

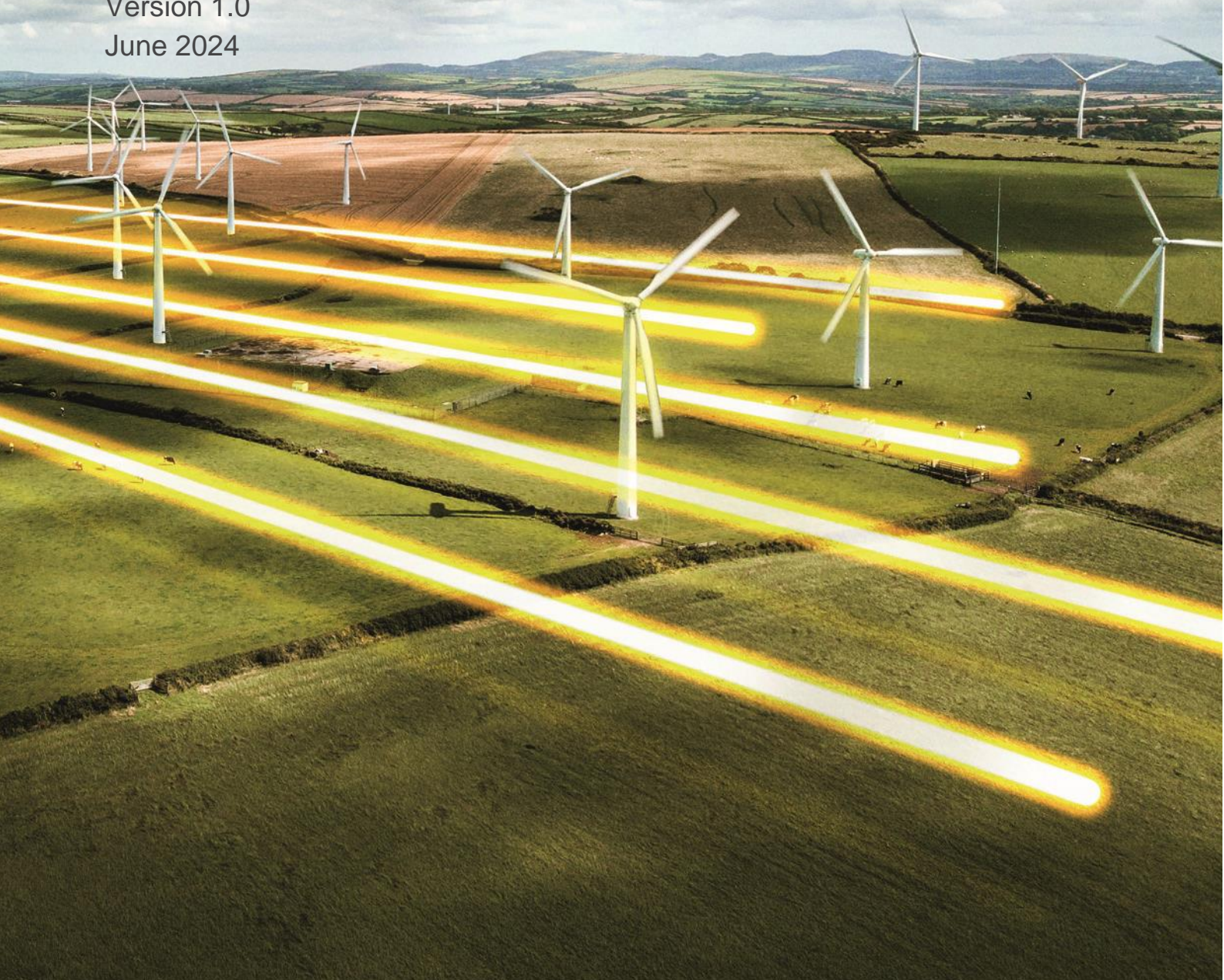
Publicly Available

Allocation Round 6 (AR6) Non- Qualification Appeal Notice

Guidance Document

Version 1.0

June 2024



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1. Purpose

The purpose of the guidance document is to outline the specific process for Applicants to submit a copy of their non-qualification appeal notice to the Delivery Body on the EMR Portal.

2. Considerations

This document is accurate at the time of publishing and is based on the information provided in the final Allocation Framework.

