

**UNC Modification 0448**  
**Aligning UNC with Licence conditions relating to European legislative change**  
**Draft Legal Text**

**Uniform Network Code – Modification Rules (1 January 2013 version amendments)**

*Amend paragraph 1.1(b) as follows:*

- (b) the making of proposals for the modification of the Uniform Network Code either by a Transporter, a User ~~or~~ a Third Party Participant or the Authority;

*Amend paragraph 1.1(d) as follows:*

- (d) subject to paragraph 6.4.5(ii) where a proposal is made for the modification of the Uniform Network Code the making of an alternative proposal for the modification of the Uniform Network Code by any Transporter, User, or Third Party Participant, other than the person who raised the original modification proposal;

*Amend paragraph 1.1 (j) as follows:*

- (j) the consideration of any representations relating to such proposals made (and not withdrawn) by a Transporter, a User, the Users or any other person likely to be materially affected were the proposals to be implemented; ~~and~~

*Amend paragraph 1.1(k) as follows:*

- (k) where the Authority accepts that the Uniform Network Code or an Individual Network Code may require modification as a matter of urgency, the exclusion, acceleration or other variation, subject to the Authority's approval, of any particular procedural steps which would otherwise be applicable; and

*Add a new paragraph 1.1 (l) as follows:*

- (l) where a proposal is made for the modification of the Unified Network Code or an Individual Network Code in order to implement or comply with European Modifications,

*Add new defined terms in alphabetic order under paragraph 2.1 as follows:*

**"European Modification"** means a Modification Proposal which the Authority reasonably considers is necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Cooperation of Energy Regulators;

**"Regulation"** means Regulation 2009/715/EC of the European Parliament and of the Council of 13 July 2009 concerning conditions for access to the national gas transmission networks.

*Amend paragraph 6.1.1(d) as follows:*

(d) a Materially Affected Party (but only in respect of a Modification Proposal which proposes a modification to a NTS Charging Methodology or a DN Charging Methodology);

*Add new paragraph 6.1.1(e)*

(e) the Authority pursuant to paragraph 6.8.2(i) in relation to European Modifications.

*Amend paragraph 6.1.2(b) as follows:*

(b) any Relevant Shipper; ~~and/or~~

*Amend paragraph 6.1.2(c) as follows:*

(c) a Materially Affected Party (but only in respect of a Modification Proposal which proposes a modification to a NTS Charging Methodology or a DN Charging Methodology); ~~and/or~~

*Add a new paragraph 6.1.2(d):*

(d) the Authority pursuant to paragraph 6.8.2(i) in relation to European Modifications.

*Amend paragraph 6.2.1(e) as follows:*

- (e) in the case of a Modification which proposes a timescale for the implementation of the Modification (for the purposes of enabling the Authority and any persons, including but not limited to Users, Transporters, Third Party Participants and Non Code Parties to be aware of the potential benefits or constraints associated with such timing), shall include:
- (i) two or more Fixed Implementation Dates;
  - (ii) a Proposed Authority Decision Date in respect of each Fixed Implementation Date, for the purposes of enabling the Modification to be implemented by the Fixed Implementation Date;
  - (iii) a Backstop Lead Time;
  - (iv) the reasons why it is proposing each date under paragraph (i), (ii) and (iii); ~~or~~
  - (v) in respect of European Modifications raised pursuant to paragraph 6.8.2(i) only, an implementation date(s).

*Amend paragraph 6.4.5 as follows:*

6.4.5 An alternative Modification Proposal may not be made;

- (i) in respect of a Modification Proposal after the Modification Panel pursuant to paragraph 7.2.3(a) has determined such Modification Proposal should proceed to Consultation; ~~or~~
- (ii) where the Authority otherwise directs in writing.

