

## Consultation - Introduction

By virtue of the Article 20 of the Regulation (EC) 2017/459, CAM NC, ENTSOG has been entrusted with the mission of possible alignment of some of the terms and conditions of transport contracts:

Indeed, Article 20 provides that:

*“1. Within 9 months from the entry into force of this Regulation ENTSOG shall, after consulting stakeholders, create a catalogue of the main terms and conditions in the transport contract(s) of the transmission system operators for bundled capacity products. ENTSOG shall analyse existing transport contracts, identifying and categorising differences in relation to the main terms and conditions and the reasons for such differences and publish its findings in a report.*

*2. On the basis of the report referred to in paragraph 1, ENTSOG, after consulting stakeholders, shall within 6 months after the publication of the report develop and publish a template for the main terms and conditions covering contractual provisions which are not affected by fundamental differences in principles of national law or jurisprudence, for the offer of bundled capacity products.*

*3. The Agency, having due regard to the opinions of the national regulatory authorities, shall provide an opinion on the template for the main terms and conditions within a further 3 months. Taking into account the opinion provided by the Agency, ENTSOG shall publish on its website the final template for the main terms and conditions no later than 3 months after receiving the Agency's opinion.*

*4. After the publication of the final template for the main terms and conditions, transmission system operators, subject to the approval of national regulatory authority, may apply the terms and conditions set out in the template in the case of newly contracted bundled capacity products”.*

According to the abovementioned Article:

1. after **consulting** stakeholders, ENTSOG has created a **catalogue of the main terms and conditions** in the transport contract(s) of the transmission system operators **for bundled capacity products**.

2. ENTSOG analysed existing transport contracts, **identified and categorised differences** in relation to the main terms and conditions and **the reasons for such differences** and published its findings in a **report on 5 January 2018**.
3. based on the report ENTSOG has **created a draft template** for the main terms and conditions to be submitted to public consultation

and for the months to come:

4. after the public consultation on the draft template, ENTSOG will further work on the template if necessary and submit it to ACER for an opinion
5. ENTSOG will further work on the template if necessary, after ACER's **opinion**
6. ENTSOG will publish the **final version** of the template on its website **by 6 January 2019**

The purpose of this introduction is to provide further information to the stakeholders on the draft template of the terms and conditions of the transport contracts for bundled capacity products. ENTSOG draws the attention of the Stakeholders to the scope of the consultation consisting in focusing on the **content** of each clause included in the template. The list of the clauses is not subject to feedback, because it stems from the previous public consultation on the catalogue of main terms and conditions, the outcome of the report comparing those terms and conditions and from the fact that the template shall not include clauses which are ***“affected by fundamental differences in principles of national law or jurisprudence”***, as provided for in art. 20.1 and 20.2. . ENTSOG welcomes any feedback regarding the content of the clauses of the template of main terms and conditions and/or the template as a whole.