

Reference: P207 IAR: PT Attachment 1

Specific questions for consideration by the Authority

Note that these questions replace section 4 of the Interim Report (Attachment 2).

The Group has discussed the mechanisms for appeal of the Risk Management Plans as described in sections 2.1.4, 3.1.1.3, 3.1.2.1 and 3.1.3.1 and the current Proposed Modification contains an appeal mechanism that concludes at an appeal to the Authority. The criteria against which a Risk Management Plan may be escalated to the Authority is suggested to be:

- The Panel and/or the Risk Assurance Board (RAB) has not followed the correct procedures under the Code or Code Subsidiary Document (CSD); or
- The Panel and/or the RAB has given undue weight to particular evidence submitted or to the lack of particular evidence submitted; or
- The Panel and/or the RAB has misinterpreted all or some of the evidence submitted; or
- The Party feels that they have been unfairly prejudiced.

This has been the subject of some debate at the Modification Group. The Panel therefore wanted to seek preliminary views on the following questions:

1. Does the Authority think there is a role for it to be part of the appeal mechanism when considering individual Party Risk Management Plans?
2. Does the Authority believe that its role in the appeal mechanism should relate to appeals against the process by which the appellant's Risk Management Plans have been produced?
3. Does the Authority believe that its role in the appeal mechanism should relate to appeals against individual elements contained in the appellant's Risk Management Plan?
4. Are there any other comments that the Authority wishes to make on the suggested criteria against which a Party would be able to escalate an appeal to it?

The Modification Group has also discussed whether the Panel Committee(s) responsible for risk evaluation and risk assurance in accordance with P207 should be made up of members that act impartially and independently of their company's view or members that represent their individual company's views (as described in sections 3.3.1.1, 3.3.1.2, 3.3.2.1, 3.3.2.2, 3.3.3.1 and 3.3.3.2 of the Interim Report). The Modification Group have agreed by a majority that under the Proposed Modification, the Panel committee(s) responsible for risk evaluation and risk assurance should be made of members that act impartially and independently of their company's view (in the same way as other Panel Committees under the BSC); however an Alternative Modification may see a proposal for Panel Committee(s) formed of members that represent their company's views.

As this would be a distinct deviation from the way that Panel Committees are composed under the BSC, the Panel wanted to seek preliminary views on the following question:

5. Does the Authority believe that it is appropriate for BSC Panel Committees responsible for risk evaluation and risk assurance under P207 to be formed of

members that represent their company's views, or the views of a constituency of participant type?