*Amend paragraph 6.5.1(a) as follows:*

6.5.1 A Proposer may:

- (a) subject to paragraphs [6.5.7](#) and [6.8.7](#), withdraw a Modification Proposal, at any time before the final Modification Report is circulated to the Authority pursuant to paragraph 9.3.4 or in respect of a Self-Governance Modification Proposal at any time before the Modification Panel makes a determination under paragraph 9.3.10(a), by notice to the Secretary, and subject to paragraphs 6.4 and 12.4, any Modification Proposal so withdrawn shall lapse; or

*Add new paragraph 6.8:*

## [6.8 European Modifications](#)

### [6.8.1 Where:](#)

- (i) [at any time the Authority deems any Modification Proposal \[\(including any Modification Proposal which is already in progress\)\] to be a European Modification; or](#)
- (ii) [a Proposer \(other than the Authority\) proposes a European Modification, it shall notify such European Modification\(s\) \(together with a justification why the Modification Proposal should be considered to be a European Modification\) to the Modification Panel.](#)

### [6.8.2 European Modifications:](#)

- (i) [made by the Authority and notified to the Modification Panel under paragraph 6.8.1\(i\) shall be accepted into the Modification Procedures by the Modification Panel and proceed in accordance with any timetable\(s\) as directed by the Authority;](#)
- (ii) [made otherwise, shall proceed in accordance with paragraphs 6.8.3 and 6.8.4.](#)

[6.8.3 Where a Modification Proposal \(including European Modifications pursuant to paragraph 6.8.2 \(ii\)\) is made by a Proposer \(other than the Authority\), the Authority shall determine whether or not the Modification Proposal is a European Modification and notify the Modification Panel of its determination.](#)

[6.8.4 Where the Authority requests the Modification Panel to provide the Authority with the opinion of the Modification Panel on whether or not the Modification Proposal shall be considered to be a European Modification:](#)

- (i) [the Code Administrator shall convene a meeting of the Modification Panel within \[five \(5\) Business Days\] of the Authority requesting the opinion of the Modification Panel and place such request on the agenda for that meeting; and](#)
- (ii) [the Modification Panel shall as soon as practicable provide the Authority with its opinion.](#)

[6.8.5 Where the Authority pursuant to paragraph 6.8.3 or 6.8.4 \(as applicable\) has determined that the Modification Proposal is a European Modification, it shall submit](#)

(together with its notification pursuant to paragraph 6.8.3) an implementation timetable [and procedure] to be followed to the Modification Panel.

6.8.6 Where:

- (i) the Authority pursuant to paragraph 6.8.3 has determined that the Modification Proposal is not a European Modification; or
- (ii) the Authority has not directed a timetable under paragraph 6.8.2(i) or 6.8.5, the Modification Proposal shall proceed in accordance with the Modification Procedures.

6.8.7 European Modifications shall not be withdrawn without the Authority's prior written consent.

*Amend paragraph 12.5 as follows:*

12.5 Time periods

Notwithstanding any time periods specified in these Rules, in respect of any Modification Proposal or Request the Modification Panel may subject to paragraph 6.8.2, from time to time, determine to shorten or lengthen the time period within which any (or all) of the Modification Procedures, Request Procedures or any other procedures is (or are) to be undertaken. If the Modification Panel shall so determine, the Code Administrator shall, so far as consistent with these Rules and the Transporter's Licence, do all acts and things which these Rules specify as acts and things to be done by the Code Administrator within such shorter or longer period of time so as to give effect to such determination.

*Amend paragraph 12.7.1 as follows:*

12.7.1 Subject to paragraph 6.8.2, in respect of any Modification Proposal or Request if the Code Administrator considers it would be appropriate to disapply any of these Rules the Secretary shall notify each Member, each Transporter and each User, each Third Party Participant and each Non-Code Party (if any) and in that notice specify which paragraphs of these Rules the Code Administrator considers it would be appropriate to disapply and explaining why and invite each Transporter, Users, Third Party Participants and Non-Code Parties (if any) to make representations within ten (10) Business Days following the date of such invitation in respect of the proposed disapplication. The Code Administrator shall within the three (3) Business Days following the expiry of such ten (10) Business Days send to each Member and the Authority copies of all representations (if any) so received.

*Amend paragraph 12.7.2 as follows:*

12.7.2 The Modification Panel shall, subject to paragraphs 5.3.1 and 6.8.2, at the next following meeting of the Modification Panel consider the representations (if any) received (in accordance with this paragraph 12.7.1) from Transporters, Users, Third Party Participants and Non-Code Parties (if any), and the Modification Panel may determine that it is appropriate to disapply any of the paragraphs of these Rules specified in the relevant notice. If the Modification Panel shall so determine the paragraphs of these Rules specified in the relevant notice shall, if the Authority agrees, be disapplied.