Any Modification of Agreed Procedures shall be published by the Market Operator within 2 Working Days after approval by the Modifications Committee or the Regulatory Authorities as the case may be.
   3. Any proposal to introduce a new Agreed Procedure, or a modification to an existing Agreed Procedure which has the object or effect of changing the scope of that Agreed Procedure from that set out in Appendix D “Scope of Agreed Procedures” shall not be an Agreed Procedure Modification Proposal but shall constitute a Modification Proposal and be dealt with accordingly pursuant to paragraphs 2.194 to 2.221.

Information about the Modifications Process

* 1. The Market Operator shall publish information relating to the Modifications Process and the status of each Modification Proposal and Agreed Procedure Modification Proposal subject to the confidentiality provisions set out in paragraphs 2.344 to 2.349.
  2. The Market Operator shall provide for a website location or other similar means of publication to be available to the Secretariat and the Modifications Committee for the Modifications Process.
  3. The Market Operator shall publish notices submitted to it by the Modifications Committee as soon as practicable after receipt of such notices and in any event within 5 Working Days after receipt of such notices.
  4. The Modifications Committee shall submit a quarterly report to the Regulatory Authorities including the progress and status of Modification Proposals. These reports shall be published by the Market Operator as soon as reasonably practicable after receipt.
  5. The Market Operator shall publish the determination of the Regulatory Authorities in relation to a Modification Proposal within 2 Working Days after such decision has been made and submitted to the Market Operator and, where a Modification Proposal has been accepted, such publication shall include the text of the Modification.

Intellectual Property Issues Associated With Modification Proposals

* 1. Each Party submitting a Modification Proposal shall be deemed to have irrevocably licensed any Intellectual Property Rights or other rights to, and to have waived any moral rights in, the content, form or other aspect of the Modification Proposal and such licence and waiver shall be a precondition to the valid submission of a Modification Proposal.
  2. Each Proposer who is not a Party shall be required to irrevocably licence any Intellectual Property Rights or other rights to and waive any moral rights in the content, form or other aspect of the Modification Proposal and such licence and waiver shall be a precondition to the acceptance of a Modification Proposal.
  3. A form for Modification Proposals shall be made available on the Modifications Website provided for the Modifications Committee and such form shall include a licence of Intellectual Property Rights, and waiver of moral rights in respect of the content, format or other aspects of the proposal.

**T&SC Glossary**

|  |  |
| --- | --- |
| **Final Recommendation Report** | means a report created by the Modifications Committee and sent to the Regulatory Authorities containing the Final Modification Recommendation on a Modification Proposal and all supporting detail to aid the Regulatory Authorities’ decision on the Modification Proposal developed by the Modifications Committee. |
| **Modification** | means a modification, revision, amendment, supplementation, extension, consolidation or replacement to the provisions of the Code which is accepted and implemented in accordance with paragraphs 2.188 to 2.236 and which shall, for the avoidance of doubt, include a modification of or addition to the Agreed Procedures. |
| **Modification Proposal** | means any proposal to modify the Code which is submitted to the Modifications Committee in accordance with the Modifications Process. |
|  |  |
| **Modifications Committee** | means the committee established from time to time for the purpose of processing Modification Proposals in accordance with paragraphs 2.150 to 2.182. |
| **Modifications Process** | means the process of submitting, assessing and accepting or rejecting Modification Proposals in accordance with paragraphs 2.188 to 2.236. |
| **Modifications Website** | means the website referred to in paragraph 2.229. |
| **Processing** | means as defined in applicable Data Protection Legislation and “Processes” shall be construed accordingly. |
| **Proposer** | means the person making a Modification Proposal as identified on the Modification Proposal Form |
| **Prudent Electric Utility Practice** | means those standards, practices, methods and procedures conforming to safety standards and Legal Requirements which are attained by exercising that degree of skill, care, diligence, prudence and foresight which would reasonably and ordinarily be expected from a skilled and experienced operator in Europe engaged in the same type of undertaking under the same or similar circumstances. |
| |  |  | | --- | --- | | **RA Modification Proposal** | **means a Modification Proposal submitted by the Regulatory Authorities which is classified by the Regulatory Authorities as an RA Modification Proposal, and where the Regulatory Authorities have already undertaken public consultation and published their conclusions or decision on the subject that the proposed change to the legal drafting in the Code addresses.** | | means a Modification Proposal submitted by the Regulatory Authorities which is classified by the Regulatory Authorities as an RA Modification Proposal, and where the Regulatory Authorities have already undertaken public consultation and published their conclusions or decision on the subject that the proposed change to the legal drafting in the Code addresses. |
| **Working Group** | means a group formed for the purposes of developing the detail of and implementation plans for Modification Proposal(s). |

**Agreed Procedure 12**

1. Introduction
   1. Background and Purpose

The Trading and Settlement Code (“the Code”) contains high-level arrangements describing how to amend its own terms through Modification Proposals. The Code sets out how Modification Proposals should be submitted, developed, and approved. This Agreed Procedure provides detail and supplements the Modifications Process set out in the Code.

* 1. Scope of Agreed Procedure

This Agreed Procedure defines the procedural steps to be followed by the Secretariat, Modifications Committee Chairperson, and members of the Modifications Committee with respect to:

* The arrangement, location, and form of Meetings;
* The Quorum and voting procedures;
* The communication of the Modifications Process;
* The procedural steps of how to develop Modification Proposals and
* The procedural steps on the election of Members to the Modifications Committee

This Agreed Procedure does not cover the constitution of the Modifications Committee.

While the Regulatory Authorities are not contractually bound by this Agreed Procedure, it also describes the required actions from the Regulatory Authorities to facilitate this Agreed Procedure consistent with the requirements for approval under Condition 1(c) of the Market Operator Licence.

This Agreed Procedure forms an annex to, and is governed by, the Code. This document is a statement of process and procedure which supplements and sets out in procedural steps the Modifications Process described in Section 2 of the Code.

* 1. Definitions

Save as expressly defined in Appendix I, words and expressions defined in the Code shall have the same meanings when used in this Agreed Procedure.

References to particular sections relate internally to this Agreed Procedure unless specifically noted.

* 1. Compliance with Agreed Procedure

Compliance with this Agreed Procedure is required under the terms of the Code.

1. Procedure Definition

This section sets out procedural detail relating to the Quorum and voting procedures of the Modifications Committee, the responsibilities of the Secretariat and arrangements for Meetings of the Modifications Committee as provided for pursuant to Section 2 of the Code.

* 1. Quorum and Voting

The Modifications Committee Quorum is nine Members and the Secretariat.

To form a Quorum, the following membership is required:

* At least four of the nine Members must be voting Members:
  + At least two Supplier Unit registrant representatives;
  + At least two Generator Unit registrant representatives.
* The remaining Members must comprise:
  + At least one Regulatory Authorities appointee;
  + At least one System Operator appointee;
  + The Market Operator appointee; and
  + At least two Meter Data Provider appointees, where one of the Meter Data Provider appointees is not a System Operator.

Save as expressly provided otherwise, the Quorum is the same for all types of meeting. The Modifications Committee Chairperson or Vice-chairperson must be present to make up a Quorum.

A Quorum requires that Members be present at the Meeting, either in person or alternatively via video or phone conferencing or equivalent.

Any meeting at which a Quorum is not present shall be adjourned until such time as a Quorum may be achieved.

Any resolution of adjournment of a Meeting shall state when and where the next Meeting will be reconvened, and communicated by the Secretariat via the Website and the mailing list within two Working Days of the adjourned Meeting.

The Modifications Committee will vote as follows:

* All decisions of the Modifications Committee are carried by simple majority vote providing that a Quorum is present, with the exception of certain decisions in respect of Agreed Procedure Modification Proposals as outlined below.
* Each voting Member of the Modifications Committee is entitled to one vote.
* Voting may be conducted by open ballot, i.e. by each voting Member openly approving or disapproving the resolution to be made.
* Voting may be conducted by a show of hands, i.e. by each voting Member openly approving or disapproving the resolution to be made.
* In the event of a tied vote, the Modifications Committee Chairperson (or Vice-chairperson, as appropriate) will cast the deciding vote.

In accordance with the Code, a decision may be made to accept or reject an Agreed Procedure Modification Proposal if all Members, with the exception of the Regulatory Authorities, vote unanimously. For the avoidance of doubt, a unanimous decision must include:

* The Market Operator Member;
* System Operator Members and
* Meter Data Provider Members.

If there is no unanimous decision, voting on the Agreed Procedure Modification Proposal shall be in accordance with the usual voting procedures.

* 1. Responsibilities of the Secretariat and meetings

The Secretariat shall maintain the following lists:

* Modifications Committee Members: to include name, address, organisation, telephone number (including a mobile number to facilitate Urgent Modification Proposals) and email address for all Members of the Modifications Committee ; and
* Interested Parties: to include email address and name of all interested parties who wish to be informed of updates to the Website.

The Secretariat shall maintain the Website, updating it within five Working Days of new material becoming available. The following information is for inclusion on the Website:

* All Modification Proposals, uniquely numbered, version controlled, with their status as defined in the procedure below;
* All information related to the Modification Proposals, including impact assessments, consultation notes, consultation responses, final recommendation reports, decisions from the Regulatory Authorities, etc. subject to the confidentiality provisions set out on the Code;
* A Modification Proposal Form including a licence of Intellectual Property Rights, and waiver of moral rights in respect of the content, format or other aspects of the proposal.
* All Meeting agendas and minutes which are approved by the Committee prior to publication on the Website;
* A schedule of Meetings published at the beginning of the year, and the time and location of new Meetings as they arise;
* All the latest versions of approved Market Documentation. This includes the latest approved Code, Agreed Procedures, and approved Modifications which have not yet been incorporated into the current baseline versions of the Code and APs. The Code and APs will be version controlled and each new version will identify in the version history what Modification Proposals have been included since the previous version.
* The quarterly report summarising the progress of the Modification Proposals.

The Secretariat shall prepare an agenda for each Meeting to include:

* Approval and amendments of the minutes from the previous Meeting;
* Recommendations, opinions and voting on Modification Proposals;
* Update on implementation;
* Any other business; and
* Any agenda item that can be generated by a person other than the Secretariat may be provided to the Secretariat up to and including the same Working Day of the issue of the agenda for that Meeting.

Meetings will be held as per the fixed yearly schedule, at least once every two months. If there are no proposed agenda items, the scheduled Meeting may be cancelled with the agreement of the Members.

Emergency Meetings or Extraordinary Meetings can be called as per the procedure outlined in Section 3.4.

Emergency Meetings will be limited to discussion of the relevant Urgent Modification Proposal.

If there are no Modification Proposals under discussion, a meeting can be cancelled.

* Emergency Meetings are called after an Urgent Modification Proposal has been raised and is deemed to be Urgent by the Regulatory Authorities;
* Extraordinary Meetings may be called:
  + By the Modifications Committee Chairperson, or
  + By a notice emailed by at least four Members of the Modifications Committee, or
  + By a notice emailed by at least five Parties to the Code, provided to the Secretariat, or
  + Through agreement at an ordinary Meeting.

The Secretariat shall take all minutes at all Meetings, and shall:

* Circulate draft minutes to members for comment within five Working Days of an ordinary Meeting or Extraordinary Meeting, and within two Working Days of an Emergency Meeting.
* Allow members of the Modifications Committee five Working Days to return comments on the minutes to the Secretariat.
* Include all these comments as tracked changes to the minutes or as an addition to the end of the minutes, detailing who made the comments, and publish the minutes on the Website within two Working Days for final approval at the next Meeting.
* Note in the minutes of the next ordinary Meeting any objections to the minutes from the previous Meeting.

