



Brussels, 15.12.2021
COM(2021) 804 final

ANNEXES 1 to 4

ANNEXES

to the

**Proposal for a Regulation of the European Parliament and of the Council
on the internal markets for renewable and natural gases and for hydrogen**

{SEC(2021) 431 final} - {SWD(2021) 455 final} - {SWD(2021) 456 final} -
{SWD(2021) 457 final} - {SWD(2021) 458 final}

ANNEX I
GUIDELINES ON

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1. INFORMATION TO BE PUBLISHED ON THE METHODOLOGY USED TO SET THE REGULATED REVENUE OF THE TRANSMISSION SYSTEM OPERATOR

The following information shall be published before the tariff period by the regulatory authority or the transmission system operator as decided by the regulatory authority.

This information shall be provided separately for transmission activities where the transmission system operator is part of a larger commercial entity or holding.

1. The entity responsible calculating, setting and approving the different components of the methodology.
2. A description of the methodology, including at least a description of:
 - (a) the overall methodology, such as revenue-cap, hybrid, cost-plus or tariff benchmarking;
 - (b) the methodology to set the regulated asset base (RAB), including:
 - (i) methodology to determine the initial (opening) value of the assets as applied at the start of the regulation and when incorporating new assets to the regulatory asset base;
 - (ii) methodology to re-evaluate assets;
 - (iii) explanations of the evolution of the value of the assets;
 - (iv) treatment of decommissioned assets;
 - (v) depreciation methodology applied to the regulated asset base, including any changes applied to the values.
 - (c) the methodology to set the cost of capital;
 - (d) the methodology to determine the total expenditure (TOTEX) or, if applicable, operational expenditure (OPEX) and capital expenditure (CAPEX);
 - (e) the methodology to determine the efficiency of the cost, if applicable;
 - (f) the methodology applied to set the inflation;
 - (g) the methodology to determine premia and incentives, if applicable;
 - (h) non controllable costs;
 - (i) services provided within the company holding, if applicable.
3. The values of the parameters used in the methodology
 - (a) the detailed values of the parameters that are part of the cost of equity and cost of debt or weighted average cost of capital expressed in percentages;

- (b) depreciation periods in years applicable separately to pipelines and compressors;
 - (c) changes in the depreciation period or in the acceleration of the depreciation applied to assets;
 - (d) efficiency targets in percentages;
 - (e) inflation indices;
 - (f) premia and incentives.
4. The values of costs and expenditures that are used for setting the allowed or target revenue in the local currency and in euro of:
- (a) the regulated asset base per asset type detailed per year until its full depreciation, including:
 - (b) investments added to the regulated asset base, per asset type;
 - (c) the depreciation per asset type until the full depreciation of the assets;
 - (d) the cost of capital including the cost of equity and the cost of debt;
 - (e) operational expenditures;
 - (f) premia and incentives detailed separately per item.
5. Financial indicators to be provided for the transmission system operator. In the event of the transmission system operator being part of a larger holding or company, these values shall be provided separately for the transmission system operator, including:
- (a) earnings before interest, taxes, depreciation, and amortisation (EBITDA);
 - (b) earnings before interest and taxes (EBIT);
 - (c) return on assets I (ROA) = EBITDA / RAB;
 - (d) return on assets II (ROA) = EBIT / RAB;
 - (e) return on equity (ROE) = Equity / Profit;
 - (aa) return on capital employed (RoCE);
 - (bb) leverage ratio;
 - (cc) net debt / (Net debt + Equity);
 - (dd) net debt / EBITDA.

The regulatory authority or the transmission system operator shall provide a simplified tariff model including the disaggregated parameters and values of the methodology and allowing to replicate the calculation of the allowed or target revenue of the transmission system operator.

↓ 715/2019 (adapted)

~~Third party access services concerning transmission system operators~~

~~1. Transmission system operators shall offer firm and interruptible services down to a minimum period of one day.~~

- ~~2. Harmonised transport contracts and common network codes shall be designed in a manner that facilitates trading and re-utilisation of capacity contracted by network users without hampering capacity release.~~
- ~~3. Transmission system operators shall develop network codes and harmonised contracts following proper consultation with network users.~~
- ~~4. Transmission system operators shall implement standardised nomination and re-nomination procedures. They shall develop information systems and electronic communication means to provide adequate data to network users and to simplify transactions, such as nominations, capacity contracting and transfer of capacity rights between network users.~~
- ~~5. Transmission system operators shall harmonise formalised request procedures and response times according to best industry practice with the aim of minimising response times. They shall provide for online screen-based capacity booking and confirmation systems and nomination and re-nomination procedures no later than 1 July 2006 after consultation with the relevant network users.~~
- ~~6. Transmission system operators shall not separately charge network users for information requests and transactions associated with their transport contracts and which are carried out according to standard rules and procedures.~~
- ~~7. Information requests that require extraordinary or excessive expenses such as feasibility studies may be charged separately, provided the charges can be duly substantiated.~~
- ~~8. Transmission system operators shall cooperate with other transmission system operators in coordinating the maintenance of their respective networks in order to minimise any disruption of transmission services to network users and transmission system operators in other areas and in order to ensure equal benefits with respect to security of supply including in relation to transit.~~
- ~~9. Transmission system operators shall publish at least annually, by a predetermined deadline, all planned maintenance periods that might affect network users' rights from transport contracts and corresponding operational information with adequate advance notice. This shall include publishing on a prompt and non-discriminatory basis any changes to planned maintenance periods and notification of unplanned maintenance, as soon as that information becomes available to the transmission system operator. During maintenance periods, transmission system operators shall publish regularly updated information on the details of and expected duration and effect of the maintenance.~~

~~644.~~ Transmission system operators shall maintain and make available to the competent authority upon request a daily log of the actual maintenance and flow disruptions that have occurred. Information shall also be made available on request to those affected by any disruption.

