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MP167B ‘Review of SEC documents (DCC Internal Systems change governance)’

Annex A

Legal text – version 0.2

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

This document contains the changes required to deliver the Proposed Solution.

Section A ‘Definitions and Interpretation’

These changes have been redlined against Section A version 30.0.

Add the following definition as follows:

Production Proving Registration Data	has the meaning given to that expression in Section P1.11 (Production Proving Registration Data).
Production Proving Systems	means the Systems used by the DCC in its capacity as the Production Proving Function.
<u>Programme Assurance Policy</u>	<u>Has the meaning given to that expression in Section C2.3 (Panel Duties).</u>
Proposed Solution	means the variation under a Modification Proposal that is proposed and can be subsequently changed by the Proposer in accordance with Section D6.15 (Alternative Solutions).
Proposer	has the meaning given to that expression in Section D1.3 (Persons Entitled to Submit Draft Proposals).

Section C ‘Governance’

These changes have been redlined against Section C version 9.0.

Add Section 2.3(o) as follows:

C2. PANEL

Establishment of the Panel

C2.1 The Panel is hereby established. The Panel shall:

- (a) pursue the objectives, undertake the duties, and have the powers, set out in Sections C2.2 to C2.4;
- (b) be composed of the Panel Members described in Section C3 (Panel Members), some of whom will be elected in accordance with Section C4 (Elected Members); and
- (c) conduct its activities in accordance with the procedures set out in Section C5 (Proceedings of the Panel).

Panel Objectives

C2.2 The Panel shall, in all its activities, always act in a manner designed to achieve the following objectives (the **Panel Objectives**):

- (a) that this Code is given full and prompt effect in accordance with its terms and conditions;
- (b) that this Code is given effect in such a manner as will facilitate achievement of the SEC Objectives;
- (c) that this Code is given effect in a fair manner without undue discrimination between the Parties or any classes of Party; and
- (d) that the Panel conducts its affairs in an open and transparent manner.

Panel Duties

C2.3 Without prejudice to any other tasks, duties or obligations imposed on the Panel in this Code, the Panel shall, subject to and in accordance with the other provisions of this Code:

- (a) oversee the process by which Applicants apply to become a Party, as set out in Section B (Accession);
- (b) manage the Code Administrator and Secretariat, and oversee their performance;
- (c) develop, consult upon, and report upon its performance against three-year budgets and work plans in accordance with Section C8 (Panel Costs and Budgets);

- (d) oversee and co-ordinate the process for assessing Draft Proposals and Modification Proposals, and implement successful Modification Proposals, each as set out in Section D (Modification Process);
- (e) manage and co-ordinate arrangements for the resolution of certain Disputes under or in relation to this Code, as set out in Section M7.3 (Reference to the Panel or its Sub-Committees);
- (f) manage and co-ordinate the suspension of Parties' rights under this Code, as set out in Section M8 (Suspension, Expulsion and Withdrawal);
- (g) manage and co-ordinate the withdrawal or expulsion of Parties from this Code, as set out in Section M8 (Suspension, Expulsion and Withdrawal);
- (h) by no later than 30 Working Days following the end of each Regulatory Year prepare and publish a report on the implementation of this Code and the activities of the Panel during that Regulatory Year, including so as to evaluate whether this Code continues to meet the SEC Objectives (and in respect of the Alt HAN Arrangements the Panel shall be entitled to rely on and report any information provided to it by the Alt HAN Forum for that purpose);
- (i) at the written request of the Authority at any time, undertake a review of such parts of this Code as the Authority may specify to evaluate whether this Code continues to meet the SEC Objectives;
- (j) at the written request of the Authority, collect and provide to the Authority (or publish in such manner as the Authority may direct) such information regarding the SEC Arrangements as the Authority may reasonably request (and each Party shall provide to the Panel such information as the Panel reasonably requires in order to enable the Panel to comply with any such request of the Authority);
- (k) hold a general meeting during the month of July each year, which each Panel Member will (subject to unforeseen circumstances) attend, at which a representative of each Party shall be entitled to attend and speak, and at which the Panel will endeavour to answer any reasonable questions submitted to the Secretariat in advance of the meeting;
- (l) establish (and, where appropriate, revise from time to time) joint working arrangements with the panels, committees and administrators responsible for the governance and operation of other Energy Codes, in order to facilitate the timely:
 - (i) identification, co-ordination, making and implementation of changes to other Energy Codes consequent on a Draft Proposal or Modification Proposal (and vice versa); and
 - (ii) identification and coordinated resolution of Disputes and disputes under other Energy Codes (in circumstances where there is an interaction between the Dispute and one or more disputes under the other Energy Codes);
- (m) establish joint working arrangements with the Information Commissioner pursuant to which the Panel shall notify the Information Commissioner of matters in which the Panel believes the Information Commissioner may have an interest; ~~and~~
- (n) periodically commission a review of the effectiveness of the End-to-End Technical Architecture and the Business Architecture by the Technical Architecture and Business

Architecture Sub-Committee, as further described in Section F1 (Technical Architecture and Business Architecture Sub- Committee); and-

~~(a)(o)~~ establish and maintain a policy (referred to as the Programme Assurance Policy) for governing DCC changes with the potential to impact Users and or SEC Parties.

