

## SECTION X: TRANSITION

### **X1 GENERAL PROVISIONS REGARDING TRANSITION**

#### **Overriding Nature of this Section**

- X1.1 The provisions of this Section X shall apply notwithstanding, and shall override, any other provision of this Code.

#### **Transition Objective**

- X1.2 The objective to be achieved pursuant to this Section X (the “**Transition Objective**”) is the efficient, economical, co-ordinated, timely, and secure process of transition to the Completion of Implementation.
- X1.3 The “**Completion of Implementation**” shall occur on the date designated for the purpose of this Section X1.3 by the Secretary of State (or such person as the Secretary of State may designate for the purposes of this Section X1.3), once the Secretary of State (or the person so designated) is of the opinion that:
- (a) the documents referred to in Section X5 and that the Secretary of State (or the person so designated) considers material to the implementation of this Code have been incorporated into this Code in accordance with that Section;
  - (b) the provisions of this Code that the Secretary of State (or the person so designated) considers material to the implementation of this Code apply in full without any variation pursuant to this Section X (or, where any such variations do apply, the requirements of Sections X1.3(c) will still be met despite such variations ending in accordance with Section X1.5(a) and/or X1.5A(a)); and
  - (c) each Party that holds an Energy Licence is (or would be had such Party acted in accordance with Good Industry Practice) reasonably able (on the assumption that such Party acts in accordance with Good Industry Practice) to perform its obligations, and to exercise its rights, under this Code to the extent that the Secretary of State (or the person so designated) considers such obligations or rights material to the implementation of this Code.

X1.4 Before designating a date for the purpose of Section X1.3, the Secretary of State (or the person designated for the purposes of this Section X1.3) must consult the Authority, the Panel and the Parties in respect of the proposed date. Such consultation must allow such period of time as the Secretary of State (or the person so designated) considers appropriate in the circumstances within which representations or objections may be made.

**Ending of the Application of this Section X**

X1.5 With effect from the earlier of:

- (a) Completion of Implementation; or
- (b) 31 October 2018,

this Code shall automatically be modified so as to delete the following provisions of this Section X (and all variations to this Code provided for in, or made by directions pursuant to, the following provisions shall cease to apply):

- (i) Section X1.11;
- (ii) Section X2 (Effective Provisions at Designation), except for:
  - (A) Section X2.3(d), which shall continue to apply, but re-numbered as Section X2.1; and
  - (B) Sections X2.7 and X2.8, which shall continue to apply, but re-numbered as Sections X2.2 and X2.3 respectively;
- (iii) Section X3 (Provisions to Become Effective Following Designation), except for:
  - (A) Section X3.1, which shall continue to apply, but amended to read:  
"Each Section, Schedule and SEC Subsidiary Document (or any part thereof) shall be effective, unless (at the time of a provision being added or modified by the Secretary of State pursuant to section 88 of the Energy Act 2008) the Secretary of State directs that such addition or modification is not to have effect, or is not to have effect until a later date. Where the Secretary of State

directs that an addition or modification is not to have effect, the Secretary of State may subsequently designate a date from which it is to have effect."; and

- (B) Section X3.9, which shall continue to apply, but re-numbered as X3.2;
- (iv) Section X4 (Governance Set-up Arrangements);
- (v) Section X6 (Transitional Variations);
- (vi) Section X7 (Transitional Incident Management Procedures);
- (vii) Section X8 (Developing CH Support Materials); and
- (viii) Section X10 (Threshold Anomaly Detection Procedures).

X1.5A With effect from Completion of Implementation this Section X shall automatically be modified so as to delete all of its provisions, save for Section X1.1, Section X1.3, this Section X1.5A, Section X5 and Section X11 which shall continue to apply until 1 November 2028, (and any variations to this Code provided for in, or made by directions pursuant to, this Section X) shall cease to apply (save as set out in Section X5.8), and this Code shall automatically be modified from 1 November 2028 so as to delete this Section X.

### **General Obligations**

- X1.6 Each Party shall take all reasonable steps to do all such things as are within its power and necessary or expedient in order to facilitate achievement of the Transition Objective.
- X1.7 Each Party shall provide such reasonable co-operation and assistance to the other Parties and to the Panel as may be necessary to facilitate compliance with the provisions of this Section X, and with any variations to this Code provided for in (or made by directions pursuant to) this Section X.
- X1.8 Without prejudice to its legal rights, no Party shall take any step, or exercise any right, which is intended to (or might reasonably be expected to) hinder or frustrate the

achievement of the Transition Objective.

