

**EUROGAS RECOMMENDATIONS ON THE PROPOSED AMENDMENTS TO ARTICLE 22
IN THE THIRD PACKAGE**

The following amendments to the proposals are put forward:

22.3 sub-para 3

following the proposed wording to add **The regulatory authority shall conduct a public consultation involving among others potential system users on the exemption request**, presently not provided for.

Justification: As presently worded, there is no apparent involvement of users in the exemption process and the process lacks clarity. This additional wording will ensure adequate involvement of system users and other stakeholders, and enhance the transparency of the process.

22.3 sub-para 4

following "unused capacity on the market" to add **on an interruptible basis**.

Justification: The present wording referring to an obligation to offer unused capacity on the market allows for the possibility that the obligation could refer to a firm or interruptible UIOLI. This wording clarifies that the UIOLI obligation should not go beyond that required in the amended Regulation.

Article 22.4(a)

following "granted" to add **or refused** and following "exemption" to add **from each specific article**.

Justification: An NRA should be required to explain the reasons for refusal, not only for granting of an exemption. Explanation in relation to specific articles and not only to exemption in general will add clarity to the NRA's submitted reasoning.

Article 22.4 – new "f"

The rules for management of capacity that have been established.

Justification: This requirement gives additional clarity to NRAs' tasks.

Article 22.5

following "decision to grant" in the second line, add **or refuse**.

Justification: An NRA should be required to explain the reasons for refusal, not only for granting of an exemption.

22.5 sub-para 4

To delete the proposed wording, and replace it with, **While a limit may be established to the effect of an exemption decision, to be determined on a case by case basis, there shall be a clear and robust procedure of appeal to prevent approvals lapsing automatically.**

Justification: The suggested timescales would be tight and impractical for many projects, especially given the planning/permitting delays sometimes encountered by large projects. If limits to the effect of a decision are set, they should be arrived at on a case by case basis. There should, in any case, not be an automatic suspension of any exemptions but always the possibility of an appeal.