The Secretariat is also responsible for:

* The production of a quarterly report summarising the progress of the Modification Proposals and submit this to the Regulatory Authorities.
* Updating the Code and Agreed Procedures with approved Modification Proposals as soon as practical, but no less frequently than twice yearly in line with the Scheduled Release.
* The management of the progression of Modification Proposals through the process, with responsibility on the Modifications Committee for the full development of Modification Proposals. The onus is on the Modifications Committee to review and further the progress of the Modification Proposal.
* The management of the arrangement of Modification Working Groups, and will follow up on actions of the Working Groups.
* The production of Final Recommendation Reports for each Modification where appropriate, with input from the Committee Members. An initial draft may be circulated by the Secretariat, but the onus is on the Members to ensure all detail is captured in the report.
* Where a Modification has been deemed by a Regulatory Authority decision as 'requiring further work', the Secretariat shall, based on the direction in the decision paper and with the Committee's input, allocate responsibilities and track the progress of this work.
* The management of responses to all queries on Modifications Committee business, delegating responses to Members where appropriate.
  1. Working Group Meetings

In accordance with the Code, the Modifications Committee may direct a Working Group to develop a Modification Proposal. The Working Group may consist of members from the Modifications Committee and other interested parties as appropriate.

* 1. Functions of a Working Group

A Working Group may convene where the Modifications Committee believes it necessary for further work to take place in advance of making a decision on a Modification Proposal. The Modifications Committee may at any time decide to end a Working Group or direct further work to take place following a Working Group recommendation.

* The Terms of Reference shall be drafted and approved by the Modifications Committee in advance of a Working Group meeting.
* The Secretariat shall publish the Terms of Reference on the Website in advance of the Working Group and communicate to the Working Group participants in advance of the meeting. The Secretariat shall note any additional comments on the Terms of Reference and a decision made by the Modifications Committee with regard to any necessary amendment following receipt of comments.
* The Secretariat shall nominate a chair for the meeting from the list of attendees.
* The Secretariat shall prepare a timeline for progression of each Working Group topic and update the Modifications Committee at Meetings regarding the outcome of each Working Group meeting.
* The Secretariat shall prepare a report following each meeting for the Modifications Committee with input from the Working Group participants. The report will detail any actions and recommendations of the group.
* The Working Group shall consider options for a given proposal and may request appropriate impact assessments where necessary, including those procured from the vendor.
* The Working Group will make a recommendation to the Modifications Committee with regard to how the group believes it best to proceed.

1. Procedural Definition
   1. Submission and acceptance of a New OR REVISED Standard Modification Proposal

| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Fill out Modification Proposal Form, indicating that it is a Standard Modification Proposal. Indicate if it is a revision of an existing Modification Proposal. | As required | Utilise Appendix 2 to this AP | Any person | n/a | n/a |
| 2 | Send Modification Proposal Form to the email addresses indicated on the Modification Proposal Form. | At least 10 WD prior to Meeting at which the Proposer wishes it to be considered | Email | Any person | Secretariat | n/a |
| 3 | Send email acknowledgement to Proposer. Determine if form is filled out completely. If form is complete, go to step 5. If form is incomplete, go to step 4. | Within 2WD of receipt of Modification Proposal | In accordance with the check-list appended to the Modification Proposal Form and Secretariat process checks | Secretariat | n/a | n/a |
| 4 | Send a reply indicating where the Modification Proposal Form is not correct or omits detail. The process restarts if Proposer resubmits email with newly submitted Modification Form. Otherwise, end process. | Within 2WD of receipt of email | Email | Secretariat | Proposer and person who submitted Modification Proposal if different | n/a |
| 5 | Determine if the Modification Proposal merits consideration as “Urgent”.  If it does go to Step 6 of section 3.2, otherwise go to Step 6 of this section. | Within 2WD of receipt of email | n/a | Secretariat or MC |  | 3.2 |
| 6 | Designate the accepted Modification Proposal with a unique tracking number and version number if required and publish it on the Website with a status of 'new'. | Within 2WD of receipt of email | n/a | Secretariat | n/a | n/a |
| 7 | Send out email notifying update to Website. | Within 2WD of receipt of email | Email | Secretariat | MC mailing list and interested parties | n/a |
| 8 | Include Modification Proposal on the next Meeting agenda. | At least 5WD prior to the next Meeting | n/a | Secretariat | n/a | n/a |
| 9. | Present Modification Proposal at the next Meeting which is at least 10 WDs after the date of submission of the Modification Proposal. | At First Meeting | n/a | MPO | n/a | n/a |

* 1. Submission of a New Or Revised Urgent Modification Proposal

| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | If possible, contact RAs and Secretariat giving as much notice as possible of the intention to raise an Urgent Modification Proposal. If contact is received, go to step 2. If not, go to step 3. | As required, but ideally as soon as the intention to raise an Urgent Modification Proposal is formed. | Email / telephone | Any person | Secretariat, RAs | n/a |
| 2 | Notify MC of imminent Urgent Modification Proposal. Go to step 3. | As required | Email / telephone | Secretariat | MC | n/a |
| 3 | Fill out Modification Proposal Form, indicating that it is an Urgent Modification Proposal. Indicate if it is a revision of an existing Modification Proposal. | As required | Utilise Appendix 2 to this AP | Any person | n/a | n/a |
| 4 | Send Modification Proposal Form to the email address indicated on the Modification Proposal Form, highlighting the urgency of the proposed Modification Proposal to Secretariat in the email. | As required | Email | Proposer or person submitting form on their behalf | Secretariat | n/a |
| 5 | Determine if form is filled out completely. If the form is incomplete, notify Proposer and seek clarification or new version of Modification Proposal. Process restarts if the Proposer resubmits an email with a newly submitted Modification Proposal Form. Otherwise process terminates.  If form is complete, designate the Urgent Modification Proposal with a unique tracking number and version number, and publish it on the Website with a status of 'new'. | Within 1WD of receipt of email with original Urgent Modification Proposal | n/a | Secretariat | n/a | n/a |
| 6 | Send a copy of Modification Proposal to the RAs. | As soon as possible following receipt or decision by Secretariat or MC that Modification Proposal appears Urgent. | Email | Secretariat | RAs | n/a |
| 7 | RAs determine whether or not Modification Proposal is Urgent in accordance with the Code and notify Secretariat of decision. | As soon as possible following receipt | Email | RAs | Secretariat | n/a |
| 8 | If RAs determine that Modification Proposal is Urgent, proceed to Emergency Meeting and see section 3.4. If not, process as Standard Modification Proposal, go to Section 3.5, | n/a | n/a | RAs | n/a | 3.4, 3.5 |

* 1. Ordinary Meetings of the Modifications Co mmittee

| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Circulate the agenda for the Meeting and publish to Website, indicating the details of the location of the Meeting and requesting MC and observer notification of attendance. | At least 5WD before Meeting | Email | Secretariat | MC, Website | n/a |
| 2 | Send email requesting MC notification of attendance | At least 10WD before Meeting | Email | Secretariat | MC mailing list | n/a |
| 3 | Committee advise Secretariat of attendance at Meeting; go to step 4.  All Non-Committee or observers request permission to attend Meeting. | No later than 5WD before Meeting | Email | MC, or Non-Committee Members and Alternates | Secretariat | n/a |
| 4 | If a Quorum is present at the meeting, proceed with business. If a Quorum is not present, go to step 5 | At Meeting | n/a | All Members and Secretariat | n/a | n/a |
| 5 | Refer to the RAs for guidance or disband the Meeting upon direction by the Chair, recording the reason why and the agreed time for the next Meeting in the Meeting minutes. | At Meeting | n/a | MC, Secretariat | n/a | n/a |

* 1. Emergency Meetings of the Modification Committee

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| 1 | Circulate proposed date and time for the Meeting and request notification of availability from MC. | As early as possible before Meeting | Email | Secretariat | Members and Alternates of MC | n/a |
| 2 | MC advise Secretariat of their availability. | As early as possible before Meeting | Email | MC | Secretariat | n/a |
| 3 | Circulate the agenda for the Meeting, include time, location and conference call numbers, if relevant. | As early as possible before Meeting | Email | Secretariat | MC | n/a |
| 4 | If a Meeting cannot be convened, of if a quorum is not present, refer to RAs for guidance. | Within 2 WD of RAs deeming that Modification Proposal is Urgent or at Meeting if a quorum is not present | Email | Secretariat | RAs | n/a |

* 1. Progressing And Reaching a decision on Standard Modification Proposals and AP Modification Proposals

