

Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013 (Text with EEA relevance)

CHAPTER IV

BUNDLING OF CAPACITY AT INTERCONNECTION POINTS

Article 21

Bundling in case of existing transport contracts

1 The network users who are parties to unbundled transport contracts at respective interconnection points, shall aim to reach an agreement on the bundling of the capacity via contractual arrangements ('bundling arrangement'), in compliance with the provisions set out in Article 19. These network users and transmission system operators shall report to the relevant national regulatory authorities of all bundling arrangements reached by all parties to existing transport contracts.

2 The transmission system operators who are parties to the existing transport contracts may participate in the discussions regarding the bundling arrangement at any time, upon invitation of the network users who are parties to the existing transport contracts.

3 As from 1 January 2018, transmission system operators shall offer network users holding mismatched unbundled capacity at one side of an interconnection point a free-of-charge capacity conversion service. Such a capacity conversion service shall apply to annual, quarterly or monthly capacity products for bundled firm capacity at that interconnection point which the network user had to acquire because insufficient unbundled capacity on the other side of the interconnection point was offered by an adjacent transmission system operator. This service shall be offered on a non-discriminatory basis and shall prevent additional charges from being applied to network users for capacity they already hold. In particular, payments for the part of the contracted bundled capacity which network users already hold as mismatched unbundled capacity shall be limited to a possible auction premium. This service shall be based on the conversion model under development by ENTSOG and to be finalised at the latest by 1 October 2017 after consulting stakeholders and the Agency. The implementation may be facilitated by the capacity booking platform(s) referred to in Article 37. The use of this service shall be reported annually to the respective national regulatory authorities.

4 Where a bundling arrangement is agreed upon between respective network users, the transmission system operators involved at the interconnection point shall be informed by the parties of such intended bundling arrangement without undue delay and the transfer of the concerned capacity shall be implemented. In any case, the bundling arrangement shall be implemented subject to the applicable terms and conditions of existing related transport contracts. Once the bundling arrangement is implemented, the relevant capacity shall be treated as bundled capacity.

5 In any case, the duration of the bundling arrangements regarding the capacity bundled under the amendment of the existing contracts shall not exceed the duration of the original transport contracts.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) 2017/459. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

6 All capacity shall be bundled at the earliest opportunity. Existing transport contracts for unbundled capacity cannot be renewed, prolonged or rolled over after their expiration date. Such capacity shall become available capacity as of the expiration date of the transport contracts.

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Changes and effects yet to be applied to :

- Art. 21(3) words substituted by [S.I. 2019/531 Sch. 4 para. 16\(2\)](#)
- Art. 21(3) words substituted by [S.I. 2019/531 Sch. 4 para. 16\(3\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/531 Sch. 4 para. 28](#)
- Art. 3(13) words substituted by [S.I. 2019/531 Sch. 4 para. 3\(3\)](#)
- Art. 3(15) words substituted by [S.I. 2019/531 Sch. 4 para. 3\(4\)](#)
- Art. 3(16) words substituted by [S.I. 2019/531 Sch. 4 para. 3\(5\)](#)
- Art. 3(26)(27) inserted by [S.I. 2019/531 Sch. 4 para. 3\(6\)](#)
- Art. 6(1)(a)(7) inserted by [S.I. 2019/531 Sch. 4 para. 6\(5\)](#)
- Art. 6(1)(a)(5) word omitted by [S.I. 2019/531 Sch. 4 para. 6\(4\)\(a\)](#)
- Art. 6(1)(a)(5) words inserted by [S.I. 2019/531 Sch. 4 para. 6\(4\)\(b\)](#)
- Art. 6(1)(a)(3) words omitted by [S.I. 2019/531 Sch. 4 para. 6\(3\)](#)
- Art. 6(1)(a)(1) words substituted by [S.I. 2019/531 Sch. 4 para. 6\(2\)](#)
- Art. 6(1A) inserted by [S.I. 2019/531 Sch. 4 para. 6\(6\)](#)
- Art. 19(10) inserted by [S.I. 2019/531 Sch. 4 para. 14\(4\)](#)
- Art. 26(12)(a) substituted by [S.I. 2019/531 Sch. 4 para. 18\(6\)](#)
- Art. 28(1A) inserted by [S.I. 2019/531 Sch. 4 para. 20\(3\)](#)
- Art. 29(3)(a) words inserted by [S.I. 2019/531 Sch. 4 para. 21\(3\)](#)