PROCEDURE FOR ASSESSING ACCESS REQUESTS

__Note:__ This diagram is based on Clause 9 of the Terminal Access Protocol. Please refer to the Protocol as this diagram is a simplified depiction of the Clause to assist Access Seekers.

PHASE ONE: ACKNOWLEDGEMENT OF ACCESS REQUEST

Access request application form received with required supporting information

Within 5 business days

The Operator will advise the Access seeker that either:

The Access seeker's request is complete and contains sufficient information to enable the Operator to respond to the access request

Within 20 business days

The Access Seeker's request is incomplete, which may include because:

a) The request was not in the form or did not contain the information specified in the Application Form;

b) The Operator considered that any additional information requested by the Operator was insufficient to enable it to respond to the Access Request;

c) Further information is required in order to consider the Access Request, in which case the Operator will specify what further information is required.

Access Seeker can resubmit application form

PHASE TWO: ASSESSMENT OF ACCESS REQUEST

The Operator will provide a written response to the Access Seeker indicating whether, applying its commercial and operational judgement, the Operator considers that:

The Access Seeker fails to satisfy the Eligibility Criteria

There is likely to be sufficient available capacity to meet all or part of the Access Seeker's request; and

The Access Seeker satisfies the eligibility criteria in respect of the Access Request, and if the Operator determines (acting reasonably) that it is otherwise technically feasible and consistent with the efficient and sound commercial operation of the IMEX Terminal to supply the service(s) requested, the Operator's response to the Access Seeker will confirm that it is prepared to meet to negotiate Access to part or all of the service(s) requested.

Within 20 business days

PHASE THREE: NEGOTIATION

The Operator will use reasonable endeavours to provide an Access Seeker with an indicative access proposal setting out the commercial basis on which it is prepared to offer access to the Access Seeker

OR

If the Operator fails to provide an indicative access proposal the starting point for negotiations will be:

-The terms and conditions in the standard customer agreement; and

-The reference prices for reference services

MEETING TO NEGOTIATE ACCESS

As soon as reasonable practicable following the date for provision of an indicative access proposal, the Operator and Access Seeker will meet to negotiate in good faith in order to seek to reach agreement on the terms and conditions, including price, on which the Operator will supply part or all of the requested service(s).

- The parties will use all reasonable endeavours to complete negotiations within 3 months of the date that negotiations commenced

- Each of the Operator and Access Seeker must seek to accommodate all reasonable requirements of the other party regarding timetable for negotiations

ENTRY INTO ACCESS AGREEMENT

One an Access Seeker has notified the Operator that it is satisfied with the terms and conditions set out in the Standard Customer Agreement (or any negotiated access agreement):

i) The Operator will, as soon as is reasonably practicable, provide a final form of the access agreement (or, if applicable, an amendment to an existing access agreement) to the Access Seeker for execution; and

ii) Both parties will use reasonable endeavours to execute the access agreement as soon as reasonably practicable following such notice.