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| 1 | For each Modification Proposal on the Meeting agenda, assess the following  a. Is the Modification Proposal New? If Yes, go to Step 2  b. Was the Modification Proposal deferred at a previous Meeting, go to Step 5 and if the Modification Proposal deemed to require further work by the RAs, go to Step 5 | At Meeting | n/a | MC | n/a | n/a |
| 2 | If the MC determines the Modification Proposal is spurious, go to step 3. If not go to step 5. | At first Meeting | n/a | MC | n/a | n/a |
| 3 | If the RAs veto the determination that the Modification Proposal is spurious, go to step 5 (and references to “first Meeting” should be construed as references to the next Meeting following receipt by the Secretariat of the RAs veto) otherwise, go to step 4. | At next Meeting following notification of veto of R As | n/a | RA's | n/a | n/a |
| 4 | Update the Modification Proposal status as “spurious”. | Within 2WD of first Meeting | n/a | Secretariat | Modifications Website | n/a |
| 5 | Can the Modification Proposal be voted on at this Meeting without further development. If Yes, go to step 31.  If No determine the method and timetable for progression of Modification Proposal identifying:  a. Is further work on the proposal required? If Yes, go to step 7 and/or go to question b,  b. Is a Working Group required? If Yes, determine who may be involved in drafting Terms of Reference, input to the meeting and select chairperson, and go to step 9.  If No go to question c.  c. Is a public consultation required?  If Yes, determine who is involved in the consultation paper drafting and go to step 16.  If No go to step 13 and set the proposal status to 'deferred' | At Meeting | n/a | MC, Secretariat | n/a | n/a |
| 6 | Distribute method and timetable as determined at the Meeting as part of the minutes | Within 2WDs of Meeting | n/a | Secretariat | n/a | n/a |
| 7 | Select Member, Alternate or Proposer to draft the amended, "combined" or "modified" Modification Proposal and allocate 'expected date' for this task. Update the Modification Proposal status to "deferred". | At Meeting | n/a | Members, Alternate, Proposer | n/a | n/a |
| 8 | Include deferred Modification Proposal on the next Meeting agenda. | As appropriate with regard to timetable | n/a | Secretariat | n/a | n/a |
| 9 | Invite nominations to Working Group; invite Modifications Committee to submit agenda items,  collate agenda items; circulate initial draft of terms of reference for Working Group | As appropriate with regard to timetable | Email | Secretariat | n/a | n/a |
| 10 | Determine Working Group chairperson  Send nominations for Working Group and provide input to terms of reference | As appropriate with regard to the timetable | Email | MC, Secretariat | n/a | n/a |
| 11 | Invite Working Group members to meeting.  Circulate agenda items | As appropriate with regard to timetable | Email | Secretariat | n/a | n/a |
| 12 | Circulate and monitor actions from the Working Group meeting; if resolution is made to hold consultation, go to step 16. | After Working Group , as appropriate with regard to timetable | Email | Secretariat | n/a | n/a |
| 13 | Procure high-level impact assessment by MC or third party if necessary.  If analysis of systems impact is required, go to Agreed Procedure 11 “Market System Operation, Testing, Upgrading and Support”, returning to step 14. | As appropriate with regard to timetable | n/a | Secretariat /MC | n/a | AP11 5.2.1.1 to 5.2.1.4 |
| 14 | Collate and publish information from high-level impact analysis. | As appropriate following impact assessment and with regard to timetable | n/a | Secretariat | n/a | n/a |
| 15 | Update Modification Proposal status as appropriate. Create new action items for next MC agenda.  Go to step 20, or if consultation is being performed, go to step 16. | Within 2WD of completion of impact assessment report | n/a | Secretariat | Website | n/a |
| 16 | Initiates a consultation paper and questions and circulate to get input from Committee Members. Publishes consultation notice of determined duration, with a minimum consultation period of 10 Working Days. | Within 5WD of Meeting | n/a | Secretariat/  MC | n/a | n/a |
| 17 | Respond to consultation | As appropriate depending on agreed timelines for consultation | As appropriate | MC and any interested parties | n/a | n/a |
| 18 | Collate and publish information from consultation. | As appropriate depending on agreed timelines for consultation | As appropriate | Secretariat | n/a | n/a |
| 19 | Update detail of Modification Proposal appropriately, create new action items for next MC agenda as appropriate | Within 2WD of completion of consultation | n/a | Secretariat | Website | n/a |
| 20 | Is further information required from Participants, Meter Data Providers, System Operators, RAs, etc.? If Yes, go to step 21. If No, go to step 22. | At Meeting | n/a | MC/Secretariat | n/a | n/a |
| 21 | Request information from relevant body, adding it on to next Meeting agenda item, and collates information. | As appropriate depending on timetable | As appropriate | Secretariat | n/a | n/a |
| 22 | Is third party consultant’s report required to inform decision? If Yes, determine business case and fixed costs and go to step 23. If No, go to step 27. | At Meeting | n/a | MC and Secretariat | n/a | n/a |
| 23 | Send fixed costs and business case to RAs for approval | Within 2WD of Meeting | Business Case Form in email | Secretariat | RAs | n/a |
| 24 | Do the RAs approve the procurement? If Yes, go to step 25. If No, go to step 27. | Within 5WD of receipt of business case and costs | Email | RAs | Secretariat | n/a |
| 25 | Run procurement competitions, procure consultants, collate information | As appropriate under agreed timeframes | As appropriate | MC, assisted by the Secretariat (Secretariat to approve costs) | n/a | n/a |
| 26 | Update detail of Modification Proposal appropriately, create new action items for next Meeting as appropriate | Within 2WD of completion of consultant’s report | n/a | Secretariat | Website | n/a |
| 27 | Has any alternative proposal been received in sufficient time to consider it during the process? If Yes, go to step 28, if No go to step 31. |  | n/a | n/a | n/a |  |
| 28 | Determine whether to develop both proposals, reject the alternative proposal or replace the original proposal with the alternative proposal. Repeat steps 5 to 27 as necessary/appropriate for the alternative proposal, if applicable. | At Meeting | n/a | n/a | n/a |  |
| 29 | Update detail of Modification Proposal and Website appropriately, create new action items for next MC agenda as appropriate | Within 2WD of completion of consultant’s report | n/a | Secretariat | Website | n/a |
| 30 | Send out email notifying update to Website. | As appropriate | Email | Secretariat | MC mailing list | n/a |
| 31 | If it is a Code change, vote on whether or not Modification Proposal should be adopted. Make note of the reasons for the decision and dissenting opinions. Go to step 34. If the Modification Committee cannot reach a decision go to step 38.  If it is an AP only change, go to step 32. | At Meeting | n/a | MC | n/a |  |
| 32 | Vote on whether AP Modification Proposal should be adopted. If there is a unanimous agreement to accept or reject, notify RAs of determination and go to step 34. | At Meeting | Unanimous vote of all Members (except RA's) | MC | n/a | n/a |
| 33 | If RAs veto decision of MC, advise Committee. | As soon as possible after the Meeting | n/a | Secretariat | n/a |  |
| 34 | Ensure that all exhibits to the Final Recommendation Report/AP Notification are prepared and have been submitted to the Secretariat. If any exhibits are missing, allocate a Member or Alternate to provide the necessary information to the Secretariat within a specified time. | At Meeting | n/a | n/a | n/a | n/a |
| 35 | Prepare initial draft of Final Recommendation Report or AP Notification and exhibits and submit to the Committee for all Code and AP Modification Proposals. If any exhibits are missing, allocate a Member or Alternate of the MC to prepare and submit to the Secretariat. | After the meeting when MC votes on Modifications Proposal. | Email | Secretariat & MC | Secretariat | n/a |
| 36 | Finalise and sign off on the Final Recommendation Report/ AP Notification | In accordance with Secretariat timetable | Email | MC | Secretariat | n/a |
| 37 | Submit the Final Recommendation Report / AP Notification and exhibits to the RAs | As soon as possible after the vote of the MC | Email | Secretariat | RAs | n/a |
| 38 | RAs make determination and send decision to Secretariat, either approving or rejecting the change at a fixed date for all Code Modification Proposals,(go to step 39), or directing the MC to further develop the Modification Proposal in accordance with a specified timeframe (go to step 41).  For AP Modification Proposals, any veto of Committee’s recommendation is notified to the Secretariat. | Within 5WD of receipt of Modification Recommendation Report / 3 WD of receipt of AP Notification | Email | RAs | Secretariat | n/a |
| 39 | Update the Website, changing status of Modification Proposal as appropriate. Send out email notifying update to Website. Modification becomes effective on the date as specified by the RA's | Within 2WD of RAs decision, or veto timelines elapsed | n/a | Secretariat | Website | n/a |
|  |  |  |  |  |  |  |
| 40 | Return to steps 7 to 36 as appropriate. Update the Website, changing status of Modification Proposal to “further work required” and send out email notifying update to Website | In accordance with RAs timetable | n/a | Secretariat and MC | n/a | n/a |
| 41 | Allocate actions for further work arising out of RA decision. Monitor work and include Modification on next Meeting agenda. | Set new timetable for work | n/a | Secretariat | n/a | n/a |

* 1. Progressing And Reaching a Decision on an Urgent Modification Proposal

| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Can the Modification Proposal be voted on at this Meeting without further development, Working Group or Consultation?  If Yes, go to step 2  If No, determine any other outcome in accordance with steps 5 onwards of Standard Modification Proposal procedure; finalise responsibility for working on detail of Modification Proposal and decide on the timetable for processing Urgent Modification Proposal. | At Meeting | n/a | MC | n/a | n/a |
| 2. | Vote on Modification Proposal (in accordance with Standard Modification Code and AP voting procedure) and notify RAs of decision. | At Meeting in accordance with agreed timetable. | n/a | MC | n/a | n/a |
| 3 | Distribute Meeting minutes and timetable | Within 1WD of Meeting | At Meeting in accordance with agreed timetable. | n/a | n/a | n/a |
| 4 | If RAs amend or veto timetable, if necessary, arrange for telephone conference with RAs to agree timetable and proceed in accordance with revised timetable suggested or approved by Regulatory Authorities. Otherwise, proceed in accordance with the timetable agreed at the Meeting. | Within 2 WDs of submission of proposed timetable to Regulatory Authorities | Email/Telephone | RAs | MC | n/a |
| 5 | Complete Final Recommendation Report and go to step 34 and onwards of Standard Modification Proposal procedure. | See Standard Modification Proposal procedure. | n/a | Secretariat | n/a | n/a |

* 1. Nominating Participant Annual Election Procedure

| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Send notice inviting candidate membership nominations for Nominating Participant Election to all Participants. The notice should identify:   * The expiring memberships (Member Name, Participant type) * Membership duties * Nominations due date   The notice should request:   * Candidate job-title, company and Descriptions | 6 weeks prior to expiry of all Members terms | Email | Secretariat | Participants | n/a |
| 2 | Send in membership nominations. | By nominations due date | Email | Participants | Secretariat | n/a |
| 3 | Acknowledge membership nominations. | As received | Email | Participants | Secretariat | n/a |
| 4 | Send ballot paper and candidate descriptions to all Participants. The notice should give election instructions and specify:   * Ballot paper due date * Who is eligible to Vote * Date result will be announced * Voting instructions eg ballot secrecy | 4 weeks prior to expiry of all members terms (Ballot paper due date) | Email | Secretariat | Participants |  |
| 5 | In the event of equal numbers of votes being cast for candidates, consult RA's for final determination of election result. | As soon as is practicable |  | Secretariat |  |  |
| 6 | Votes are cast as follows:   * Nominating Generation Participants cast one vote per Participant, in relation to Generation Participant Members vacancy * Nominating Supply Participants cast one vote per Participant, in relation to Supply Participant Members vacancy   Voting Rules:   * In the event of only 1 candidate nomination for the relevant Participant Member position, this candidate will be automatically deemed the successful candidate in an uncontested election. * In the event of 2 or more candidate nominations for 1 relevant Participant Member position, voters have one vote only, and election is by a simple majority; the successful candidate is the candidate with the highest number of votes. In the event of a tie, another round of voting may occur. * If 2 or more candidates are put forward for nomination for multiple Participant member positions, each voter is asked to rank the candidates in order of preference. The candidates with the least amount of the highest preference votes will be eliminated, and the candidates with the majority of highest preference votes will be elected. | Within 4 weeks of expiry of all members terms (ballot paper due date) | Email | Participants | Secretariat | n/a |
| 7 | Send notification of close of ballot | ballot paper due date as above | Email | Secretariat | Participants | n/a |
| 8. | Count and file votes; in the event of tie or inconclusive election results, consult RA's for final determination | 2 days after ballot paper due date or as soon as possible thereafter | Email | Secretariat | Participants | n/a |
| 9. | Notify candidates of election result | 2 days after ballot paper due date or as soon as possible thereafter | Email | Secretariat | Candidates | n/a |
| 10 | Notify Participants of election result | 2 days after ballot paper due date or as soon as possible thereafter | Email | Secretariat | Participants |  |

* 1. Nominating Participant Ad-Hoc Election Procedure

| **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | If Member is resigning or retiring, send notice to the Secretariat; If Member is being removed, Secretariat sends notice to the Member. | At least 2 weeks prior to next scheduled Modification Panel Meeting | Email | Secretariat/Members | Secretariat/Members | n/a |
| 2 | Include Member vacancy as an item on the next Committee Meeting agenda. | If applicable | n/a | Secretariat | Members | n/a |
| 3 | Committee decides that Nominating Participant Ad-Hoc Election will take place or that the Alternate Member may fill this vacancy in accordance with paragraph 2.180 of the Code.   * If the Alternate shall fill the vacancy, end process. * If Member is to be elected, go to Step 4. | At next scheduled Meeting or as soon as is practicable | Email or at Meeting | Members | n/a | n/a |
| 4 | Send notice inviting candidate membership nominations for the Election to   * all Generation Participants, in the event of a Generator Election, * all Supplier Participants, in the event of a Supplier Election   The notice should specify:   * Membership Duties * Membership Nominations Due Date   The notice should request:   * Candidate job-title, company and Descriptions   Go to Step 2 to 6 of Nominating Participant Annual Election Procedure in section 3.7 | Immediately following Meeting or as soon as is practicable | Email | Secretariat | Participants | n/a |
| 5 | Count and file votes. The successful candidate is the candidate with the highest number of votes. | 2 days after ballot paper due date or as soon as possible | Email | Secretariat | Participants | n/a |
| 6. | Notify candidates of election result | 2 days after ballot paper due date or as soon as possible | Email | Secretariat | Candidates | n/a |
| 7. | Notify Participants of election result | 2 days after ballot paper due date or as soon as possible | Email | Secretariat | Participants |  |

