



NATIONAL COMMISSION FOR ENERGY CONTROL AND PRICES

RESOLUTION

RE: DESIGNATING THE NATURAL GAS TRANSMISSION SYSTEM OPERATOR AND ISSUING THE LICENCE FOR THE NATURAL GAS TRANSMISSION ACTIVITY

10 April 2015 No O3-242

Vilnius

Abiding by Paragraph 3 of Article 20, Paragraphs 1, 2 and 3 of Article 28, Articles 40–42 of the Law on Natural Gas of the Republic of Lithuania (hereinafter – the “Law”), the Plan for Implementing the Unbundling of the Activities of and Control over the Natural Gas Undertakings Not Complying with the Requirements of the Law on Natural Gas of the Republic of Lithuania, approved by Resolution No 1239 of 28 October 2011 of the Government of the Republic of Lithuania *Re: The Approval of the Plan for Implementing the Unbundling of the Activities of and Control over the Natural Gas Undertakings Not Complying with the Requirements of the Law on Natural Gas of the Republic of Lithuania*, Item 7.3. of the Licensing Rules of the Natural Gas Transmission, Distribution, Storage, Liquefaction, Supply and the Market Operator approved by Resolution No 1246 of 27 October 2011 of the Government of the Republic of Lithuania *Re: The Approval of the Licensing Rules of the Natural Gas Transmission, Distribution, Storage, Liquefaction, Supply and the Market Operator*, taking into consideration Articles 9 and 10 of 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 (OJ 2009, L 211, p. 94) (hereinafter - the “Directive”), the European Commission’s Opinion C(2015) 2135 (final) of 23 March 2015 *Re: AB Amber Grid (Lithuania) pursuant to Paragraph 1 of Article 3 of Regulation (EC) No 715/2009 and Paragraph 6 of Article 10 of Directive 2009/73/EC* (hereinafter - the “Opinion”) and Certification document No O5-94 of 9 April 2015 *Re: Designating the Natural Gas Transmission Operator and Issuing the Licence for the Natural Gas Transmission Activity* of the Gas and Electricity Department of the National Commission for Energy Control and Prices (hereinafter – the “Commission”), Official Letter Ref. No 7-302-1569 of 20 October 2014 and Official Letter Ref. No 7-302-1756 of 8 December 2014 of *AB Amber Grid*, Official Letter Ref. No (7.5-09)3-993 of 2 April 2015 of the Ministry of Energy of the Republic of Lithuania, Official Letter Ref. No (27.18-02)-5K-1507298-6K-1502806 of 2 April 2015 of the Ministry of Finance of the Republic of Lithuania, the Commission has resolved as follows:

1. To state that the unbundling of the transmission activity performed by *AB Amber Grid* complies with the provisions of Articles 40–42 of the Law, and *AB Amber Grid* can be designated to operate as the transmission system operator provided that the Ministry of Energy of the Republic of Lithuania within the time period not exceeding 12 months from the date of validity of this Resolution will perform the actions for transferring the shares of *UAB Litgas* held by *AB Klaipėdos nafta* to the economic entity, which is neither directly nor indirectly controlled by the Ministry of Energy, as it has been set forth in the Opinion of the European Commission.

2. To revoke the Commission's Resolution No O3-292 of 18 July 2013 *Re: Issuing the Fixed-term Licence to AB Amber Grid*.

3. To issue the Open-ended Licence of the Transmission System Operator to *AB Amber Grid* (enclosed) provided that the Ministry of Energy of the Republic of Lithuania within the time period not exceeding 12 months from the date of validity of this Resolution will perform the actions for transferring the shares of *UAB Litgas* held by *AB Klaipėdos nafta* to the economic entity, which is neither directly nor indirectly controlled by the Ministry of Energy as it has been set forth in the Opinion of the European Commission.

4. To obligate *AB Amber Grid*:

4.1. To ensure that within the time period not exceeding 12 months from the date of validity of this Resolution the actions deemed necessary for transferring the shares of *UAB Litgas* held by *AB Klaipėdos nafta* to the economic entity, which is neither directly nor indirectly controlled by the Ministry of Energy, will be performed as it has been indicated in the Opinion of the European Commission, and to inform about the progress in effectuating this process within 10 calendar days after the expiration of the reported quarter.

4.2. In the case of the altered circumstances, which are other than those indicated in Item 4.1. of this Resolution, due to which the implementation of the requirements for unbundling the transmission activity set forth in Articles 40–42 of the Law is not ensured, to inform the Commission hereof no later than within 5 business days from the date when these altered circumstances became known to *AB Amber Grid*.

The complaints regarding this Resolution may be filed in accordance with the procedure and conditions set forth by the Law on Proceedings of Administrative Cases of the Republic of Lithuania.

Chair of the Commission

Inga Žilienė

NATIONAL COMMISSION FOR ENERGY CONTROL AND PRICES

LICENCE FOR ENERGY ACTIVITY**No L2-3 (GDP)**

Abiding by Paragraph 3 of Article 20, Paragraph 2 of Article 28 of the Law on Natural Gas of the Republic of Lithuania, the Licensing Rules of the Natural Gas Transmission, Distribution, Storage, Liquefaction, Supply and the Market Operator approved by Resolution No 1246 of 27 October 2011 of the Government of the Republic of Lithuania *Re: The Approval of the Licensing Rules of the Natural Gas Transmission, Distribution, Storage, Liquefaction, Supply and the Market Operator*, Resolution No O3-242 of 10 April 2015 of the National Commission for Energy Control and Prices, the Licence for Energy Activity (hereinafter – the “Licence”) issued to

AB Amber Grid

(Company code – 303090867, headquarters address – Savanorių Ave. 28, Vilnius)

(hereinafter – the “Licence Holder”) grants the right to perform the natural gas transmission activity in the service area indicated in the Annex to the Licence.

The Annex to the Licence is an integral part of the Licence.

The Licence Holder shall comply with the legal acts of the European Union, the Law on Energy of the Republic of Lithuania, other laws and legal acts regulating the licensed energy activity.

Date of issuing – 10/04/2015

Chair of the Commission

Inga Žilienė

THE SERVICE AREA WHERE THE LICENSED ACTIVITY IS PERFORMED

1. This Annex defines the service area under the Licence for Energy Activity No L2-3 (GDP) (hereinafter – the “Licence”), issued to AB Amber Grid, company code – 303090867, headquarters address – Savanorių Ave. 28, Vilnius, (hereinafter – the “Licence Holder”), where the natural gas transmission activity shall be performed.
2. The Licence Holder shall perform the natural gas transmission activity in Alytus, Kaunas, Klaipėda, Marijampolė, Panevėžys, Šiauliai, Tauragė, Telšiai, Utena, Vilnius Counties.

Chair of the Commission

Inga Žilienė