3. Scope

This guidance document is intended to be used by organisations:

- (a) considering whether to make an application to participate in the Contracts for Difference (CfD) scheme.
- (b) that are progressing through the CfD Application process.
- (c) who have been notified of a non-qualifying outcome in of non-qualification review (a “Non-Qualification Review Notice”) from the Delivery Body and are seeking to ensure they understand the process for how to submit a non-qualification appeal notice.

4. Overview

Where a non-qualification review notice has been given to an applicant and the applicant disputes that determination, the applicant may apply to the Authority to determine that dispute (“a qualification appeal”).

A qualification appeal must be made by notice to the Authority; in such form and manner as the Authority requires; and by no later than five Working Days after the date of the non-qualification review notice (“the appeals deadline date”).

5. Applicable CfD Regulations / Rules

5.1 Applicable Regulations

Regulation 20 of The Contracts for Difference (Allocation) Regulations 2014 (as amended).

Regulation 43 of The Contracts for Difference (Allocation) Regulations 2014 (as amended).

5.2 Applicable Rules

Rule 8. Non-Qualification Reviews and Qualification Appeals

6. Link to The Authority’s Guidance

The disputes process concerning non-qualification determinations: qualification appeals, is managed by the Authority. Please see below for a link to the Electricity Market Reform Dispute Resolution Guidance.

[Ofgem Appeals Guidance](#)

7. Allocation Round 6 Dates

7.1 Key Stages of Allocation Results

- 7.1.1 **Stage 1 – Applicants:** Submission of appeal to The Authority and a copy to the Delivery Body, this must be done within 5 Working Days from receipt of Non-qualification Review Notice.
- 7.1.2 **Stage 2 – The Authority (Ofgem):** The Authority must determine a qualification appeal as soon as practicable. Allocation may proceed if there is a delay in receiving an Authority decision.
- 7.1.3 **Stage 3 – Delivery Body:** The Delivery Body may reply to a qualification appeal where it receives notice of an appeal from The Authority. The Delivery Body will also notify stakeholders that there are appeals in progress and the timeline will move onto scenario 5.
- 7.1.4 **Stage 4 – Outcome:** The Authority can overturn or uphold the original decision and provide reasons for the Determination. The Authority gives notice to the applicant and Delivery Body, stating its determination and the date of the determination. Post the outcome, the Delivery Body establishes the Appeals Register once CfD Notifications have been issued.
- 7.1.5 **Stage 5 – High court Appeals:** The Applicant has 28 calendar days to appeal to High Court or Court of Session in Scotland, where The Authority upholds the Delivery Body’s decision. The High Court could then ask The Authority to reconsider their decision or direct Delivery Body to reinstate as a Qualifying Applicant.

7.2 AR6 Key Dates

Table 1 - CfD AR6 Indicative Timeline: <https://www.cfdallocationround.uk/ar6-timeline>

Allocation Round Stage	Date(s)
Applicants notified of outcome (a “non-qualification review notice”)	11 June 2024
Window for non-qualifying applicants to request a Tier 2 Appeal	12 – 18 June 2024
Applicants notified of outcome (a “non-qualification review notice”)	24 July 2024

7.3 Appeal Notice Requirements

7.3.1 Pursuant to Regulation 44(1), the Appeal Notice must contain:

- a concise statement identifying the relevant part of the Delivery Body’s decision in dispute and setting out the facts on which the appellant relies;
- a summary of the grounds for disputing the Delivery Body’s decision;
- a succinct presentation of the arguments supporting each of the grounds for dispute;
- a schedule listing the documents submitted with the request for a non-qualification review

7.3.2 Pursuant to Regulation 44(2), the Appeal Notice should also be accompanied by a copy of:

- the non-qualification determination;
- the non-qualification review decision notice;
- any information or evidence submitted to the Delivery Body to support the non-qualification review by the Delivery Body;
- any other relevant documentary evidence which the appellant wishes to rely on in support of its appeal which was provided to the Delivery Body before the non-qualification review was made;
- evidence to show what evidence was before the Delivery Body when the non-qualification review was made. For example, if the applicant is seeking to demonstrate that the Delivery Body had a document in its possession related to the reviewable decision that was not considered by the Delivery Body in making that decision.
- No other information or documentary evidence should be supplied with the appeal notice.

8. Using the EMR Portal

8.1 High Level Process Steps

- 8.1.1 The Main Admin or Deputy Main Admin should log into the **EMR Delivery Body Portal**.
- 8.1.2 Select the "Contracts for Difference"/"Reviews and Appeals" from the menu on the left-hand side.
- 8.1.3 Select "**Provide Copy of Appeal**" and then from the menu select the application and select "**Create**".
- 8.1.4 The Main Admin or Deputy Main Admin should add the attachment and select "**Submit**".

