MODIFICATION 0800

INTRODUCING CONCEPT OF A DEROGATION FRAMEWORK INTO UNIFORM NETWORK CODE ALONG WITH A USE CASE OF NET ZERO

EXPLANATORY TABLE

Reference	Explanation
TRANSPORTATION PRINCIPAL DOCUMENT	
SECTION V – GENERAL	
Amended paragraph 12.1	To add the Derogation Guidance Document to the list of UNC Related Documents for which Section V establishes generic governance arrangements.
GENERAL TERMS	
SECTION B – GENERAL	
New paragraph 7 - Derogations	
7.1 – UNC Derogations	
7.1.1	To provide that the Authority may grant a Derogation Party derogations from the Code.
7.1.2	Provides the defined terms for the purposes of paragraph 7.
7.2 - UNC Derogation Application	
7.2.1	Provides that written applications for a UNC Derogation can be made to the Code Administrator.
7.2.2	Lists the details that must be included in a UNC Derogation Application.

7.2.3	Lists the actions that the Code Administrator will take upon receipt of a UNC Derogation Application, including scheduling a meeting of the Modification Panel for consideration of the UNC Derogation Application.
7.2.4	Provides the Code Administrator's obligation to give notice to certain persons of the date on which the Modification Panel will first consider the UNC Derogation Application (as per 7.2.3 above).
7.2.5	Provides that at the meeting as mentioned in 7.2.3 above, the Modification Panel will either reject or make a determination in respect of the UNC Derogation Application.
7.2.6	Lists the circumstances under which the Modification Panel will reject the UNC Derogation Application.
7.2.7	Lists the actions the Modification Panel will take in order to make a determination in respect of the UNC Derogation Application (if not rejected under 7.2.6).
7.2.8	Lists the determinations the Modification Panel may make by Panel Majority, including that the UNC Derogation Application should proceed to consultation.
7.2.9	Sets out the process of a consultation. At this meeting, the Modification Panel will decide whether or not to recommend implementation of the UNC Derogation, and instruct the Code Administrator to submit to the Authority the UNC Derogation Application.
7.2.10	Sets out the Code Administrator's responsibility to notify the relevant persons of the Modification Panel's decision together with its reasons.
7.2.11	Sets out the Authority's discretion to either direct whether or not the proposed UNC Derogation should be implemented, or direct the UNC Derogation Application should be amended and re-submitted, and the relevant steps that must be taken in each case.
7.2.12	Sets out when an applicant Party may withdraw a UNC Derogation Application by notice to the Code Administrator.
7.2.13	Provides that a UNC Derogation Application can be submitted notwithstanding if any other UNC Derogation is submitted by the same party and remains under consideration by the Modification Panel or the Authority.

7.2.14	Sets out the process in the circumstances of a party submitting a UNC Derogation Application which is intended to replace an earlier application submitted by the same party.
7.2.15	Provides that a representative of the applicant party must attend each meeting of the Modification Panel at which the UNC Derogation Application is considered.
7.2.16	Highlights the Modification Panel's ultimate discretion notwithstanding paragraph 7 in determining the priority and timetable for any steps proposed to be undertaken by the Modification Panel in relation to a UNC Derogation Application.
7.3 - Impact of UNC Derogation	
7.3.1	Sets out the basic principles of what constitutes a UNC Derogation and when it will remain in force.
7.3.2	Sets out when the UNC Derogation will be in force, i.e. the Derogation Period, being the start and end date of the UNC Derogation.
7.3.3	Provides that non-compliance with the Code as permitted by the UNC Derogation will not be a breach of the Code.
7.3.4	Provides the requirements for the Derogation Party to comply with all provisions of the Code and any conditions included in such UNC Derogation. Also specifies that a UNC Derogation will have no effect to the extent that it purports to derogate from certain licences, Industry Code, Legal Requirements, or any provision of paragraph 7.
7.3.5	Specifies the end of the Derogation Period, being the point from which the Derogation Party must comply with Code in full.
7.3.6	Clarifies that approval of UNC Derogations are specific to the Derogation Party, and do not relieve any other party from obligations under the Code.
7.3.7	States that once a UNC Derogation has been approved by the Authority, it cannot be varied.
New Annex B-1	New Annex B-1 setting out a UNC Derogation Use Case of Net Zero.