

## Panel 02 - Headline Report

15<sup>th</sup> March 2017

### 1. Minutes and Outstanding Actions

The minutes and outstanding actions of the Panel Meeting held on 28<sup>th</sup> February 2017 were discussed.

- The Panel **AGREED** upon the accuracy of the Minutes, subject to some minor amendments, and for the Final Minutes to be published on the MOSL website.
- The Panel opened a new Action to further discuss whether Independent Panel Members could raise Alternates.

### 2. Updated Panel Terms of Reference

The paper set out an updated version of the Panel Terms of Reference (ToR) to capture the discussions and feedback received at the previous Panel meeting on 28<sup>th</sup> February 2017.

- The Panel **AGREED** to the amendments made but suggested further comments to be included in an updated version for the next Panel meeting on 28<sup>th</sup> March 2017.

### 3. Change WRC070 – Clarification of Unsecured Credit Allowance

This paper set out a proposal to enhance the clarity of wording for the use of parent company credit ratings and parent company guarantees for the purposes of Retailers obtaining an Unsecured Credit Allowance. It identified areas the Panel may consider in respect of the proposed change and recommended an assessment approach and timetable.

- Panel Members failed to reach a Qualifying Majority, with only 9 members of the required 10 agreeing to progress to an industry consultation. However, the Panel **AGREED** this was an issue that had to be pursued and that the Panel would reconsider the way forward at its meeting on 28<sup>th</sup> March 2017.

### 4. Change Report

The Panel received a presentation from the Panel Secretariat on plans for reporting changes and the progress of change proposals to them in future Panel meetings.

- The Panel **NOTED** the contents of the presentation and asked for further details to be provided at the following meeting

### 5. Market Performance Overview

The Panel where due to be provided a presentation on MOSL market performance and the potential role and responsibilities of the Market Performance Committee.

- Due to time constraints, the Panel **DEFERRED** this presentation to a future Panel meeting.

## 6. Market Performance Committee Terms of Reference

The paper set out a draft Terms of Reference (ToR) for the Market Performance Committee as a framework for Panel discussion. The Panel were invited to agree for MOSL to develop a final version of the Terms of Reference for approval at a subsequent Panel meeting.

- This decision was **DEFERRED** to the next meeting due to time constraints. Panel Members were encouraged to circulate any specific comments on the ToR, prior to the next meeting.

## 7. Trading Disputes Overview

The Panel were provided with a presentation on the Trading Disputes Process, Trading Dispute scenarios and the role and responsibilities of the Trading Disputes Committee.

- The Panel **NOTED** the contents of the presentation and asked for the slides to be circulated following the meeting.

## 8. Trading Disputes Committee Terms of Reference

This paper set out a draft ToR for the Trading Disputes Committee as a framework for Panel discussion. The Panel were invited to agree that MOSL develop a final version of the ToR for approval at a subsequent Panel meeting.

- This decision was **DEFERRED** to the next meeting due to time constraints. Panel Members were encouraged to circulate any specific comments on the ToR, prior to the next meeting.

## 9. Market Incident Management Plan Committee Terms of Reference

This paper set out a draft ToR for the Market Incident Management Plan Committee as a framework for Panel discussion. The Panel were invited to agree that MOSL develop a final version of the ToR for approval at a subsequent Panel meeting.

- This decision was **DEFERRED** to the next meeting due to time constraints. Panel Members were encouraged to circulate any specific comments on the ToR, prior to the next meeting.

## 10. Change Working Group Terms of Reference

The paper set out a draft ToR as a template to be used for Change Working Groups, which will be established by the Panel under the Assessment stage of the Code Change Process. The Panel were invited to agree the ToR, as a template for future Change Working Groups.

- This decision was **DEFERRED** to the next meeting due to time constraints. Panel Members were encouraged to circulate any specific comments on the ToR, prior to the next meeting.

## 11. Panel and Committee Expenses Policy

This paper set out an Expenses Policy for the benefit of Panel and Committee Members. The Panel were invited to note the contents of this paper and the Panel and Committee Expenses Policy set out in Appendix A, and note that MOSL would publish the policy on the website and share with Panel Committee Members.

- The Panel **NOTED** this policy and that it would be published on the MOSL website.

## 12. Panel Delegation Policy

The Panel can delegate certain functions to fulfil its role set out in the Market Arrangements Code (MAC). This paper set out a Delegation Policy for the benefit of Panel and Committee Members.

- The Panel provided some initial feedback on the policy on areas which required further clarification and **DEFERRED** approval of this policy until the next Panel meeting on 28<sup>th</sup> March 2017.

## 13. Panel and Committee External Communication Policy

The Panel has determined that a policy should be established to manage external communications, including instances where a member of the Panel or Panel Committee is approached by the Press. This paper sets out a draft External Communications Policy for the Panel's consideration. The Panel was invited to agree the proposed External Communications Policy for Panel and Committee Members; and note that it would be published on the MOSL website.

- This decision was **DEFERRED** to the next meeting due to time constraints.

## 14. Panel and Committee Recording and Broadcasting Policy

The MAC requires that Panel meetings are held in open session. Panel Committee meetings may also be held in open session. The Panel has expressed a desire to be open and transparent. This paper set out a recording and controlled broadcasting policy in support of this transparent approach. The Panel was invited to agree the proposed policy for Panel and Committee meetings; and note that MOSL would publish the policy on the website and share with Panel Committee Members.

- This decision was **DEFERRED** to a subsequent Panel meeting due to time constraints.

## 15. GDPR Issue Committee

This paper invited the Panel to consider whether it should take steps to determine if adequate provisions are in place (and if there is a need to amend the MAC) to align to the EU General Data Protection Regulation, which is due to come into effect by May 2018. It proposed that the Panel delegates this work to an Issue Committee. The Panel was invited to agree that the Panel establishes a GDPR Issue Committee to assess the need for (and nature of) any changes to the market code

framework to bring it in line with pending legislation; and agree that MOSL develops and presents a Terms of Reference for the GDPR Issue Committee for the consideration of the Panel.

- The Panel **AGREED** to establish the GDPR Issue Committee and for a Terms of Reference and a timeline of their work to be provided at the next Panel meeting on 28<sup>th</sup> March 2017.

## 16. Any Other Business (AOB)

There was no further business and the Chairman closed the meeting.