**APPENDIX 1: Definitions and Abbreviations**

**Definitions**

|  |  |
| --- | --- |
| **Ad-hoc Nominating Participant Election** | means an ad-hoc election for the replacement of members appointed in respect of Generation or Supply Participants. who have resigned, retired or been removed outside of the annual election timeframe |
| **Annual Nominating Participant Election** | means an election for the replacement of members appointed in respect of Generation or Supply Participants whose terms are due to expire on the annual membership expiry date. |
| **Alternate Member** | means a nominated representative who may exercise the vote of a Member of the Modifications Committee where that Member is unable to attend a Meeting |
| **AP Notification** | means a notification to the Regulatory Authorities in respect of a decision by the Modifications Committee to modify an Agreed Procedure in accordance with paragraph 2.223 of the Code. |
| **Business Case Form** | means the form used by the Market Operator from time to time to be sent to the Regulatory Authorities setting out the business case for a procured consultancy where the Modifications Committee is required as part of a Modification Proposal |
| **Final Recommendation Report** | As defined in the Code |
| **First Meeting** | means the first meeting at which a Modification Proposal is considered, or where the Regulatory Authorities have exercised a right of veto regarding a determination by the Modifications Committee at such meeting that (i) a Modification Proposal is spurious or (ii) accepting or rejecting an AP Modification Proposal, the next meeting following receipt by the Secretariat of the Regulatory Authorities’ decision. |
| **Market Documentation** | means documents which together comprise the full contractual information of the Code and Agreed Procedures, including any approved Modification Proposals which have not been fully incorporated into those documents. |
| **Member** | means a member of the Modifications Committee |
| **Modifications Committee Chairperson** | means the chairperson of the Modifications Committee appointed in accordance with the Code. |
| **Modifications Committee Vice-Chairperson** | means the Vice-Chairperson of the Modifications Committee appointed in accordance with the Code |
| **Modification Proposal Form** | means the Form for submitting a Modification Proposal as shown in Appendix 2 |
| **Proposer** | as defined in the Code |
| **Modification Proposal Originator** | means the person named on the Modification Proposal Form as the author of the Modification Proposal |
| **Working Group** | As defined in the Code |
| **Public Consultation** | means a consultation run via the Website and the Secretariat, seeking the public’s views on a particular Modification Proposal |
| **Standard Modification Proposal** | means a Modification Proposal that is non-Urgent. A Modification Proposal is a Standard Modification Proposal under this Agreed Procedure unless expressly identified as Urgent. |
| **Urgent Modification Proposal Form** | means a form for submitting a Urgent Modification Proposal |
| **Website** | means the SEM-O website or part of a website designated for information about the Modifications Process |

**Abbreviations**

|  |  |
| --- | --- |
| **AOB** | Any Other Business |
| **AP** | Agreed Procedure |
| **IA** | Impact Assessment |
| **MC** | Modifications Committee |
| **MDPs** | Meter Data Providers |
| **MO** | Market Operator |
| **MPO** | Modification Proposal Originator |
| **FRR** | Final Recommendation Report |
| **RA** | Regulatory Authorities |
| **SEM** | Single Electricity Market |
| **SO** | System Operators |
| **WD** | Working Day |

# LEGAL REVIEW

Complete

# IMPLEMENTATION TIMESCALE

It is proposed that this Modification is implemented on a Settlement Day basis with effect from one Working Day after an RA Decision.

