



# Terms and Conditions for ETF

(Terms and Conditions for Exchange Transfer Facility)

## Version 6.0

1 October 2022

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## 1. Introduction

- The purpose of these Terms and Conditions for ETF is to facilitate Gas Transfers between Shippers and the Clearing Entity in accordance with the gas trades made at EEX.
- Natural Gas can only be transferred via the ETF between the Clearing Entity and Shippers who have:
  - agreed to this in their Framework Agreements with Energinet;
  - entered into the necessary agreements with EEX;
  - entered into the necessary agreements with the Clearing Entity
  - sufficient credit approvals from Energinet to make gas trades on EEX; and
  - concluded gas trades on the EEX.

Energinet may limit the Shippers' possibilities of making gas trades on the EEX - and thus their possibilities of transferring gas volumes via the ETF - from one gas day to the other on the basis of Energinet's evaluation of the Shippers' business operations and creditworthiness in accordance with General Terms and Conditions for Gas Transport and in consultation with the Clearing Entity.

Shippers wishing to use EEX are urged to contact Energinet, EEX and the Clearing Entity as early as possible for guidance and to avoid problems with the deadlines and procedures specified in General Terms and Conditions for Gas Transport, these Terms and Conditions for ETF, EEX's Terms and Conditions and regulations and the Clearing Entity's clearing rules.

### 1.1 Commencement

These Terms and Conditions for ETF, version 5.0, enter into force on 1 October 2021, superseding the Terms and Conditions for ETF, version 4.0, in their entirety from this date.

## 1.2 Definitions

Unless otherwise apparent from the context, the following terms shall have the meaning given below:

**Clearing Entity ('Clearing Enheden')** is the entity designated by EEX to perform clearing of all gas trades at EEX.

All other terms shall have the meaning defined in the version of the General Terms and Conditions for Gas Transport applicable from time to time.

## **2. Gas Transfers via ETF**

### **2.1 Gas Transfers in the Transmission System via ETF**

With effect from a specified Gas Day, a quantity of Natural Gas can be transferred from one Shipper (Transferring Shipper) to another Shipper on the basis of gas trades concluded on EEX. For all gas trades concluded on EEX, the Clearing Entity becomes the central counterparty and therefore steps in between the buyer and the seller of a gas trade and becomes contractual partner to both of them.

Nominations submitted by the Clearing Entity are always identical to the gas trades concluded on EEX.

### **2.2 Conditions for carrying out Gas Transfers on ETF**

- a) In order for a Shipper to transfer or receive a given volume of Natural Gas using the ETF, the Shipper shall:
  - i) have entered into a Framework Agreement with Energinet;
  - ii) have sufficient Credit Limit, see General Terms and Conditions for Gas Transport;
  - iii) be approved by and registered with EEX;
  - iv) fulfil the requirements set forth by the Clearing Entity; and
  - v) have concluded gas trades for the same volume of Natural Gas at EEX.

If the above conditions are not fulfilled, the ETF Nomination can be reduced or refused by either Energinet or the Clearing Entity.

### **2.3 Nominations by Clearing Entity**

Upon the final and binding completion of a gas trade concluded on EEX, the Clearing Entity shall send the resulting Nominations to Energinet. The Shippers will be informed of the accepted Nominations by Energinet.

The Nomination by the Clearing Entity received by Energinet shall apply even if the Shippers have nominated different or no volumes to Energinet at the ETF Point in accordance with the 'EEX-is-always-right' principle.

## **2.4 Nominations by the Shippers**

- a) The Shippers do not have to send separate Nominations for the ETF, see section 2.3 above. If, however, a Shipper wishes to do so, he may send a Nomination for the ETF Point along with Entry Point, Storage Point, Transit Point and/or Exit Zone Nominations in order to be able to:
  - i) have his expectations in regard to the accepted Nominations from the Clearing Entity checked and receive an error alarm notice from Energinet in case its own Nomination is not identical to the Clearing Entity's; and
  - ii) check the expectations in regard to his own natural gas balance in the Transmission System based on all the Shippers' Nominations for all the points and the Exit Zone.
- b) If Shipper sends Nominations for the ETF Point, the Shipper shall furnish Energinet with information on the quantities of Natural Gas, expressed in kWh/hour, which the Transferring Shipper wishes to transfer/receive on the specified Gas Day via the ETF, together with the Shipper Code.
- c) To avoid any doubt, it should be noted that a shipper Nomination is always deemed as a Nomination made for information purposes only and does not constitute a Nomination that the Shipper can take for a fact. Thus, in case of any discrepancy between the accepted ETF Nomination and the Shipper's Nomination, the accepted ETF Nomination shall prevail, see section 2.3 above.

### **2.4.1 Information to the Shippers**

Energinet will inform the Shippers:

- i) of the accepted Nominations received from the Clearing Entity for the following Gas Day and within the Gas Day; and
- ii) of reductions, increases or refusals of any Nominations made by the Shippers

## **2.5 Miscellaneous**

### **2.5.1 Automatic procedures**

All procedures are automatic. Therefore, Energinet cannot meet the Shippers' requests for changes in the procedures.

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The Shippers shall follow the instructions specified in the nomination guide available on Energinet's website.

The Shipper shall also follow the Terms and Conditions and procedures from EEX and the Clearing Entity. Energinet shall not be liable in this respect.

### **2.5.2 Legal effects**

The legal effects of cancellation of a gas trade on EEX are not dealt with in these Terms and Conditions for ETF. Energinet refers to EEX and the Terms and Conditions and procedures set forth by EEX and the Clearing Entity. Energinet shall not be liable in this respect.

All disputes regarding errors and omissions in regard to the gas trades made on EEX, the clearing services by the Clearing Entity and the ensuing communication to Energinet shall be dealt with between the Shippers and the Clearing Entity. Energinet shall assume no liability in this respect. Energinet shall assume no liability except for errors or omissions committed by Energinet in relation to its receipt of the above information.

### **2.6 Allocation**

The most recently accepted Nomination for a given hour shall constitute the Allocation at the ETF Point for the hour in question.

### **2.7 Fees**

A fee shall be paid by the Shipper for each accepted Gas Transfer via ETF. The size of the fee appears from the price list.

Invoicing of the fees will be coinciding with the monthly invoicing in accordance with the General Terms and Conditions for Gas Transport.

### **2.8 Other conditions**

All other conditions appear from the version of the General Terms and Conditions for Gas Transport applicable from time to time.

### **2.9 Further information**

Please contact EEX for information on gas trading on the EEX and contact the Clearing Entity for information on the clearing services.