

Party Attendance at the Trading Disputes Committee

This guidance explains the proposed procedure for parties, wishing to attend the [Trading Disputes Committee \(TDC\)](#).

Once a Trading Dispute has been raised in accordance with [BSCP11](#), the Raising Party or any affected Party has the option to attend the Trading Disputes Committee meeting where the Trading Dispute will be heard.

For the purpose of this document, the Raising Party or any affected Party wishing to attend the TDC shall be known as the "**attending Party**".

1. What is the Role of the BSCCo at the TDC?

After the Trading Dispute has been raised by the Raising Party, the BSCCo investigate and gather information to determine whether the Trading Dispute is valid against the three criteria as defined in section 5.1.6 of [BSCP11](#).

The BSCCo will either:

- a) Deem the Trading Dispute to be valid, and refer the Trading Dispute to the TDC for decision; or
- b) Deem the Trading Dispute to be invalid, and close the Trading Dispute. Should the Raising Party or an affected Party disagree with the BSCCo findings and notify us within a prescribed timescale (normally 10 Working Days from receipt of the BSCCo findings), the BSCCo will refer the Trading Dispute to the TDC for decision.

The BSCCo will present the Trading Dispute to the TDC for decision, where the TDC will determine whether the Trading Dispute is valid against the three criteria.

The role of the BSCCo is to be impartial and present the facts that have been gathered to allow the TDC to make an informed decision as to whether the Trading Dispute is valid on a case-by-case basis.

2. What is the Role of the Attending Party at the TDC?

Should the attending Party wish to attend the TDC meeting pursuant to the Trading Dispute, a request should be made to the TDC Chairman in accordance with the deadlines as specified in Section 3.

The attending Party may make a representation to the TDC in explanation of its case. TDC members may ask questions to the attending Party to clarify the points being made.

3. How Can the Attending Party Request to Attend the TDC?

The attending Party should give notice to the disputes team (disputes@elexon.co.uk) if they wish to attend the TDC to make a representation.

The following deadlines should be adhered to:

- A request should be made to the TDC Chairman by the attending Party no later than 10 Working Days after raising the Trading Dispute OR within 10 Working Days of the BSCCo issuing [BSCP11/04 form](#), deeming the Trading Dispute invalid.
- Within 3 Working Days after receipt of the request, the TDC Chairman will decide whether to grant the request. The Disputes Secretary shall acknowledge receipt to the attending Party, and note the decision of the TDC Chairman.
- Should the TDC Chairman decline the request of the attending Party, the BSCCo will notify the TDC of the request for attendance, and explain the reason for the rejection of the request at the meeting where the Dispute is presented.
- Within 10 Working Days after receipt of the acknowledgement, if it has not been provided already, the attending Party must submit its evidence to support its claim that the Trading Dispute in question meets the three criteria and should therefore be upheld by the TDC.
- Within 10 Working Days of the receipt of the supporting evidence provided by the attending Party, the Disputes Analyst will confirm the date of the TDC meeting where the Trading Dispute will be heard.
- No later than 5 Working Days prior to the date of the TDC meeting, if the attending Party so wish, it can provide slides to the TDC Secretary (TDCSecretary@elexon.co.uk) for its presentation at the TDC meeting.
- No later than 5 Working Days prior to the date of the TDC meeting, the BSCCo will provide a copy of the dispute documentation due to be presented to the TDC (subject to any explicit provisions in the BSC relating to confidentiality or prejudicing the interests of other Parties) to the attending Party for information purposes.

4. What Happens at the TDC Meeting?

- At the commencement of the TDC meeting the Chairman shall (to the extent they have been raised or he considers appropriate) deal with any procedural matters including without limitation, issues relating to jurisdiction, conflict of interest and the involvement of the BSCCo.
- The Disputes Secretariat shall present a summary of the Trading Dispute summary submitted to the TDC members. The Disputes Secretariat shall not be expected to address questions other than from the TDC and only in relation to matters of fact or clarification of the Case Summary.
- The attending Party will be given an opportunity to present to the TDC using the slides which were provided to the TDC Secretary.
- During the course of the Trading Dispute hearing, the TDC may seek assistance on technical or other issues from the BSCCo or other external advisers. At the TDC's discretion the attending Party can hear such technical or other assistance and may make representations to the TDC in response but they are not entitled to cross examine the BSCCo representative or external adviser as the case may be.

- When the attending Party has completed its representations and the TDC is ready to commence its deliberations the attending Party and its representatives will be asked to leave the TDC meeting. No person who is not a TDC Member may take part in the TDC deliberations.
- Should the Trading Dispute include an allegation that an act or omission by the BSCCo has directly contributed to the alleged Settlement Error which is the subject of the Trading Dispute, the BSCCo representatives will also be asked to leave the room at this point, and will not assist the TDC in its deliberations. For the avoidance of doubt, the TDC Chairman and an additional minute-taker shall remain and perform their duties throughout the duration of the Trading Dispute hearing.
- Notwithstanding anything else in this Procedure, the Chairman may at his discretion regulate the conduct of the TDC meeting as he deems necessary.

Need more information?

For more information please contact the **BSC Service Desk** at bscservicedesk@cgi.com or call **0370 010 6950**.

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