2. PRINCIPLES OF CAPACITY-ALLOCATION MECHANISMS AND CONGESTION-MANAGEMENT PROCEDURES CONCERNING TRANSMISSION SYSTEM OPERATORS AND THEIR APPLICATION IN THE EVENT OF CONTRACTUAL CONGESTION

2.1. Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators

1. Capacity-allocation mechanisms and congestion-management procedures shall facilitate the development of competition and liquid trading of capacity and shall be compatible with market mechanisms including spot markets and trading hubs. They shall be flexible and capable of adapting to evolving market circumstances.

2. Those mechanisms and procedures shall take into account the integrity of the system concerned as well as security of supply.
3. Those mechanisms and procedures shall neither hamper the entry of new market participants nor create undue barriers to market entry. They shall not prevent market participants, including new market entrants and companies with a small market share, from competing effectively.
4. Those mechanisms and procedures shall provide appropriate economic signals for efficient and maximum use of technical capacity and facilitate investment in new infrastructure.
5. Network users shall be advised about the type of circumstance that could affect the availability of contracted capacity. Information on interruption should reflect the level of information available to the transmission system operator.
6. Should difficulties in meeting contractual delivery obligations arise due to system integrity reasons, transmission system operators should notify network users and seek a non-discriminatory solution without delay.

Transmission system operators shall consult network users regarding procedures prior to their implementation and agree them with the regulatory authority.

2.2. Congestion management procedures in the event of contractual congestion

2.2.1. General provisions

1. The provisions of point 2.2 shall apply to interconnection points between adjacent entry-exit systems, irrespective of whether they are physical or virtual, between two or more Member States or within the same Member State in so far as the points are subject to booking procedures by users. They may also apply to entry points from and exit points to third countries, subject to the decision of the relevant national regulatory authority. Exit points to end-consumers and distribution networks, entry points from LNG terminals and production facilities, and entry-exit points from and to storage facilities are not subject to the provisions of point 2.2.
2. On the basis of the information published by the transmission system operators pursuant to Section 3 of this Annex and, where appropriate, validated by national regulatory authorities, ~~the Agency~~ ACER shall publish ~~by 1 June of every year, commencing with the year 2015,~~ a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the preceding year, taking into consideration to the extent possible capacity trading on the secondary market and the use of interruptible capacity.

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The monitoring report shall be published every two years. ACER shall publish additional reports based on a substantiated request from the Commission up to once per year.

3. Any additional capacity made available through the application of one of the congestion-management procedures as provided for in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 shall be offered by the respective transmission system operator(s) in the regular allocation process.

3. ~~The measures provided for in points 2.2.2, 2.2.4 and 2.2.5 shall be implemented as of 1 October 2013. Points 2.2.3(1) to 2.2.3(5) shall apply as of 1 July 2016.~~

2.2.2. *Capacity increase through oversubscription and buy-back scheme*

1. Transmission system operators shall propose and, after approval by the national regulatory authority, implement an incentive-based oversubscription and buy-back scheme in order to offer additional capacity on a firm basis. Before implementation, the national regulatory authority shall consult with the national regulatory authorities of adjacent Member States and take account of the adjacent national regulatory authorities' opinions. Additional capacity is defined as the firm capacity offered in addition to the technical capacity of an interconnection point calculated on the basis of Article ~~51~~(1) of this Regulation.
2. The oversubscription and buy-back scheme shall provide transmission system operators with an incentive to make available additional capacity, taking account of the technical conditions, such as the calorific value, temperature and expected consumption, of the relevant entry-exit system and the capacities in adjacent networks. Transmission system operators shall apply a dynamic approach with regard to the recalculation of the technical or additional capacity of the entry-exit system.
3. The oversubscription and buy-back scheme shall be based on an incentive regime reflecting the risks of transmission system operators in offering additional capacity. The scheme shall be structured in such a way that revenues from selling additional capacity and costs arising from the buy-back scheme or measures pursuant to point paragraph 6 are shared between the transmission system operators and the network users. National regulatory authorities shall decide on the distribution of revenues and costs between the transmission system operator and the network user.
4. For the purpose of determining transmission system operators' revenues, technical capacity, in particular surrendered capacity as well as, where relevant, capacity arising from the application of firm day-ahead use-it-or-lose-it and long term use-it-or-lose-it mechanisms, shall be considered to be allocated prior to any additional capacity.
5. In determining the additional capacity, the transmission system operator shall take into account statistical scenarios for the likely amount of physically unused capacity at any given time at interconnection points. It shall also take into account a risk profile for offering additional capacity which does not lead to excessive buy-back obligation. The oversubscription and buy-back scheme shall also estimate the likelihood and the costs of buying back capacity on the market and reflect this in the amount of additional capacity to be made available.
6. Where necessary to maintain system integrity, transmission system operators shall apply a market-based buy-back procedure in which network users can offer capacity.

Network users shall be informed about the applicable buy-back procedure. The application of a buy-back procedure is without prejudice to the applicable emergency measures.

7. Transmission system operators shall, before applying a buy-back procedure, verify whether alternative technical and commercial measures can maintain system integrity in a more cost-efficient manner.
8. When proposing the oversubscription and buy-back scheme the transmission system operator shall provide all relevant data, estimates, and models to the national regulatory authority in order for the latter to assess the scheme. The transmission system operator shall regularly report to the national regulatory authority on the functioning of the scheme and, upon request of the national regulatory authority, provide all relevant data. The national regulatory authority may request the transmission system operator to revise the scheme.

