

**APPENDIX D**  
**FORM RELATING TO THE ASSESSMENT ON THE COMPATIBILITY OF THE NON-BINDING**  
**CAPACITY REQUESTS WITH THE CAPACITY CAPS PROVIDED BY PARAGRAPH 4.7 OF THE**  
**FINAL JOINT OPINION (“FJO”)**

**1. INTRODUCTION**

**1.1 The purpose of this Form**

This form specifies the information that must be provided by the Interested Parties in Trans Adriatic Pipeline's (**TAP**) Market Test process, pursuant to the Guidelines for the 2019 Market Test of Trans Adriatic Pipeline (**Guidelines**), in order to obtain a non-objection from the Italian Regulatory Authority for Energy, Networks and Environment (**ARERA**) on the compatibility of their non-binding Capacity Requests with the capacity caps set by paragraph 4.7.9 of the FJO.<sup>1</sup>

Pursuant to the Guidelines, in order for ARERA to be able to evaluate the compliance of the non-binding Capacity Requests with the capacity caps, Interested Parties shall provide to ARERA the information set out hereinbelow, as well as any information that ARERA may deem to be relevant for this purpose. The submission of the information below to ARERA needs to be confirmed by the Interested Party to TAP by ticking the relevant box in the Registration and Non-Binding Demand Indication Form (Appendix A), which means that the deadline for having ticked this relevant box (and, thus having confirmed the submission of information to ARERA) is the same as for submitting Appendix A to TAP, i.e. within 8 weeks from the start of the Demand Assessment Phase.

In order to ensure a smooth process, it is, therefore essential that ARERA is provided, in a timely fashion, with all the information required to carry out its assessment.

**1.2 Requests for waivers**

You may request in writing dispensation (waivers) to provide some of the requested information, in the following cases:

- 1) if such information is not reasonably available to you in part or in whole,
- 2) if you consider that any particular information required, may not be necessary for ARERA's assessment.

Any request must be duly reasoned.

**2. INFORMATION ABOUT THE INTERESTED PARTIES**

Please provide:

**2.1.** name of the undertaking concerned;

**2.2** name of the group the undertaking concerned belongs to;

**2.3.** name, address, telephone number and e-mail address of, and position held by, the contact person;

**2.4.** if one or more authorized external representatives of the undertaking are appointed, the contact details of the representative(s) to which communications from ARERA can be addressed.

**3. INFORMATION ON MARKET SHARES**

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<sup>1</sup> Please note that a separate capacity cap form may also be required to be submitted to the Authorities in the Binding Phase of TAP's 2019 Market Test process.

### **3.1 Gas imports (including both pipeline and LNG imports) to Italy**

For each of the last two consecutive years, please provide:

**3.1.1.** your gas imports to Italy in value (in euros) and volume (Mm3), an estimate of your undertaking's market shares and an estimate of the aggregate market shares for all the entities belonging to the same group your company is part thereof. The aggregate market shares shall be calculated by adding together the respective market shares of the following:

(a) the undertaking concerned;

(b) those undertakings in which the undertaking concerned directly or indirectly:

- 1) owns more than half the capital or business assets, or
- 2) has the power to exercise more than half the voting rights, or
- 3) has the power to appoint more than half the members of the supervisory board, the administrative board or bodies legally representing the undertakings, or
- 4) has the right to manage the undertaking's affairs;

(c) those undertakings which have in the undertaking concerned the rights or powers listed in (b);

(d) those undertakings in which an undertaking as referred to in (c) has the rights or powers listed in (b);

(e) those undertakings in which two or more undertakings as referred to in (a) to (d) jointly have the rights or powers listed in (b);

**3.1.2.** an estimate of the total amount of gas imports to Italy in value (in euros) and volume (Mm3) based on which you have calculated the above market shares. In providing this information, please also indicate the basis and sources for the calculations and provide documents where available to confirm these calculations.

### **3.2 Sales on the Italian market for wholesale supply of gas**

***In order to reply to the below questions, please take into account all gas sales (including LNG) made to resellers and traders in Italy with the exclusion of gas supplies made to end-customers in Italy (volumes to eligible customers that subsequently sell these volumes, e.g., LNG, to other eligible customers should be included in this section)***

With respect to the afore-mentioned market and for each of the last two consecutive years, please provide:

**3.2.1.** your sales in value (in euros) and volume (Mm3), an estimate of your undertaking's market shares and an estimate of the aggregate market shares for all the entities belonging to the same group your company is part thereof. The aggregate market shares shall be calculated according to point 3.1.1 above.

**3.2.2** an estimate of the total amount of gas wholesale sales to Italy in value (in euros) and volume (Mm3) based on which you have calculated the above market shares. In providing this information, please also indicate the basis and sources for the calculations and provide documents where available to confirm these calculations.

### **3.3 Retail supply of gas (including supplies to individual households and industries)**

***In order to reply to the below questions, please take into account all gas sales made only to end-customers in Italy.***

With respect to the aforementioned market and for each of the last two consecutive years, please provide:

**3.3.1.** your sales in value (in euros) and volume (Mm3), an estimate of your undertaking's market shares and an estimate of the aggregate market shares for all the entities belonging to the same group your company is part thereof. The aggregate market shares shall be calculated according to point 3.1.1 above.

**3.3.2** an estimate of the total amount of gas retail sales to Italy in value (in euros) and volume (Mm3) based on which you have calculated the above market shares. In providing this information, please also indicate the basis and sources for the calculations and provide documents where available to confirm these calculations.

#### **4. FINAL DECLARATION**

The present form must conclude with the following declaration which is to be signed by or on behalf the undertaking submitting the information:

*"The submitting party or parties declare that, to the best of their knowledge and belief, the information given in this form is true, correct, and complete, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere."*

#### **5. CONFIDENTIALITY**

If you believe that your interests would be harmed if any of the information you are asked to supply were to be published or otherwise divulged to other parties, submit this information with each page clearly marked "Business Secrets".

**The present form duly filled in must be submitted to the following email address:**