# Appendix 1: Mod\_03\_13

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **MODIFICATION PROPOSAL FORM** | | | | | | | |
| **Proposer** | **Date of receipt** | | | **Type of Proposal** | | | **Modification Proposal ID** |
| SEMO | 29 January 2012 | | | **Standard** | | | Mod\_03\_13 |
| **Contact Details for Modification Proposal Originator** | | | | | | | |
| **Name** | | | **Telephone number** | | **Email address** | | |
| **Aisling O’Donnell**  **Sherine King** | | | **01 2370278**  **01 2370296** | | [**modifications@sem-o.com**](mailto:modifications@sem-o.com) | | |
| **Modification Proposal Title** | | | | | | | |
| **Modifications Process Clarifications** | | | | | | | |
| **Documents affected** | | **Section(s) Affected** | | | | **Version number of T&SC or AP used in Drafting** | |
| **T&SC**  **AP** | | **T&SC Section 2**  **AP12** | | | | **12.0** | |
| **Explanation of Proposed Change**  *(mandatory by originator)* | | | | | | | |
| The proposal arose following an action placed on the Secretariat at Meeting 47 of the Modifications Committee where the Secretariat agreed to draft a Working Group process document to clarify governance of Working Groups. T&SC Section 2 and Agreed Procedure 12 outlines the Modifications process and it is believed that the process is best documented in the Market Rules.  The proposal sets out the roles and responsibilities of a Working Group with regard to Modification Proposals.  A number of terminology inconsistencies exist that require correction. It sets out additional clarity around the Working Group process. This will ensure no confusion exists with regard to responsibility for the coordination and direction of Working Groups.  The proposal also includes a number of clarifications to sections of the Code and Agreed Procedure 12 with regard to the Modifications process. | | | | | | | |
| **Legal Drafting Change**  *(Clearly show proposed code change using* ***tracked*** *changes, if proposer fails to identify changes, please indicate best estimate of potential changes)* | | | | | | | |
| Proposal of Modifications to the Code   * 1. Modification Proposals to the Code can be proposed by any person including the Market Operator and the Regulatory Authorities. Any Modification Proposal shall be submitted to the Secretariat.   2.188A The Proposer or the Secretariat acting on behalf of the Proposer may, upon the agreement of the Modifications Committee, withdraw a Modification Proposal at any stage prior to the Modification Proposal receiving a Final Modification Recommendation by vote of the Modifications Committee.   * 1. Any Proposer shall ensure that their proposal is clear and substantiated with appropriate detail, including how it furthers the Code Objectives, to enable it to be considered by the Modifications Committee.   2. Each Modification Proposal shall include draft text of the relevant provision of the Code as amended by the Modification Proposal, except where its omission can be substantiated in accordance with 2.189.   Modification Recommendation Report Timeline   * 1. Save as expressly provided otherwise, the Modifications Committee shall produce a Final Recommendation Report in respect of each Modification Proposal.   2. The Final Recommendation Report shall be submitted to the Regulatory Authorities within 8 months of receipt of a Modification Proposal, or 6 months in the case of a RA Modification Proposal, unless such period is extended with the consent of the Regulatory Authorities.   Procedure for Developing Proposals   * 1. The Secretariat shall, as soon as practicable after receipt of a Modification Proposal, publish the relevant Modification Proposal.   2. A Modification Proposal shall be considered by the Modifications Committee at the next appropriate Meeting in accordance with Agreed Procedure 12 “Modifications Committee Operation”.   3. The Proposer or its representative shall be entitled to present the Modification Proposal at the Meeting at which it is to be initially considered.   4. At the Meeting where it first considers a Modification Proposal, the Modifications Committee shall first determine whether the Modification Proposal is spurious in accordance with paragraph 2.203.   2.196A At the Meeting where it first considers a Modification Proposal, the Modifications Committee may decide that the Secretariat should prepare the procedure and timetable to be followed in making a recommendation in respect of such Modification Proposals.  2.196B The Modifications Committee may establish a Working Group to develop the detail of a Modification Proposal. At the conclusion of the Working Group a recommendation shall be provided to the Modifications Committee.   * 1. The Modifications Committee may decide to modify or combine Modification Proposals. Modified or combined Modification Proposals shall reference the original Modification Proposals.   2. The Modifications Committee may specifically invite appropriate persons, such as Participants, the Market Operator, the System Operators, industry groups, customer representatives or other persons to express their opinions on any Modification Proposal, including providing an impact analysis, in the manner provided for in Agreed Procedure 12 “Modifications Committee Operation”.   3. Parties invited to assist the Modifications Committee under paragraph 2.198 will make available reasonable resources to respond to such request by the Modifications Committee.   4. The Modifications Committee may hold a public consultation in relation to a Modification Proposal. Where there is a public consultation, a minimum consultation period of 10 Working Days from the date of publication of the relevant consultation paper shall be provided.   5. In working up the detail of a Modification Proposal, the Modifications Committee shall have due regard to comments and submissions received during the consultation process.   6. The Modifications Committee may contract consultants, experts or advisers at reasonable cost to advise the Modifications Committee regarding any Modification Proposal, including the preparation of an impact analysis report. Any reasonable costs incurred by the Modifications Committee in connection with this shall form part of the costs of the Secretariat.   Spurious Proposals   * 1. A Modification Proposal shall be deemed to be spurious if, inter alia, it is clearly contrary to the Code Objectives or does not further the Code Objectives. If the Modifications Committee reasonably considers a Modification Proposal to be spurious, it shall reject such Modification Proposal.   2. Any decision of the Modifications Committee under paragraph 2.203 to reject a Modification Proposal must set out the reasons for the decision in writing and provide them to the person making the Modification Proposal and the Regulatory Authorities.   3. The Regulatory Authorities reserve the right to veto any decision of the Modifications Committee that a proposal is spurious and in such event, the relevant Modification Proposal must be processed by the Modifications Committee in accordance with the Code.   Urgent Modifications   * 1. A Proposer may mark a Modification Proposal as “Urgent”. A Proposer submitting a Modification Proposal marked “Urgent” shall submit the Modification Proposal to the Secretariat and to the Regulatory Authorities.   2. The Secretariat shall, as soon as possible on receipt of a Modification Proposal which is marked “Urgent”, contact the Regulatory Authorities which shall determine whether or not it shall be treated as Urgent.   3. A Modification Proposal shall be determined to be Urgent by the Regulatory Authorities where, if not made, it can reasonably be anticipated that the event or circumstance with which the Modification Proposal is concerned would imminently:  1. threaten or prejudice safety, security or reliability of supply of electricity; or 2. unduly interfere with, disrupt or threaten the operation of the Single Electricity Market;   or if a Modification is required to correct an obviously material error or inconsistency in the Code.   * 1. If the Regulatory Authorities determine that a Modification Proposal is Urgent under paragraph 2.208, the Modifications Committee shall convene an Emergency Meeting.   2. If the Secretariat or the Modifications Committee considers that any of the criteria in paragraph 2.208 apply in respect of any Modification Proposal that has not been marked “Urgent” by the Proposer, the Secretariat shall promptly submit the Modification Proposal to the Regulatory Authorities for consideration in accordance with paragraph 2.207 and 2.208.   3. In the event that a Modification Proposal is deemed to be Urgent, the Modifications Committee shall propose the procedure and timetable to be followed in making a recommendation in respect of the Urgent Modification which may fast-track the normal processes provided for in this Code. The Regulatory Authorities shall have the right to veto or direct amendments to the procedure and timetable proposed by the Modifications Committee within 2 Working Days of any such proposal by the Modifications Committee.   Alternative Proposals   * 1. If any person does not agree with a Modification Proposal to the Code, it may propose an alternative Modification Proposal, which if received in sufficient time to be considered within the Modifications Committee’s plans for progressing the initial original Modification Proposal may be considered in conjunction with, or in substitution for, the initial Modification Proposal.   Final Modification Recommendation & Report   * 1. The Modifications Committee shall make the determination for the Final Modification Recommendation by majority vote of voting members of the Modifications Committee. The Modifications Committee shall send the Final Modification Recommendation as part of the Final Recommendation Report in relation to the Modification Proposal to the Regulatory Authorities as soon as practicable after the determination of the Modifications Committee.   2. The Modifications Committee shall recommend to the Regulatory Authorities the adoption of such Modification Proposals as it concludes will better facilitate achievement of the Code Objectives.   3. The Final Modification Recommendation of the Modifications Committee shall be part of the Final Recommendation Report which shall include:  1. the determination of the Modifications Committee on whether or not the Modification Proposal should be adopted; 2. the reasons for such determination; 3. where the Modifications Committee is in favour of the proposal, a draft of the text of the proposed Modification; 4. the original draft of the Modification Proposal; 5. any dissenting opinions of members of the Modifications Committee; 6. a copy the Market Operator’s opinion and each System Operator’s opinion on the Modification; 7. the views of any respondents submitted during the consultation process (including any views of persons invited to give opinions or consultants, experts or advisors contracted to provide advice pursuant to paragraphs 2.198 and 2.202 respectively; 8. an assessment of the impact of the Modification Proposal including in relation to the Code, any Legal Requirements, any other codes relating to the operation of the SEM (including the Grid Codes and the Metering Codes) or any other relevant matter; 9. an assessment, where the Modifications Committee deems appropriate, of any alternative Modification Proposal proposed by any person; 10. a draft of the specific changes that it is proposed would be necessary to make to the Code if the Modification Proposal would be accepted; 11. proposed timescales for implementation; and 12. a cost/resource requirements assessment.   No Recommendation or Decision by Modifications Committee   * 1. In the event that the Modifications Committee is unable to make a determination in respect of a Modification Proposal within the timeframes set out in paragraph 2.192 the matter shall be referred to the Regulatory Authorities. This referral shall detail the proposal and the information referred to in paragraphs 2.215 (with the exception of sub-paragraphs 2.215.1 to 2.215.2 and 2.215.11 to 2.215.12). In such event, the Regulatory Authorities shall either make a binding decision in accordance with paragraph 2.218A, or shall extend the applicable time-limit for the Modifications Committee under paragraph 2.192.   2. In the event that the Modifications Committee does not issue a determination in respect of a Modification Proposal within the timeframes set out in paragraph 2.192 and does not refer the matter to the Regulatory Authorities under paragraph 2.216, the Regulatory Authorities shall either make a binding decision in accordance with paragraph 2.218A, or shall extend the applicable time-limit for the Modifications Committee under paragraph 2.192.   Decision of the Regulatory Authorities   * 1. Following receipt of a Final Recommendation Report created by the Modifications Committee, the Regulatory Authorities shall decide whether to:  1. direct a Modification in accordance or otherwise with the Final Modification Recommendation of the Modifications Committee; 2. reject the Final Modification Recommendation of the Modifications Committee; or   direct the Modifications Committee that further work is required in respect of the Modification Proposal concerned in the Final Recommendation Report, extending the 8 month timeline if necessary.  2.218A In the circumstances set out in paragraphs 2.216 or 2.217, the Regulatory Authorities shall decide whether to direct a Modification in accordance with the Modification Proposal or any alternative Modification Proposal or otherwise or reject the Modification Proposal.   * 1. The Regulatory Authorities shall make their decision under paragraphs 2.218 and 2.218A in relation to a Modification Proposal as soon as reasonably practicable following receipt of the Final Recommendation Report or for the purposes of paragraphs 2.216 and 2.217.   2. If approved by the Regulatory Authorities, the Modification shall become effective 2 Working Days after the date of the decision of the Regulatory Authorities or such other date as may be specified by the Regulatory Authorities in its decision.   3. Once any Modification has been made, the Market Operator will be required to implement the change, including making the necessary changes to systems and processes with effect from the date provided for pursuant to paragraph 2.220. The Market Operator shall publish the decision of the Regulatory Authorities promptly on its receipt.   Modifications of Agreed Procedures   * 1. If at a Meeting at which any Agreed Procedure Modification Proposal is considered, a unanimous determination is made by the Modifications Committee, which, for the purposes of this paragraph, shall be required to be by the vote of all members except the Regulatory Authorities’ representatives, in respect of the Agreed Procedure Modification Proposal including, where the decision is to adopt the Agreed Procedure Modification Proposal, the text of the relevant Agreed Procedure Modification, the decision of the Modifications Committee shall be final and binding, provided that the Regulatory Authorities shall have a right to veto any such decision within 2 Working Days of the decision being made. The date of the Modifications Committee decision shall be deemed to be the date of the publication of the relevant notification to the Regulatory Authorities as set out in paragraph 2.223.   2. In the event that the Modifications Committee makes a determination to modify an Agreed Procedure in accordance with paragraph 2.222, the Modification shall be made to the relevant Agreed Procedure in the form determined by the Modifications Committee. The Modifications Committee shall notify the Regulatory Authorities of this and shall publish such notification and the Agreed Procedure Modification shall become effective on a date specified by the Modifications Committee which date may not be earlier than the date 3 Working Days after the publication of the notification to the Regulatory Authorities.   