

Decision

Decision on Ofgem's proposed enforcement approach regarding Heat Networks

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Guidance Decision on Ofgem’s proposed enforcement approach regarding Heat Networks

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1. Introduction

Context and related publications

- 1.1 The Gas and Electricity Markets Authority (GEMA or ‘the Authority’) regulates the gas and electricity markets in Great Britain. The Office of Gas and Electricity Markets (Ofgem) carries out the Authority’s day-to-day work and investigates matters on its behalf. In addition to this role, Ofgem has been appointed as the regulator for parties providing heat network services.
- 1.2 The Heat Networks (Market Framework) (Great Britain) Regulations 2025 requires us to consult, as we consider appropriate, when preparing the penalty policy with respect to penalties and consumer redress orders. Given the interaction between imposing penalties, consumer redress orders and our approach to enforcement in heat networks we decided that it was appropriate to consult on both the Heat Network Enforcement Guidelines and Penalty Policy at the same time.
- 1.3 The consultation focused on our proposed approach to the use of Ofgem’s enforcement powers relating to heat networks in Great Britain. These will affect current and future heat network users who are seeking to be connected to or involved in these networks. During the consultation, we sought stakeholder feedback on two documents:
 - **The Heat Network Enforcement Guidelines**, which explain the enforcement framework Ofgem will use when deploying its powers to investigate and, where appropriate, take enforcement action.
 - **The Heat Network Penalty Policy**, which set out the factors we will normally consider when deciding whether to impose a financial penalty on an authorised person who has contravened a relevant authorisation condition or relevant requirement. It also sets out the factors Ofgem will normally consider when determining the amount of that financial penalty or the requirements of a consumer redress order.

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- 1.4 Ofgem is introducing heat network regulation for the first time, marking a key step toward a fair and transparent market. Our priority in the first year is to get a good understanding of the sector. This will lay strong foundations for the long-term standards we expect to see. As was drawn out in the responses to our consultation, the sector is diverse covering not only a wide range of operators and suppliers, but also a wide range of heat networks in terms of scale, age and characteristics. When working with the sector we recognise that our approach to both compliance and enforcement will have to be mindful of this diversity.
- 1.5 We are taking a principles-based, outcomes-focused approach that balances flexibility for operators with improvements for consumers. Our aim is proportionate, pragmatic regulation that supports compliance and good practice without unnecessary burdens. As the market matures and evidence grows, we will refine and strengthen the framework. The goal is to deliver good outcomes for heat network customers—fair treatment, transparent information, reliable service, and fair prices. The authorisation conditions underpinning this regime are designed to be proportionate, cost-effective, and investment-friendly while driving better consumer outcomes.
- 1.6 In preparing these documents, we had regard to:
- Ofgem’s powers granted through the [Energy Act 2023](#);
 - [The Heat Networks \(Market Framework\) \(Great Britain\) Regulations 2025](#)
 - the broader approach to regulating heat networks;
 - Ofgem’s existing [Enforcement Guidelines](#) and [Penalty and Redress Policy Statement](#) for enforcement under the [Gas Act 1986](#) and the [Electricity Act 1989](#); and
 - what we have learned through using our monitoring and enforcement powers with respect to the gas and electricity sectors.
- 1.7 A total of thirty-three responses were received to the consultation. While many respondents were content for their organisation to be named, a number requested that their individual responses remain confidential or unattributed.

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To respect these preferences and given the small number of responses from some stakeholder groups, we have chosen not to publish individual names or submissions. This approach ensures confidentiality is maintained where requested, while still allowing us to reflect the full range of views in our analysis.

- 1.8 We have considered all responses carefully before making decisions on our proposals and whether to make any amendments.

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Our decision-making process

In August 2025, we launched a consultation on our proposed approach to the use of Ofgem’s enforcement powers relating to Heat Networks in Great Britain and we are now publishing our final decision following stakeholder feedback.

Decision-making stages

Date	Stage description
18/08/2025	Stage 1: Consultation open
07/10/2025	Stage 2: Consultation closes (awaiting decision), Deadline for responses
18/02/2026	Stage 3: Consultation decision/policy statement

General feedback

We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this report. We’d also like to get your answers to these questions:

1. Do you have any comments about the overall quality of this document?
2. Do you have any comments about its tone and content?
3. Was it easy to read and understand? Or could it have been better written?
4. Are its conclusions balanced?
5. Did it make reasoned recommendations?
6. Any further comments

Please send any general feedback comments to heatnetworkregulation@ofgem.gov.uk

2. The proposed Heat Network Enforcement Guidelines and Penalty Policy

This section summarises the consultation responses to the 12 questions in our consultation (shown below) and sets out our response, including our reasons for deciding to make appropriate changes or retain the original text.

