

# Disclaimer

## A proposal to cover the acknowledgement

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# Background



***Board approval on the TYNDP concept including:***

***Need for enhanced coordination between project promoters***

- > Coordination to be reflected as part of project submission

***INV-WG 24/11/15 – Presentation and Conclusions***

- > ENTSOG presented that Acknowledgement within the Data Portal is technically not feasible
- > A disclaimer could reach the same effect

3.5. Project data portal¶

Brussels Team presents the main changes that will be implemented for the project data collection of TYNDP 2017. The question of data ownership and responsibility is presented, with Brussels Team explaining how project promoters will be responsible for actively controlling their data submission and ensure they are coordinated with adjacent promoters when necessary.¶

*The main concept for the next project data collection is approved.*

***Concept of acknowledgement has been introduced. INV-WG has already discussed and approved replacing the acknowledgement with a Disclaimer. The draft text of the Disclaimer has not been shown.***



# ENTSOG team proposal



***Based on the above, Sys Dev. team has consulted with ENTSOG Legal Team and drafted an original Description proposal***

- > After discussions on the presentation of SJWS#1 we decided to bring back the topic and rediscuss the proposed points of the Disclaimer
- > The text is not the actual legal draft; please note the legal nature of the issue
- > Please also note the disclaimer within the TYNDP on page 228.



# Topics of the Disclaimer I/II



***The disclaimer would clarify the responsibilities of ENTSOG and the Promoters and ensure certain additional points:***

- > Project is submitted in the name and on behalf of the Promoter
- > The submitted data is exhaustive, accurate and up-to-date
- > Submit and/or modify data during the scheduled data collection timeframe
- > Read and understood the Documentation Kit
- > Actively monitor the data submission and take corrective actions in line with the automatic messages received within the Portal, resulting from the predefined **Validation Rules**
- > Be available to take corrective actions when ENTSOG approaches the Promoter due to submission errors observed by ENTSOG based on the **Monitoring Activities** ENTSOG undertakes to check
- > The Promoter is aware how ENTSOG models its topology in the network model, by checking the **Report on Operator Topology** – when deemed unappropriate contact ENTSOG
- > The Promoter is aware about the result of its capacity submission before and after the application of the lesser-of-rule by checking the **Reports Capacities Before/After LoR**



## Topics of the Disclaimer II/II



- > Actively monitor the **Capacity Reports** within the Data Portal throughout the data collection schedule and take action in the form of coordination and data adjustment with the adjacent operator(s), when deemed necessary -the resulting capacities according to the reports is not in line with the desired ones- in order to reduce as far as possible any mismatch in projected capacities
- > Acknowledge that the sole mission of ENTSOG for the Data Collection procedure is to provide an interface for the submission of the project data
- > Acknowledge that ENTSOG cannot be held liable for the accuracy, the correctness and/or the completeness of the data submitted via the Data Portal
- > Acknowledge that ENTSOG has provided all necessary means within the Data Portal to enable the submission of the project data and the monitoring of the project data
- > That ENTSOG cannot be held responsible for decisions of competent institutions/authorities taken on the basis of the submitted data and on the basis of analysis prepared by ENTSOG based on these data

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# Topics of the Disclaimer III/III

- > General point on keeping ENTSOG harmless and defend it from
  - claims, demands, expense, liabilities, etc. by any third party arising from not accurate/complete data submission and
  - impacts deriving from decisions of competent bodies taken based on the submitted data and ENTSOG analysis using this data
  - any financial consequences or losses incurred by TSOs or third parties resulting from incorrect data submissions or above mentioned decisions



# Thank You for Your Attention

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