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[IOT] Input sought by Consolidation Subteam

1 message

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Dear IOT members

The Consolidation Subteam is seeking the confirmation as to the scope of its remit from the full IOT group. I'd like us to spend a little time discussing this on today's call.

In the course of our review of rule 7, dealing with Consolidation, Intervention and Participation as an Amicus, some of the Subteam feel that we ought to be undertaking a more critical assessment, looking at aspects such as:

- What is the intent of this section and, in reviewing it, what is the problem we are trying to fix
- What input was received in the public comment
- What were the previous discussions of IOT group
- Does the proposed amended language address the "problem" and does it cause future issues for any other group

Aspects in particular where it is felt that this is necessary relate to the nature of the amicus participation and whether we should be providing very specific guidance to the Procedures Officer (or whatever this role becomes) as to how they should exercise their duties.

The Subteam are not clear whether this exercise is within the scope of the task that has been delegated to us, or, if not, whether our scope should encompass this or whether the wider group would consider this to be a task that ought to be conducted within the full IOT. For the avoidance of doubt, any output from the Consolidation Subteam would be brought back to the full IOT for consideration and agreement.

To my mind, the Subteam scope was intended to be as wide as needed. My intention in suggesting we move this work to a small group was to allow the work to progress more efficiently, both on rule 7 specifically and on the rules generally, given that this reconstituted IOT has been in place for some months and really needs to be able to deliver a final set of revised rules. We had had some discussion of rule 7 amongst the full IOT, and the strawperson mark-up that I circulated highlighted various aspects that might benefit from more work, including the need for more clarity on the "Procedures Officer" role, what the considerations should be for allowing a consolidation or intervention, and whether the list of persons identified as being entitled to participate as amici was adequate. Since there is a lack of certainty amongst the Subteam members, however, it is appropriate to refer this back to the full group for clarification.

Many thanks

Susan

Susan Payne

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