3. If the Modifications Committee does not make a determination in relation to an Agreed Procedure Modification Proposal in accordance with paragraph 2.222 at the relevant Meeting, the Secretariat shall send the Agreed Procedure Modification Proposal to the Regulatory Authorities for determination and the Regulatory Authorities shall:  1. direct a Modification in accordance or otherwise with the Agreed Procedure Modification Proposal; or 2. reject the Agreed Procedure Modification Proposal; or 3. direct the Modifications Committee that further work is required in respect of the Agreed Procedure Modification Proposal.    1. The Regulatory Authorities shall make a decision in relation to an Agreed Procedure Modification Proposal as soon as reasonably practicable after receipt.    2. Any Modification of Agreed Procedures shall be published by the Market Operator within 2 Working Days after approval by the Modifications Committee or the Regulatory Authorities as the case may be.    3. Any proposal to introduce a new Agreed Procedure, or a modification to an existing Agreed Procedure which has the object or effect of changing the scope of that Agreed Procedure from that set out in Appendix D “Scope of Agreed Procedures” shall not be an Agreed Procedure Modification Proposal but shall constitute a Modification Proposal and be dealt with accordingly pursuant to paragraphs 2.194 to 2.221.   Information about the Modifications Process   * 1. The Market Operator shall publish information relating to the Modifications Process and the status of each Modification Proposal and Agreed Procedure Modification Proposal subject to the confidentiality provisions set out in paragraphs 2.344 to 2.349.   2. The Market Operator shall provide for a website location or other similar means of publication to be available to the Secretariat and the Modifications Committee for the Modifications Process.   3. The Market Operator shall publish notices submitted to it by the Modifications Committee as soon as practicable after receipt of such notices and in any event within 5 Working Days after receipt of such notices.   4. The Modifications Committee shall submit a quarterly report to the Regulatory Authorities including the progress and status of Modification Proposals. These reports shall be published by the Market Operator as soon as reasonably practicable after receipt.   5. The Market Operator shall publish the determination of the Regulatory Authorities in relation to a Modification Proposal within 2 Working Days after such decision has been made and submitted to the Market Operator and, where a Modification Proposal has been accepted, such publication shall include the text of the Modification.   Intellectual Property Issues Associated With Modification Proposals   * 1. Each Party submitting a Modification Proposal shall be deemed to have irrevocably licensed any Intellectual Property Rights or other rights to, and to have waived any moral rights in, the content, form or other aspect of the Modification Proposal and such licence and waiver shall be a precondition to the valid submission of a Modification Proposal.   2. Each Proposer who is not a Party shall be required to irrevocably licence any Intellectual Property Rights or other rights to and waive any moral rights in the content, form or other aspect of the Modification Proposal and such licence and waiver shall be a precondition to the acceptance of a Modification Proposal.   3. A form for Modification Proposals shall be made available on the Modifications Website provided for the Modifications Committee and such form shall include a licence of Intellectual Property Rights, and waiver of moral rights in respect of the content, format or other aspects of the proposal.   **T&SC Glossary**   |  |  | | --- | --- | | **Final Recommendation Report** | means a report created by the Modifications Committee and sent to the Regulatory Authorities containing the Final Modification Recommendation on a Modification Proposal and all supporting detail to aid the Regulatory Authorities’ decision on the Modification Proposal developed by the Modifications Committee. | | **Modification** | means a modification, revision, amendment, supplementation, extension, consolidation or replacement to the provisions of the Code which is accepted and implemented in accordance with paragraphs 2.188 to 2.236 and which shall, for the avoidance of doubt, include a modification of or addition to the Agreed Procedures. | | **Modification Proposal** | means any proposal to modify the Code which is submitted to the Modifications Committee in accordance with the Modifications Process. | |  |  | | **Modifications Committee** | means the committee established from time to time for the purpose of processing Modification Proposals in accordance with paragraphs 2.150 to 2.182. | | **Modifications Process** | means the process of submitting, assessing and accepting or rejecting Modification Proposals in accordance with paragraphs 2.188 to 2.236. | | **Modifications Website** | means the website referred to in paragraph 2.229. | | **Processing** | means as defined in applicable Data Protection Legislation and “Processes” shall be construed accordingly. | | **Proposer** | means the person making a Modification Proposal as identified on the Modification Proposal Form | | **Prudent Electric Utility Practice** | means those standards, practices, methods and procedures conforming to safety standards and Legal Requirements which are attained by exercising that degree of skill, care, diligence, prudence and foresight which would reasonably and ordinarily be expected from a skilled and experienced operator in Europe engaged in the same type of undertaking under the same or similar circumstances. | | |  |  | | --- | --- | | **RA Modification Proposal** | **means a Modification Proposal submitted by the Regulatory Authorities which is classified by the Regulatory Authorities as an RA Modification Proposal, and where the Regulatory Authorities have already undertaken public consultation and published their conclusions or decision on the subject that the proposed change to the legal drafting in the Code addresses.** | | means a Modification Proposal submitted by the Regulatory Authorities which is classified by the Regulatory Authorities as an RA Modification Proposal, and where the Regulatory Authorities have already undertaken public consultation and published their conclusions or decision on the subject that the proposed change to the legal drafting in the Code addresses. | | **Working Group** | means a group formed for the purposes of developing the detail of and implementation plans for Modification Proposal(s). |   **Agreed Procedure 12**   1. Introduction    1. Background and Purpose   The Trading and Settlement Code (“the Code”) contains high-level arrangements describing how to amend its own terms through Modification Proposals. The Code sets out how Modification Proposals should be submitted, developed, and approved. This Agreed Procedure provides detail and supplements the Modifications Process set out in the Code.   * 1. Scope of Agreed Procedure   This Agreed Procedure defines the procedural steps to be followed by the Secretariat, Modifications Committee Chairperson, and members of the Modifications Committee with respect to:   * The arrangement, location, and form of Meetings; * The Quorum and voting procedures; * The communication of the Modifications Process; * The procedural steps of how to develop Modification Proposals and * The procedural steps on the election of Members to the Modifications Committee   This Agreed Procedure does not cover the constitution of the Modifications Committee.  While the Regulatory Authorities are not contractually bound by this Agreed Procedure, it also describes the required actions from the Regulatory Authorities to facilitate this Agreed Procedure consistent with the requirements for approval under Condition 1(c) of the Market Operator Licence.  This Agreed Procedure forms an annex to, and is governed by, the Code. This document is a statement of process and procedure which supplements and sets out in procedural steps the Modifications Process described in Section 2 of the Code.   * 1. Definitions   Save as expressly defined in Appendix I, words and expressions defined in the Code shall have the same meanings when used in this Agreed Procedure.  References to particular sections relate internally to this Agreed Procedure unless specifically noted.   * 1. Compliance with Agreed Procedure   Compliance with this Agreed Procedure is required under the terms of the Code.   1. Procedure Definition   This section sets out procedural detail relating to the Quorum and voting procedures of the Modifications Committee, the responsibilities of the Secretariat and arrangements for Meetings of the Modifications Committee as provided for pursuant to Section 2 of the Code.   * 1. Quorum and Voting   The Modifications Committee Quorum is nine Members and the Secretariat.  To form a Quorum, the following membership is required:   * At least four of the nine Members must be voting Members:   + At least two Supplier Unit registrant representatives;   + At least two Generator Unit registrant representatives. * The remaining Members must comprise:   + At least one Regulatory Authorities appointee;   + At least one System Operator appointee;   + The Market Operator appointee; and   + At least two Meter Data Provider appointees, where one of the Meter Data Provider appointees is not a System Operator.   Save as expressly provided otherwise, the Quorum is the same for all types of meeting. The Modifications Committee Chairperson or Vice-chairperson must be present to make up a Quorum.  A Quorum requires that Members be present at the Meeting, either in person or alternatively via video or phone conferencing or equivalent.  Any meeting at which a Quorum is not present shall be adjourned until such time as a Quorum may be achieved.  Any resolution of adjournment of a Meeting shall state when and where the next Meeting will be reconvened, and communicated by the Secretariat via the Website and the mailing list within two Working Days of the adjourned Meeting.  The Modifications Committee will vote as follows:   * All decisions of the Modifications Committee are carried by simple majority vote providing that a Quorum is present, with the exception of certain decisions in respect of Agreed Procedure Modification Proposals as outlined below. * Each voting Member of the Modifications Committee is entitled to one vote. * Voting may be conducted by open ballot, i.e. by each voting Member openly approving or disapproving the resolution to be made. * Voting may be conducted by a show of hands, i.e. by each voting Member openly approving or disapproving the resolution to be made. * In the event of a tied vote, the Modifications Committee Chairperson (or Vice-chairperson, as appropriate) will cast the deciding vote.   In accordance with the Code, a decision may be made to accept or reject an Agreed Procedure Modification Proposal if all Members, with the exception of the Regulatory Authorities, vote unanimously. For the avoidance of doubt, a unanimous decision must include:   * The Market Operator Member; * System Operator Members and * Meter Data Provider Members.   If there is no unanimous decision, voting on the Agreed Procedure Modification Proposal shall be in accordance with the usual voting procedures.   * 1. Responsibilities of the Secretariat and meetings   The Secretariat shall maintain the following lists:   * Modifications Committee Members: to include name, address, organisation, telephone number (including a mobile number to facilitate Urgent Modification Proposals) and email address for all Members of the Modifications Committee ; and * Interested Parties: to include email address and name of all interested parties who wish to be informed of updates to the Website.   The Secretariat shall maintain the Website, updating it within five Working Days of new material becoming available. The following information is for inclusion on the Website:   * All Modification Proposals, uniquely numbered, version controlled, with their status as defined in the procedure below; * All information related to the Modification Proposals, including impact assessments, consultation notes, consultation responses, final recommendation reports, decisions from the Regulatory Authorities, etc. subject to the confidentiality provisions set out on the Code; * A Modification Proposal Form including a licence of Intellectual Property Rights, and waiver of moral rights in respect of the content, format or other aspects of the proposal. * All Meeting agendas and minutes which are approved by the Committee prior to publication on the Website; * A schedule of Meetings published at the beginning of the year, and the time and location of new Meetings as they arise; * All the latest versions of approved Market Documentation. This includes the latest approved Code, Agreed Procedures, and approved Modifications which have not yet been incorporated into the current baseline versions of the Code and APs. The Code and APs will be version controlled and each new version will identify in the version history what Modification Proposals have been included since the previous version. * The quarterly report summarising the progress of the Modification Proposals.   The Secretariat shall prepare an agenda for each Meeting to include:   * Approval and amendments of the minutes from the previous Meeting; * Recommendations, opinions and voting on Modification Proposals; * Update on implementation; * Any other business; and * Any agenda item that can be generated by a person other than the Secretariat may be provided to the Secretariat up to and including the same Working Day of the issue of the agenda for that Meeting.   Meetings will be held as per the fixed yearly schedule, at least once every two months. If there are no proposed agenda items, the scheduled Meeting may be cancelled with the agreement of the Members.  Emergency Meetings or Extraordinary Meetings can be called as per the procedure outlined in Section 3.4.  Emergency Meetings will be limited to discussion of the relevant Urgent Modification Proposal.  If there are no Modification Proposals under discussion, a meeting can be cancelled.   * Emergency Meetings are called after an Urgent Modification Proposal has been raised and is deemed to be Urgent by the Regulatory Authorities; * Extraordinary Meetings may be called:   + By the Modifications Committee Chairperson, or   + By a notice emailed by at least four Members of the Modifications Committee, or   + By a notice emailed by at least five Parties to the Code, provided to the Secretariat, or   + Through agreement at an ordinary Meeting.   The Secretariat shall take all minutes at all Meetings, and shall:   * Circulate draft minutes to members for comment within five Working Days of an ordinary Meeting or Extraordinary Meeting, and within two Working Days of an Emergency Meeting. * Allow members of the Modifications Committee five Working Days to return comments on the minutes to the Secretariat. * Include all these comments as tracked changes to the minutes or as an addition to the end of the minutes, detailing who made the comments, and publish the minutes on the Website within two Working Days for final approval at the next Meeting. * Note in the minutes of the next ordinary Meeting any objections to the minutes from the previous Meeting.   