2.2.3. *Firm day-ahead use-it-or-lose-it mechanism*

1. National regulatory authorities shall require transmission system operators to apply at least the rules laid down in point paragraph 3 per network user at interconnection points with respect to altering the initial nomination if, on the basis of the yearly monitoring report of ~~the Agency~~ ACER in accordance with point 2.2.1(2), it is shown that at interconnection points demand exceeded offer, at the reserve price when auctions are used, in the course of capacity allocation procedures in the year covered by the monitoring report for products for use in either that year or in one of the subsequent two years,
 - (a) for at least three firm capacity products with a duration of one month or
 - (b) for at least two firm capacity products with a duration of one quarter or
 - (c) for at least one firm capacity product with a duration of one year or more or
 - (d) where for at least six months no firm capacity product with a duration of one month or more has been offered.
2. If, on the basis of the yearly monitoring report, it is shown that a situation as defined in point paragraph 1 is unlikely to reoccur in the following three years, for example as a result of capacity becoming available from physical expansion of the network or termination of long-term contracts, the relevant national regulatory authorities may decide to terminate the firm day-ahead use-it-or-lose-it mechanism.
3. Firm renomination is permitted up to 90 % and down to 10 % of the contracted capacity by the network user at the interconnection point. However, if the nomination exceeds 80 % of the contracted capacity, half of the non-nominated volume may be renominated upwards. If the nomination does not exceed 20 % of the contracted capacity, half of the nominated volume may be renominated downwards. The application of this point paragraph is without prejudice to the applicable emergency measures.
4. The original holder of the contracted capacity may renominate the restricted part of its contracted firm capacity on an interruptible basis.
5. Point Paragraph 3 shall not apply to network users — persons or undertakings and the undertakings they control pursuant to Article 3 of Regulation (EC) No 139/2004

– holding less than 10% of the average technical capacity in the preceding year at the interconnection point.

6. On interconnection points where a firm day-ahead use-it-or-lose-it mechanism in accordance with ~~point paragraph~~ 3 is applied, an evaluation of the relationship with the oversubscription and buy-back scheme pursuant to point 2.2.2 shall be carried out by the national regulatory authority, which may result in a decision by the national regulatory authority not to apply the provisions of point 2.2.2 at those interconnection points. Such a decision shall be notified, without delay, to ~~the Agency~~ ACER and the Commission.
7. A national regulatory authority may decide to implement a firm day-ahead use-it-or-lose-it mechanism pursuant to ~~point paragraph~~ 3 on an interconnection point. Before adopting its decision, the national regulatory authority shall consult with the national regulatory authorities of adjacent Member States. In adopting its decision, the national regulatory authority shall take account of the adjacent national regulatory authorities' opinions.

2.2.4. *Surrender of contracted capacity*

Transmission system operators shall accept any surrender of firm capacity which is contracted by the network user at an interconnection point, with the exception of capacity products with a duration of a day and shorter. The network user shall retain its rights and obligations under the capacity contract until the capacity is reallocated by the transmission system operator and to the extent the capacity is not reallocated by the transmission system operator. Surrendered capacity shall be considered to be reallocated only after all the available capacity has been allocated. The transmission system operator shall notify the network user without delay of any reallocation of its surrendered capacity. Specific terms and conditions for surrendering capacity, in particular for cases where several network users surrender their capacity, shall be approved by the national regulatory authority.

2.2.5. *Long term use-it-or-lose-it mechanism*

1. National regulatory authorities shall require transmission system operators to partially or fully withdraw systematically underutilised contracted capacity on an interconnection point by a network user where that user has not sold or offered under reasonable conditions its unused capacity and where other network users request firm capacity. Contracted capacity is considered to be systematically underutilised in particular if:
 - (a) the network user uses less than on average 80% of its contracted capacity both from 1 April until 30 September and from 1 October until 31 March with an effective contract duration of more than one year for which no proper justification could be provided; or
 - (b) the network user systematically nominates close to 100% of its contracted capacity and renominates downwards with a view to circumventing the rules laid down in point 2.2.3(3).
2. The application of a firm day-ahead use-it-or-lose-it mechanism shall not be regarded as justification to prevent the application of ~~point paragraph~~ 1.
3. Withdrawal shall result in the network user losing its contracted capacity partially or completely for a given period or for the remaining effective contractual term. The network user shall retain its rights and obligations under the capacity contract until

the capacity is reallocated by the transmission system operator and to the extent the capacity is not reallocated by the transmission system operator.

4. Transmission system operators shall regularly provide national regulatory authorities with all the data necessary to monitor the extent to which contracted capacities with effective contract duration of more than one year or recurring quarters covering at least two years are used.

3. DEFINITION OF THE TECHNICAL INFORMATION NECESSARY FOR NETWORK USERS TO GAIN EFFECTIVE ACCESS TO THE ⇒ NATURAL GAS ⇐ SYSTEM, THE DEFINITION OF ALL RELEVANT POINTS FOR TRANSPARENCY REQUIREMENTS AND THE INFORMATION TO BE PUBLISHED AT ALL RELEVANT POINTS AND THE TIME SCHEDULE ACCORDING TO WHICH THIS INFORMATION SHALL BE PUBLISHED

3.1. Definition of the technical information necessary for network users to gain effective access to the system

3.1.1. Form of publication

1. Transmission system operators (TSOs) shall provide all information referred to under ~~point paragraph~~ 3.1.2 and ~~points paragraph~~ 3.3(1) to 3.3(5) in the following manner:

- (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the transmission system operator;
- (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service;
- (c) in a user-friendly manner;
- (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis;
- (e) in a downloadable format that has been agreed between transmission system operators and the national regulatory authorities — on the basis of an opinion on a harmonised format that shall be provided by ~~the Agency~~ ACER — and that allows for quantitative analyses;
- (f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m³ (at 273,15 K and 1,01325 bar) shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible;
- (g) in the official language(s) of the Member State and in English;
- (h) all data shall be made available ~~as of 1 October 2013~~ on one Union-wide central platform, established by ENTSOG on a cost-efficient basis.

2. Transmission system operators shall provide details on actual changes to all information referred to under ~~point paragraph~~ 3.1.2 and ~~points paragraph~~ 3.3(1) to 3.3(5) in a timely manner as soon as available to them.

