

Electronic Document Ratification System (EDRS): Frequently Asked Questions Version September 2024

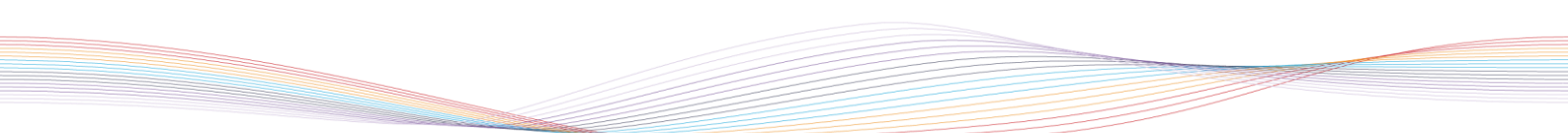
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Please note that as of January 25, 2024, the European Federation of Energy Traders (EFET) now operates under the brand name 'Energy Traders Europe'.

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I. Introduction and Purpose of the EDRS Platform

1. What is the purpose of the EDRS Platform?

Before the EDRS Platform, when user wanted to update their EFET documentations, they were required to sign an amendment agreement i.e. a 'Change Letter' and send it to each of its counterparties. Only when both parties have signed and exchanged the Change Letters will the terms of the amended EFET document apply to future or existing (but not yet settled) trades.

To ease the administratively cumbersome and inefficient approach of bilateral Change Letters, Energy Traders Europe developed the EDRS Platform as a web-based solution to enable users to swiftly amend existing documents or add new supplementing documents via a system of online ratification.

- **Note:** The Change Letter approach may still be used by parties who do not wish to use the EDRS Platform.

2. For whom is it intended?

The EDRS Platform may be used by all companies, irrespective if they are a member of Energy Traders Europe or not, having previously signed an EFET documentation to which an amendment will be required. This notably concerns parties to the EFET General Agreement Concerning the Delivery and Acceptance of Natural Gas and/or Electricity ("General Agreements"), any Appendix to such General Agreements or to any new or amended versions hereto.

II. Accessing and Registering on the EDRS Platform

1. How can I access and register on the EDRS Platform?

To use the EDRS Platform, a company must register one or more individuals for an account on the EDRS Platform on Energy Traders Europe's website at www.edrs-platform.org. Alternatively, a single individual may be registered as account holder for multiple group companies.

Users of the previous EFET EDRS platform (www.edrs.efet.org) must re-register, as all log-in data no longer works.

For detailed step-by-step information on registration, please consult [EDRS User Manual](#).

- **Note:** It is not necessary for the individual who registers for the account to be the person who is entitled to enter legally binding commitments on their company's behalf.

2. Are there any fees associated with the use of the EDRS Platform?

There are currently no fees associated with using the EDRS Platform. However, Energy Traders Europe reserves the right to charge users a fee for the use of the EDRS Platform in the future (this is not yet envisaged).

III. Use of the EDRS Platform

1. How does the EDRS Platform work?

Ratification via the EDRS Platform requires the parties to accept and sign Ratification Letters for (i) an amendment of an existing document, or (iii) new supplementing document and upload them to the EDRS website. EDRS admins will then review (as further explained in question *What occurs after the Ratified Letter is uploaded?*) and, once accepted, publish them on the EDRS Platform. Existing agreements shall be deemed modified as if two parties had signed a bilateral amendment agreement from the date when both ratifying parties are listed as having ratified and published their Ratification Letters on the EDRS Platform.

2. What should I do if I encounter a problem with the EDRS platform?

In case of any troubles with the use of the EDRS Platform, please get in touch with the admins at edrsAdmin@energytraderseurope.org.

IV. Ratification Process and Documents

1. How do I ratify a document?

For detailed step-by-step information on the ratification process, please refer to the [EDRS User Manual](#).

2. What documents are there available for online ratification via EDRS Platform?

The following documents are made available on the EDRS Platform and are open for online ratification via the EDRS Platform: (i) amendments to existing documents (e.g. Trade Restriction Clause, VAT, e-notice) or (ii) add new supplementing documents (e.g. AVB Appendix to the General Agreement Gas V1.0, 8 November 2023; Austrian VTP Appendix to the General Agreement Gas v3.0, September 2022).

3. Which type of signature is acceptable in the EDRS process?

For the ratification process, the ratifying party should sign the Ratification Letter in accordance with the documents it intends to amend. For non-handwritten or equivalent signatures, users are advised to consult the relevant [legal opinion\(s\)](#) published by Energy Traders Europe.

