

MODIFICATION P250 – ALTERNATIVE DRAFT LEGAL TEXT

SECTION F: MODIFICATION PROCEDURES (version16.0)

Amend paragraph 2.7.7 as follows:

2.7.7 The matters to be included in a Modification Report shall be the following (in respect of the Modification Proposal):

- (a) the recommendation of the Panel as to whether or not the Proposed Modification or any Alternative Modification should be made;
- (b) subject to paragraph 2.11.20, the proposed Implementation Date for implementation of any Proposed Modification or Alternative Modification;
- (c) the other items referred to in Annex F-1, based on the report prepared by the Modification Group (where the proposal was submitted to a Modification Group prior to the Report Phase) except to the extent that the Panel has formed a different view as to any matters contained in such report,

together with a copy of the representations made by Parties and interested third parties during the consultation undertaken in respect of the Proposed Modification and any Alternative Modification.

Insert new paragraphs 2.11.18, 2.11.19, 2.11.20, 2.11.21 and 2.1.22 as follows:

2.11.18 Where the Authority considers that the proposed Implementation Date specified in a Modification Report in accordance with paragraph 2.7.7(b) (and in respect of which notification of the Authority's decision pursuant to paragraphs 1.1.2 or 1.1.4 has not been made), is or may no longer be appropriate or might otherwise prevent the Authority from making such decision by reason of the effluxion of time, the Authority may direct the Panel to consult with each Party on a revised proposed Implementation Date.

2.11.19 Following the completion of a consultation held pursuant to paragraph 2.11.18, the Panel shall recommend a revised proposed Implementation Date to the Authority.

2.11.20 If the Authority decides to accept the Panel's recommendation pursuant to paragraph 2.11.19 the Authority shall notify the Panel of its decision and the revised proposed Implementation Date so accepted shall, for the purposes of the Code, be deemed to have replaced the proposed Implementation Date specified in the relevant Modification Report.

2.11.21 In respect of any consultation held pursuant to paragraph 2.11.18, the Panel may in addition consult on any matters relating to the relevant Modification Report which in the Panel's opinion have materially changed since the relevant Modification Report was submitted to the Authority in accordance with paragraph 2.7.6 and where it does so, the Panel shall report on such matters as part of its recommendation in accordance with paragraph 2.11.19.

2.11.22 For the purposes of a direction made pursuant to paragraph 2.11.18, the Authority may:

- (a) specify that the revised proposed Implementation Date shall not be prior to a specified date;
- (b) specify a reasonable period (taking into account a reasonable period for consultation) within which the Panel shall be obliged to make its recommendation in accordance with paragraph 2.11.19;
- (c) provide such reasons as it deems appropriate for such direction including in respect of those matters referred to in paragraphs 2.11.22(a) and 2.11.22(b), where applicable.

2.11.23 The provisions of paragraphs 2.11.18, 2.11.19, 2.11.20, 2.11.21 and 2.11.22 shall only be effective in respect of any Modification Proposals raised pursuant to paragraph 2.1.1 (but subject always to paragraphs 2.1.7 and 2.1.12) after the Relevant Implementation Date.

ANNEX F-1: CONTENTS OF REPORTS (version 16.0)

Amend paragraph 1(q) as follows:

- (q) subject to paragraph 2.11.20 of Section F, the Modification Group's proposed Implementation Date(s) for implementation (subject to the consent of the Authority) of the Proposed Modification and any Alternative Modification;