

Terms and conditions



AUCTION WINDOW – Storage Capacity 2022-2023



TERMS AND CONDITIONS

AUCTION WINDOW – Additional Volume and Priority Booster Capacity 2022-2023

These Terms and Conditions for the Auction Window (TCAW) for participation to the Auction for Additional Volume and Priority Booster Capacity organized by Storage Operator are entered into between:

1. **Fluxys Belgium NV/SA**, a public limited company organized and existing under the laws of Belgium, having its registered office at 1040 Brussels, Avenue des Arts 31, entered in the registry for legal entities under the number 0402.954.628, here duly represented by
Leentje Vanhamme
Director Commercial Regulated

Hereafter referred to as "**Storage Operator**".

AND

2., a company organized and existing under the laws of....., having its registered office at, entered with the Company Register under the number....., here duly represented by

[First name, Surname,
position]

[First name, Surname,
position]

Hereafter referred to as "**Applicant**" and, when and if successfully registered by the Storage Operator, as the "**Participant**".

The Storage Operator and Applicant or Participant, depending on the status of the Auction Window, may hereafter be individually referred to as a "**Party**" and collectively as the "**Parties**".

Done in on in two copies, each Party acknowledging receipt of its copy.

WHEREAS:

- A. The Parties have entered into a Standard Storage Agreement “SSA”.
- B. Additional Volume and Priority Booster Capacities on offer by the Storage Operator are limited and allocated to the interested entities through a market mechanism, being an auction process.
- C. In the framework of the SSA, the Storage Operator is willing to offer to the Applicant the possibility to subscribe Additional Volume and/or Priority Booster Capacities by participating to an Auction Window under the terms and conditions as set forth in this TCAW. This TCAW describes in further detail under which terms and conditions access is granted to the Auction Window and under which terms and conditions the Participant, that wishes to acquire storage services, can submit a Bid and as the case may be, be granted storage services.

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1. INTERPRETATION

In this TCAW:

- 1) all references to a clause/section, unless specified otherwise, are references to a clause/section in this TCAW; references to a paragraph are references to a paragraph in this TCAW;
- 2) all terms and names are to be interpreted according to the list of definitions of attachment 3 of the Standard Storage Agreement;
- 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 TCAW;
- 4) the description of rules, conditions and provisions only relates to the Storage Services offered via this TCAW.
- 5) all dates and time are referred to as in Belgium local time.

2. INTRODUCTION

2.1. Scope

The Storage Operator will be allocating Additional Volume and Priority Booster Capacities (PBC) as defined in detail in article 2.2 through one auction window. The Services offered on the Auction Form by the Storage Operator are bound by the provisions of both the Access Code for Storage (ACS) and this TCAW. The Auction will take place between **20 May 2022, 12:00 PM and 25 May 2022, 10 AM** Brussels Time.

This TCAW defines the relationship between the Storage Operator and the Applicant/Participant to the Auction Window, the registration requirements and procedures for participating to the Auction Window, including the various applicable procedures and conditions throughout the Auction process and the warranties provided by each Party.

2.2. Description of the Offered services

Offered capacities

- PBC Injection (interruptible) **1 010** MWh/h
- PBC Withdrawal (interruptible) **1 274** MWh/h
- Additional volume* **591 000** MWh

*Interruptible volume for which the injection and withdrawal profile must be drawn up in consultation with Fluxys Belgium. Due to the interruptible nature of this volume, no filling obligation is applicable on the Additional Volume.

Service Start Date: to be decided by the shipper in Auction Form

Service Period: to be decided by the shipper in Auction Form

2.3. Tariff and Reserve Price

The auction reserve prices for each offered runtime are (and based on Regulated Tariffs defined on Fluxys Tariff Sheet):

Runtime	PBC Injection (€/MWh/h/runtime)	PBC Withdrawal (€/MWh/h/runtime)	Volume (€/MWh/runtime)
Month	173,10	105,09	0,116

Additional costs to be taken into account:

Gas In Kind 2022:

- Injection: **1%** of injection allocations
- Withdrawal: **0,5%** of withdrawal allocations

Transmission tariff 2022:

- Exit from Loenhout: **0,393 EUR/kWh/h/y or 0,045 EUR/MWh**
- Entry into Loenhout: **0 EUR/kWh/h/y**

More information concerning Gas In Kind and transmission tariffs is published on the Storage and Transmission website:

https://www.fluxys.com/en/products-services/empowering-you/tariffs/tariff_fluxysbelgium-storage-2022

https://www.fluxys.com/en/products-services/empowering-you/tariffs/tariff_fluxys-belgium-tra-2022

The final Tariff for the Services contracted under this Auction will be the Cleared Price of the Auction unless the Cleared Price is equal to the Reserve Price.

