



**GAS FORUM**  
**UNC Modifications Panel – Users’**  
**Representative Election Process**

Version: 1.0  
Date: 16th April 2010

## Change History

Version Number	Status	Date of Issue	Reason For Change	Change Control Reference
0.1	Draft		First draft	
1.0	Final	17 <sup>th</sup> May 2010	Sign off by industry	

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## 1. Background and purpose of document

The Uniform Network Code (UNC) contains the Modification rules and processes by which the UNC and each Individual Network Code may be modified and/or reviewed. The UNC also contains the Modification Panel rules governing how the panel will be established and operated. As part of this process the rules defines the Gas Forum Company Secretary as the “Designated Person” responsible for operating a process to the User representatives for the UNC Modification Panel under section 3.4. The Forum has also agreed to perform the same role in respect of the various Code Sub-Committees. This process is open to all UNC Users both for nominations and subsequent voting (if any) and is merely facilitated by the Gas Forum.

### Purpose of this document

This document sets out the high level process and timeline that is followed during the UNC Panel nomination/election process. The detailed rules for the User Representative election and nominations process is contained in the appendices. This process has been updated and enhanced following feedback from presentations made to the industry including UNC Governance Workstream meetings in line with good governance procedures.

This document will be made available on the public section of the Gas Forum website, and a link to this website will be available from the Joint Office website. This will ensure transparency and ease of understanding around the process.

## 2. Modification Process

### 2.1. Electoral Roll Process

#### Background

An “electoral roll” process has been introduced in order to ensure that all communication from/to Shippers should be between the Gas Forum and one named individual or their nominated alternate from each Shipper Group. This enhancement mitigates the possibility of errors resulting from multiple interactions between stakeholders.

A dedicated Gas Forum email address will be used to support this process.

[uncelections@gemserv.com](mailto:uncelections@gemserv.com)

#### Process

In order to ensure the electoral roll is up to date, a validation exercise will be carried out. An email will be sent by no later than **June 1st\*** – see timeline section in this document) to the **UNC Election Electoral Roll distribution list**, this email will request:

- Confirmation that the named individual and alternate (if applicable) is still applicable; or
- In the event that any of the named persons has either moved to another role and/or are no longer responsible for receiving communication(s) relating to UNC nomination/elections to make it known by reply (with an alternative name proposed).

In the event that the inbox receives a delivery failure notification from one of the named representatives then a further email will be sent to the Joint Office (which will be forwarded to the Shipper in question) requesting that an alternative name be provided.

*\*this exercise will also be carried out in January to provide an additional level of assurance*

The Gas Forum will conduct an exercise prior to 1st June each year to identify which companies have nominated an individual for the process. An email will be issued to these Shippers who have not nominated an individual via either the Joint Office or Gas Forum notifying them of the opportunity to nominate a point of contact.

## **2.2. Nomination Process**

- Representatives on the Electoral Roll are emailed (via the **UNC Election Electoral Roll distribution list**) by no later than the 20th July each year asking them to provide nominations to the Modification Panel, Committee and sub-Committees.\* The email will inform the individual that nominations will have to be received by no later than 17:00 on 20<sup>th</sup> August (or nearest date if this falls on a weekend/bank holiday).

The email will also inform the representative that in the event that nominations are received from more than one individual within the same Shipper Group (for an explanation of what constitutes a Shipper Group please see appendices) then the Gas Forum will decide which nomination to accept.

- Nominees are emailed to confirm that they understand the requirements of the role and the fact that they will be representing the interests of Shippers and not their individual employer.
  - If no response is received within 3 weeks, or a negative response received, their nomination will not proceed.

*\*the requirement for nominations to be seconded has been removed as it is not clear what benefit this brings and has the potential to make this stage longer than is necessary.*

## **2.3. Optional Election Process**

This process is to be used in the event that more people are nominated for the positions than there are positions available. In such cases an election process will be implemented.

- Assuming that an election is required (for either the Panel/Committee and/or EBCC) the representatives on the Electoral Roll will be emailed with the details of the candidates, as well as ballot papers.
- In instances when a registered Shipper has not nominated an individual then the Gas Forum will contact these Shippers to make them aware of the election process and rules.
- Responses will only be accepted from the email address of the nominated representatives or alternative whose names have been added to the Electoral Roll.