- **Note:** Each party to which the Ratification Letter is addressed shall be solely responsible for verifying the authentication and validity of the signature(s) on the Ratification Letter.

4. What occurs after the Ratified Letter is uploaded?

Once a Ratification Letter is uploaded to the website, it is first reviewed by the EDRS admins. The admins will check the uploaded Ratification Letter solely for the following:

- i. all the required information has been completed;
- ii. the uploaded document is readable, contains the full document (i.e. the PDF file is complete and there are no missing pages), and does not contain extraneous material or annotations;
- iii. the document is signed.

This review process may take up to **48 hours, excluding weekends and public holidays**. If no issues are found, the Ratification Letter will be approved and published on the EDRS Platform, along with the name of the ratifying party and the date the Ratification Letter was accepted by the EDRS admins.

If an issue arises with the Ratification Letter, the EDRS admins will contact the user, providing guidance on how to correct the issue (such as an incomplete form) and successfully complete the process.

- **Note:** For the avoidance of doubt, parties should not make annotations or any other additions in the manuscript to the Ratification Letter. Any such annotations or

additions will result in the non-acceptance of the Ratification Letter by Energy Traders Europe.

5. What is the effect of the publication of Ratification Letters on the EDRS Platform?

By agreeing to use the EDRS Platform and submitting Ratification Letters through the system, the parties, in the relevant Ratification Letter, will each have appointed Energy Traders Europe as their authorised agent for receipt of contractual declarations on behalf of and vis-à-vis the other parties to each agreement. [Legal note on the effectiveness of the EDRS Platform under German law.](#)

6. Why is there a deadline for submission of the published Ratification Letters?

The letters remain open for ratification until their respective deadlines, which may be adjusted if, for example, future system changes at the national gas hub necessitate further updates to the relevant EFET documentation.

V. Management of Ratified Letters

1. Who can view the Ratified Letters?

The Ratified Letters can be viewed by all users in the same form as they were uploaded to the EDRS Platform.

2. Can a previously approved and published Ratification Letter be subsequently removed?

Energy Traders Europe may, at its discretion, remove any published Ratification Letter(s) from the website if there is reasonable evidence of fraud or other criminal activity. While Energy Traders Europe does not intend to remove Ratification Letter(s) once checked and published, it reserves the right to do so in such cases. Before any published Ratification Letter(s) are removed, Energy Traders Europe will use all reasonable efforts to notify the relevant ratifying parties and take appropriate action in conjunction with the relevant parties.

- **Note:** The removal of a previously accepted Ratification Letter will not itself affect any **existing** bilateral agreement to amend an EFET agreement that is based on that Ratification Letter but will stop the Ratification Letter from forming the basis of a **new** bilateral agreement to amend an EFET agreement (i.e. it will be incapable of forming the basis of new ratifications).

3. Can parties make changes to a Ratification Letter after it has been published on the EDRS Platform?

After a Ratification Letter is published, parties **will not** be able to modify it through the EDRS Platform. This ensures that users can rely on the EDRS Platform for final and unalterable documentation.

4. What happens to a Ratification Letter for an EFET document if the document is later replaced, discontinued, or closed for ratification?

An accepted Ratification Letter relating to an EFET document (i.e. TTF Appendix version 3.0 to the General Agreement Gas) which is later replaced by a new version (i.e. TTF Appendix version 4.0 to the General Agreement Gas), officially discontinued (i.e. Gaspool Appendix to General Agreement), or closed for ratification (e.g. IBOR replacement) will remain effective between relevant ratifying parties. Once a Ratification Letter is closed for ratification, Energy Traders Europe will maintain and publish a list of all ratifying parties.

VI. General Agreements

1. Does the ratification via EDRS Platform fulfil the requirement of amendments being made in writing and signed by both parties?

§ 23 Section 3 of the General Agreements regarding the amendments to existing agreements provides for a formal requirement that “*any amendments or additions to this “General Agreement” shall be made [1] only in writing [2] signed by both Parties*”. The [1] requirement is fulfilled as the parties can amend an agreement by written instrument through the online platform, which facilitates the exchange of letters through Energy Traders Europe as agent.

In respect of the requirement that the amendments should be signed by both parties, this is also fulfilled as the parties will sign their respective Ratification Letters and no stricter written form (i.e. signature of both parties on the same document) is required.

For more detailed information on the effectiveness of the EDRS Platform under German law, please see also the [legal note on the effectiveness of the EDRS Platform under German law](#).