

Comments on UNC448 31 October version

| Legal text | Comment |
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| 1.1(d) | Consider adding to paragraph 1.1(d) the following amendment: inserting words "or the Authority" after "Third Party Participant". |
| 1.1(e) | Consider adding to paragraph 1.1(e) the following amendment: inserting words "or the Authority" after "Third Party Participant". |
| Definition of "European modification" | Inclusion of the text "and has directed" in this definition is incorrect. Modifications concerning European issues can be raised under 9(j), 10(a)(i) or (v), 10(ab) and 11(a)(i) or (v). |
| Definition of "European modification" | We consider it is important that "as amended from time to time" should remain. Alternatively please introduce a definition of "Regulation" including wording ensuring always current state of the relevant legislation. |
| Para 6.4.5 | We are concerned that a failure by the transporter to inform the Secretary of our direction, could mean that an alternative modification <i>may</i> be raised (which would go against any direction we may have made to the Transporter that an alternative should not be made). |
| Section 6.8 | These changes do not address the comments we provided on the previous text. The Authority will be neither 'determining' nor 'directing' that a particular modification is a "European Modification". We may use our powers under the licence to direct a timetable for a particular modification (where we reasonably consider it is necessary to implement the Regulation), and the licence also sets out that such modifications shall not be withdrawn. 6.8 as drafted introduces an unnecessary process and is not consistent with the licence provisions. We feel strongly that this section should be re considered. |