
Implementation of the energy code reform: Second decision – response template

This document provides a template for responses to our new consultation questions on the proposed code text and current conflict of interest provisions.

If you are interested in responding to this consultation, please complete this word document and send it to industrycodes@ofgem.gov.uk by the end of the day on Friday 17 April 2026.

Guidance

We typically publish consultation responses when we publish our decision. To ensure that we can correctly attribute your response, please ensure that you enter all relevant details in the “Your organisation’s details” section (template part 1).

If you would like us to treat your response as being confidential, either in full or in part, please indicate this to us below. Further information on how we will treat your response, data and confidentiality can be found at the end of this document.

Please use template part 2 “Code text consultation responses” to provide your responses. For all questions, the template below provides space for you to enter free text comments. Some questions also ask whether you agree with our proposals. Please indicate the extent to which you agree or disagree with relevant proposals by deleting all but one of the bullets provided.

There is also a section for “General feedback” (template part 3). Please use this section to provide any views on the overall consultation process.

Template part 1: Your organisation's details

Contact name	CUSC Panel – Voting Members
Role title	CUSC Panel (Voting Members)
Company name	C/O NESO Code Governance Team
Telephone number	N/A
Email address	cusc.team@neso.energy
Date of submission	17 April 2026
Do you want your response treated as confidential? (If yes, please indicate whether you would like the whole of your response to be confidential, or just particular parts).	No

Question 5: Do you have any views on whether conflict of interest provisions should be introduced under current panel arrangements?

Comments:

Voting CUSC Panel members were consulted specifically on their views on Question 5 of this consultation.

The voting CUSC Panel members agree with Ofgem on how important conflict of interest provisions are, and wants to ensure provisions are robust and suitable for the important work CUSC Panel does.

The majority of voting CUSC Panel considers existing conflict of interest provisions sufficient. Two panel members provided commentary on this, to which the majority agreed.

One Panel member noted that The Competitions and Markets Authority considers that industry codes operate as multilateral contracts (framework agreements).

"The industry has an inherent incentive to monitor the development of industry codes since these provide terms and conditions that serve as the basis of commercial transactions between industry participants. Industry codes are given contractual force between parties to each code through multilateral contracts known as framework agreements. DECC formally appoints the framework agreement and each party signs an accession agreement by which it formally gains rights, duties and obligations pursuant to the provisions of the industry code to which the framework agreement relates." (FR Appendix 18.2: Codes AEC)

The majority of voting Panel members agree that as parties to the CUSC, Panel members' organisations (including NESO in the view of some Panellists) may be commercially affected by any change; material changes (Modifications) are therefore ultimately decided by the Authority, not the Panel. Parties can participate in the Open Governance process by proposing an Original Modification and alternatives (WACMs), and Panel members may vote on these, consistent with members acting independently of their employers and in line with the assessments against the Applicable CUSC Objectives.

The relevant safeguarding is delivered through a transparent *declaration of interest* (recorded in minutes and modification documentation such as the Final Modification Report) as opposed to preventing participation in the open governance process. Panel highlight that as in Parliament, declaring an interest should not, by itself, bar a member from speaking or voting. A strict "conflict of interest" bar on voting could deter Modifications/WACMs being raised or candidates standing for the Panel or their employer organisations. Panel members should fully disclose interests, and disclosures should be published alongside reports to Ofgem.

Please note that although this response has been submitted by NESO in its capacity as the Code Administrator for the CUSC, this is not a NESO response. NESO will be responding to this consultation separately and in full.

Your response, data and confidentiality

You can ask us to keep your response, or parts of your response, confidential. We'll respect this, subject to obligations to disclose information, for example, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you *do* wish to be kept confidential and those that you *do not* wish to be kept confidential. Please put the confidential material in a separate appendix to your response. If necessary, we'll get in touch with you to discuss which parts of the information in your response should be kept confidential, and which can be published. We might ask for reasons why.

If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 4.

If you wish to respond confidentially, we'll keep your response itself confidential, but we will publish the number (but not the names) of confidential responses we receive. We won't link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.