### **Information**

X1.9 Each Party shall provide to the Secretary of State, in such manner and at such times as the Secretary of State may reasonably require, such Data as the Secretary of State may reasonably require in order to enable the Secretary of State to assess progress towards (and to facilitate) achievement of the Transition Objective. No Party shall be obliged to provide information under this Section X1.9 where such Party is obliged to provide such information under its Energy Licence, or where such information is expressly excluded from the information that such Party is obliged to provide under its Energy Licence.

X1.10 If a Party is aware of any matter or circumstance which it considers will materially delay or frustrate the achievement of the Transition Objective, that Party shall promptly inform the Secretary of State of such matter or circumstance.

### **Network Parties to become Subscribers**

X1.11 Prior to the commencement of the provision of Enrolment Services by the DCC pursuant to Section H5 (Smart Metering Inventory and Enrolment Services), each Network Party shall ensure that it has become a Subscriber for those Organisation Certificates which pertain to it and that are required by Responsible Suppliers for the purpose of complying with their obligations under Clause 5 (Post-Commissioning Obligations) of the Inventory Enrolment and Decommissioning Procedures.

### **Day-One Elective Communication Services**

X1.12 Where the Secretary of State designates one or more draft Bilateral Agreements for the purposes of this Section X1.12 (each of which drafts must specify the potential Elective Communication Services to be provided thereunder, and the DCC's potential counterparty thereunder), then:

- (a) the DCC shall, within 10 Working Days thereafter, make a formal offer to each of the counterparties in question for the Elective Communication Services in question as if Section H7.12 (Formal Offer) applied;

- (b) such offer shall be on the basis of the draft Bilateral Agreement designated by the Secretary of State (subject only to the addition of the applicable Elective Charges, any termination fee and any credit support requirements);
- (c) the counterparty shall be under no obligation to accept such offer; and
- (d) any agreement entered into pursuant to this Section X1.12 shall be a Bilateral Agreement.

### **Disputes**

X1.13 In the event of any dispute between the Parties (or between the Panel and any Party) as to whether a particular Party is obliged to undertake a particular activity pursuant to Section X1.6 to X1.12 (inclusive), a Party (or the Panel) may refer the matter to the Secretary of State (or, where designated by the Secretary of State for such purposes, the Panel or the Authority) for determination (which determination may include a requirement to comply with such terms and conditions as the person making it considers appropriate in all the circumstances of the case). Any determination by the Secretary of State or by the Authority pursuant to this Section X1.13 shall be final and binding for the purposes of this Section X1. Any determination by the Panel pursuant to this Section X1.13 shall be subject to appeal to the Secretary of State (or, where designated by the Secretary of State for such purposes, to the Authority), the determination of such appeal being final and binding for the purposes of this Section X1.

### **Modification of this Section X**

X1.14 The variations to this Code provided for in, or made by directions pursuant to, this Section X shall not constitute modifications that should be subject to Section D (Modification Process). For the avoidance of doubt, this Section X shall be capable of being modified under Section D (Modification Process).

### **SECCo**

X1.15 The provisions of this Section X1 (and the definitions used in this Section) shall apply to SECCo as if SECCo was a Party.

### **Publication of Draft Subsidiary Documents by the DCC**

X1.16 Where, pursuant to this Code or the DCC Licence, the DCC is required to prepare or produce and to consult upon a draft (or further draft) of a document (or to resubmit a document) that is intended to be incorporated into this Code as a SEC Subsidiary Document, the DCC shall, at or around the same time as the DCC sends such document to the Secretary of State, publish on the DCC Website:

- (a) a copy of the document sent to the Secretary of State; and
- (b) a summary of any material comments raised in response to the consultation and a brief description of the reasons why any associated changes to the document were or were not made.

