

## Consultation - Introduction

By virtue of the new Article 20 of the CAM NC (which is expected to be published and to enter into force in April 2017), ENTSOG has to fulfil new obligations in terms of possible alignment of some 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 Article 20.1, the first obligations of ENTSOG are:

1. 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**.

2. 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**.

In a first step, ENTSOG has to identify the main terms and conditions of the transport contracts of TSOs relevant for bundled capacity products, and organize a consultation of the Stakeholders.

The purpose of this introduction is to provide further information to the stakeholders on the catalogue of the terms and conditions of the transport contracts considered as main by the TSOs for consultation. ENTSOG draws the attention of the Stakeholders to the scope of the consultation consisting in focusing only on the **main** terms and conditions for **bundled capacity products**. ENTSOG welcomes any feedback regarding the possible remove or addition of some provisions to the catalogue of main terms and conditions.

For the avoidance of any doubt, the fact that a provision is included in the catalogue of the “main terms and conditions” does not mean that all these provisions will be included in the template that ENTSOG will draft in accordance with Article 20.2.

Indeed, only once the list will be set out, ENTSOG will

- identify and categorise (i) differences in relation to the main terms and conditions and (ii) the reasons for such differences;
- publish its findings in a report; and then, in a further step,
- draft and publish a template for the main terms and conditions which are **not affected by fundamental differences in principles of national law or jurisprudence**.

For the purposes of drafting the catalogue of Article 20.1, ENTSOG grouped the terms and conditions it considers as “main” into thematic categories whose scope is described in an indicative and general manner in the list under the title “General Remarks” of the table hereinafter. The present proposed catalogue of categories of main terms and conditions, their scope as described under the “General Remarks” as well as the final list (which will be finalized after the consultation) does not represent any undertaking of ENTSOG or the members of ENTSOG as regards the content of the future template.