

CUSC Modification Amalgamation

Guidance note to CUSC Modifications Panel

BACKGROUND

1. CMP235 and CMP236 were tabled at the CUSC Modifications Panel meeting in September 2014. The CUSC Panel agreed that CMP235 and CMP236 should be amalgamated and considered by a Workgroup as one single modification (CMP235/6).
2. During post Workgroup evaluation, the Code Administrator recognised concerns of Workgroup members that amalgamation of CMP235 and CMP236 made the Workgroup process (specifically agreement of WACMs and voting) more complex. The Code Administrator reported these concerns back to the CUSC Panel who actioned the Governance Standing Group (GSG) to consider the issue of increased complexity when amalgamating modifications.
3. At the GSG meeting in October 2015, the group discussed what could be done to clarify CUSC around amalgamation.
4. The CUSC currently states;

‘the CUSC Modifications Panel may decide to amalgamate a CUSC Modification Proposal with one or more other CUSC Modification Proposals where the subject-matter of such CUSC Modification Proposals is sufficiently proximate to justify amalgamation on the grounds of efficiency and/or where such CUSC Modification Proposals are logically dependent on each other.’

5. The GSG noted that this was not a requirement on the CUSC Panel to amalgamate CUSC modifications on the grounds of efficiency and that a CUSC modification to amend the legal text was not required. The GSG agreed that a guidance note should be provided to the CUSC Panel to advise them that there is no requirement to amalgamate two CUSC modifications of a similar subject-matter and that the Panel should also consider complexity amalgamation may add to the CUSC Modifications process.

GUIDANCE

6. It is recommended by the GSG that, when considering potential amalgamation of two or more CUSC Modifications, the CUSC Panel should not feel that it is compulsory to amalgamate modifications on the grounds of efficiency and should consider any added complexity as a result of the potential amalgamation.
7. It is also recommended by the GSG that, if two modifications are amalgamated, it is suggested that they are considered by one Workgroup but with back to back meetings on the same day in order to keep the modifications separate in Workgroup discussion.