

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.

Obligations Code Gas TSO

Valid from 12-05-2016 to date

Decision of the Dutch Authority for Consumers and Markets of 21 April 2016, reference ACM/DE/2016/202165, adopting the conditions referred to in article 12b of the Dutch Gas Act (Obligations Code Gas TSO)

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 concerns the legal obligations of the network operator of the national grid as referred to in article 12b, paragraph 1, preamble and (d), Dutch Gas Act.

1.1.2

This document contains the conditions concerning the legal obligations mentioned in article 10a, paragraph 1, preamble and (a), (e) and (g), Dutch Gas Act.

1.1.3

The conditions concerning the legal obligations mentioned in article 10a, paragraph 1, preamble and (b), (c) and (d), Dutch Gas Act are included in the Transmission Code Gas TSO.

1.2. Definitions

1.2.1

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

2. Security of supply

2.1. Peak supply

2.1.1

Pursuant to the Dutch Decision on security of supply, the network operator of the national grid enables licence holders to provide peak supply to all small-scale users in the Netherlands.

To this end, the network operator of the national grid reserves entry and exit capacity in the national grid and the network operator of the national grid can reserve both production capacity and gas.

2.1.2

Peak supply relates to the proportion of the gas actually delivered in an hour to all small-scale users in the shipper's portfolio that exceeds the maximum quantity that would be delivered in an hour to the small-scale users on a day with an average effective daily temperature in De Bilt of -9 °C. This maximum delivery is determined by the network operator of the national grid on a monthly basis in accordance with 2.1.2b of the Transmission Code Gas TSO, using in all cases a reference temperature of -9 °C. The network operator of the national grid will deliver gas to the licence holders for the benefit of peak supply and adjust shippers' portfolio imbalance signals accordingly.

2.1.3

The network operator of the national grid charges the licence holders for the reserved entry and exit capacity, the gas required and other resources including capacity resources. Fixed costs for production capacity for peak supply are spread across the whole year and allocated to licence holders every month by profile category in proportion to their market share of profile categories G1 and G2 of the small-scale user segment. The variable costs, to which, in each case, the costs of quantities of gas actually delivered in order to meet peak supply are attributable, are charged to the licence holder retrospectively for the month concerned. Amounts attributable to reserved entry and exit capacity are charged to licence holders after being apportioned to the months of December, January and February. A licence holder pays the amounts attributable to him to the network operator of the national grid, unless the licence holder has agreed with the shipper that the costs of providing the peak supply may be charged to the shipper.

2.1.4

The network operator of the national grid determines the licence holders' market shares so that peak supply charges can be settled for each month. The distribution network operators inform the network operator of the national grid every month in accordance with 2.1.2c of the Transmission Code Gas TSO.

2.1.5

The network operator of the national grid is responsible for establishing the volumes attributable to peak supplies. In order to establish peak supply allocations for each licence holder, the network operator of the national grid compares the latest monthly allocations for small-scale use with the licence holders' exit capacity for small-scale use for the month concerned, which is calculated as described in the Transmission Code Gas TSO, article 2.1.2d, using in all cases a reference temperature of -9 °C. The peak supply is charged to the licence holder and reduces the exit allocations of the shipper concerned. In order to establish the near-real-time volume by which the shipper's portfolio imbalance signal is adjusted, the network operator of the national grid compares the near-real-time allocations of the central steering system with the exit capacity for small-scale use in the portfolio of the shipper concerned for the month concerned, which is calculated as described in the Transmission Code Gas TSO, article 2.1.2b, using in all cases a reference temperature of -9°C. When calculating near-real-time figures, the network operator of the national grid uses the most recent data on standard annual usage for each portfolio as a basis.

2.2. Supplier of last resort deliveries

2.2.1

If the Dutch Authority for Consumers and Markets decides to withdraw a supply licence from a licence holder, the Dutch Authority for Consumers and Markets shall inform the network operator of the national grid of this as soon as possible. The network operator of the national grid and the distribution network operators shall then act according to the provisions of the Dutch Decision on security of supply and according to the provisions of this section. The Dutch Authority for Consumers and Markets shall state in its decision the date on which the supply licence is to be withdrawn.

2.2.2

The network operator of the national grid shall inform all distribution network operators immediately of the decision referred to in 2.2.1. At the same time, the network operator of the national grid shall

inform all distribution network operators of the manner of distribution as referred to in article 3, paragraph 6 of the Dutch Decision on security of supply. The distribution shall be expressed as a percentage, rounded to tenths of a percent.

