

UNIFORM NETWORK CODE – MODIFICATION RULES**DRAFTING CHANGES GUIDE**

Classification of Change	Reference in document	Nature of change made
Class 1	Throughout document	General drafting improvements and drafting corrections.
Class 2	Definitions	Amended definitions of "SME Code of Conduct", "Terms of Appointment" and "Terminal Operator's Representative".
	3.6	Clarification that the Transporters will appoint the deputy Panel Chairman.
	5.5.3	Clarification that a quorum must remain present at Modification Panel meetings in order to be able to discharge its functions.
	6.1.3(a)	Now, a Transporter and the Transporters (jointly) can consider that a Modification Proposal should be treated as an Urgent Modification Proposal.
	6.4.2(a)	Third Party Participants can now either adopt, or raise an alternative proposal in respect of a Third Party Proposal that has been withdrawn.
	8.6.2	Amended to reflect the potential for numerous Modification Proposals as a result of alternative proposals under paragraph 6.4.
	9.1.5	New paragraph to clarify that the Transporters can only amend the SME Code of Conduct and Terms of Appointment if the Modification Panel consents to this (by Panel Majority).
	9.5.2 and 9.5.5.	New paragraph 9.5.5 to clarify that if there is a deadlock after the Modification Panel has voted, the Panel will be deemed to have recommended non-implementation of the proposal. This applies notwithstanding paragraph 9.5.2(b)(ii).
	9.6.1(q)	Clarification to reflect that the Modification Panel's votes can only be classified as being in favour of implementing a proposal.
	9.6.2	Amended to reflect that more than two Modification Proposals can potentially proceed through the Modification Procedures together.
	12.4.1	Provision on variations of adopted Modification Proposals now applies to Users also.
Class 3	Definitions	Amended definitions of "Individual Network Code", "Relevant Objectives", "Terms of Appointment", "Transporter" and "User".
	7.3(b)	Deletion of the requirement that the Modification Panel requests one of the Transporters to procure the provision of necessary legal services (see amendments to 9.8 also).
	9.5.6 and 12.3.3.	New paragraph 9.5.6 to ensure full alignment with SSC [A11(19)], i.e. leaving the final determination of the Authority, on questions of whether (in relation to representations) a person is likely to be materially affected by a proposed modification and whether representations have been properly considered. Paragraph 12.3.3 accordingly clarified.

	9.6.2	Modification Panel (for the purposes of this paragraph) now given the role of deciding whether proposals would better facilitate the achievement of the Relevant Objective.
	9.8.1, 9.8.2 and 7.3.1(b)	Amendment to clarify that the text of each Modification is always prepared by the Proposer (in respect of a Transporter Proposal) and the Transporters (in respect of User and Third Party Modification Proposals). The Transporters must prepare the latter text if the Authority requests (or directs) or if the Modification Panel recommends the implementation of that proposal. Sub-paragraph 7.3.1(b) deleted. Provision of legal text now dealt with solely in Paragraph 9.8.
	9.9.1 and 10.3.1	The obligation to amend an Individual Network Code (following modification and urgent modification) is now placed on the Relevant Transporter rather than all Transporters, clarifying that the Relevant Transporter amends the INC (rather than all Transporters).
	10.1.1 and 6.1.3(e)	Amended for clarity.
	10.1.2(b) and (e)	New paragraphs. If a proposal is to be treated as an Urgent Modification Proposal, Transporters must now appoint a suitable Subject Matter Expert, and instruct the Secretary to send the Modification Report to the Authority.
	12.6.1	Individual Network Code now included within the scope of this clause.
Class 4	None	None
Class 5	None	None