3.1.2. Content of publication

1. Transmission system operators shall publish at least the following information about their systems and services:

- (a) a detailed and comprehensive description of the different services offered and their charges;
- (b) the different types of transportation contracts available for these services;
- (c) the network code and/or the standard conditions outlining the rights and responsibilities of all network users including:
 - (i) harmonised transportation contracts and other relevant documents;
 - (ii) if relevant for access to the system, for all relevant points as defined in point paragraph 3.2 of this Annex, a specification of relevant gas quality parameters, including at least the gross calorific value \Rightarrow , Wobbe index and oxygen content \Leftarrow , and the liability or costs of conversion for network users in case gas is outside these specifications;
 - (iii) if relevant for access to the system, for all relevant points information on pressure requirements;
 - (iv) the procedure in the event of an interruption of interruptible capacity, including, where applicable, the timing, extent, and ranking of individual interruptions (for example pro-rata or first-come-last-interrupted);
- (d) the harmonised procedures applied when using the transmission system, including the definition of key terms;
- (e) provisions on capacity allocation, congestion management and anti-hoarding and reutilisation procedures;
- (f) the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator;
- (g) rules on balancing and methodology for the calculation of imbalance charges;
- (h) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges;
- (i) a detailed description of the gas system of the transmission system operator and its relevant points of interconnection as defined in point paragraph 3.2 of this Annex as well as the names of the operators of the interconnected systems or facilities;
- (j) the rules applicable for connection to the system operated by the transmission system operator;
- (k) information on emergency mechanisms, as far as it is the responsibility of the transmission system operator, such as measures that can lead to the disconnection of customers groups and other general liability rules that apply to the transmission system operator;
- (l) procedures agreed upon by transmission system operators at interconnection points, of relevance for access of network users to the transmission systems concerned, relating to interoperability of the network, agreed procedures on nomination and matching procedures and other agreed procedures that set out provisions in relation to gas flow allocations and balancing, including the methods used;
- (m) transmission system operators shall publish a detailed and comprehensive description of the methodology and process, including information on the

parameters employed and the key assumptions, used to calculate the technical capacity.

3.2. Definition of all relevant points for transparency requirements

1. Relevant points shall include at least:
 - (a) all entry and exit points to and from a transmission network operated by a transmission system operator, with the exception of exit points connected to a single final customer, and with the exception of entry points linked directly to a production facility of a single producer that is located within the EU;
 - (b) all entry and exit points connecting balancing zones of transmission system operators;
 - (c) all points connecting the network of a transmission system operator with an LNG terminal, physical gas hubs, storage and production facilities, unless these production facilities are exempted under point (a);
 - (d) all points connecting the network of a given transmission system operator to infrastructure necessary for providing ancillary services as defined by Article 2(30~~14~~) of ~~Directive 2009/73/EC~~ [recast Gas Directive as proposed by COM(2021)xxx] .
2. Information for single final customers and for production facilities, that is excluded from the definition of relevant points as described under point 3.2(1)(a), shall be published in aggregate format, at least per balancing zone. The aggregation of single final customers and of production facilities, excluded from the definition of relevant points as described under point 3.2(1)(a), shall for the application of this Annex be considered as one relevant point.
3. Where points between two or more transmission operators are managed solely by the transmission operators concerned, with no contractual or operational involvement of system users whatsoever, or where points connect a transmission system to a distribution system and there is no contractual congestion at these points, transmission system operators shall be exempted for these points from the obligation to publish the requirements under ~~point~~paragraph 3.3 of this Annex. The national regulatory authority may require the transmission system operators to publish the requirements under ~~point~~paragraph 3.3 of this Annex for groups or all of the exempted points. In such case, the information, if available to the TSO, shall be published in an aggregated form at a meaningful level, at least per balancing zone. This aggregation of these points shall for the application of this annex be considered as one relevant point.

3.3. Information to be published at all relevant points and the time schedule according to which this information should be published

1. At all relevant points, transmission system operators shall publish the information as listed in ~~points~~paragraphs (a) to (g), for all services and ancillary services provided (in particular information on blending, ballasting and conversion). This information shall be published on a numerical basis, in hourly or daily periods, equal to the smallest reference period for capacity booking and (re-)nomination and the smallest settlement period for which imbalance charges are calculated. If the smallest reference period is different from a daily period, information as listed in ~~points~~paragraphs (a) to (g) shall be made available also for the daily period. This

information and updates shall be published as soon as available to the system operator ('near real time').

- (a) the technical capacity for flows in both directions;
- (b) the total contracted firm and interruptible capacity in both directions;
- (c) the nominations and re-nominations in both directions;
- (d) the available firm and interruptible capacity in both directions;
- (e) actual physical flows;
- (f) planned and actual interruption of interruptible capacity;
- (g) planned and unplanned interruptions to firm services as well as the information on restoration of the firm services (in particular, maintenance of the system and the likely duration of any interruption due to maintenance). Planned interruptions shall be published at least 42 days in advance;
- (h) occurrence of unsuccessful, legally valid requests for firm capacity products with a duration of one month or longer including the number and volume of the unsuccessful requests; ~~and~~
- (i) in the case of auctions, where and when firm capacity products with a duration of one month or longer have cleared at prices higher than the reserve price;
- (j) where and when no firm capacity product with a duration of one month or longer has been offered in the regular allocation process;
- (k) total capacity made available through the application of the congestion-management procedures laid down in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 per applied congestion-management procedure.±

2. ~~points (h) to (k) shall apply from 1 October 2013.~~

2. At all relevant points, the information under ~~points paragraph~~ 3.3(1)(a), (b) and (d) shall be published for a period at least 24 months ahead.

3. At all relevant points, transmission system operators shall publish historical information on the requirements of ~~points paragraph~~ 3.3(1)(a) to (g) for the past 5 years on a rolling basis.

4. Transmission system operators shall publish measured values of the gross calorific value, the Wobbe index, ⇨ the hydrogen content blended in the natural gas system, methane content and oxygen content ⇐ at all relevant points, on a daily basis. Preliminary figures shall be published at the latest 3 days following the respective gas day. Final figures shall be published within 3 months after the end of the respective month.

5. For all relevant points, transmission system operators shall publish available capacities, booked and technical capacities, on an annual basis over all years where capacity is contracted plus 1 year, and at least for the next 10 years. This information shall be updated at least every month or more frequently, if new information becomes available. The publication shall reflect the period for which capacity is offered to the market.