2.2.2a

If, by mutual agreement and until further notice, two or more licence holders want to make distributions according to a different method to the one referred to in article 3, paragraph 6, Dutch Decision on security of supply, they may submit a reasoned application to this end, signed by all suppliers concerned, to the network operator of the national grid, stating the EAN codes and supply licence(s) of the suppliers concerned.

Therefore:

- a. the network operator of the national grid passes the applications it has received on to the Dutch Authority for Consumers and Markets before 1 October of each calendar year for assessment;
- b. the Dutch Authority for Consumers and Markets shall make a decision within a reasonable period of time;
- c. if the decision of the Dutch Authority for Consumers and Markets is positive, the network operator of the national grid shall apply the desired distribution as of 1 January of the calendar year following the year in which the decision was taken by the Dutch Authority for Consumers and Markets.

2.2.2b

Each licence holder shall state which shipper shall bear programme responsibility for connections assigned to the licence holder pursuant to the Dutch Decision on security of supply.

2.2.2c

If the network operator of the national grid charges the costs incurred to the licence holders according to article 3, paragraph 7 of the Dutch Decision on security of supply, the distribution, in accordance with article 3, paragraph 6 of the Dutch Decision on security of supply, shall be expressed as a percentage rounded to tenths of a percent.

2.2.3

From the time of publication of the decision referred to in 2.2.1, the distribution network operator shall reject switch requests concerning changes in suppliers and/or shippers:

- a. relating to the supplier, in respect of which the decision referred to in 2.2.1 has been taken; and
- b. which were received after the beginning of the 'window period'.

In the provisions of article 2.2, 'window period' means the period between publication and withdrawal of the supply licence.

2.2.4

Contrary to 2.2.3, distribution network operators shall deal with switches arising from withdrawals of supply licences at the request of

- a. the licence holder whose supply licence is being withdrawn pursuant to the decision referred to in 2.2.1; or
- b. the trustee in bankruptcy, if the licence holder mentioned is in a state of bankruptcy; or
- c. the licence holder and administrator jointly, if the licence holder mentioned has been granted a suspension of payments, or
- d. the licence holder who has obtained some of the connections from the licence holder whose supply licence is being withdrawn pursuant to the decision referred to in 2.2.1 and after the first-mentioned licence holder and the network operator of the national grid have agreed that the licence holder itself shall submit the switches necessary for this. The network operator of

the national grid shall make the agreement mentioned only after it has ascertained that the licence holder, whose supply licence is being withdrawn pursuant to the decision referred to in 2.2.1, will inadvertently not give instructions for the switches to be performed.

The switches shall be performed as soon as possible but no later than the end of the window period. All requests shall be accompanied by a statement of the connected parties to be switched in a format that will be simple for the distribution network operators to process.

2.2.5

Distribution network operators shall perform the switches concerning the other connected parties in execution of the distribution referred to in 2.2.2, following instructions to this end by the network operator of the national grid, as soon as possible but no later than the end of the window period.

3. Availability of sufficient entry and exit capacity

3.1

The network operator of the national grid is responsible for ensuring the availability of sufficient entry and exit capacity with a view to providing sufficient short-term and long-term security of transmission as referred to in article 10a, paragraph 1, preamble and (g), Dutch Gas Act.

The network operator of the national grid provides long-term security of transmission by implementing the capacity expansions provided for in the capacity plan and by meeting quality requirements expected of the network operator of the national grid on the basis of article 8, Dutch Gas Act and the Dutch Ministerial Decree on the Quality Aspects of Transmission System Operation Electricity and Gas.

The network operator of the national grid provides short-term security of transmission by allocating entry and exit capacity in an objective, transparent and non-discriminatory manner as well as, where appropriate, applying the rules for offering contracted entry and exit capacity that will not be used in accordance with the Transmission Code Gas TSO.

4. Final provisions

4.1

The Dutch network code "Legal Obligations TSO of common interest", as established by the Decision of 27 June 2006 and subsequently amended several times, is withdrawn.

4.2

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.

4.3

This Decision is cited as: Obligations Code Gas.

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

The Hague, 21 April 2016

On behalf of the Dutch Authority for Consumers and Markets:

F.J.H. Don

board member