

Please note that although Gasunie Transport Services B.V. translated the Dutch network codes with utmost care, Gasunie Transport Services B.V. would like to point out that only the decisions of the Dutch Authority for Consumers and Markets establishing the codes as referred to in article 12f of the Dutch Gas Act, are legally binding. Gasunie Transport Services B.V. is not liable for any losses or damages of any kind arising out of possible errors or omissions.

Cooperation Code Gas

Valid from 12-05-2016 to present

Decision by the Dutch Authority for Consumers and Markets of April 21, 2016, reference ACM/DE/2016/202168 adopting the conditions referred to in article 12b of the Dutch Gas Act (Cooperation Code Gas)

The Dutch Authority for Consumers and Markets,

In view of article 12f, paragraph 1 of the Dutch Gas Act;

Decision:

1. Scope and definitions

1.1. Scope

1.1.1.

This code contains the cooperation arrangements between network operators as referred to in article 12b, paragraph 1, (f) Dutch Gas Act, as regards performance of the duties included under articles 10 and 10a, Dutch Gas Act as well as safeguarding the network operation of all networks and the transportation of gas in unusual circumstances.

1.2. Definitions

1.2.1.

Terms that are defined in the Dutch Gas Act or the Definitions Code Gas have the meaning defined in the Dutch Gas Act or Definitions Code Gas.

2. Purpose of the cooperation agreement and general obligations

2.1.

This code intends to achieve optimal harmonisation between network operators, in order to ensure that every network operator can comply with its legal tasks and obligations.

2.2.

When taking decisions and performing an action or failing to perform an action, every network operator has an obligation towards all other network operators to take account of how such acts or

omissions affect the legitimate interests of the other network operators in the performance of their legal duties.

2.3.

In view of those interests, every network operator has an obligation towards all other network operators to keep the other network operators informed where necessary and as much as reasonably possible and to consult with them.

2.4.

When making decisions and cooperating, all network operators have an obligation towards each other to take account of the importance of keeping the social costs of measures affecting infrastructure as low as possible. Network operators shall take account of the consequences of the principle of freedom of pipeline construction.

3. Shippers

The network operator of the national grid will grant shippers a licence in accordance with the conditions applicable for that purpose and concludes agreements with shippers. All provisions arising from the conditions or agreements that the network operator of the national grid intends to agree with shippers and that have consequences for other network operators require the prior approval of the network operators.

4. Research and development

In order to comply with their legal duties and obligations as efficiently as possible, and without prejudice to everyone's own responsibility in this matter, the network operators will hold joint periodic discussions about desired and/or possible future developments in respect of the gas supply system, develop, where possible, a joint vision in this matter and may possibly perform, or arrange for the performance of, projects relating to research and development (including pilot projects).

5. Emergencies and provision of gas transportation in extraordinary circumstances

5.1.

Every network operator is responsible for having its own adequate emergency plan available. All network operators shall coordinate their emergency plans with each other. Every network operator has an obligation towards all other network operators to ensure that its own emergency plan does not infringe upon the feasibility of the emergency plans of any other network operators.

5.2.

Every network operator has an obligation towards all other network operators to guarantee, for 7 days per week and 24 hours per day, availability of appropriate employees to ensure they facilitate the cooperation that may be necessary or desirable in order to allow the transportation of gas to carry on as efficiently as possible in unusual circumstances.

6. Rules for settling disputes between network operators

6.1.

Disputes between network operators regarding the provisions laid down by or pursuant to the Dutch Network Code established by the Authority for Consumers and Markets on the basis of article 12f, Dutch Gas Act shall be resolved amicably as far as possible.

6.2.

Disputes that cannot be resolved amicably shall be settled by arbitration, by three arbitrators, in accordance with Netherlands Arbitration Institute regulations, unless one of the parties involved in the dispute provides written confirmation, within ten working days of receipt of written notification from another party wanting to settle by arbitration, that it wants the dispute to be resolved by the competent court.

7. Unforeseen circumstances

7.1.

Without prejudice to the provisions in the Dutch Network Code laid down by the board on the basis of article 12f, Dutch Gas Act, the network operators concerned shall hold consultations with each other in all cases not provided for by the Dutch Network Code and take decisions in the spirit of the Dutch Network Code. If such cases occur more regularly than occasionally, then the joint network operators shall submit suitable proposals to amend the aforementioned Dutch Network Code.

8. Final provisions

8.1.

The Dutch network code "Collaboration Arrangement Network Operators Gas", as established by the Decision of 27 June 2006 and subsequently amended several times, is withdrawn.

8.2.

This Decision enters into force with effect from the day after the date of issue of the Dutch Government Gazette in which it has been published.

8.3.

This Decision is cited as: Collaboration Code Gas.

This Decision and its explanatory notes shall be published in the Dutch Government Gazette.

The Hague, April 21, 2016

On behalf of the Dutch Authority for Consumers and Markets,

F.J.H. Don
board member