8.2 Process Steps with System Screenshots

Please be advised the screenshots below are taken from the test environment so the EMR portal may be displayed differently on some pages.

- 8.2.1 The Main Admin or Deputy Main Admin should log into the EMR Portal and select the "Contracts for Difference"/"Reviews and Appeals" from the menu on the left-hand side. Alternatively select the Reviews module on the My EMR homepage.

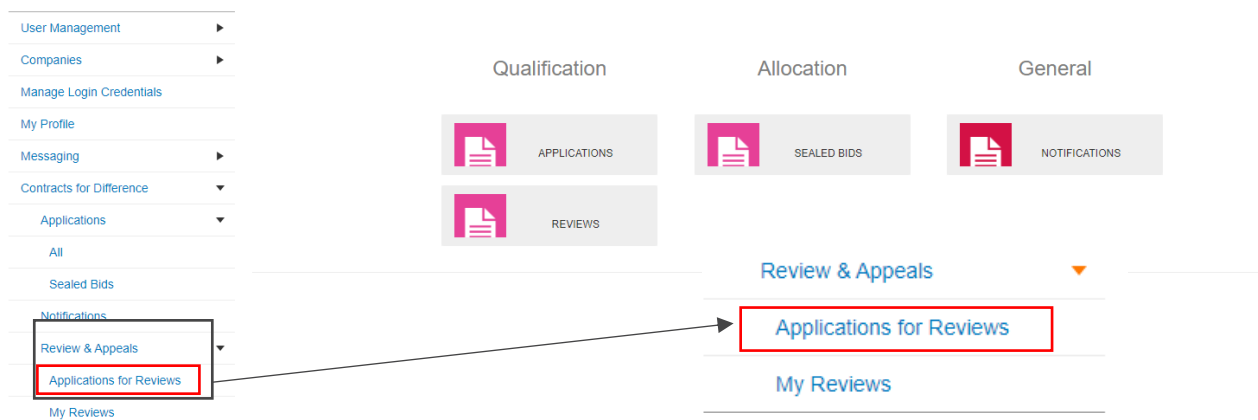


Figure 1 - EMR Portal; MY EMR Homepage Screenshot

- 8.2.2 The applications that have a non-qualifying after review status will now be visible for the user to submit a copy of the appeal.

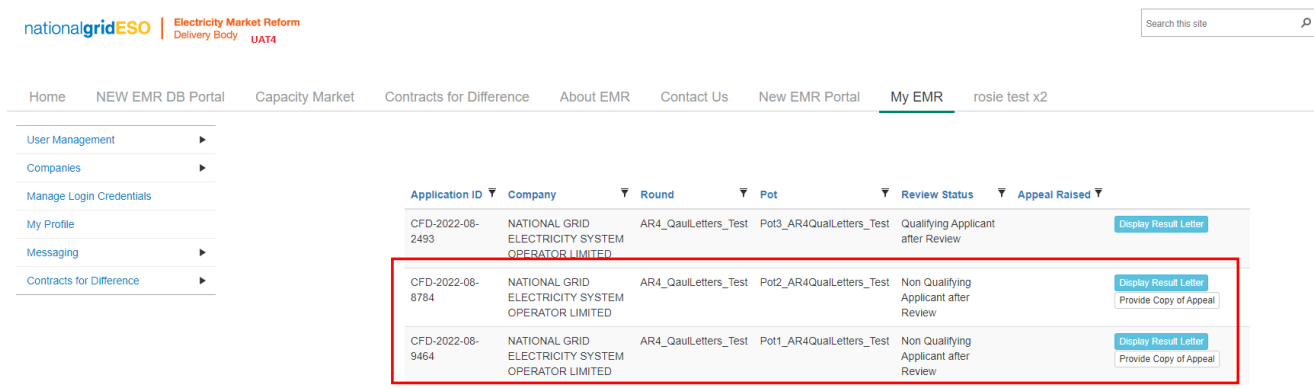


Figure 2 - EMR Portal; Appeals Screenshot

- 8.2.3 The Main Admin or Deputy Main Admin should select the "**Provide Copy of Appeal**" button. When the Provide Copy of Appeal box pops up, select the choose file button and upload the copy of appeal raised with the Authority.

- (a) Multiple files can be uploaded at this stage, but only the documents provided to the Authority should be provided at this stage.