The Secretariat is also responsible for:   * The production of a quarterly report summarising the progress of the Modification Proposals and submit this to the Regulatory Authorities. * Updating the Code and Agreed Procedures with approved Modification Proposals as soon as practical, but no less frequently than twice yearly in line with the Scheduled Release. * The management of the progression of Modification Proposals through the process, with responsibility on the Modifications Committee for the full development of Modification Proposals. The onus is on the Modifications Committee to review and further the progress of the Modification Proposal. * The management of the arrangement of Modification Working Groups, and will follow up on actions of the Working Groups. * The production of Final Recommendation Reports for each Modification where appropriate, with input from the Committee Members. An initial draft may be circulated by the Secretariat, but the onus is on the Members to ensure all detail is captured in the report. * Where a Modification has been deemed by a Regulatory Authority decision as 'requiring further work', the Secretariat shall, based on the direction in the decision paper and with the Committee's input, allocate responsibilities and track the progress of this work. * The management of responses to all queries on Modifications Committee business, delegating responses to Members where appropriate.   1. Working Group Meetings   In accordance with the Code, the Modifications Committee may direct a Working Group to develop a Modification Proposal. The Working Group may consist of members from the Modifications Committee and other interested parties as deemed necessary to attend by the Modifications Committee.   * 1. Functions of a Working Group   A Working Group may convene where the Modifications Committee believes it necessary for further work to take place in advance of making a decision on a Modification Proposal. The Modifications Committee may at any time decide to end a Working Group or direct further work to take place following a Working Group recommendation.   * The Terms of Reference shall be drafted and approved by the Modifications Committee in advance of a Working Group meeting. * The Secretariat shall publish the Terms of Reference on the Website in advance of the Working Group and communicate to the Working Group participants in advance of the meeting. The Secretariat shall note any additional comments on the Terms of Reference and a decision made by the Modifications Committee with regard to any necessary amendment following receipt of comments. * The Secretariat shall organise a chair for the meeting from the list of attendees. * The Secretariat shall prepare a timeline for progression of each Working Group topic and update the Modifications Committee at Meetings regarding the outcome of each Working Group meeting. * The Secretariat shall prepare a report following each meeting for the Modifications Committee with input from the Working Group participants. The report will detail any actions and recommendations of the group. * The Working Group shall consider options for a given proposal and may request high level Impact Assessments where necessary from the vendor via the MO. * The Working Group will make a recommendation to the Modifications Committee with regard to how the group believes it best to proceed.  1. Procedural Definition    1. Submission and acceptance of a New OR REVISED Standard Modification Proposal  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | Fill out Modification Proposal Form, indicating that it is a Standard Modification Proposal. Indicate if it is a revision of an existing Modification Proposal. | As required | Utilise Appendix 2 to this AP | Any person | n/a | n/a | | 2 | Send Modification Proposal Form to the email addresses indicated on the Modification Proposal Form. | At least 10 WD prior to Meeting at which the Proposer wishes it to be considered | Email | Any person | Secretariat | n/a | | 3 | Send email acknowledgement to Proposer. Determine if form is filled out completely. If form is complete, go to step 5. If form is incomplete, go to step 4. | Within 2WD of receipt of Modification Proposal | In accordance with the check-list appended to the Modification Proposal Form and Secretariat process checks | Secretariat | n/a | n/a | | 4 | Send a reply indicating where the Modification Proposal Form is not correct or omits detail. The process restarts if Proposer resubmits email with newly submitted Modification Form. Otherwise, end process. | Within 2WD of receipt of email | Email | Secretariat | Proposer and person who submitted Modification Proposal if different | n/a | | 5 | Determine if the Modification Proposal merits consideration as “Urgent”.  If it does go to Step 6 of section 3.2, otherwise go to Step 6 of this section. | Within 2WD of receipt of email | n/a | Secretariat or MC |  | 3.2 | | 6 | Designate the accepted Modification Proposal with a unique tracking number and version number if required and publish it on the Website with a status of 'new'. | Within 2WD of receipt of email | n/a | Secretariat | n/a | n/a | | 7 | Send out email notifying update to Website. | Within 2WD of receipt of email | Email | Secretariat | MC mailing list and interested parties | n/a | | 8 | Include Modification Proposal on the next Meeting agenda. | At least 5WD prior to the next Meeting | n/a | Secretariat | n/a | n/a | | 9. | Present Modification Proposal at the next Meeting which is at least 10 WDs after the date of submission of the Modification Proposal. | At First Meeting | n/a | MPO | n/a | n/a |  * 1. Submission of a New Or Revised Urgent Modification Proposal  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | If possible, contact RAs and Secretariat giving as much notice as possible of the intention to raise an Urgent Modification Proposal. If contact is received, go to step 2. If not, go to step 3. | As required, but ideally as soon as the intention to raise an Urgent Modification Proposal is formed. | Email / telephone | Any person | Secretariat, RAs | n/a | | 2 | Notify MC of imminent Urgent Modification Proposal. Go to step 3. | As required | Email / telephone | Secretariat | MC | n/a | | 3 | Fill out Modification Proposal Form, indicating that it is an Urgent Modification Proposal. Indicate if it is a revision of an existing Modification Proposal. | As required | Utilise Appendix 2 to this AP | Any person | n/a | n/a | | 4 | Send Modification Proposal Form to the email address indicated on the Modification Proposal Form, highlighting the urgency of the proposed Modification Proposal to Secretariat in the email. | As required | Email | Proposer or person submitting form on their behalf | Secretariat | n/a | | 5 | Determine if form is filled out completely. If the form is incomplete, notify Proposer and seek clarification or new version of Modification Proposal. Process restarts if the Proposer resubmits an email with a newly submitted Modification Proposal Form. Otherwise process terminates.  If form is complete, designate the Urgent Modification Proposal with a unique tracking number and version number, and publish it on the Website with a status of 'new'. | Within 1WD of receipt of email with original Urgent Modification Proposal | n/a | Secretariat | n/a | n/a | | 6 | Send a copy of Modification Proposal to the RAs. | As soon as possible following receipt or decision by Secretariat or MC that Modification Proposal appears Urgent. | Email | Secretariat | RAs | n/a | | 7 | RAs determine whether or not Modification Proposal is Urgent in accordance with the Code and notify Secretariat of decision. | As soon as possible following receipt | Email | RAs | Secretariat | n/a | | 8 | If RAs determine that Modification Proposal is Urgent, proceed to Emergency Meeting and see section 3.4. If not, process as Standard Modification Proposal, go to Section 3.5, | n/a | n/a | RAs | n/a | 3.4, 3.5 |  * 1. Ordinary Meetings of the Modifications Co mmittee  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | Circulate the agenda for the Meeting and publish to Website, indicating the details of the location of the Meeting and requesting MC and observer notification of attendance. | At least 5WD before Meeting | Email | Secretariat | MC, Website | n/a | | 2 | Send email requesting MC notification of attendance | At least 10WD before Meeting | Email | Secretariat | MC mailing list | n/a | | 3 | Committee advise Secretariat of attendance at Meeting; go to step 4.  All Non-Committee or observers request permission to attend Meeting. | No later than 5WD before Meeting | Email | MC, or Non-Committee Members and Alternates | Secretariat | n/a | | 4 | If a Quorum is present at the meeting, proceed with business. If a Quorum is not present, go to step 5 | At Meeting | n/a | All Members and Secretariat | n/a | n/a | | 5 | Refer to the RAs for guidance or disband the Meeting upon direction by the Chair, recording the reason why and the agreed time for the next Meeting in the Meeting minutes. | At Meeting | n/a | MC, Secretariat | n/a | n/a |  * 1. Emergency Meetings of the Modification Committee  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | 1 | Circulate proposed date and time for the Meeting and request notification of availability from MC. | As early as possible before Meeting | Email | Secretariat | Members and Alternates of MC | n/a | | 2 | MC advise Secretariat of their availability. | As early as possible before Meeting | Email | MC | Secretariat | n/a | | 3 | Circulate the agenda for the Meeting, include time, location and conference call numbers, if relevant. | As early as possible before Meeting | Email | Secretariat | MC | n/a | | 4 | If a Meeting cannot be convened, of if a quorum is not present, refer to RAs for guidance. | Within 2 WD of RAs deeming that Modification Proposal is Urgent or at Meeting if a quorum is not present | Email | Secretariat | RAs | n/a |  * 1. Progressing And Reaching a decision on Standard Modification Proposals and AP Modification Proposals  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | For each Modification Proposal on the Meeting agenda, assess the following  a. Is the Modification Proposal New? If Yes, go to Step 2  b. Was the Modification Proposal deferred at a previous Meeting, go to Step 5 and if the Modification Proposal deemed to require further work by the RAs, go to Step 5 | At Meeting | n/a | MC | n/a | n/a | | 2 | If the MC determines the Modification Proposal is spurious, go to step 3. If not go to step 5. | At first Meeting | n/a | MC | n/a | n/a | | 3 | If the RAs veto the determination that the Modification Proposal is spurious, go to step 5 (and references to “first Meeting” should be construed as references to the next Meeting following receipt by the Secretariat of the RAs veto) otherwise, go to step 4. | At next Meeting following notification of veto of R As | n/a | RA's | n/a | n/a | | 4 | Update the Modification Proposal status as “spurious”. | Within 2WD of first Meeting | n/a | Secretariat | Modifications Website | n/a | | 5 | Can the Modification Proposal be voted on at this Meeting without further development. If Yes, go to step 31.  If No determine the method and timetable for progression of Modification Proposal identifying:  a. Is further work on the proposal required? If Yes, go to step 7.  If No, go to question b.  b. Is a Working Group required? If Yes, determine who may be involved in drafting Terms of Reference, input to the meeting and select chairperson, and go to step 9.  If No go to question c.  c. Is a public consultation required?  If Yes, determine who is involved in the consultation paper drafting and go to step 16.  If No go to step 13 and set the proposal status to 'deferred' | At Meeting | n/a | MC, Secretariat | n/a | n/a | | 6 | Distribute method and timetable as determined at the Meeting as part of the minutes | Within 2WDs of Meeting | n/a | Secretariat | n/a | n/a | | 7 | Select Member, Alternate or Proposer to draft the amended, "combined" or "modified" Modification Proposal and allocate 'expected date' for this task. Update the Modification Proposal status to "deferred". | At Meeting | n/a | Members, Alternate, Proposer | n/a | n/a | | 8 | Include deferred Modification Proposal on the next Meeting agenda. | As appropriate with regard to timetable | n/a | Secretariat | n/a | n/a | | 9 | Invite nominations to Working Group; invite Modifications Committee to submit agenda items,  collate agenda items; circulate initial draft of terms of reference for Working Group | As appropriate with regard to timetable | Email | Secretariat | n/a | n/a | | 10 | Determine Working Group chairperson  Send nominations for Working Group and provide input to terms of reference | As appropriate with regard to the timetable | Email | MC, Secretariat | n/a | n/a | | 11 | Invite Working Group members to meeting.  Circulate agenda items | As appropriate with regard to timetable | Email | Secretariat | n/a | n/a | | 12 | Circulate and monitor actions from the Working Group meeting; if resolution is made to hold consultation, go to step 16. | After Working Group , as appropriate with regard to timetable | Email | Secretariat | n/a | n/a | | 13 | Procure high-level impact assessment by MC or third party if necessary.  If analysis of systems impact is required, go to Agreed Procedure 11 “Market System Operation, Testing, Upgrading and Support”, returning to step 14. | As appropriate with regard to timetable | n/a | Secretariat /MC | n/a | AP11 5.2.1.1 to 5.2.1.4 | | 14 | Collate and publish information from high-level impact analysis. | As appropriate following impact assessment and with regard to timetable | n/a | Secretariat | n/a | n/a | | 15 | Update Modification Proposal status as appropriate. Create new action items for next MC agenda.  Go to step 20, or if consultation is being performed, go to step 16. | Within 2WD of completion of impact assessment report | n/a | Secretariat | Website | n/a | | 16 | Initiates a consultation paper and questions and circulate to get input from Committee Members. Publishes consultation notice of determined duration, with a minimum consultation period of 10 Working Days. | Within 5WD of Meeting | n/a | Secretariat/  MC | n/a | n/a | | 17 | Respond to consultation | As appropriate depending on agreed timelines for consultation | As appropriate | MC and any interested parties | n/a | n/a | | 18 | Collate and publish information from consultation. | As appropriate depending on agreed timelines for consultation | As appropriate | Secretariat | n/a | n/a | | 19 | Update detail of Modification Proposal appropriately, create new action items for next MC agenda as appropriate | Within 2WD of completion of consultation | n/a | Secretariat | Website | n/a | | 20 | Is further information required from Participants, Meter Data Providers, System Operators, RAs, etc.? If Yes, go to step 21. If No, go to step 22. | At Meeting | n/a | MC/Secretariat | n/a | n/a | | 21 | Request information from relevant body, adding it on to next Meeting agenda item, and collates information. | As appropriate depending on timetable | As appropriate | Secretariat | n/a | n/a | | 22 | Is third party consultant’s report required to inform decision? If Yes, determine business case and fixed costs and go to step 23. If No, go to step 27. | At Meeting | n/a | MC and Secretariat | n/a | n/a | | 23 | Send fixed costs and business case to RAs for approval | Within 2WD of Meeting | Business Case Form in email | Secretariat | RAs | n/a | | 24 | Do the RAs approve the procurement? If Yes, go to step 25. If No, go to step 27. | Within 5WD of receipt of business case and costs | Email | RAs | Secretariat | n/a | | 25 | Run procurement competitions, procure consultants, collate information | As appropriate under agreed timeframes | As appropriate | MC, assisted by the Secretariat (Secretariat to approve costs) | n/a | n/a | | 26 | Update detail of Modification Proposal appropriately, create new action items for next Meeting as appropriate | Within 2WD of completion of consultant’s report | n/a | Secretariat | Website | n/a | | 27 | Has any alternative proposal been received in sufficient time to consider it during the process? If Yes, go to step 28, if No go to step 31. |  | n/a | n/a | n/a |  | | 28 | Determine whether to develop both proposals, reject the alternative proposal or replace the original proposal with the alternative proposal. Repeat steps 5 to 27 as necessary/appropriate for the alternative proposal, if applicable. | At Meeting | n/a | n/a | n/a |  | | 29 | Update detail of Modification Proposal and Website appropriately, create new action items for next MC agenda as appropriate | Within 2WD of completion of consultant’s report | n/a | Secretariat | Website | n/a | | 30 | Send out email notifying update to Website. | As appropriate | Email | Secretariat | MC mailing list | n/a | | 31 | If it is a Code change, vote on whether or not Modification Proposal should be adopted. Make note of the reasons for the decision and dissenting opinions. Go to step 34. If the Modification Committee cannot reach a decision go to step 38.  