3.4. Information to be published regarding the transmission system and the time schedule according to which this information should be published

1. Transmission system operators shall ensure the publication on a daily basis and updated every day the aggregated amounts of capacities offered, and contracted on the secondary market (i.e. sold from one network user to another network user), where the information is available to the TSO. This information shall include the following specifications:
 - (a) interconnection point where the capacity is sold;
 - (b) type of capacity, i.e. entry, exit, firm, interruptible;
 - (c) quantity and duration of the capacity usage rights;
 - (d) type of sale, e.g. transfer or assignment;
 - (e) the total number of trades/transfers;
 - (f) any other conditions known to the transmission system operator as mentioned in point 3.3.

In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.

2. Transmission system operators shall publish harmonised conditions under which capacity transactions (e.g. transfers and assignments) will be accepted by them. These conditions must at least include:
 - (a) a description of standardised products which can be sold on the secondary market;
 - (b) lead time for the implementation/acceptation/registration of secondary trades. In case of delays the reasons have to be published;
 - (c) the notification to the transmission system operator by the seller or the third party as referred to under point 3.4(1) about name of seller and buyer and capacity specifications as outlined in point 3.4(1).

In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.

3. Regarding the balancing service of its system, each transmission system operator shall provide to each network user, for each balancing period, its specific preliminary imbalance volumes and cost data per individual network user, at the latest 1 month after the end of the balancing period. Final data of customers supplied according to standardised load profiles may be provided up to 14 months later. In so far such information is provided by a third party, transmission system operators shall be exempted from this provision. The provision of this information shall respect confidentiality of commercially sensitive information.
4. Where flexibility services, other than tolerances, are offered for third party access, transmission system operators shall publish daily forecasts on a day-ahead basis of the maximum amount of flexibility, the booked level of flexibility and the availability of flexibility for the market for the next gas day. The transmission system operator shall also publish *ex- post* information on the aggregate utilization of every flexibility service at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.

5. Transmission system operators shall publish, per balancing zone, the amount of gas in the transmission system at the start of each gas day and the forecast of the amount of gas in the transmission system at the end of each gas day. The forecast amount of gas for the end of the gas day shall be updated on an hourly basis throughout the gas day. If imbalance charges are calculated on an hourly basis, the transmission system operator shall publish the amount of gas in the transmission system on an hourly basis. Alternatively, transmission system operators shall publish, per balancing zone, the aggregate imbalance position of all users at the start of each balancing period and the forecast of the aggregated imbalance position of all users at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.
 6. Transmission system operators shall provide user-friendly instruments for calculating tariffs.
 7. Transmission system operators shall keep at the disposal of the relevant national authorities, for at least five5 years, effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacities, in particular individual nominations and interruptions. Transmission system operators must keep documentation of all relevant information under point 3.3(4) and (5) for at least five 5 years and make them available to the regulatory authority upon request. Both parties shall respect commercial confidentiality.
 - 89 Transmission system operators shall publish at least annually, by a predetermined deadline, all planned maintenance periods that might affect network users' rights from transport contracts and corresponding operational information with adequate advance notice. This shall include publishing on a prompt and non-discriminatory basis any changes to planned maintenance periods and notification of unplanned maintenance, as soon as that information becomes available to the transmission system operator. During maintenance periods, transmission system operators shall publish regularly updated information on the details of and expected duration and effect of the maintenance.
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4. FORMAT AND CONTENT OF THE PUBLICATION OF TECHNICAL INFORMATION ON NETWORK ACCESS BY HYDROGEN NETWORK OPERATORS AND INFORMATION TO BE PUBLISHED AT ALL RELEVANT POINTS AND TIME SCHEDULE

4.1. Format of the publication of technical information on network access

1. Hydrogen network operators shall provide all information necessary for network users to gain effective access to the network referred to under points 4.2 and 4.3 in the following manner:
 - (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the hydrogen network operator;
 - (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service;
 - (c) in a user-friendly manner;

- (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis;
- (e) in a downloadable format that has been agreed between hydrogen network operators and the regulatory authorities – on the basis of an opinion on a harmonised format that shall be provided by ACER – and that allows for quantitative analyses;
- (f) in consistent units, in particular kWh shall be the unit for energy content and m³ shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible;
- (g) in the official language(s) of the Member State and in English;
- (h) all data shall be made available as of [1 October 2025] on one Union-wide central platform, established by the European Network of Network Operators for Hydrogen on a cost efficient basis.

2. Hydrogen network operators shall provide details on actual changes to all information referred to under points 4.2 and 4.3 in a timely manner as soon as available to them.

4.2. Content of the publication of technical information on network access

1. Hydrogen network operators shall publish at least the following information about their systems and services:

- (a) a detailed and comprehensive description of the different services offered and their charges;
- (b) the different types of transportation contracts available for these services;
- (c) the network codes and/or the standard conditions outlining the rights and responsibilities of all network users including:
 - (1) harmonised transportation contracts and other relevant documents;
 - (2) if relevant for access to the network, for all relevant points, a specification of relevant hydrogen quality parameters and the liability or costs of conversion for network users in case hydrogen is outside these specifications;
 - (3) if relevant for access to the system, for all relevant points information on pressure requirements;
- (d) the harmonised procedures applied when using the hydrogen network, including the definition of key terms;
- (e) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges;
- (f) a detailed description of the hydrogen network of the hydrogen network operator and its relevant points of interconnection as defined in point 2 as well as the names of the operators of the interconnected networks or facilities;
- (g) the rules applicable for connection to the network operated by the hydrogen network operator;

- (h) information on emergency mechanisms, as far as it is the responsibility of the hydrogen network operator, such as measures that can lead to the disconnection of customers groups and other general liability rules that apply to the hydrogen network operator;
- (i) procedures agreed upon by hydrogen network operators at interconnection points, of relevance for access of network users to the hydrogen network concerned, relating to interoperability of the network.

2. Relevant points shall include at least:

- (a) all entry and exit points to and from a hydrogen network operated by a hydrogen network operator, with the exception of exit points connected to a single final customer, and with the exception of entry points linked directly to a production facility of a single producer that is located within the EU;
- (b) all entry and exit points connecting the networks of hydrogen network operators;
- (c) all points connecting the network of a hydrogen network operator with an LNG terminal, hydrogen terminals, physical gas hubs, storage and production facilities, unless these production facilities are exempted under point (a);
- (d) all points connecting the network of a given hydrogen network operator to infrastructure necessary for providing ancillary services.