Representatives get [5] votes for the [5] places on the Panel/Committee and [9] votes for the EBCC (detailed rules are contained within the appendices).

- **All votes will be counted by one member of staff plus a double verification by a Senior Manager and Gemserv Management Team member.**

## **3. Modification Elections Timescale**

This section outlines the relevant timescale for the execution of all steps in the election process. This timeline is indicative but should be followed in order to keep the process in line with when members' terms of appointment expire.

- June 1<sup>st</sup> - Validation of electoral roll
- July 19<sup>th</sup> - Email is sent to the Electoral Roll distribution list requesting nominations for the UNC panel (and sub committees) requesting that nominations are received no later than 17:00 on 20<sup>th</sup> August (or nearest day if weekend)
- 27<sup>th</sup> August - (if election required) – details of candidates and ballot papers issued to Electoral Roll distribution list outlining that papers are to be returned by no later than 17:00 on 10<sup>th</sup> September
- 27<sup>th</sup> August – 10<sup>th</sup> September votes cast by Shipping/Suppliers
- 13<sup>th</sup> September - Gas Forum to notify the Joint Office of the elected candidates
- 1<sup>st</sup> October – candidates to take up positions on Panel and sub committees.

#### 4. Change Process

##### Who can propose change to process?

Any Licenced Shipper (at Group level – see appendix for rules) that is eligible to vote in the nomination and election of UNC Panel (and sub committees) members can propose changes to these processes by submitting the proposed change to the Gas Forum, along with supporting information if required.

##### How is change enacted?

In the first instance the change will be circulated to all Shippers via the Joint Office distribution list for information, Single Point of Contacts (SPoC's) will then be given 28 days to comment on change.

Comments will then be taken back to the Gas Forum Executive Committee for ratification. It is at the Executive's discretion on whether the change should be incorporated.

This decision will be published to all SPoCs and also via the Joint Office to all Shippers notifying them of the decision along with detailed reasons for this decision.

#### 5. Publication of results

- Names of representatives to be published – **to be circulated via the Joint Office**
- Number of votes cast for each candidate - **to be circulated via the Joint Office**
- Names of Shippers who have voted - **to be circulated via the Joint Office**

#### Appendix

**Nominations for Users' Representatives of the  
Uniform Network Code Modification Panel,  
Code Committee and associated Sub-Committees**

The **Uniform Network Code (UNC)** contains the Modification Panel rules governing how the panel will be established and operated. As part of this process the rules defines the Gas Forum Company Secretary as the "Designated Person" responsible for operating a process to the User representatives for the UNC Modification Panel under section 3.4. The Forum has also agreed to perform the same role in respect of the various Code Sub-Committees. **Please note that this process is open to all UNC Users both for nominations and subsequent voting (if any) and is merely facilitated by the Gas Forum.**

The process covers:

- Users' Representatives for the Uniform Network Code Modification Panel and Code Committee (there are a total of five places);
- An Independent (non-voting) Suppliers' Representative (i.e. from a company not affiliated to a Users' Representative's employer); and
- Users' Representatives for the various Code Sub-Committees.

**Rules for Nomination and (if necessary) Election to the Uniform Network Code (UNC)  
Modification Panel and Code Committee.**

**Objective** - to enable five Users' and one Independent Suppliers' Representatives to sit on the UNC Modification Panel in accordance with the rules outlined in paragraphs 3 and 4 of the UNC Modification Rules.

- Nominations are invited from any relevant licensees who are:
  - **Users' Representatives** - holders of a gas shipping licence and who are bound under the UNC framework, and,
  - **Independent Suppliers' Representative** - holders of a gas supplier licence who are not affiliated to a Users' Representative and who supply customers connected to a pipeline system subject to the provisions of the UNC.

Each nominee must be willing to stand, and acknowledge that they are willing and able to represent the industry rather than just their employer, if selected. Candidates must satisfy themselves that they are familiar with the role and responsibilities of the UNC Modification Panel.

