

F13. NETWORK EVOLUTION TRANSITION AND MIGRATION APPROACH DOCUMENT

Overview

F13.1 The Network Evolution Transition and Migration Approach Document is to be developed by the DCC pursuant to this Section F13, and incorporated into this Code pursuant to Part G of Condition 22 of the DCC Licence and Section [X5] (Incorporation of Certain Documents into this Code).

Purpose of the Network Evolution Transition and Migration Approach Document

F13.2 The purposes of the Network Evolution Transition and Migration Approach Document are to:

- (a) enable an orderly and coordinated transition and/or migration to, any or all of the Network Evolution Arrangements; and
- (b) provide for additional and/or varied provisions to apply for a transitional period prior to, during and/or following the implementation of any or all of the Network Evolution Arrangements.

Content of the Network Evolution Transition and Migration Approach Document

F13.3 The Network Evolution Transition and Migration Approach Document may include, without limitation, some or all of the following:

- (a) rights and/or obligations of the DCC and other Parties designed to facilitate or achieve the purposes of the Network Evolution Transition and Migration Approach Document which are either additional to or vary other rights and/or obligations set out in this Code;
- (b) rules and requirements concerning the provision and sharing of Data in order to facilitate or achieve the purposes of the Network Evolution Transition and Migration Approach Document, which may include one or more Parties being obliged to provide (or procure the provision of) Data (as further described in the Network Evolution Transition and Migration Approach Document);

- (c) limitations and/or variations to the Services and/or the rights and/or obligations of the Parties to apply for a transitional period prior to and/or following the establishment of any or all of the Network Evolution Arrangements, which may include limitations and/or variations to Services;
- (d) the variation of limitations on liability provided for in this Code for a transitional period prior to and/or following the establishment of any or all of the Network Evolution Arrangements;
- (e) provision for the referral and determination of disputes in respect of the Network Evolution Transition and Migration Approach Document, which may include interim or final determinations by the Secretary of State, the Authority, the Panel or any other person specified by the Secretary of State.

Process to Develop Document for Designation

F13.4 The DCC shall, to the extent it has not already done so when this Section F13 comes into effect, develop and consult on the first version of the Network Evolution Transition and Migration Approach Document which shall include provisions relating to the CH&N Arrangements and submit it to the Secretary of State in accordance with the following process:

- (a) the DCC shall, in consultation with the Parties and such other persons as are likely to be interested, produce a draft of the document;
- (b) where a disagreement arises with any Party or other person with regard to any proposal as to the content of the document, the DCC shall endeavour to reach an agreed proposal with that person consistent with the purposes of the Network Evolution Transition and Migration Approach Document;
- (c) the DCC shall send a copy of the draft document to the Secretary of State as soon as is practicable after completion of the process described in (a) and (b) above, and shall when doing so provide to the Secretary of State:
 - (i) a statement of the reasons why the DCC considers that draft to be fit for purpose;

- (ii) copies of the consultation responses received; and
 - (iii) a summary of any disagreements that arose during consultation and that have not been resolved by reaching an agreed proposal; and
- (d) the DCC shall comply with any direction given to it by the Secretary of State following the Secretary of State's consideration of the draft document which direction may require the DCC to:
 - (i) make such amendments to the draft document as are set out or described in the direction;
 - (ii) produce and submit to the Secretary of State a further draft of the document; and
 - (iii) follow a specified process (and the time within which that process shall be completed) prior to submitting a further draft of the document to the Secretary of State.

F13.5 The DCC shall, where so directed by the Secretary of State from time to time, develop and consult upon the second (and any subsequent) version of the Network Evolution Transition and Migration Approach Document (which direction may require that version to include provisions relating to one or more of the other parts of the Network Evolution Arrangements) and submit it to the Secretary of State in accordance with the process set out in Section F13.4 and in accordance with any timescales that may be specified in the direction.

Application of the Network Evolution Transition and Migration Approach Document

F13.6 The DCC and the categories of Party referred to in the Network Evolution Transition and Migration Approach Document shall comply with the Network Evolution Transition and Migration Approach Document.

F13.7 The Network Evolution Transition and Migration Approach Document shall have priority over the other provisions of the SEC in relation to the subject matter of the Network Evolution Transition and Migration Approach Document.

Expiry of the Network Evolution Transition and Migration Approach Document

F13.8 The Network Evolution Transition and Migration Approach Document shall provide for a date (or a mechanism for determining a date) from which the Network Evolution Transition and Migration Approach Document is to no longer apply. From such date, the Network Evolution Transition and Migration Approach Document shall no longer have any effect (but without prejudice to the rights and obligations arising prior to that date).

Definitions

F13.9 For the purposes of this Section F13:

CH&N Arrangements	means the arrangements described in subparagraph (a) of the definition of Network Evolution Arrangements.
Network Evolution Arrangements	has the meaning given to that term in Condition 13B of the DCC Licence