There was broad agreement with Ofgem’s proposed approach. Key themes emerging from the consultation included the need for Ofgem to acknowledge the relative nascency and diversity of the heat networks sector, and to adopt a proportionate and flexible approach to both compliance and enforcement. Stakeholders also emphasised the importance of maintaining conditions that support investment and innovation, particularly for smaller and not-for-profit operators. Additionally, respondents sought greater clarity around the criteria for enforcement action, including the types of breaches that may incur penalties and the associated timescales.

3. Enforcement Guidelines

Question 1: Are the enforcement powers, procedures and governance set out clearly in the Heat Network Enforcement Guidelines? If not, please specify which areas need to be clearer and why.

Stakeholder feedback

- 3.1 Most respondents considered the enforcement powers and procedures to be broadly clear. However, several requested further clarity on the rationale for the five-year time limit for imposing financial penalties or consumer redress orders following a provisional or final order, which differs from the six-month period under the gas and electricity frameworks.
- 3.2 Additional feedback sought more detail on the governance arrangements for enforcement decision-making, including the role and composition of the Enforcement Oversight Board and Enforcement Decision Panel.
- 3.3 Some respondents also welcomed the inclusion of “Alternative Action” but asked for examples of when this might be used.

Ofgem’s response

- 3.4 Regarding the points in paragraph 2.1, we acknowledge that the five-year time limit differs from other sectors. This was a government decision following policy consultations and is set out in the regulations meaning Ofgem must comply and cannot amend it.
- 3.5 We recognise stakeholders’ request for more detail on governance arrangements. The Enforcement Guidelines set out the roles of the Enforcement Oversight Board and [Enforcement Decision Panel](#), including their composition and responsibilities. This can be found in section 3 of the Enforcement Guidelines. We consider these arrangements proportionate and consistent with our wider enforcement framework and based on the feedback we do not see any reason to make any changes.
- 3.6 With regard to the points in paragraph 2.3, we note that Section 5.50 - 5.58 of the Enforcement Guidelines already provide a detailed explanation of

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circumstances for when Alternative Action may be used, the types of actions it may involve, and the criteria for decision-making. However, based on our experience of regulating this new sector we will consider whether it would be beneficial to update this section with further illustrative examples.

Question 2: Is the cross-reference to Ofgem’s main Enforcement Guidelines in relation to consumer law and Competition Act cases clear and sufficient? If not, what additional information or clarification would be helpful?

Stakeholder feedback

- 3.7 Respondents found the cross-references to Ofgem’s main Enforcement Guidelines to be clear and sufficient. No substantive concerns were raised in relation to this question.

Ofgem’s response

- 3.8 We are pleased that stakeholders found this aspect of the guidelines clear. We do not propose to make any changes in this area.

Question 3: Is there anything relevant to the heat network sector that we need to take account of in the approach we have outlined for enforcement? What is this, and where do you think it would change our approach?

Stakeholder feedback

- 3.9 Several respondents emphasised the unique characteristics of the heat network sector, including its nascency, the diversity of business models, and the presence of small, local, and not-for-profit operators.
- 3.10 Several stakeholders noted that heat networks differ significantly from the gas and electricity sectors, and that enforcement should reflect the sector’s structure, investment profile, and operational realities.
- 3.11 Concerns were raised about the potential for disproportionate enforcement action to undermine financial viability or deter investment.

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Ofgem’s response

- 3.12 Regarding the points in paragraph 2.9 and 2.10, we agree that our approach to either compliance or enforcement engagement will need to be flexible to the sector’s diversity.
- 3.13 Regarding the points in paragraph 2.11, the Enforcement Guidelines already provide for case-by-case decision-making, and Section 5 sets out a non-exhaustive list of factors we will consider when determining whether to open an enforcement case. We will ensure that this flexibility is clearly communicated and will continue to monitor the sector’s development to ensure our approach remains appropriate. However, we also have a duty to protect consumers and ensure compliance. Our enforcement framework is designed to balance these objectives.
- 3.14 Our compliance approach in the early years of the new regulatory regime will emphasise supporting heat network operators to understand and meet their obligations. This work will help us to lay the foundations for the standards that we expect to see. We will prioritise engagement and guidance, including through our digital service, and apply compliance and enforcement proportionately where necessary to protect consumers. This approach aims to build capability across the sector while maintaining confidence in the regulatory framework.