### **Testing in respect of Additional Release Services**

X1.17 A Party seeking to become a User for a particular User Role must undertake the User Entry Process Tests relevant to that User Role, as described in Sections H1 (User Entry Process) and H14 (Testing). Completion of User Entry Process Tests by certain Parties in relation to certain User Roles also forms part of Interface Testing under Section T3 (Interface Testing), and (for so long as Section T4 (End-to-End Testing) applies) User Entry Process Test are to be undertaken as part of End-to-End Testing. Certain Services are only available to Parties that have become a User for the applicable User Role, as described in Section H3 (DCC User Interface) and the DCC User Interface Services Schedule. Where the Secretary of State makes directions pursuant to Section X3 (Provisions to Become Effective Following Designation) whereby the Common Test Scenarios Document is varied on it first becoming effective so that there are Service Requests that are deemed to be omitted from the document, then the following provisions shall apply:

- (a) the Service Requests that are subject to such a direction shall, for so long as the variation in respect of that Service Request remains in effect, be "**Additional Release Services**";
- (b) Parties that start User Entry Process Tests at a time where there are Additional Release Services shall undertake (and be able to successfully complete) the User Entry Process Tests without reference to those Additional Release Services;

- (c) a User that completes User Entry Process Tests that did not include testing of Service Requests that used to be (but are no longer) Additional Release Services shall (notwithstanding any other provision of this Code) not be an Eligible User for those Service Requests until that User has successfully completed the applicable Additional SR Tests for those Service Requests; and
- (d) "**Additional SR Tests**" means, in respect of one or more Service Requests that used to be (but are no longer) Additional Release Services, testing equivalent to User Entry Process Tests but undertaken only in respect of those Service Requests. Accordingly, and without limitation, the following shall apply:
  - (i) Additional SR Tests shall constitute a Testing Service, and shall therefore be subject to the provisions of Section H14 (Testing Services);
  - (ii) Additional SR Tests shall be provided by the DCC, and shall be capable of being undertaken by Parties, in accordance with Sections H14.12 to H14.21 (User Entry Process Tests), but:
    - (A) construed by reference to only those relevant Service Requests;
    - (B) where a Party has already demonstrated capability for the purposes of User Entry Process Tests, this can be relied upon for the purposes of the Additional SR Tests (unless the DCC considers that this is not appropriate for those Additional SR Tests);
    - (C) potentially (as provided for in the Common Test Scenarios Document) without the need to re-test the DCC Gateway Connection;
    - (D) without the need to re-test the Self-Service Interface; and
    - (E) subject to any other exceptions provided for in the Common Test Scenarios Document; and
- (e) any provisions from time to time applying to User Entry Process Tests pursuant to the Interface Testing Approach Document or the End-to-End Testing Approach Document shall apply equally to Additional SR Tests (unless

otherwise set out in those approach documents).

### **DCC Live Services Criteria Report**

X1.18 This Section X1.18 shall apply where the DCC produces a report concerning its readiness to commence provision of the Services (or any part of the Services), and where the Secretary of State directs the Panel to review that report. Where this Section X1.18 applies, the Panel shall review the DCC's report and report to the Secretary of State in accordance with the criteria, scope and timing specified in the Secretary of State's direction.

### **Developing ETAD for RDP Entry Process Tests**

X1.19 The DCC shall develop a revised Enduring Testing Approach Document which provides the detailed processes concerning the RDP Entry Process Tests in accordance with Section X1.20, such that the revised document can be re-designated pursuant to Section X5 (Incorporation of Certain Documents into this Code). The revisions shall include the following in respect of the RDP Entry Process Tests:

- (a) entry criteria for RDPs wishing to undertake the tests;
- (b) exit criteria demonstrating successful completion of the tests; and
- (c) the process for first exchanging between the RDP and the DCC a full set of the Data to be exchanged under Section E2 (Provision of Data).

X1.20 The procedure by which the DCC is to develop the revisions to the Enduring Testing Approach Document is as follows:

- (a) the DCC shall produce a draft by such date as the Secretary of State may direct;
- (b) in producing the draft, the DCC must consult appropriately with Parties and other interested persons;
- (c) where disagreements with the Parties arise concerning the proposed content of the draft, the DCC shall seek to reach an agreed solution with them, but without prejudice to the purposes of the document;
- (d) having complied with (b) and (c) above, the DCC shall submit the draft revisions



to the Secretary of State as soon as is reasonably practicable, and in any case by such date as the Secretary of State may direct;

- (e) when submitting a draft under paragraph (d) above, the DCC shall indicate to the Secretary of State: (i) why the DCC considers the draft to be fit for purpose; (ii) copies of the consultation responses received; and (iii) any areas of disagreement that arose during the consultation process and that have not been resolved; and
- (f) the DCC must comply with the requirements with respect to process, timeframe and/or further development of content in any direction that is given by the Secretary of State regarding the draft document.