

## **SECTION 6: WORKS REQUIRED AT THE TERMINAL AND AMENDMENT OF THE REGASIFICATION CODE**

This Section sets the procedures to be followed for (i) executing the any works required at the Terminal and (ii) for the revision of the Regasification Code. The Terminal Manuals may be amended unilaterally by the Operating Company without involving any third party.

### **Chapter 6.1 – REQUIRED WORKS OF THE TERMINAL**

#### **6.1.1 Required works of the Terminal following a Change in Law**

- a) If any Change in Law shall reasonably necessitate the execution of any works or the taking of any action on or in relation to the Terminal or any part of it (**Required Works**), the Operating Company acting as a Reasonable and Prudent Operator shall give notice to the User setting out details of the Change in Law.
- b) The Operating Company shall be entitled to carry out Required Works at such time and in such manner as it may determine, subject to compliance with the following. The Operating Company shall:
  - (i) where reasonably practicable, carry out the Required Works between 1 April and 30 September (inclusive);
  - (ii) carry out the Required Works as soon as reasonably practicable;
  - (iii) carry out or procure the carrying out of the Required Works following preparation of a works programme in accordance with the standards of a Reasonable and Prudent Operator; and
  - (iv) notify the User or Small Scale User of the anticipated date, from time to time on which any modification of the Terminal as a result of the Required Works is to be commenced and commissioned.

## **Chapter 6.2 – AMENDMENT OF THE REGASIFICATION CODE**

### **6.2.1 General principles**

The proposed amendments to the Regasification Code are prepared by the Operating Company, published for consultation with interested parties are then forwarded to the ARERA together with the opinion of the Consultation Committee in order to verify compliance with the criteria for drafting such Regasification Code and with general objectives relating to the access and use of LNG regasification plants.

Proposed amendments may also be prepared by the Operating Company as the result of amendment requests received from authorised parties according to the procedure described below.

The proposals for the amendment of the Regasification Code shall be prepared by the Operating Company pursuant to article 15, section 2, of ARERA's Resolution no. ARG/gas 55/09 of 7 May 2009. In order to consult with interested parties, OLT shall publish the proposed amendments on its website.

### **6.2.2 Requests for amendments to the Regasification Code**

#### **6.2.2.1 Authorised parties**

Parties authorised to submit requests for amendments to the Regasification Code change requests are as follows:

- a) Users, either individually or collectively;
- b) storage and transport enterprises;
- c) and associations of distribution companies, limited to the areas of the Regasification Code which impact them directly.

#### **6.2.2.2 Submitting an amendment request**

Pursuant to ARERA's Resolution ARG/gas No. 55/09, amendment requests may be submitted to the Operating Company at any time during the Gas Year.

The amendment request must include a description of the main elements of the required change on the basis of which the Operating Company, if the proposed change is accepted, shall develop a proposed amendment to the Regasification Code.

#### **6.2.2.3 Admissibility requirements**

In order to be declared admissible by the Operating Company, each amendment request must:

- a) be submitted by an authorised party in accordance with paragraph above;
- b) be accompanied by information regarding the applicant (company, registered office, etc.) and at least one contact person (name, telephone number, fax number, e-mail, etc.) who can be contacted in relation to the change request in question;
- c) indicate the reasons why the Applicant believes that the change should be accepted, providing, if the request is submitted by the parties referred to in paragraph above, elements demonstrating their direct involvement in the subject area of the change request;
- d) include any relevant documentation (analysis, reporting, etc.) to support the request.

#### **6.2.2.4 Declaration of admissibility**

The Operating Company shall verify that the amendment request complies with the requirements under Clause 6.2.2.3. In the event that one or more of these requirements have not been met, the Operating Company shall inform the applicant of the inadmissibility of the request, indicating which elements are not compliant, by the third business day following receipt of the change request. The applicant is entitled to submit a new change request including the additional elements required.

The change request is considered admissible if the Operating Company does not comment on it within three (3) Business Days of receipt.

#### **6.2.2.5 Evaluation of the change request**

The Operating Company shall analyse and evaluate the amendment request based on the following criteria:

- a) consistency of the changes with the regulatory framework and the principles of the Regasification Code;
- b) ways in which the changes will improve the functionality of the Regasification Code;
- c) operational implications for the LNG regasification activity in terms of technical complexity, adjustment timelines and estimated cost.

During the evaluation phase, the Operating Company may request additional information and/or clarification from the Applicant. If the evaluation is successful, by the end of the twentieth (20<sup>th</sup>) Day following receipt of the amendment request referred to in paragraph above the Operating Company shall publish the amendment request on its website and shall draft a proposed amendment to the Regasification Code.

By the same deadline, the Operating Company, where it considers that the amendment request should not be submitted for consultation, shall make it available to the ARERA, along with an explanation as to why the Operating Company decided not to submit it for consultation and informing the Applicant of same.

The proposals for amendment shall:

- d) contain a brief description of the nature of the amendment, indicating the grounds on which the Operating Company bases its decision to adopt the amendment;
- e) indicate the clauses and Sections/Chapters of the Regasification Code which are affected by the proposal, together with the amendments to be made to the text of the Regasification Code;
- f) be accompanied by any documentation (analysis, reports, etc.) which support the need for adopting the proposed amendment;
- g) indicate a date on which the proposed amendment should become effective.

The Operating Company shall also assign to each proposal a reference number and it will register the proposal in the relevant registry, which shall be kept at the registered office of the Operating Company and be available for consultation by anyone who requests to do so.

#### **6.2.2.6 Consultation on the proposed amendment**

The Operating Company shall file the proposals for amendment with the consultation committee in accordance with article 3 of ARERA's Resolution no. ARG/gas 55/09 of 7 May 2009.

Contemporaneously with the filing of the proposal for amendment with the Consultation Committee, the Operating Company shall publish the proposal for amendment on its web site, in order to enable all interested parties to formulate their own comments on the proposal.

The proposed amendment prepared by the Operating Company in accordance with the decrees, resolutions or other measures issued by the competent authority will be published on its website within fifteen (15) Days from the publication of the measure unless the measure itself does not provide a different deadline.

Operating Company may propose amendments at any time of the Gas Year.

The consultation period lasts:

- a) forty five (45) Days, or
- b) thirty (30) Days if the proposed amendment prepared by the Operating Company in accordance with decrees, resolutions or other measures issued by the competent authority, unless the measure provides a deadline

#### **6.2.2.7 Filing with the ARERA of the proposal for amendment**

Within twenty (20) Days from the end of the process described above, the Operating Company, in order to allow the compliance assessment and pursuant to the provisions of article 3.7 of ARERA's Resolution no. ARG/gas 55/09, shall file with the ARERA:

- (1) the proposed amendments of the Regasification Code, as possibly modified in order to take into account the opinions and comments received during the course of the consultation process;
  - (2) the related opinions and notices formulated or sent by the Consultation Committee;
  - (3) a report illustrating how those opinions and notices have been taken into account.
- a) The above deadline is reduced to ten (10) Days if the proposed amendment prepared by the Operating Company is in response to decrees, resolutions or other measures issued by the Competent Authority.
  - b) The proposals filed with the ARERA will be published by the Operating Company on its web site.
  - c) Operating Company publishes the updated code on its web site within ten (10) Days of the publication of the update on the website of the ARERA.