Question 4: Do you have any comments on any other areas of the guidelines?

Stakeholder feedback

- 3.15 Respondents requested further clarity on the scope and proportionality of consumer redress measures, particularly in relation to larger commercial customers and bulk connections. Consumer redress measures refer to actions that Ofgem may require an authorised person to take to address harm caused to consumers, such as refunds, service improvements, or contract changes. Bulk connections typically involve a single contract supplying heat to multiple end users, for example in a block of flats or a commercial estate.

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- 3.16 Some stakeholders questioned the practicality of contract termination as a redress measure, given the monopoly nature of heat networks.
- 3.17 Others asked how Ofgem’s redress powers would interact with existing dispute resolution mechanisms, such as the Energy Ombudsman or Housing Ombudsman.

Ofgem’s response

- 3.18 We recognise the request for further clarity on consumer redress measures. The Enforcement Guidelines already provide flexibility to tailor redress to the nature and extent of harm, including for bulk connections and different customer types. We therefore do not propose any changes, as the current framework allows proportionate and practical measures such as refunds, service improvements, or contract adjustments where appropriate.
- 3.19 Regarding the points in paragraph 2.16, we note that the Enforcement Guidelines include examples of potential consumer redress measures at paragraph 6.52, such as refunds, service improvements, and contract variation or termination. These examples are intended to provide clarity on what might be considered. They are not an exhaustive list and would not apply in every case. Whether a particular measure, including contract termination, is appropriate will depend on the circumstances of the case. We understand the concerns raised and will ensure that any redress is proportionate and considers the operational realities of heat networks.
- 3.20 We recognise stakeholders’ interest in how our redress powers interact with existing dispute resolution mechanisms. Our compliance and enforcement role is separate from Ombudsman schemes, but where an Ombudsman has already taken action that affects the level of detriment, such as awarding compensation, we will take this into account when determining appropriate redress. This ensures proportionality and avoids duplication, while maintaining our duty to enforce compliance and protect consumers. The Enforcement Guidelines set out our approach to consumer redress in Section 6.

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3.21 We would like to clarify that, in addition to the enforcement powers set out in the guidelines, the Authority also has statutory powers of inspection under Regulation 49 and Schedule 2 of the Heat Networks (Market Framework) (Great Britain) Regulations 2025¹. These powers enable authorised officers to:

- Verify compliance with the requirements of the Regulations or any other relevant requirement or condition; and
- Assess or gather evidence of potential or alleged failures to comply with the requirements of the Regulations or any other relevant requirement or condition.

3.22 This includes any necessary follow-up activity for either purpose. The powers include, among other things, entering premises at any reasonable time if the authorised officer has reasonable grounds to believe that entry may be necessary or helpful for the purposes of the inspection (subject to conditions). They also include examining and copying documents and information, inspecting or removing equipment and materials, and requiring necessary assistance from relevant persons, conducting equipment tests or taking any other reasonable action required for the inspection.

3.23 These powers will be exercised where necessary and in accordance with the terms of the authorisation and applicable procedural safeguards. Further detail is set out in Regulation 49 and Schedule 2 of the Heat Networks Regulations.

¹ Our inspectors will have regard to the Code of Practice on Powers of Entry (Home Office – December 2014) where appropriate when exercising any functions to which the Code of Practice relates. “Home Office Code of Practice Powers of Entry” – [Home-Office-Code-of-Practice-Powers-of-Entry-2015.pdf](#)

4. Penalty Policy

Question 5: Is the process for deciding whether to impose a financial penalty, and how the amount is calculated, clearly presented in the Penalty Policy Statement?

Stakeholder feedback

- 4.1 While many respondents found the process broadly clear, several raised concerns about the calculation of turnover, particularly for vertically integrated operators and Special Purpose Vehicles (SPVs). Vertically integrated operators are companies that control multiple stages of the heat network supply chain, from generation to delivery. SPVs are separate legal entities created to manage a specific project, often to isolate financial risk.
- 4.2 Others sought greater certainty for not-for-profit entities, including registered social landlords, on how financial viability and social purpose would be considered.
- 4.3 Some respondents also asked for more detail on the use of deterrence multipliers.

