

P287 – PROPOSED LEGAL TEXT

SECTION B: THE PANEL (Version 18.0)

4.4 Voting

Amend paragraph 4.4.7 to read as follows:

4.4.7 Where the Panel Chairman considers it appropriate a meeting of the Panel may be validly held by telephone conference call (or other similar means) where all the Panel ~~m~~Members present at such meeting can speak to and hear each other; and any decision taken at such meeting shall be validly taken provided that:

- (a) the provisions of this paragraph 4 have otherwise been complied with; and
- (b) ~~such decision does not, subject to paragraph 4.6, where the decision~~ relates to Modification Business ~~then, subject to paragraph 4.6, at least one Panel Member must be present at the venue specified in the notice of the meeting.~~

4.5 Attendance by other persons

Amend paragraph 4.5.2 to read as follows:

4.5.2 Paragraph 4.5.1 shall not apply:

- (a) to meetings of the Trading Disputes Committee or those meetings of the Performance Assurance Board as stated in Section Z, or to any meeting or part of a meeting of the Panel at which a matter referred and/or appealed to the Panel pursuant to Section W3.5.1 and/or Section Z6.3 (respectively) is to be considered;
- (b) to any other meeting or part of a meeting of the Panel or a Panel Committee at which any particular matter (not including any Modification Business, but without prejudice to paragraph 4.6.1(e)) is to be considered, where the chairman of the meeting considers that it is not appropriate (having regard to the principles set out in paragraph 3.3, or on the grounds of commercial sensitivity in relation to any person which is not a Party) for such matter to be considered in open session; or
- (c) in the case of a meeting held by telephone conference or similar means in accordance with paragraph 4.4.7 (except to the extent that Modification Business is conducted at such meeting under paragraph 4.4.7(b));

and shall not operate to prevent a resolution from being passed in accordance with paragraph 4.4.6.