

**Terms and Conditions for the Subscription Window
Of September 2020 (“TCSW”)**

For

Quality Conversion Services H-> L (“Services Offered”)

Party’s information

Company Name:

Country of incorporation:

Registered office address:

.....

.....

Hereinafter referred to as **“Participant”**

Representative:

Phone:

Fax:

E-mail:

Signature

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2 Interpretation

In this TCSW:

- 1) all references to a clause/section, unless specified otherwise, are references to a clause/section in this TCSW; references to a paragraph are references to a paragraph in this TCSW;
- 2) all capitalized words and expressions used in this TCSW are to be interpreted according to the list of definitions of attachment 3 of the Standard Transmission Agreement (“STA”), unless specifically defined in this TCSW;
- 3) the layout, heading and (sub)sections are only for the benefit of the reader and are inconsequential as regards the interpretation of content of this TCSW;
- 4) the description of rules, conditions and provisions only relates to the Quality Conversion Services offered via this TCSW;
- 5) all dates and time are referred to as in Belgium local time.

3 Introduction

3.1 Scope

This TCSW defines the relationship between the Transmission System Operator and the Participant to the Subscription Window, the subscription requirements and procedures for participating to the Subscription Window.

The object of this Subscription Window includes the Peak Load Quality Conversion Services H→L, Base Load Quality Conversion Services H→L, Seasonal Load Quality Conversion Services H→L starting on 1 October 2020 according the provisions in Access Code for Transmission (“ACT”).

This Subscription Window will start at the opening date of 04 September 2020 (“Opening Date”) and comes to an end on the closing date of 18 September 2020 at 18:00h (“Closing Date”).

All requests received from Participants are binding (hereafter referred to as “Binding Requests”). Any Binding Requests received by Transmission System Operator after the above-mentioned Closing Date shall automatically be excluded from this Subscription Window.

The Transmission System Operator will allocate the Quality Conversion Services through this Subscription Window at the latest on 22 September 2020, according to article 3.6.2 of attachment B of the ACT.

3.2 Description of the offered Services

The offered Services via this Subscription Window (the “Offer(s)”) are:

- Peak Load Gas Quality Conversion Service H->L, converting H Natural Gas into L Natural Gas;
- Base Load Gas Quality Conversion Service H->L, converting H Natural Gas into L Natural Gas;
- Seasonal Load Gas Quality Conversion Service H->L, converting H Natural Gas into L Natural Gas.

These services are described in paragraph 3.4.1 of attachment A of the ACT and are offered per whole Gas Year, a Gas Year starting at the 1st October of calendar year Y and ending at the 30th September of calendar year Y+1.

3.2.1 Offered Peak Load Quality Conversion Service H->L

Peak Load Quality Conversion Services H->L are offered in Standard Bundled Units (SBUs). The offered quantity for this subscription window is 1 734 600 SBUs and one (1) SBU consists of the following Services:

- 1 kWh/h Firm H->L Capacity
- 0,13 kWh/h Interruptible H->L Capacity

During this subscription window the service is offered for a period of one (1) Gas Year starting at 1 October 2020.

3.2.2 Offered Base Load Quality Conversion Service H→L and Seasonal Load Quality Conversion Service H→L

Base Load Quality Conversion Services H->L and Seasonal Load Quality Conversion Service H->L are offered in kWh/h. Both Services make use of the same physical capacity which is limited to 980 000 kWh/h.

During this subscription window the service is offered for a period of one (1) Gas Year starting at 1 October 2020.

3.3 Tariff(s)

The applicable tariffs to the Services offered through this Subscription Window are the Regulated Tariffs as published on the Transmission System Operator's website: https://www.fluxys.com/en/products-services/empowering-you/tariffs/tariff_fluxys-belgium-tra-2020

4 Participating and submitting a Binding Request

For the avoidance of doubt, pursuant to the Code of Conduct, before becoming a Participant a party has to become a Grid User by signing the STA.

4.1 Participant to the Subscription Window

Any Grid User interested in booking Services offered under this Subscription Window is considered to be a Participant as from the moment such Grid User submits to Transmission System Operator both a duly completed and signed Binding Request by means of the Service Request Form for Contracting (SRFC) in this TCSW.

4.2 Submitting the SRFC of the Binding Request:

In accordance with the provisions of Attachment B of the Access Code for Transmission, the Participant can submit a Binding Request for contracting during the Subscription Window for the Services offered in this Subscription Window, by submitting a duly completed and signed Service Request Form for Contracting (SRFC: form is available on the Transmission System Operators website <http://www.fluxys.com/belgium> or in Schedule 1 of this TCSW), specifying requested capacities for the different Quality Conversion Services by using the attached Service Request Form for Contracting.

The Binding Request containing the SRFC shall be sent to the Transmission System Operator (i) by registered mail with acknowledgement of receipt or (ii) by express courier service that provides proof of delivery, to the attention of:

Mrs. Leentje Vanhamme
Fluxys Belgium SA
Kunstlaan 31
1040 Brussels, Belgium
E-mail: info.transport@fluxys.com

The Binding Request containing the SRFC must be received no later than on the Closing Date of this Subscription Window.