3. Information for single final customers and for production facilities, that is excluded from the definition of relevant points as described under point 2(a) of this section shall be published in aggregate format and considered as one relevant point.

4.3. Information to be published at all relevant points and time schedule

1. At all relevant points, hydrogen network operators shall publish the information as listed in points (a) to (g), for all services on a numerical basis, in hourly or daily periods. This information and updates shall be published as soon as available to the hydrogen network operator ('near real time'):

- (a) the technical capacity for flows in both directions;
- (b) the total contracted capacity in both directions;
- (c) the nominations and re-nominations in both directions;
- (d) the available capacity in both directions;
- (e) actual physical flows;
- (f) planned and actual interruption of capacity;
- (g) planned and unplanned interruptions to services. Planned interruptions shall be published at least 42 days in advance;

2. At all relevant points, the information under points 1(a), (b) and (d) of this Article shall be published for a period of at least 24 months ahead.

3. At all relevant points, hydrogen network operators shall publish historical information on the requirements of points 1(a) to (f) of this Article for the past 5 years on a rolling basis.

4. Hydrogen network operators shall publish measured values of the hydrogen purity and contaminants at all relevant points, on a daily basis. Preliminary figures shall be

published at the latest within 3 days. Final figures shall be published within 3 months after the end of the respective month.

5. Further details required to implement points 4.1, 4.2 and 4.3, e.g. details on the format and content of the information necessary for network users for effective access to the network, information to be published at relevant points, details on time schedules, shall be set in a network code established on the basis of Article 52 of this Regulation.

ANNEX II

DEFAULT TECHNICAL, LEGAL AND FINANCIAL ARRANGEMENTS PURSUANT TO ARTICLE 13(14) OF REGULATION (EU) 2017/1938

This Annex contains the procedure – in the form of mandatory templates – for implementing a solidarity measure under Article 13, to be followed in the event that the Member State requesting solidarity ('Requesting Member State') and the Member State obliged to provide the solidarity measure under Article 13(1) and (2) ('Providing Member State') have failed to agree or finalise the technical, legal and financial arrangements under Article 13(10).

Where there are several Providing Member States and bilateral solidarity arrangements are in place with one or several of them, those arrangements should prevail between the Member States having agreed bilaterally. The default arrangements will be applicable only with the remaining Providing Member State.

Communication between the Requesting and Providing Member States shall primarily be made by e-mail; if not possible, by telephone or any other available means, to be specified in the solidarity request and in confirmed in the acknowledgment of receipt of the request.

The following templates, as filled-in, shall be sent by e-mail to the relevant counterparts in other Member States (main addressee, for action), as well as to the Commission's contact point for gas crisis management (in copy, for information).

1. Solidarity request *(to be filled in in English)*

Instructions:

To be sent at the latest 20 hours before start of the delivery day *(save force majeure)*.

Where there are several Providing Member States, the solidarity request shall be sent simultaneously to all of them, preferably using the same e-mail.

The solidarity measures must be requested for the following gas day, as defined in Article 3(7) of Regulation (EU) No 984/201. If needed, the request will be repeated for additional gas days.

Date: _____

Time: _____

1. On behalf of *(Requesting Member State)*, I request from *(Providing Member State)* the implementation of solidarity measures under Article 13(1) and Article 13(2) *(delete the latter if not relevant)*. I confirm that the requirements of Article 13(3) are complied with.

2. Short description of measures implemented by *(Requesting Member State)* (as foreseen in Article 13(2)(c)):

3. (Requesting Member State) undertakes to pay fair and prompt compensation for the solidarity measures to (Providing Member State) in accordance with Article 13(8). The compensation will be paid in EUR within 30 days of receipt of the invoice.

4. Competent authority of requesting Member State:

Contact person: _____

E-mail: _____

Phone: + _____ back-up phone: _____

Alternative instant messaging: + _____

5. Competent authority of providing Member State (please confirm it in your acknowledgement of receipt):

Contact person: _____

E-mail: _____

Phone: + _____ back-up phone: _____

Alternative instant messaging: + _____

3. Responsible TSO in requesting Member State:

Contact person: _____

Phone + _____

4. Responsible market area manager in requesting Member State (where relevant):

Contact person: _____

Phone + _____

6. In case of voluntary (market-based) solidarity measures, gas delivery contracts with market participants in the providing Member State shall be concluded

by the requesting Member State or

by an agent acting on behalf of the requesting Member State (under State guarantee).

Name: _____.

Contact person: _____.

Phone: + _____.

7. Technical details of the request

a) Volume of gas needed (total):

_____ kWh,

of which

high caloric gas: _____ kWh;

low caloric gas: _____ kWh.

b) Delivery points (interconnectors):

_____;

_____;

_____;

_____.

There are limitations with regard to the delivery points:

No

Yes

If yes, please indicate the exact delivery points and volumes of gas needed:

Delivery point:	Volume of gas:
-----------------	----------------

_____	_____ kWh
-------	-----------

_____	_____ kWh
-------	-----------

_____	_____ kWh
-------	-----------

_____	_____ kWh
-------	-----------

Signature: _____

2. Acknowledgement of receipt / request for additional information *(to be filled in in English)*

Instructions:

To be sent within 30' of receipt of the request.

To the attention of *(Competent Authority of the Requesting Member State)*:

On behalf of *(Providing Member State)* I acknowledge receipt of your request for solidarity measures under Article 13(1) and Article 13(2) *(delete the latter if not relevant)*.

I confirm / rectify the contact details to be used for the next steps:

Contact person: _____

E-mail: _____

Phone: +_____ back-up phone: _____

Alternative instant messaging: +_____

(If request is incomplete/contains errors or omissions) After verification, it seems that your request is incomplete / contains the following errors / missing information:

.....
.....

Please send us an amended request, with the missing / correct data within 30', if possible.

Done on (date) at (time)

Signature:

3. Solidarity offer (to be filled in in English)

Instructions:

(1) To be sent at the latest 11 hours before start of the delivery day (*save force majeure*).

