

SME Code of Conduct

1. Introduction

This Code of Conduct defines the standards of behaviour required of a Subject Matter Expert (SME) whilst undertaking their Subject Matter Expert (SME) responsibilities pursuant to Section Y of the UNC.

2. Defined Terms

- 2.1. "Relevant Objectives": are the objectives in paragraph [1] of Condition [A11] of the Gas Transporters' (GTs) Licence (see Appendix 1)
- 2.2. "Relevant SME": means the actual SME appointed for a Modification proposal
- 2.3. "relevant Modification proposal": refers to the specific Modification proposal to which the Relevant SME has been appointed by the Modification Panel
- 2.4. "SME Appointment" refers to the appointment, or reappointment, of an SME to a specific Modification proposal pursuant to Section Y of the UNC. From such time as the Joint Office (JO) notifies the Relevant SME that he/she has been appointed [pursuant to Section Y of the UNC] [and the Joint Office (JO) notifies the SME that the JO has received written assurance (email or otherwise) that the SME has accepted his/her appointment and can henceforward comply with the SME Terms of Appointment] the Terms of Appointment apply and the SME shall henceforward act in compliance with the Terms of Appointment until the Termination of SME Appointment
- 2.5. "Termination of SME Appointment": occurs 28 days [20 business days] after the submission to the Authority of a Final Modification Report (FMR), or at publication of an Authority determination on the relevant Modification proposal, whichever is the earlier. At this point, The SME's Terms of Appointment cease to apply
- 2.6. "*work*": for the purposes of this Code of Conduct *work* shall mean any endeavours conducted for the benefit or his/her employer

3. SME Terms of Appointment

- 3.1. The SME must act in compliance with these Terms of Appointment from the time of SME Appointment to the Termination of SME Appointment
- 3.2. In undertaking the responsibilities of an SME pursuant to Section Y of the UNC, the Relevant SME must:
 - 3.2.1. Act in a manner expected to lead to decisions which better facilitate the achievement of the Relevant Objectives
 - 3.2.2. Avoid actions which might lead to undue discrimination or preference as between GTs pursuant to Standard Special Condition A12 of each GTs' Licence
 - 3.2.3. Refrain from undertaking any *work* for the his/her employer (whether GT or Shipper) that relates to the specific area of work covered by the relevant Modification proposal
 - 3.2.4. Refrain from seeking to influence any parties' views with respect to any aspect of the consultation process of the relevant Modification proposal
 - 3.2.5. Comply with the timetable requirements of Section Y of the UNC

Comment: Not sure about acting in this way, even when restricted to duties in respect of a Mod Proposal, but am equally not sure my amendment is any better. But the concept is good. Point also applies to following condition.

4. Penalties for Non-Compliance

- 4.1. In the event of SME non-compliance with any of the Terms of Appointment set out in this Code of Conduct, the SME shall be removed from the SME Register forthwith and the following will apply:-
 - 4.1.1. The SME will be required to report to next Panel meeting and explain the circumstances of the non-compliance
 - 4.1.2. A senior member of the SME's substantive employer will be required to write to the Authority explaining the circumstances of the non compliance and setting out an action plan to ensure no recurrence among the SME's it provides.
5. Any disputes regarding compliance are subject to determination by the Authority.

Deleted: [

[N.B. THIS CONDITION INCLUDED AS A STANDARD SPECIAL CONDITION IN PLACE OF AMENDED STANDARD CONDITION 9 AND INCORPORATES EXTENSIVE CHANGES, SHOWN UNDERLINED TO DEAL WITH THE ISSUES RAISED BY THE NEED FOR A UNIFORM NETWORK CODE AND THE RULES REQUIRED TO MODIFY THE NEW CODES.]

Transportation Arrangements

1. The licensee shall establish transportation arrangements, in respect of matters other than those to which Standard Special Conditions A4 (Charging Gas Shippers – General) and A5 (Obligations as Regards Charging Methodology) relate, which are calculated, consistently with the licensee's duties under section 9 of the Act, to facilitate the achievement of the following objectives –
 - a) the efficient and economical operation of the licensee's pipe-line system;
 - b) so far as is consistent with (a), the coordinated, efficient and economical operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other gas transporter;
 - d) so far as is consistent with sub-paragraphs (a) and (b), the efficient discharge of the licensee's obligations under this licence; so far as is consistent with sub - paragraphs (a) to (c), the securing of effective competition between relevant shippers and between relevant suppliers;
 - e) so far as is consistent with sub - paragraphs (a) to (d), the provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards (within the meaning of paragraph 4 of standard condition 32A (Security of Supply – Domestic Customers) of the standard conditions of Gas Suppliers' licences) are satisfied as respects the availability of gas to their domestic customers; and
 - f) so far as is consistent with sub - paragraphs (a) to (e), the promotion of efficiency in the implementation and administration of the Network Code; hereinafter referred to as the "relevant objectives".
2. In relation to a proposed modification of the network code modification procedures, a reference to the relevant objectives is a reference to the requirements in paragraphs 9 and 13 of Standard Special Condition A11 (Network Code) (to the extent that those requirements do not conflict with the objectives set out in paragraph 1).