

Transitional Text

Insert a new paragraph 19¹ in the Transition Document Part IIC – Transitional Rules as follows:

19 PERFORMANCE ASSURANCE

19.1 Introduction and Interpretation

- 19.1.1 This paragraph 19 establishes a temporary regime for monitoring DNOs' and Shipper Users' performance of LDZ Settlement Related Obligations (as defined in paragraph 19.1.3(a)).
- 19.1.2 This paragraph 19 shall cease to apply with effect on the third anniversary of the Project Nexus Implementation Date, but such cessation shall not affect the rights and obligations of any Party (including rights and obligations in respect of amounts including interest payable by or to any Party) accrued under, or, under the Code in respect of, this paragraph 19 up to such date, which shall continue to be enforceable notwithstanding such cessation.
- 19.1.3 For the purposes of this paragraph 19:
- (a) **“LDZ Settlement Related Obligations”** means, with respect to DNOs and Shipper Users, obligations under the Code (for the avoidance of doubt including obligations under the Code with respect to CSEP Supply Points and CSEP Supply Meter Points with effect from the time at which the Code is modified so as to include obligations with respect to the same) the standard of performance of which (including any delays or failures in the performance of which) has, or may have, a material impact on the following matters:
- (i) the quantities of gas treated as offtaken from Local Distribution Zones;
 - (ii) the quantities of gas treated as delivered at LDZ System Entry Points; or
 - (iii) reconciliations and adjustments in respect of gas offtaken from Local Distribution Zones and/or delivered to LDZ System Entry Points,
- save that, for the avoidance of doubt, LDZ Settlement Related Obligations shall not include any obligations relevant to the determination of the quantities of gas delivered or treated as delivered to the NTS or from the NTS to any; LDZ
- (b) **“Performance Assurance Scheme”** means a scheme for monitoring and reporting on the performance by Shipper Users and DNOs of LDZ Settlement Related Obligations;

¹ This legal text is written based on the current implemented UNC legal text. If another Modification is implemented before the implementation of this modification and occupies clause 19 of the Transition Document then the numbering in this legal text shall be re-numbered by the Joint Office to the next available clause and the internal references in this legal text (19.1.1 twice, 19.1.2 twice, 19.1.3, 19.1.3 ~~d~~, ~~19.1.3 d (ii) twice~~, 19.1.3 ~~cd~~ (iv) 19.1.3 ~~ef~~, 19.1.4, 19.1.5 twice, 19.2.1, 19.2.2, 19.3.1, 19.4.1) shall be re-numbered accordingly.

- (~~ec~~) **“ESPAR Guidelines”** means the document entitled “Guidelines for Energy Settlement Performance Assurance Regime” published by the DNOs, as such document is amended from time to time pursuant to this paragraph 19 and [\(pursuant to paragraph 19.3.1\)](#) TPD Section V12 ~~and its own terms~~, setting out:
- (i) the scope of the Performance Assurance Scheme, including requirements with respect to the establishment and maintenance of a register of risks associated with LDZ Settlement Related Obligations, and a registry of reports on DNOs’ and Shipper Users’ collective and individual standards of performance with respect to specific LDZ Settlement Related Obligations;
 - ~~(ii) the manner in which (in addition to pursuant to this paragraph 19 and TPD Section V12 and subject to paragraph 19.1.5) the ESPAR Guidelines may be amended;~~
 - ~~(iii)~~(ii) provisions with respect to the estimation and establishment of User Pays Charges in respect of such amendments; and
 - ~~(iii)~~(iv) [the basis on which subsidiary documents relating to the Performance Assurance Scheme may be adopted and modified by the Performance Assurance Committee; and](#)
 - (iv) any other matters (consistent with paragraph 19.1.1(d)(i)) the Performance Assurance Committee decides and the DNOs agree should be included;
- (~~def~~) subject to paragraph 19.2.1, the **“Performance Assurance Committee”** or **“PAC”** is the Uniform Network Code Committee or any relevant sub-committee.

19.1.4 References in this paragraph 19 and in the ESPAR Guidelines to the “Performance Assurance Framework Administrator” or “PAFA” shall be deemed to be references to the DNOs acting through the Transporter’s Agency.

19.1.5 In the event of any inconsistency between the provisions of this paragraph 19 and the terms of the ESPAR Guidelines, the terms of this paragraph 19 shall prevail and for the avoidance of doubt the ESPAR Guidelines may not be amended [and no subsidiary document may be adopted or amended by the PAC](#) so as to expand the scope of the Performance Assurance Scheme beyond the monitoring of, and reporting on, the performance of LDZ Settlement Related Obligations.

19.2 Performance Assurance Committee

19.2.1 Where this paragraph 19, TPD Section V12, or the ESPAR Guidelines provide for any decision to be taken by the PAC such decision shall be taken by the affirmative vote of a simple majority of the members of the UNC Committee or relevant Sub-committee (and subject to such other procedures as the UNC Committee may establish) save that any representative of National Grid NTS who is a member of the UNC Committee or any relevant Sub-committee will not vote on any such matter.

19.2.2 Subject to paragraph 19.1.5 and any determination to the contrary by the UNC Committee, the PAC shall have the functions set out in the ESPAR Guidelines (including with respect to the [development and modification of documents relating to the scope of the Performance Assurance Scheme](#) ~~the ESPAR Guidelines~~) and shall conduct its affairs in accordance with such terms of reference as the UNC Committee shall determine shall apply to the proceedings of the PAC.

19.3 ESPAR Guidelines

- 19.3.1 ~~Subject to paragraph 19.2,~~ TPD Section V12 shall apply to the ESPAR Guidelines as if the ESPAR Guidelines were a “Document” and one of the “Documents” (in both cases as defined ~~TPD~~ by [TPD](#) Section V12.1.1).
- 19.3.2 The DNOs shall, as soon as reasonably practicable, engage the Transporter Agency to comply on behalf of DNOs with those requirements of the ESPAR Guidelines expressed as being obligations of the Performance Assurance Framework Administrator or PAFA.
- 19.3.3 Shipper Users shall comply with those requirements of the ESPAR Guidelines expressed as applying to Users.

19.4 User Pays Charges

- 19.4.1 The engagement of the Transporter Agency by the DNOs pursuant to paragraph 19.3.2 and the activities of the Transporter Agency pursuant to such engagement will be performed as User Pays Services and Shipper Users shall pay (in accordance with Section S) User Pays Charges in respect of such User Pays Services as set out in the Agency Charging Statement.