If it is an AP only change, go to step 32. | At Meeting | n/a | MC | n/a |  | | 32 | Vote on whether AP Modification Proposal should be adopted. If there is a unanimous agreement to accept or reject, notify RAs of determination and go to step 34. | At Meeting | Unanimous vote of all Members (except RA's) | MC | n/a | n/a | | 33 | If RAs veto decision of MC, advise Committee. | As soon as possible after the Meeting | n/a | Secretariat | n/a |  | | 34 | Ensure that all exhibits to the Final Recommendation Report/AP Notification are prepared and have been submitted to the Secretariat. If any exhibits are missing, allocate a Member or Alternate to provide the necessary information to the Secretariat within a specified time. | At Meeting | n/a | n/a | n/a | n/a | | 35 | Prepare initial draft of Final Recommendation Report or AP Notification and exhibits and submit to the Committee for all Code and AP Modification Proposals. If any exhibits are missing, allocate a Member or Alternate of the MC to prepare and submit to the Secretariat. | After the meeting when MC votes on Modifications Proposal. | Email | Secretariat & MC | Secretariat | n/a | | 36 | Finalise and sign off on the Final Recommendation Report/ AP Notification | In accordance with Secretariat timetable | Email | MC | Secretariat | n/a | | 37 | Submit the Final Recommendation Report / AP Notification and exhibits to the RAs | As soon as possible after the vote of the MC | Email | Secretariat | RAs | n/a | | 38 | RAs make determination and send decision to Secretariat, either approving or rejecting the change at a fixed date for all Code Modification Proposals,(go to step 39), or directing the MC to further develop the Modification Proposal in accordance with a specified timeframe (go to step 41).  For AP Modification Proposals, any veto of Committee’s recommendation is notified to the Secretariat. | Within 5WD of receipt of Modification Recommendation Report / 3 WD of receipt of AP Notification | Email | RAs | Secretariat | n/a | | 39 | Update the Website, changing status of Modification Proposal as appropriate. Send out email notifying update to Website. Modification becomes effective on the date as specified by the RA's | Within 2WD of RAs decision, or veto timelines elapsed | n/a | Secretariat | Website | n/a | |  |  |  |  |  |  |  | | 40 | Return to steps 7 to 36 as appropriate. Update the Website, changing status of Modification Proposal to “further work required” and send out email notifying update to Website | In accordance with RAs timetable | n/a | Secretariat and MC | n/a | n/a | | 41 | Allocate actions for further work arising out of RA decision. Monitor work and include Modification on next Meeting agenda. | Set new timetable for work | n/a | Secretariat | n/a | n/a |  * 1. Progressing And Reaching a Decision on an Urgent Modification Proposal  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | Can the Modification Proposal be voted on at this Meeting without further development, Working Group or Consultation?  If Yes, go to step 2  If No, determine any other outcome in accordance with steps 5 onwards of Standard Modification Proposal procedure; finalise responsibility for working on detail of Modification Proposal and decide on the timetable for processing Urgent Modification Proposal. | At Meeting | n/a | MC | n/a | n/a | | 2. | Vote Modification Proposal (in accordance with Standard Modification Code and AP voting procedure) and notify RAs of decision. | At Meeting in accordance with agreed timetable. | n/a | MC | n/a | n/a | | 3 | Distribute Meeting minutes and timetable | Within 1WD of Meeting | At Meeting in accordance with agreed timetable. | n/a | n/a | n/a | | 4 | If RAs amend or veto timetable, if necessary, arrange for telephone conference with RAs to agree timetable and proceed in accordance with revised timetable suggested or approved by Regulatory Authorities. Otherwise, proceed in accordance with the timetable agreed at the Meeting. | Within 2 WDs of submission of proposed timetable to Regulatory Authorities | Email/Telephone | RAs | MC | n/a | | 5 | Complete Final Recommendation Report and go to step 34 and onwards of Standard Modification Proposal procedure. | See Standard Modification Proposal procedure. | n/a | Secretariat | n/a | n/a |  * 1. Nominating Participant Annual Election Procedure  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | Send notice inviting candidate membership nominations for Nominating Participant Election to all Participants. The notice should identify:   * The expiring memberships (Member Name, Participant type) * Membership duties * Nominations due date   The notice should request:   * Candidate job-title, company and Descriptions | 6 weeks prior to expiry of all Members terms | Email | Secretariat | Participants | n/a | | 2 | Send in membership nominations. | By nominations due date | Email | Participants | Secretariat | n/a | | 3 | Acknowledge membership nominations. | As received | Email | Participants | Secretariat | n/a | | 4 | Send ballot paper and candidate descriptions to all Participants. The notice should give election instructions and specify:   * Ballot paper due date * Who is eligible to Vote * Date result will be announced * Voting instructions eg ballot secrecy | 4 weeks prior to expiry of all members terms (Ballot paper due date) | Email | Secretariat | Participants |  | | 5 | In the event of equal numbers of votes being cast for candidates, consult RA's for final determination of election result. | As soon as is practicable |  | Secretariat |  |  | | 6 | Votes are cast as follows:   * Nominating Generation Participants cast one vote per Participant, in relation to Generation Participant Members vacancy * Nominating Supply Participants cast one vote per Participant, in relation to Supply Participant Members vacancy   Voting Rules:   * In the event of only 1 candidate nomination for the relevant Participant Member position, this candidate will be automatically deemed the successful candidate in an uncontested election. * In the event of 2 or more candidate nominations for 1 relevant Participant Member position, voters have one vote only, and election is by a simple majority; the successful candidate is the candidate with the highest number of votes. In the event of a tie, another round of voting may occur. * If 2 or more candidates are put forward for nomination for multiple Participant member positions, each voter is asked to rank the candidates in order of preference. The candidates with the least amount of the highest preference votes will be eliminated, and the candidates with the majority of highest preference votes will be elected. | Within 4 weeks of expiry of all members terms (ballot paper due date) | Email | Participants | Secretariat | n/a | | 7 | Send notification of close of ballot | ballot paper due date as above | Email | Secretariat | Participants | n/a | | 8. | Count and file votes; in the event of tie or inconclusive election results, consult RA's for final determination | 2 days after ballot paper due date or as soon as possible thereafter | Email | Secretariat | Participants | n/a | | 9. | Notify candidates of election result | 2 days after ballot paper due date or as soon as possible thereafter | Email | Secretariat | Candidates | n/a | | 10 | Notify Participants of election result | 2 days after ballot paper due date or as soon as possible thereafter | Email | Secretariat | Participants |  |  * 1. Nominating Participant Ad-Hoc Election Procedure  | **#** | **Procedural Step** | **Timing** | **Method** | **From/By** | **To** | **Linkage** | | --- | --- | --- | --- | --- | --- | --- | | 1 | If Member is resigning or retiring, send notice to the Secretariat; If Member is being removed, Secretariat sends notice to the Member. | At least 2 weeks prior to next scheduled Modification Panel Meeting | Email | Secretariat/Members | Secretariat/Members | n/a | | 2 | Include Member vacancy as an item on the next Committee Meeting agenda. | If applicable | n/a | Secretariat | Members | n/a | | 3 | Committee decides that Nominating Participant Ad-Hoc Election will take place or that the Alternate Member may fill this vacancy in accordance with paragraph 2.180 of the Code.   * If the Alternate shall fill the vacancy, end process. * If Member is to be elected, go to Step 4. | At next scheduled Meeting or as soon as is practicable | Email or at Meeting | Members | n/a | n/a | | 4 | Send notice inviting candidate membership nominations for the Election to   * all Generation Participants, in the event of a Generator Election, * all Supplier Participants, in the event of a Supplier Election   The notice should specify:   * Membership Duties * Membership Nominations Due Date   The notice should request:   * Candidate job-title, company and Descriptions   Go to Step 2 to 6 of Nominating Participant Annual Election Procedure in section 3.7 | Immediately following Meeting or as soon as is practicable | Email | Secretariat | Participants | n/a | | 5 | Count and file votes. The successful candidate is the candidate with the highest number of votes. | 2 days after ballot paper due date or as soon as possible | Email | Secretariat | Participants | n/a | | 6. | Notify candidates of election result | 2 days after ballot paper due date or as soon as possible | Email | Secretariat | Candidates | n/a | | 7. | Notify Participants of election result | 2 days after ballot paper due date or as soon as possible | Email | Secretariat | Participants |  |   **APPENDIX 1: Definitions and Abbreviations**  **Definitions**   |  |  | | --- | --- | | **Ad-hoc Nominating Participant Election** | means an ad-hoc election for the replacement of members appointed in respect of Generation or Supply Participants. who have resigned, retired or been removed outside of the annual election timeframe | | **Annual Nominating Participant Election** | means an election for the replacement of members appointed in respect of Generation or Supply Participants whose terms are due to expire on the annual membership expiry date. | | **Alternate Member** | means a nominated representative who may exercise the vote of a Member of the Modifications Committee where that Member is unable to attend a Meeting | | **AP Notification** | means a notification to the Regulatory Authorities in respect of a decision by the Modifications Committee to modify an Agreed Procedure in accordance with paragraph 2.223 of the Code. | | **Business Case Form** | means the form used by the Market Operator from time to time to be sent to the Regulatory Authorities setting out the business case for a procured consultancy where the Modifications Committee is required as part of a Modification Proposal | | **Final Recommendation Report** | As defined in the Code | | **First Meeting** | means the first meeting at which a Modification Proposal is considered, or where the Regulatory Authorities have exercised a right of veto regarding a determination by the Modifications Committee at such meeting that (i) a Modification Proposal is spurious or (ii) accepting or rejecting an AP Modification Proposal, the next meeting following receipt by the Secretariat of the Regulatory Authorities’ decision. | | **Market Documentation** | means documents which together comprise the full contractual information of the Code and Agreed Procedures, including any approved Modification Proposals which have not been fully incorporated into those documents. | | **Member** | means a member of the Modifications Committee | | **Modifications Committee Chairperson** | means the chairperson of the Modifications Committee appointed in accordance with the Code. | | **Modifications Committee Vice-Chairperson** | means the Vice-Chairperson of the Modifications Committee appointed in accordance with the Code | | **Modification Proposal Form** | means the Form for submitting a Modification Proposal as shown in Appendix 2 | | **Proposer** | as defined in the Code | | **Modification Proposal Originator** | means the person named on the Modification Proposal Form as the author of the Modification Proposal | | **Working Group** | As defined in the Code | | **Public Consultation** | means a consultation run via the Website and the Secretariat, seeking the public’s views on a particular Modification Proposal | | **Standard Modification Proposal** | means a Modification Proposal that is non-Urgent. A Modification Proposal is a Standard Modification Proposal under this Agreed Procedure unless expressly identified as Urgent. | | **Urgent Modification Proposal Form** | means a form for submitting a Urgent Modification Proposal | | **Website** | means the SEM-O website or part of a website designated for information about the Modifications Process |   **Abbreviations**   |  |  | | --- | --- | | **AOB** | Any Other Business | | **AP** | Agreed Procedure | | **IA** | Impact Assessment | | **MC** | Modifications Committee | | **MDPs** | Meter Data Providers | | **MO** | Market Operator | | **MPO** | Modification Proposal Originator | | **FRR** | Final Recommendation Report | | **RA** | Regulatory Authorities | | **SEM** | Single Electricity Market | | **SO** | System Operators | | **WD** | Working Day | | | | | | | | |
| **Modification Proposal Justification**  *(Clearly state the reason for the Modification)* | | | | | | | |
| The proposal sets out clearly the process with regard to Working Groups. This will avoid any confusion in future with regard to the functions and role of a Working Group.  Certain defined terms in the Code and AP are incorrectly referenced throughout the AP. Some minor inconsistencies also exist with regard to terminology used in the AP when compared to that used by the Secretariat and Mods Committee. This proposal provides clarification. | | | | | | | |
| **Code Objectives Furthered**  *(State the Code Objectives the Proposal furthers, see Section 1.3 of T&SC for Code Objectives)* | | | | | | | |
| This modification would further objectives 1.3.2 and 1.3.5 of the Trading and Settlement Code.   * to facilitate the efficient, economic and coordinated operation, administration and development of the Single Electricity Market in a financially secure manner * to provide transparency in the operation of the Single Electricity Market | | | | | | | |
| **Implication of not implementing the Modification Proposal**  *(State the possible outcomes should the Modification Proposal not be implemented)* | | | | | | | |
| Confusion will continue to exist with regard to the administration of the Working Groups process. A number of inconsistencies will remain in the AP. | | | | | | | |
| **Working Group**  *(State if Working Group considered necessary to develop proposal)* | | | | **Impacts**  *(Indicate the impacts on systems, resources, processes and/or procedures)* | | | |
| **Not necessary** | | | | **No impacts** | | | |
| ***Please return this form to Secretariat by email to*** [***modifications@sem-o.com***](mailto:modifications@sem-o.com) | | | | | | | |