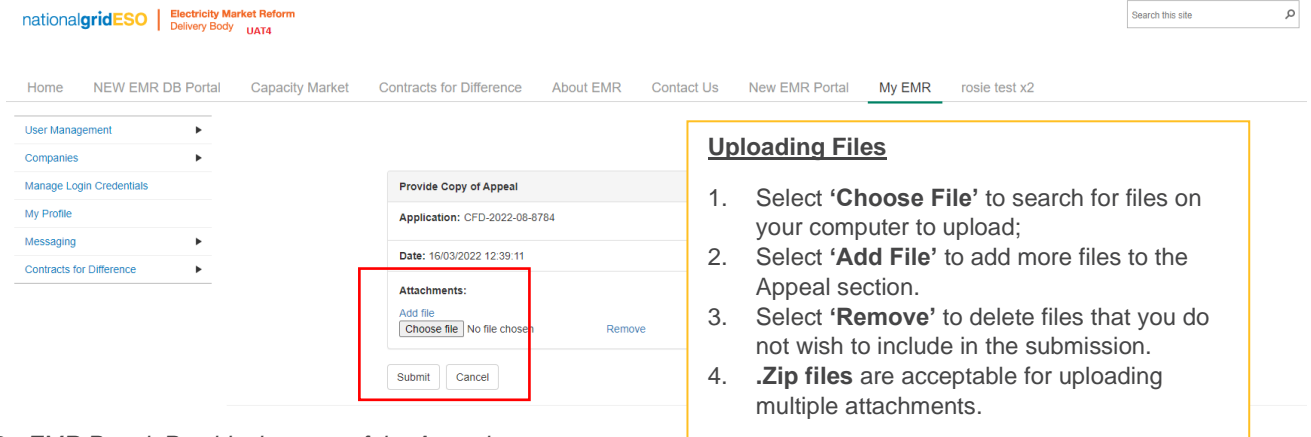


Figure 3 - EMR Portal; Provide the copy of the Appeal

8.2.4 Once the **Main Admin or Deputy Main Admin** has confirmed the correct attachments have been provided, select **submit**.

8.2.5 The EMR Portal will display a confirmation screen - select **Yes** to submit.

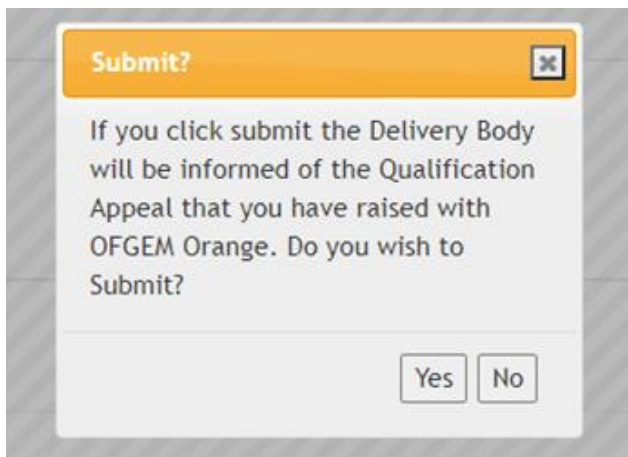


Figure 4 - EMR Portal; Review Form

WARNING! – You should not **Submit** your Appeal Notice until you have raised the appeal notice with Ofgem and are certain that the information included and uploaded attachments are the same as provided to Ofgem.

You will be unable to withdraw your copy of the Appeal Notice once you have selected 'Yes' to Confirm submission.

8.2.6 Once confirmed the status of the application will change to “Qualification Appeal Submitted” and the Appeal Raised column will display as “**Yes**”. At this stage applicants will also be able to view the copy of appeal submitted.

Application ID	Company	Round	Pot	Review Status	Appeal Raised	
CFD-2022-08-8784	NATIONAL GRID ELECTRICITY SYSTEM OPERATOR LIMITED	AR4_QaulLetters_Test	Pot2_AR4QualLetters_Test	Qualification Appeal Submitted	Yes	Display Result Letter View Copy of Appeal

Figure 5 - Figure 6 - EMR Portal – Confirmation of Appeal Raised

8.2.7 The deadline to provide the copy of the appeal is by 5pm, 18 June 2024.

8.2.8 If requested the Delivery Body will discuss the appeals notice with the Authority in the Qualification appeals window.

9. Legal Disclaimer and Copyright

9.1 Disclaimer

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