**EFET**

**European Federation of Energy Traders**

Webpage: www.efet.org

**EECS CERTIFICATES APPENDIX**

**to the**

**EFET General Agreement**

**Concerning the Delivery and Acceptance of Electricity**

**Version 2.1(a)/September 21, 2007**

**(the** **"EECS Certificates Appendix")**

**WAIVER: THE FOLLOWING EECS CERTIFICATES APPENDIX WAS PREPARED BY EFET’S MEMBERS WHILST EXERCISING THEIR RESPECTIVE REASONABLE CARE AND DUE DILIGENCE. HOWEVER, EFET, EFET’S MEMBERS, REPRESENTATIVES AND COUNSEL INVOLVED IN ITS PREPARATION AND APPROVAL SHALL NOT BE LIABLE OR OTHERWISE RESPONSIBLE FOR ITS USE, OR FOR ANY DAMAGES OR LOSSES RESULTING FROM ITS USE, IN ANY INDIVIDUAL CASE OR JURISDICTION. IT IS THEREFORE THE RESPONSIBILITY OF EACH PARTY WISHING TO USE THIS EECS CERTIFICATES APPENDIX TO ENSURE THAT ITS TERMS AND CONDITIONS ARE LEGALLY BINDING, VALID AND ENFORCEABLE AND THAT THEY BEST SERVE TO PROTECT THE USER'S LEGAL INTEREST. USERS OF THIS EECS CERTIFICATES APPENDIX ARE URGED TO CONSULT RELEVANT LEGAL OPINIONS WHERE AVAILABLE AS WELL AS THEIR OWN COUNSEL.**

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**European Federation of Energy Traders**

**EECS Certificates Appendix**

to the

General Agreement

Concerning the Delivery and Acceptance of Electricity

Version 2.1(a)/September 21, 2007

**EECS CERTIFICATES APPENDIX**

dated as of

(the **"EECS Certificates** **Appendix Effective Date"**)

Between

[ ]

and

[ ]

**Check the box and fill in date only if you are using this EECS Certificates Appendix to modify and supplement a previously executed General Agreement between the Parties:**

**[ ]** By executing this EECS Certificates Appendix in the signature block at the end hereof, the Parties modify, supplement and amend, to the extent set forth herein, certain provisions of that previously executed General Agreement entered into and dated as of \_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ to provide that the terms of this EECS Certificates Appendix shall be incorporated therein and shall be applicable to and thereafter govern all EECS Certificates Transactions (as hereinafter defined).

[ ] All EECS Certificates Transactions entered into by the Parties for and concerning the delivery of EECS Certificates, which were entered into prior to the EECS Certificates Appendix, but which remain either fully or partially unperformed as of the EECS Certificates Appendix Effective Date (each such transaction a “**Pre-Existing EECS** **Certificates Transaction**”) shall, as of the EECS Certificates Appendix Effective Date:

**[ ]** become a EECS Certificate Transaction hereunder, subject to the terms and conditions of the Agreement, as modified by this EECS Certificates Appendix; or

**[ ]** not become a EECS Certificates Transaction hereunder and instead shall remain governed by and subject only to their original terms and conditions.

# 18.1 For the purposes of a EECS Certificates Transaction §21 (*Representations and Warranties*) shall become §21.1 and be amended by the insertion of the following new §21.2 (*Warranties of the Seller*):

## “2. Warranties of the Seller. Seller hereby represents and warrants to Buyer in respect of each EECS Certificates Transaction on the relevant Delivery Date that:

## (a) Seller is entitled to dispose of the EECS Certificates;

## (b) the EECS Certificates are capable of being Delivered in accordance with § 4.2 (*Electronic Transfer of EECS Certificates*);

## (c) the EECS Certificates fulfil and correspond to the specifications agreed by the Parties as applicable and set out in the Confirmation for the applicable EECS Certificates Transaction; and

## (d) after a Delivery Date and successful discharge of its Delivery obligation, the Seller shall not request a Cancellation Statement in respect of the cancelled EECS Certificates which are the subject of the EECS Certificates Transaction where Transfer by Cancellation Statement has been specified in the Confirmation, to any other person or to any third party.

**To be executed by the Parties that checked and completed the box on the first page**:

IN WITNESS whereof this EECS Certificates Appendix has been duly executed by the duly authorised representative(s) of each Party on the respective dates set out below with effect from the EECS Certificates Appendix Effective Date.

[Name of Party] [Name of Party]

By: By:

Name: Name:

Title: Title:

Date: Date:

[Remainder of this page is left intentionally blank]

**EFET**

**European Federation of Energy Traders**

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| **ANNEX 2**  **to the**  **EECS Certificates Appendix** |

Confirmation of a EECS Certificates Transaction

between

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Seller

and

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Buyer.

concluded on: \_\_/\_\_/\_\_\_\_, \_\_. \_\_ hours

|  |  |  |
| --- | --- | --- |
| **Certificate:** | [ ] An EECS Certificate issued as an EECS GO under the Electricity Scheme of the EECS Rules in the Domain of Production.  [ ] An EECS Certificate issued as a RECS Certificate under the Electricity Scheme of the EECS Rules in the Domain of Production.  [ ] Any other certificate which is a valid certificate pursuant to the EECS Rules.  Where one EECS Certificate equals 1 MWh. | |
| **Certificate Details:** | |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Production Year** | **Quantity (MWh)** | **Technology** | **Price per Certificate** | **Delivery Date** | |  |  |  |  |  | |  |  |  |  |  | | **Total Contract Price** | | | **(Total)** |  | | |
| **Domain of Production:** | Domain |  |
| Authorised Issuing Body |  |
| **Domain for Delivery:** | Domain /Applicable EECS Registration Database for the Buyer |  |
| Authorised Issuing Body |  |
| Buyer’s Account number |  |
| **Transfer by Cancellation Statement:** | [shall apply] / [shall not apply] | |
| **Applicable EECS Registration Database for issuance of Cancellation Statement:** | [*specify applicable Domain*] | |
| **Version of the EECS Rules:** | Version [Release 7, version 5] of the EECS Rules shall apply to this EECS Certificates Transaction | |
| **Additional requirements (if any):** |

This Confirmation confirms the EECS Certificates Transaction entered into pursuant to the EFET General Agreement Concerning the Delivery and EECS of Electricity between the Parties (General Agreement) as modified, supplemented and amended by the EECS Certificates Appendix between the Parties (EECS Certificates Appendix) and forms part of that General Agreement. In case of any inconsistencies between the terms of this Confirmation and the EECS Certificates Transaction, please contact us immediately.

Date : Signature :