

Competition in Connections Code of Practice

Wednesday 26 October 2016 10.00

ENA offices, 6th Floor Dean Bradley House, 52 Horseferry Road, London

SW1P 2AF

Agenda

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| 1 | Welcome |
| 2 | Competition Act Awareness |
| 3 | Review of previous minutes |
| 4 | Introduction to Modification Proposal Report |
| 5 | Review of COP Administration Corrections May 2016 Modification Proposal |
| 6 | Vote on Modification Proposal |
| 7 | Discussion Paper: Potential Modification to Code of Practice, paragraphs 5.2.16 and 5.2.17 – Geoff Earle, Northern Powergrid |
| 8 | Ofgem Code Governance review update |
| 9 | New Chair for the CiC Code of Practice Panel - Discussion |
| 10 | Future meeting dates |

COMPETITION ACT COMPLIANCE - ENA MEETINGS - BEST PRACTICE GUIDELINES

Members of the Competition in Connections (CiC) Code of Practice Governance Panel and working groups, must at all times comply with the requirements of Competition Law (the

Competition Act 1998, the Enterprise Act 2002 and Articles 81 and 82 of the EC Treaty) and must not engage in any practice which will or may prevent, restrict or distort competition or constitute an abuse of a dominant position.

This guidance is part of suite of processes and procedures which the ENA has in place to mitigate risks under the Competition Law. Others include; training for the Chairs of key regulatory or commercial groups.

Application of Guidance

These guidelines apply to any meetings which are either held on ENA premises or at which an ENA employee is present. They are attached to each agenda issued for an ENA meeting.

- 1) Could the discussion be seen from the outside to be restricting competition in any way?
- 2) Is any restriction of competition in the interests of consumers i.e. could it be simplifying the market to help consumers engage.

If there is any doubt as to the answer to the second question, then further advice should be sought immediately before embarking on the discussion.

Conduct of Meetings

- All working groups must have agreed terms of reference. All working group members should have a copy of the terms of reference. Copies can be requested CiC Code of Practice secretariat.
- All working groups must have a formally appointed Chair.
- All meetings must have a clear purpose which is communicated in advance along with an agreed agenda.
- The Chair must take time to remind the working group each time they meet as to the obligations under Competition Law and highlight any areas of the agenda where particular care is required.
- The agenda and minutes/action notes of each meeting must be saved by the CiC Code of Practice Secretariat together with a list of participants and circulated to the working group following the meeting.
- Attendees should raise any concerns about Competition Law issues with the Chair as soon as these become apparent to them. If the concern cannot be resolved immediately, the Chair should stop discussion and convene a break from the meeting and should seek further advice. The Chair can then ask attendees if they wish to move onto a different topic and re-start the meeting or stop the meeting altogether.
- CiC Code of Practice Secretariat should document any concerns raised on Competition Law issues and how they were dealt with at the meeting within the meeting minutes
- CiC Code of Practice Secretariat can take an action to seek legal advice on issues where the working group has concerns but is unsure about how to best manage them. Where this is the case, the working group should not discuss these concerns until legal advice has been provided unless it is for the purpose of seeking that legal advice.

If you require any further advice please contact: Mark Askew – 020 7706 5165 or 07792 219874