EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Internal Energy Market
Director

Brussels, 31/05/2016

Subject: **RECEIPT OF A NOTIFICATION OF GERMAN REGULATORY AUTHORITY FOR ENERGY, BUNDESNETZAGENTUR TO REVIEW THE EXEMPTION OF OPAL PIPELINE FROM ARTICLES 32 and 41 (6), (8) and (10) OF DIRECTIVE 2009/73/EC**

On 13 May 2016, the Commission was notified a draft decision by the German Regulatory Authority for Energy, Bundesnetzagentur, to review the original exemption decision of 7 July 2009 concerning the exemption of the OPAL pipeline from the third party access requirements and regulation of access conditions.

According to Article 36 (8) – (10) of the Directive 2009/73/EC, the Commission is required to assess this decision and, within two months from the day following the receipt of a notification, which may be extended where further information is sought by the Commission, inform the regulatory authority as to whether it will request the withdrawal or amendment of the decision.

The operating part of the proposed changes is identical to those proposed in an earlier review procedure which began on 8 November 2013 and was closed without a formal decision as the notified draft decision had lost validity. The proposed changes can be found here: original version in German or English working translation.

Third parties are invited to send any observations they may have on this subject to the relevant case handlers in DG Energy, Mr Jan Papsch, Jan.Papsch@ec.europa.eu, Mr Maciej Ciszewski, Maciej.Ciszewski@ec.europa.eu, and Mr Benedikt Klauser, Benedikt.Klauser@ec.europa.eu, within 2 weeks from the publication of this document.

Sincerely yours,

[signed]

Klaus-Dieter Borchardt