Panel Powers

C2.4 Without prejudice to any other rights or powers granted to the Panel in this Code, the Panel shall, subject to and in accordance with the other provisions of this Code, have the power to:

- (a) appoint and remove the Code Administrator and the Secretariat in accordance with Section C7 (Code Administrator, Secretariat and SECCo);
- (b) appoint and remove professional advisers;
- (c) consider, approve and authorise the entering into by SECCo of contracts in accordance with Section C7 (Code Administrator, Secretariat and SECCo);
- (d) constitute Sub-Committees in accordance with Section C6 (Sub-Committees);
- (e) consider, approve and authorise the licensing, sub-licensing, or any other manner of dealing with the Intellectual Property Rights in the SEC Materials, for any use which does not hinder, delay or frustrate, in any way whatsoever, the SEC Objectives;
- (f) direct SECCo to become a Subscriber for IKI Certificates, on behalf of the Panel and for the purpose of Digitally Signing the Central Products List; and
- (g) do anything necessary for, or reasonably incidental to, the discharge of its duties under this Code.

Section D ‘Modification Process’

These changes have been redlined against Section D version 8.0.

Add Section D10.21 as follows:

SEC Release Testing Approach Document

D10.18 The DCC, on request of the Panel, shall produce a document setting out how the requirements of Sections D10.13(d) and (e) will be satisfied (the “SEC Release Testing Approach Document”). A SEC Release Testing Approach Document shall be considered as part of the SEC Release Implementation Document for the relevant SEC Release.

D10.19 The DCC shall ensure that each SEC Release Testing Approach Document sets out the following, as a minimum, in respect of the SEC Release in question:

- (a) the proposed amendments to this Code that are the subject of the testing, an explanation of the associated changes to the DCC Total System, and the testing objective;
- (b) the testing environments and test phases to be used and how these will be sequenced;
- (c) the Devices to be used in testing (including the use of emulators);
- (d) the requirements (if any) for security testing;
- (e) the requirements (if any) for system capacity testing;
- (f) details of the testing that shall be undertaken, including the scope of testing and the extent of testing (including negative tests) and the approach to regression testing and End Of Cycle testing;
- (g) the applicable Testing Issue thresholds and the process by which DCC may propose to exclude Testing Issues from being counted against the Testing Issue thresholds;
- (h) the process and expected timescales for managing the resolution of extant Testing Issues following completion of a test phase;
- (i) the entry criteria that must be met in order for a test phase to commence and who approves entry;
- (j) the exit criteria that must be met in order for a test phase to complete and who approves exit;
- (k) any key risks (and risk mitigation) identified in respect of the proposed approach to testing;
- (l) the approach to providing assurance of the testing undertaken;
- (m) matters to be included in DCC’s test completion reports presented to the Panel; and

- (n) the requirements (if any) for User testing and for determining any associated test completion.

D10.20 The DCC shall prepare and consult upon each SEC Release Testing Approach Document and any subsequent amendments. The DCC shall report to the Panel on the outcome of each such consultation. The Panel shall review and determine whether to approve each SEC Release Testing Approach Document and any subsequent amendments.

~~D10.20~~ D10.21 In the case where the DCC initiates projects and programmes that potentially impact DCC Users, the DCC shall adhere to the Programme Assurance Policy except projects and programmes that are outside of a SEC Modification and are non-SEC impacting.

D10.22 The DCC shall co-operate with the Panel in planning and implementing DCC projects and programmes in accordance with the Programme Assurance Policy and shall provide any information reasonably requested by the Panel for this purpose.

D10.23 In developing the Programme Assurance Policy, and prior to making any subsequent change to it, the Panel shall consult with the DCC and have regard to the views of all Parties.

D10.24 The Panel shall ensure that an up-to-date copy of the Programme Assurance Policy is made available to all Parties and is published on the Website.

D10.25 In developing or making changes to the Programme Assurance Policy, the Panel shall ensure that it give due consideration to the need for the DCC to comply at all times with the General Objectives of the DCC (as defined in the DCC Licence), and to efficiently discharge the other obligations imposed upon it by the DCC Licence.

~~D10.24~~ D10.26 Should the DCC disagree with the Panel on any changes made to the Programme Assurance Policy (in accordance with the provisions of this Section D10), the DCC may refer the matter to the Authority for determination, whose decision shall be final and binding for the purposes of this Code.