4.3 Evaluation of the Binding Request:

The Transmission System Operator shall evaluate if the SRFC of the Participant is in accordance with the rules as set out in paragraph 3.5 of attachment B the ACT and as the case may be, shall:

- (i) accept the SRFC to be a Binding Request; or
- (ii) require an adapted SRFC from the Participant, replacing the previous SRFC in case of missing information.

The Transmission System Operator shall in no way be liable for any damages of whatsoever nature in the event the Transmission System Operator does not accept the Binding Request of the Grid User as a result of an incomplete SRFC.

5 Allocation Process

5.1 Allocation Rules

The available Services under this Subscription Window between the Participants shall be allocated as described in paragraph 3.6.2 attachment B of the ACT, and remain subject to availability of the required logistics (e.g. with nitrogen suppliers).

Therefore, in case the overall requested quantities are not sufficient to enable an efficient and economically viable operation of the conversion installation no requests will be allocated and the service will not be commercialized until the next Gas Year.

5.2 Allocation Results

Fluxys Belgium will inform the Participants about the allocation results no later than 22 September 2020.

5.3 Performance of the Services offered

The submission of a Binding Request (by means of an SRFC) constitutes a legally binding offer on the part of the Participant which for the Services allocated to the Grid User pursuant to and in accordance with the TCSW shall be a legally binding commitment on Participants' part, governed by the main conditions for Transmission (STA and the ACT).

Transmission System Operator shall only be considered to perform the Transmission Services if Transmission System Operator has executed the necessary Service Confirmation for Contracting (as defined in the STA).

6 Other provisions

6.1 Representations and Warranties by the Participant

In addition to article 9 of attachment 2 of the Standard Transmission Agreement, the Participant warrants and represents:

- (i) It determines independently its participation in the Subscription Window, without any contact with a competitor as to the frequency and the level of its Binding Request. The Participant is aware of the obligations set by article 101 of the Treaty on the functioning of the European Union, article 2 of the Belgian *loi sur la protection de la concurrence économique / Wet tot bescherming van de economische mededinging*;
- (ii) It has not already sold, even on a conditional basis, the capacity which is being awarded through the Subscription Window;
- (iii) The Participant will only submit a Binding Request for capacity pursuant to a *bona fide* estimate of Participant's actual needs. The Participant will not engage in hoarding behavior.

6.2 Notices

Without prejudice to article 4.2 of this TCSW (concerning submission of the SRFC), all other notices in writing pursuant to this TCSW shall be given by registered mail or express courier service, or by fax or electronic mail (confirmed by registered letter or by express courier service), to the following addresses of the Transmission System Operator:

Mrs. Leentje Vanhamme
Fluxys Belgium SA
Kunstlaan 31
1040 Brussels, Belgium
Fax No.: +32 2 282 02 50
E-mail: info.transport@fluxys.com

Any notice pursuant to this article, shall be deemed effective as of the following points in time:

- (i) if sent by registered mail, on the date on which such letter is delivered or a first delivery attempt is made;
- (ii) if sent by courier, on the date on which it is delivered;
- (iii) if sent by facsimile transmission, on the date on which transmission is received in legible form (it being understood that a transmission report generated by the sender's facsimile machine shall not constitute conclusive evidence of such receipt);
- (iv) if sent by electronic mail, on the date that such mail is delivered;

It being understood that any notice must be delivered timely for the Transmission System Operator to answer to such notice (as the case may be) taking into account the Closing Date of this Subscription Window.

6.3 Languages

All communications pertaining to the Subscription Window shall be in the English language only. The convention used for writing numbers in this TCSW is that the space is used to indicate multiples of a thousand and the comma as the decimal point.

6.4 Governing Law and disputes

For the avoidance of doubt, article 20 and 21 of attachment 2 of the STA are applicable.

Schedule 1:

SRFC for offered Quality Conversion Services requested by Grid User



SERVICE REQUEST FORM
QUALITY CONVERSION SERVICES

Fluxys Belgium SA
Avenue des Arts 31 - B-1040 Brussels
☎ : +32 (0)2 282 77 77
info.transport@fluxys.com

REQUESTOR DETAILS :

Company Name:
STA Reference:

For and on behalf of the requestor

Name:

Signature:

Peak Load Quality Conversion H -> L	N° of Standard Bundled Units (SBUs)	Start date	End date
		(dd/mm/yyyy)	
		01/10/2020	30/09/2021

Base Load Quality Conversion H -> L	Quantity (kWh/h)	Start date	End date
		(dd/mm/yyyy)	
		01/10/2020	30/09/2021

Seasonal Load Quality Conversion H -> L	Quantity (kWh/h)	Start date	End date
		(dd/mm/yyyy)	
		01/10/2020	30/09/2021

Please note that the requested Quality Conversion Services are subject to the ACT, the corresponding Terms and Conditions and the applicable Regulated Tariffs.