

CAM NC (EC) 2017/459, Article 20
**Alignment of terms and conditions for bundled
capacity products**

September 2017

Aim of the Article



ENTSOG:

“Create a catalogue of the main terms and conditions in the transport contract(s) of the TSOs for bundled capacity products”

and

“...publish a template for the main terms and conditions.”

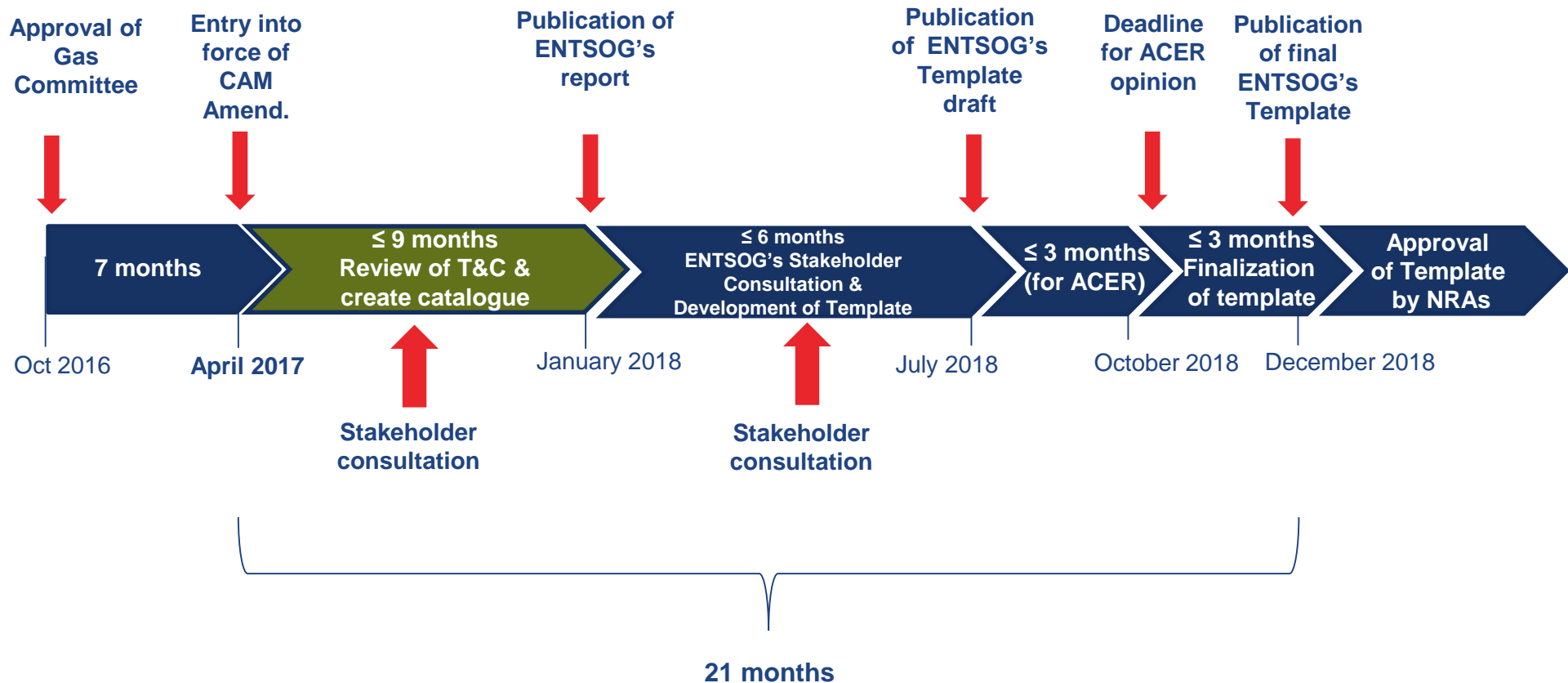
TSOs:

“...May apply the terms and conditions set out in the template in the case of newly contracted bundled capacity products.”

Work organization



Timescales according to the Article



Obligations in the Article



1. **ENTSOG shall**, after consulting stakeholders, **create a catalogue of the main terms and conditions** of the transport contract(s) of TSOs for bundled capacity products.
2. **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**.
3. **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
4. **ACER**, having due regard to the opinions of the national regulatory authorities, **shall provide an opinion on the template for the main terms and conditions**
5. **ENTSOG shall publish on its website the final template for the main terms and conditions**
6. **TSOs**, subject to the approval of NRA, **may apply the terms and conditions set out in the template** in the case of **newly** contracted bundled capacity products.

Steps accomplished in 2017



≤ 9 months
Review of T&C &
create catalogue

- ENTSOG created catalogue of **main** Terms and Conditions
- Stakeholder consultation on the Catalogue between **7 March – 7 April**
 - **13 Stakeholders opinions** (shippers, traders, associations)
 - 26 clauses published for consultation
 - 21 supported to be included into main T&Cs

Main Clauses of GT&Cs



≤ 9 months
Review of T&C &
create catalogue

1. Parties
2. Object (scope)
3. Definitions
4. Main rights and obligations
5. Permits and licenses
6. Capacity allocation rules
7. Nomination & Balancing
8. Capacity allocation other rules
9. Maintenance
10. Suspension, interruption, emergency
11. Prices and tariffs
12. Creditworthiness
13. Liability
14. Force majeure
15. Hardship
16. Confidentiality
17. Amendments
18. Entry into force
19. Termination
20. Applicable law
21. Jurisdiction clause

Structure of assessment of Main Clauses of GT&Cs



≤ 9 months
Review of T&C &
create catalogue

Clauses analysis structure:

- Object of the provision
- Summary of Similarities, Differences and Reasons for the differences
- Table of main Similarities / Differences per country

Next Steps in 2017



- October: Drafting the report
- November: Finalizing the report
- December: Publication of the report

Next Steps in 2018



- January – July: Template development + Public consultation on the template
 - July: Draft Template publication by ENTSOG
 - October: ACER's opinion on ENTSOG's template
 - December: Final Template publication
- TSOs may apply the terms and conditions set out in the template for newly contracts in relation to bundled capacity products