Ofgem’s response

- 4.4 Regarding paragraph 2.21, we believe that Section 5 of the Penalty Policy Statement clearly sets out the factors we will consider when determining the amount of a financial penalty. This includes the financial impact on the operator and the need to ensure penalties are proportionate.
- 4.5 In response to paragraph 2.22, we note the concerns raised by not-for-profit entities, including registered social landlords, regarding their financial viability and social purpose. The Penalty Policy Statement already states that the Authority *may* consider financial viability in such cases. We recognise that compliance or enforcement action on social housing providers that requires expenditure in the heat network has the potential to impact on vital public services that are provided by that operator and should be considered in that context. We do not propose to amend this language in the penalty policy statement, as it appropriately reflects the Authority’s discretion in

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enforcement decisions. This approach is consistent with Regulation 7(1)(b), which requires the Regulator, when carrying out its functions, to consider the need to ensure that persons undertaking a regulated activity under a heat network authorisation can finance obligations imposed by or under these Regulations. Our approach will continue to recognise the diversity of the sector and apply principles of proportionality and fairness when exercising enforcement powers.

4.6 We recognise that the heat network sector encompasses a range of business models, including vertically integrated operators, SPVs, and not-for-profit entities. Our enforcement framework has been designed to be broad and flexible so that we can respond effectively to the different challenges these models present. This flexibility ensures that enforcement decisions remain proportionate and appropriate to the circumstances of each case, while allowing the regime to adapt as the sector evolves.

4.7 In response to paragraph 2.23, we note the request for further detail on the use of deterrence multipliers. The Penalty Policy Statement sets out that deterrence adjustments may be applied where appropriate to ensure penalties are effective in preventing future non-compliance. We consider the current level of detail to be appropriate. As a regulator, it is important that we retain flexibility in how and when deterrence is applied. Providing additional detail could limit our ability to respond proportionately to the specific circumstances of each case. We therefore do not propose to expand this section further.

Question 6: Is the process for deciding whether to impose a consumer redress order, and how its requirements are determined, clearly presented in the Penalty Policy Statement?

Stakeholder feedback

4.8 Respondents found the process to be clear but requested more detail on how redress orders would interact with other mechanisms and how their scope would be determined.

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Ofgem’s response

- 4.9 Consumer redress orders are designed to complement, not replace, other mechanisms such as Ombudsman schemes or contractual remedies. Where other mechanisms have already addressed part of the harm, we will take this into account to avoid duplication and ensure proportionality. Redress orders focus on addressing consumer detriment arising from regulatory breaches, and their scope will be determined based on the specific circumstances of the case.
- 4.10 Section 7 of the Penalty Policy Statement outlines our approach to consumer redress. We consider that this section provides a clear explanation of the process for deciding whether to impose a consumer redress order and how its requirements are determined. The policy sets out the factors the Authority may consider, including the nature of the harm caused, the benefit to consumers, and the proportionality of the redress. We do not propose to amend this section, as it strikes the right balance between transparency and maintaining the Authority’s discretion in enforcement decisions.

Question 7: Are there any additional factors specific to heat networks that we should consider when deciding whether to impose a financial penalty and the amount, or a consumer redress order and the requirements?

Stakeholder feedback

- 4.11 Respondents reiterated the need to consider the financial sustainability of operators and the risk that disproportionate penalties could trigger Supplier of Last Resort (SoLR) processes.
- 4.12 Several stakeholders emphasised the importance of supporting investment and innovation in the sector.

Ofgem’s response

- 4.13 With regard to the point in paragraph 2.31, we agree that enforcement action should be proportionate and is not intended to undermine the viability of otherwise compliant operators. While each case is assessed on its own merits, we recognise the importance of ensuring that penalties and redress

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are applied in a way that encourages compliance and acts as a deterrent to future non-compliance. As set out in Step 6 of the Penalty Policy Statement (paragraph 5.21), we will consider the financial position of the company being investigated when determining penalties, ensuring proportionality and avoiding undue impact on viability. We also note that there is no equivalent SoLR process for Heat Networks.

- 4.14 With regard to the point in paragraph 2.32 whilst our principal objective under Regulation 6 is to protect consumers and ensure compliance, we also recognise the need to discharge our wider duties under Regulations 7 and 8. The Penalty Policy Statement is designed to support this balance, enabling effective enforcement while taking account of factors such as proportionality and financial viability, and maintaining the conditions necessary for sustainable sector growth. Our approach is aligned with Ofgem’s [Markets Regulatory Vision and Strategy to 2030](#), which sets out our ambition to regulate in a way that provides confidence and protections for consumers while enabling innovation and investability. The strategy highlights the need for proportionate regulation that supports sector growth, encourages new entrants and business models, and raises standards to increase consumer confidence.