(2) The solidarity offer shall include primarily gas offers based on voluntary measures ('Primary offers'). In addition, should the primary offers not be enough to cover the volumes stated in the solidarity request, the solidarity offer shall include additional gas offers ('Secondary offers'), based on mandatory measures. Should the primary offers from other Providing Member States (if relevant) not sufficient to cover the request for solidarity, (*the competent authority of the providing Member State*) shall be ready to activate non-market based measures and supply the missing volumes.

(3) The compensation pursuant to Article 13(8) for solidarity gas based on voluntary measures shall include the gas price (as resulting from contract clauses, tenders or other market based mechanism applied) and the transmission costs to the delivery point. This compensation shall be paid directly by the Requesting Member State to the gas supplier(s) of the Providing party.

(4) The compensation (to be paid to the Providing Member State) pursuant to Article 13(8) for the provision of solidarity gas based on mandatory measures shall include:

a. the gas price, which corresponds to the last available spot market price, for the relevant gas quality, on the exchange of the providing Member State at the date of the provision of the solidarity measure; if several exchanges in the territory of the providing Member State, it corresponds to the arithmetic mean of the last available spot market prices on all the exchanges; if the absence of an exchange in the territory of the providing Member State, it corresponds to the arithmetic mean of the last available spot market prices on all exchanges in the territory of the Union.

b. any compensation to be paid by the Providing Member State to affected third parties on the basis of the relevant laws and regulations as a result of the mandatory measure, including, if appropriate, any related non-judicial and judicial procedural costs, and

c. the transport costs to the delivery point.

(4) The providing Member State shall bear the transport risk for the transport to the delivery point.

(5) The requesting Member State shall ensure that the gas volumes provided at the agreed delivery points are taken off. The compensation for the solidarity measures will be due irrespective of the actual take-off of the gas volumes provided in line with the contract.

Date

Time.....

To the attention of (*Competent Authority of the Requesting Member State*).

1. Following your request for solidarity, measures under Article 13(1) and Article 13(2) (*delete the latter if not relevant*), received on (*date*) at (*time*), (*the competent authority of the providing Member State*) transmits you the following offer(s):

2. Information on the gas providing party

a. Gas supplier / market participant signing the contract (*for voluntary measures / if relevant*)

Contact person: _____

Phone: + _____

b. Contracting competent authority

Contact person: _____

Phone: + _____

c. Responsible TSO:

Contact person: _____

Phone: + _____

d. Responsible market area manager (where relevant):

Contact person: _____

Phone + _____

3. Primary offers – based on voluntary measures ('market based')

a. Volume of gas (total):

_____ kWh, of which

high caloric gas: _____ kWh,

low caloric gas: _____ kWh.

b. Period of supply:

c. Maximum transport capacity:

_____ kWh/h, of which

firm capacity: _____ kWh/h;

interruptible capacity: _____ kWh/h.

d. Delivery points (interconnectors):

Delivery point	Firm transport capacity	Interruptible transport capacity
----------------	-------------------------	----------------------------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

e. Reference to capacity booking platform:

f. Estimated compensation for the voluntary measure:

gas price: _____ EUR;

other costs: _____ EUR (please specify)

g. Payment details:

Recipient: _____

Bank details: _____

4. Secondary offers – based on mandatory measures ('non-market based')

a. Volume of gas (total):

_____ kWh, of which

high caloric gas: _____ kWh,

low caloric gas: _____ kWh.

b. Period of supply:

c. Maximum transport capacity:

_____ kWh/h, of which

firm capacity: _____ kWh/h;

interruptible capacity: _____ kWh/h.

d. Delivery points (interconnectors):

Delivery point	Firm transport capacity	Interruptible transport capacity
----------------	-------------------------	----------------------------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

_____	_____ kWh/h	_____ kWh/h
-------	-------------	-------------

e. Reference to capacity booking platform:

f. Likely costs of mandatory measures:

estimated price of gas per kWh: _____ EUR;

likely transportation costs: _____ EUR;

estimated amount of compensation payments to sectors of the economy of the providing Member State affected by reductions in supply:

_____ EUR.

g. Payment details:

Recipient: _____

Bank details: _____

Done on (date) at (time)

Signature:

4. Acknowledgement of receipt of the solidarity offer (to be filled in in English)

Instructions:

To be sent within 30' of receipt of the solidarity offer.

To the attention of (*Competent Authority of the Providing Member State*).

On behalf of (*Requesting Member State*), I acknowledge receipt of your solidarity offer received on (date)....., at (time).

(*Competent Authority of the Requesting Party*)

Contact person:

Phone: +

Done on (date) at (time)

Signature:

5. Acceptance / refusal of solidarity offers based on voluntary measures (to be filled in in English)

Instructions:

(1) To be sent within 2 hours of receipt of the offer.

(2) If offer is accepted in full, the acceptance shall reproduce the exact terms of the offer, as received from the Providing Member State. Partial acceptance of the offer may only relate to the volumes to be provided.

Date Time

1. On behalf of (*Requesting Member State*), I (*fully / partially*) accept / refuse the offer made by (*Providing Member State*) on (*date*) at (*time*) in implementation of solidarity measures under Article 13(1) and Article 13(2) (*delete the latter if not relevant*).

2. Competent authority of requesting Member State:

Contact person: _____

Phone: + _____

3. Responsible TSO in requesting Member State:

Contact person: _____

Phone: + _____

4. Responsible market area manager in requesting Member State (where relevant):

Contact person: _____

Phone + _____

5. Accepted primary offer(s), based on voluntary measures (*please reproduce the exact terms of the 'Primary offer(s)', as accepted*):

.....

