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24th December 2020

**WWU response to Ofgem consultation: Preparing for the end of the transition period:
Statutory consultation on consequential licence modifications due to the end of the
transition period**

Dear Kristian,

Thank you for the opportunity to respond to the consultation. We have one comment on the proposed amendment to the definition of “Directive”. The proposed definition is shown below with Ofgem’s proposed addition in red:

“Directive” means Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC **as it has effect immediately before IP completion day as read with the modifications set out in the Act.**

We suggest that as the “as it has effect immediately before IP day...” caveat applies to the Directive currently in force, that is Directive 2009/73/EC then it would be better to have the additional text immediately after it rather than added onto the end of the definition. As worded the definition could be interpreted as meaning 2009/73/EC continues to have effect as it is amended over time and that 2003/55/EC only applies as it has effect immediately before IP completion day. As 2003/55/EC was repealed applying the caveat to that Directive does not make sense but it is not clear from the drafting that the caveat it should instead apply to 2009/73/EC.

If 2003/55/EC has no enduring effects then a further change could be made to remove it from the definition; however, this would be more than the minimum change required.

We therefore suggest that the definition should read:

“Directive” means Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009, **as it has effect immediately before IP completion day as read with the modifications set out in the Act,** concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC.

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Other than the above we have no other comments on the proposed amendments to our licence.

Yours sincerely,



Carly Evans
Head of Regulation
Wales & West Utilities

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