

SPAA Executive Committee Draft Agenda

Open Session

23 January 2019 10:30am – 12:30pm

Location: The Office Group - The Bloomsbury Building, 10 Bloomsbury Way, London, WC1A 2SL.

Teleconference details:

[Join Skype Meeting](#)

Dial in Number: 0207 871 2876

Participant Pass Code: 7194572

No.	Item	Paper Ref.	Attachments	Status	Lead
1.	Welcomes and Apologies	Verbal	-	Information	Chair
2.	Minutes	ECO/20181219	-	Decision	Chair
3.	Outstanding Actions	ECO/20190123/03	-	Decision	ElectraLink
4.	Accessions and Withdrawals	ECO/20190123/04	-	Decision	ElectraLink
5.	MDD Headline Report	ECO/20190123/05	-	Information	ElectraLink
6.	SEG Headline Report	ECO/20190123/06	-	Information	ElectraLink
7.	SCP 443 Headline Report	ECO/20190123/07	-	Information	ElectraLink
8.	Change Board Headline Report	ECO/20190123/08	-	Information	ElectraLink
9.	SCWG Headline Report	ECO/20190123/09	-	Information	ElectraLink
10.	Audit Review	ECO/20190123/10	-	Information	ElectraLink
11.	EU Exit Code Administrator & Ofgem Workshop Update	ECO/20190123/11	-	Information	ElectraLink
12.	Derogation Update	ECO/20190123/12	-	Information	ElectraLink
13.	Theft Headline Report	ECO/20190123/13	2	Information	ElectraLink
14.	Switching Procurement Industry Representative Update	ECO/20190123/14	-	Information	ElectraLink

15.	Metering Amalgamation Group Headline Report	ECO/20190123/15	-	Information	ElectraLink
16.	ET Update	Verbal	1	Decision	ElectraLink
17.	Website Project Update	Verbal	-	Information	ElectraLink
18.	Ofgem Update	Verbal	-	Information	Ofgem
19.	AOB	Verbal	-	Information	ElectraLink

Next Meeting Date: 27 February 2019

Competition Policy Behavioural Guidance for the SPAA Executive Committee, SPAA Ltd Board, and all SPAA Working Groups

Do's

1. **Do** familiarise yourself with this 'Competition Law Guidance' before all EC, Board and Working Group meetings, and ensure that you understand and comply with it.
2. **Do** ensure that the Terms of Reference for all Working Groups refer to this document, and the competition law parameters of the function(s) delegated by the EC.
3. **Do** invite the Authority to all EC meetings and Working Group meetings and ensure that it receives copies of all relevant paperwork (e.g. agenda, reports, minutes etc).
4. **Do** draw up and circulate an agenda (together with any materials relevant to the agenda) before all EC, Board, and Working Group meetings, and ensure that the agenda is followed at the meeting.
5. **Do** circulate, or otherwise make available, this 'Competition Law Guidance' at the start of each EC, Board and Working Group meeting, and ensure that this is minuted.
6. **Do** seek legal advice if you have any doubts as to the competition law compliance.
7. **Do** terminate a discussion or leave a meeting if you have any competition law concerns, and ensure that this action is minuted. Simply being present when an anti-competitive discussion occurs may be sufficient to implicate a party in any infringement.
8. **Do** share information relevant to the SPAA that is not competitively sensitive. See the 'Don't' section below for a description of competitively sensitive information. If in doubt, seek legal advice from SPAA Ltd's lawyers.
9. **Do** ensure that accurate minutes are taken of all EC, Board and Working Group meetings, and of any other discussions between SPAA Parties. Ensure that these minutes capture the attendees, timing, substance of the discussion and any decisions made.
10. **Do** circulate minutes to the SPAA Parties and recommend that attendees retain these minutes, together with the relevant agenda, for their records.
11. **Do** consider whether it would be helpful for SPAA Ltd's lawyers to attend EC, Board and Working Group meetings in view of the topics to be discussed.

Don'ts

1. **Don't** share, discuss, or exchange:
 - any information which allows a party to identify the commercial conduct of another party (or

parties);

- any competitively sensitive information (i.e. non-public strategic information about a party's commercial policy), including information relating to a party's current and future pricing strategies, costs, margins, and business plans.
2. **Don't** reach any agreement or understanding whatsoever with any party (or parties) in relation to prices to be charged or paid, manipulating supply or demand, allocating markets or customers, or rigging bids.
 3. **Don't** allow discussions between parties to 'spill over' into inappropriate areas, and don't be an active or passive participant in inappropriate discussions.
 4. **Don't** allow, encourage, or participate in any scheduled or unscheduled 'shadow' meetings between parties under the auspices of the EC, Board, and/or any Working Group (e.g. before or after EC, Board or Working Group meetings).
 5. **Don't** do anything that seeks to influence, or may have the effect of influencing, the conduct of a competitor (other than through your normal commercial activities).
 6. **Don't** fetter your own commercial freedom of action through discussions with parties.
 7. **Don't** collaborate with parties in a way designed to disadvantage particular parties or particular classes of party (e.g. in a way that would disadvantage smaller suppliers as compared to larger suppliers).
 8. **Don't** use language that is ambiguous from a competition law perspective.
 9. **Don't** 'do nothing' - if you have concerns regarding competition law compliance, always raise these concerns.