Question 8: Are there any specific considerations or alternative approaches that Ofgem should consider when progressing enforcement action against publicly funded bodies?

Stakeholder feedback

- 4.15 Several respondents, particularly from the social housing sector, called for explicit recognition of registered social landlords as publicly funded bodies.
- 4.16 They advocated for alternative approaches to financial penalties, such as improvement plans, and asked that the impact of enforcement on tenants and wider social outcomes be considered.

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Ofgem’s response

- 4.17 Regarding the point in paragraph 2.35 we will take into consideration the type of organisation when considering what compliance or enforcement engagement we will progress.
- 4.18 We recognise that registered social landlords and similar bodies operate under different financial and governance constraints. While we do not propose to exempt any category of provider from compliance or enforcement engagement, our approach will recognise the diversity of the different operators in this sector and their financial constraints resulting from the type of organisation they are. Decisions on compliance and enforcement action will continue to be made on a case-by-case basis, taking into account the specific circumstances of each provider. This reflects our principles-based approach, ensuring compliance and enforcement is fair, proportionate and responsive to the diversity of the sector, while safeguarding consumer interests.

Question 9: Do you have any comments on any other areas of the Penalty Policy Statement?

Stakeholder feedback

- 4.19 Respondents requested greater clarity on how the Penalty Policy Statement interacts with other regulatory frameworks and assurance that the policy will be reviewed as the sector evolves.

Ofgem’s response

- 4.20 The Penalty Policy Statement forms part of the wider regulatory framework for heat networks, sitting alongside the Enforcement Guidelines, authorisation conditions, and relevant statutory regulations. Section 1 of the Penalty Policy Statement explains its purpose and relationship to other regulatory documents. Together, these documents set out Ofgem’s approach to compliance, enforcement, and penalties in the heat networks sector. We will ensure the Penalty Policy Statement is reviewed at appropriate intervals and

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updated as necessary to reflect developments in the sector and maintain alignment with the overall regulatory framework.

5. Fixed Penalties

Question 10: What types of breaches do you think should be subject to Fixed Penalties in the heat networks sector?

Stakeholder feedback

- 5.1 There was strong support for applying fixed penalties to clear-cut administrative breaches, such as failure to submit reports or data, and failure to notify Ofgem of prescribed changes. Respondents cautioned against applying fixed penalties to complex operational or technical breaches.

Ofgem’s response

- 5.2 We agree that fixed penalties are generally suitable for straightforward, factual breaches. Although they have not been included in the Penalty Policy at this time, we will keep their potential use under review across regulatory frameworks.

Question 11: What level of penalty do you think would be appropriate for these types of breaches?

Stakeholder feedback

- 5.3 Respondents suggested that penalties should be proportionate and cost-reflective, with escalation for repeated or deliberate non-compliance.
- 5.4 Several stakeholders proposed a starting point of around £250, with a warning and opportunity to rectify the breach before a penalty is imposed.

Ofgem’s response

- 5.5 We acknowledge stakeholder views on appropriate penalty levels for certain types of breaches, including suggestions for proportionate, cost-reflective fixed penalties.
- 5.6 While we are not introducing fixed penalties at this stage, we agree that they may be suitable for straightforward administrative breaches and will continue to assess their potential role within the heat networks framework. Any future

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development will be considered in line with our broader enforcement strategy and statutory requirements.

Question 12: Are there any risks or unintended consequences Ofgem should consider in applying Fixed Penalties?

Stakeholder feedback

- 5.7 Respondents highlighted risks including financial strain on smaller operators, deterrence of investment, and legal challenge if penalties are applied inappropriately.

Ofgem’s response

- 5.8 Regarding the point in paragraph 2.47, if fixed penalties are introduced in the future, we would aim to apply them in a targeted and proportionate manner. Our potential approach would be guided by the principles of fairness, transparency, and proportionality, and we would monitor the impact of any enforcement activity on the sector.

6. Conclusion

- 6.1 We have carefully considered the responses received from our consultation. The decision of the Authority is to proceed with publishing the first versions of the Heat Network Enforcement Guidelines and Heat Network Penalty Policy Statement, with the additions and amendments as set out in this document.