- Individuals currently serving on the UNC Modification Panel are eligible for re-election but must be re-nominated if they wish to be considered.

- If there are more nominees than positions an election will ensue under the following arrangements:
- Each User will have five (5) votes to be cast for the preferred candidates (e.g. if there are 7 User nominations, you will vote for the 5 people who you wish elected from within that group), only one (1) vote per candidate.
- In addition, there will be a single vote per supplier for the supplier position.
- Election will be "first past the post" based on number of votes cast per candidate.
- Terms of reference for Representatives are as set out in the UNC Modification Rules.

**\*NB:** In circumstances where a group of companies hold more than one licence, the group will only be entitled to make a single nomination and to exercise five (5) votes regardless of the number of licences held.

Any queries or disputes arising from these Rules will be determined by the Designated Person.

### **Rules for Nomination and (if necessary) Election to the Energy Balancing Credit Committee**

**Objective** - to enable up to nine (9) Users' Representatives to sit on the Energy Balancing Credit Committee (EBCC) and to enable an unlimited number of Users' Representatives to formally become members of each of the other Sub-Committees.

Nominations are invited from any relevant licensees who are holders of a gas shipping licence and who are bound under the terms of the UNC framework.

### **Energy Balancing Credit Committee**

- Each nominee for the EBCC must be willing to stand, and acknowledge that they are willing and able to represent the industry rather than just their employer, if selected. Candidates **MUST** satisfy themselves that they are familiar with the role and responsibilities of the Energy Balancing Credit Committee.
- Individuals currently serving on the EBCC are eligible for re-election but must be re-nominated if they wish to be considered.
- If there are more nominees than positions an election will ensue in which each User will have nine (9) votes to be cast for the preferred candidates (e.g. if there are 11 User nominations, you will vote for the 9 people who you wish elected from within that group), only one (1) vote per candidate.
- Election will be "first past the post" based on number of votes cast per candidate.
- Terms of reference for Representatives are as set out in the relevant section of the UNC.

- In circumstances where a group of companies hold more than one licence, the group will only be entitled to make a single nomination and to exercise nine (9) votes regardless of the number of licences held.

### **Other Sub-Committees**

- Nominations are required in respect of each Sub-Committee that an individual wishes to become a member of.
- Each nominee must indicate they are willing and able to stand.
- Numbers of Users' Representatives will not be limited and hence no voting process will be necessary.

Any queries or disputes arising from these Rules will be determined by the Company Secretary of the Gas Forum in their role as the Designated Person.

### **Determining Shipper Groups**

This provides Parties with an explanation of a Shipper group. It can assist Parties to determine if they are within a Shipper group so they can accurately inform the Gas Forum of this status during the UNC election process. This is based on information provided in the Companies Act 1985, and a Shipper's Company Secretary is in the best position to determine whether that Party belongs to a Shipper group.

Queries regarding your status as a trading party group should initially be directed to your Company Secretary. Further information is available from the Gas Forum office on +44 (0) 20 7090 1030 or via email to [gasforum@gemserv.com](mailto:gasforum@gemserv.com).

### **Introduction**

Shippers elect UNC User Panel Members to the UNC Modification Panel/Committees in accordance with the UNC. Elections are held annually.

Shipper Parties may nominate candidates for election to the UNC Panel/Committee and each of the sub-committees.

During any election, each Shipper Party can submit one vote. If a Shipper is part of a Shipper group, ONLY ONE Party in that group can vote in the elections.

### **What is a Shipper Group?**

A Shipper group is a group comprised of a Shipper and every Affiliate of that Shipper.

An "Affiliate" is: any holding company of that Party, any subsidiary of that Party or any subsidiary of a holding company of that Party, (within the meaning of sections 736, 736A and 736B of the Companies Act 1985).

A Shipper will be in a Shipper group with all other Shippers that are its Affiliates. This means, all other Shipper who are:

- A subsidiary company of the Shipper;
- The holding (parent) company of the Shipper; or
- A company which is a subsidiary of the same holding company as the Shipper.

For more information on the different definitions of a Company please refer to Clause 736 of the Companies Act 1985 (amended by the Companies Act 1989).