Done on (date) at (time)

Signature:

6. Acceptance of solidarity offers based on mandatory measures (to be filled in in English)

Instructions:

- (1) To be sent within 3 hours of receipt of the solidarity offer.
- (2) If offer is accepted in full, the acceptance shall reproduce the exact terms of the offer, as received from the Providing Member State. Partial acceptance of the offer may only relate to the volumes to be provided by delivery point.
- (3) The acceptance of offers based on mandatory measures shall include: (a) short description of offers based on voluntary measures received from other Providing Member States; (b) if relevant, the reasons why these offers were not accepted (nb. reasons may not relate to price); (c) short description of offers based on mandatory measures received from other Providing Member States; (d) an indication of whether these offers have been accepted as well and, if not, the reasons for refusing them.
- (4) The Commission may convene a coordination call with the Requesting Member State and all Providing Member States; it shall convene it upon request of one Member State. This phone call shall be held within 30' after receipt of the acceptance of the solidarity offers based on mandatory measures (if at Commission's initiative) or of after receipt of the request for a coordination call by a Member State.

Date Time

1. On behalf of (*Requesting Member State*), I (*fully / partially*) accept / refuse the offer made by (*Providing Member State*) on (*date*) at (*time*) in implementation of solidarity measures under Article 13(1) and Article 13(2) (*delete the latter if not relevant*).

2. Competent authority of requesting Member State:

Contact person: _____

Phone: + _____

3. Responsible TSO in requesting Member State:

Contact person: _____

Phone: + _____

4. Responsible market area manager in requesting Member State (where relevant):

Contact person: _____

Phone + _____

5. Accepted secondary offer, based on mandatory measures (*please reproduce the exact wording of the 'secondary offer', as received from the Providing Member State*).

.....

6. Additional information on the acceptance of secondary offers:

(a) short description of offers based on voluntary measures received from other Providing Member States:

.....

(b) have these offers been accepted? If not, state the reasons:

.....

(c) short description of offers based on mandatory measures received from other Providing Member States:

.....

(a) have these offers been accepted? If not, state the reasons:

.....

Done on (date) at (time)

Signature

↓ 715/2009 (adapted)

ANNEX II

CORRELATION TABLE

Regulation (EC) No 1775/2005	This Regulation
-----------------------------------------	----------------------------

Article 1	Article 1
Article 2	Article 2
—	Article 3
—	Article 4
—	Article 5
—	Article 6
—	Article 7
—	Article 8
—	Article 9
—	Article 10
—	Article 11
—	Article 12
Article 3	Article 13
Article 4	Article 14
—	Article 15
Article 5	Article 16
—	Article 17
Article 6	Article 18
—	Article 19
—	Article 20
Article 7	Article 21
Article 8	Article 22
Article 9	Article 23
Article 10	Article 24
Article 11	Article 25
Article 12	Article 26
Article 13	Article 27

Article 14	Article 28
Article 15	Article 29
Article 16	Article 30
—	Article 31
Article 17	Article 32
Annex	Annex I



ANNEX III

Repealed Regulation with list of the successive amendments thereto

Regulation (EC) No 715/2009 of the European
Parliament and of the Council
(OJ L 211, 14.8.2009, p. 36)

Commission Decision 2010/685/EU
(OJ L 293, 11.11.2010, p. 67)

Commission Decision 2012/490/ EU
(OJ L 231, 28.8.2012, p. 16)

Regulation (EU) No 347/2013 of the European Parliament (Only Article 22)
and of the Council
(OJ L 115, 25.4.2013, p. 39)

Commission Decision (EU) 2015/715
(OJ L 114, 5.5.2015, p. 9)

Regulation (EU) 2018/1999 of the European Parliament (Only Article 50)
and of the Council
(OJ L 328, 21.12.2018, p. 1)

ANNEX IV

CORRELATION TABLE

Regulation (EU) No 715/2009	This Regulation
Article 1 first subparagraph (introductory wording)	Article 1 first subparagraph (introductory wording)
Article 1 point (a)	Article 1(a)
Article 1 point (b)	-
Article 1 point (c)	Article 1(b)
Article 1 second, third and fourth subparagraphs	Article 1 second, third and fourth subparagraphs
Article 2(1) (introductory wording)	Article 2(1) (introductory wording)
-	Article 2(1) point 1
Article 2(1) point 1	Article 2(1) point 2
Article 2(1) point 2	Article 2(1) point 3
Article 2(1) point 3	Article 2(1) point 4
Article 2(1) point 4	Article 2(1) point 5
Article 2(1) point 5	Article 2(1) point 6
Article 2(1) point 6	Article 2(1) point 7
Article 2(1) point 7	Article 2(1) point 8
Article 2(1) point 8	Article 2(1) point 9
Article 2(1) point 9	Article 2(1) point 10
Article 2(1) point 10	Article 2(1) point 11
Article 2(1) point 11	Article 2(1) point 12
Article 2(1) point 12	Article 2(1) point 13

Article 2(1) point 13	Article 2(1) point 14
Article 2(1) point 14	Article 2(1) point 15
Article 2(1) point 15	Article 2(1) point 16
Article 2(1) point 16	Article 2(1) point 17
Article 2(1) point 17	Article 2(1) point 18
Article 2(1) point 18	Article 2(1) point 19
Article 2(1) point 19	Article 2(1) point 20
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Article 2(1) point 21	Article 2(1) point 22
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Article 2(1) point 25	Article 2(1) point 26
Article 2(1) point 26	Article 2(1) point 27
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-	Article 2(1) point 36
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-	Article 7(4) second subparagraph
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Article 7(5)	Article 7(6)
-	Article 8
Article 16	Article 9
Article 16(1) to 3	Article 9(1) to (3)
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Article 8(1) to (3)(f)	Article 23(1) to (3)(f)
-	Article 23(3) point (g)
-	Article 23(3) subparagraph 2
Article 8(4)	Article 23(4)
-	Article 23(4) subparagraph 2
Article 8(5) to (6) point 1	Article 23(5) to (6) point 1
-	Article 23(6)(m)
Article 8(7) to (11)	Article 23(7) to (11)
Article 8 (11)	Article 23(10)
Article 8 (12)	Article 23(11)
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Article 18(1) to (6)	Article 30(1) to (6)
-	Article 30(7)
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-	Article 31(2)
Article 19(2)	Article 31(3)
Article 19(3)	Article 31(4)
Article 19(4)	Article 31(5)
Article 19(5)	Article 31(6)
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