3. THE AUCTION PROCESS

3.1. Bidding process

Each Bidder, in accordance with the Bid Requirements in attachment C2 of ACS, may submit a bid until the Auction End Date by sending the completed Auction Form (schedule 1) by e-mail to info.storage@fluxys.com which will be considered as a binding and irrevocable offer.

A Bid according to which the Participant is requesting to subscribe Storage Services shall consist of (i) a Bid Price, (ii) a Bid Quantity, and (iii) a Duration.

The Bidder may change his Bid by sending an adjusted Auction Form that will overwrite and substitute the previous Auction Form, in accordance with the Bid Requirements. Once the Auction End Date is reached, no (new) Bids can be submitted and the bids in the last Auction Form accepted by the Storage Operator will be considered as the Valid Bid.

3.2. Allocation process

The following allocation process will be executed for each Storage Service separately.

1. The priority is given to Participants who commit to subscribe Storage Services with longest Duration (counted in days);
2. If several Participants have the same Duration, the Participant with the highest combination requested Bid Quantity times Bid Price has priority on the offered Storage Services over the other Participants requesting the same Duration;
3. In case several Participants have the same Duration and the same combination requested Bid Quantity times Bid Price, the offered Storage Services will be allocated pro rata.

The Cleared Price for a specific Duration in the Auction (e.g. July – September or December - February) will be the lowest Bid Price offered by a Participant to whom Storage Services were allocated for this specific Duration. For the avoidance of doubt, if 2 Storage Users were allocated the exact same Duration (identical Months), the lowest Bid Price will be applicable for both Storage Users.

3.3. Performance of the Additional Volume and Priority Booster Capacity

The submission of a Bid constitutes a legally binding offer on the part of the Participant which for the Additional Volume and PBCs allocated to the Storage User pursuant to and in

accordance with the TCAW shall be a legally binding commitment on Participants' part, governed by the Main Conditions for Storage (SSA and the ACS).

Storage Operator shall only be considered to perform the Additional Volume and/or Priority Booster Capacities if Storage Operator has executed the necessary Service Confirmation for Contracting (as defined in the SSA).

3.4. Notices

Without prejudice to the rules applying to communications made when an Auction is in progress, all notices in writing pursuant to this TCAW shall be given by registered mail or electronic mail (confirmed by registered letter or by express courier service), to the following addresses of the Storage Operator: info.storage@fluxys.com or

*Fluxys Belgium
Avenue des Arts 31
1040 Brussels
Belgium*

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 attempt at delivery is made;
- (ii) if sent by electronic mail, on the date that such mail is delivered.

3.5. Choice of financial security

Regarding its choice or adaptation¹ (as the case may be) of financial security as set out in article 14.1.1. of the SSA, the allocated Storage User shall determine and communicate its choice of financial security (either (a) a financial security in the form of a Bank Guarantee or Gas Pledge; or (b) a sufficient credit rating (BBB+/Baa1) or an unconditional and irrevocable parent company guarantee of its creditworthy parent company (BBB+/Baa1)) by registered mail to the Storage Operator at least 10 days before the start of the Storage Year. In case the Storage User opts for a parent company guarantee or Bank Guarantee such guarantee shall be provided by the Storage User at latest 5 Business Days before the start of the Storage Year.

In case Storage User opts for a Gas Pledge, in accordance with attachment H1.G of the ACS, Storage User undertakes to make the Gas Pledge enforceable against third parties.

3.6. Language

All communications pertaining to the Auction shall be in the English language only.

The convention used for writing numbers in this TCAW is that the space is used to indicate multiples of a thousand and the comma as the decimal point.

¹ Storage Users where the conditions for Financial Security as provided for in the SSA remain unchanged and where the validity date of the existing Financial Security is still valid for the contracted Service Period do not have to adapt their Financial Security.

3.7. Miscellaneous

The Applicant shall not be entitled to assign or transfer, even on a conditional basis, any right it may have in respect or as a result of the Auction to any other party, including an Affiliated Company, before it has duly signed the SCFC (as defined in the SSA) based on the outcome of the Auction.

This TCAW creates no rights in favor of third parties.

In case of contradiction, the provisions in this TCAW take priority on the attachments to the Access Code for Storage.

3.8. Governing Law and disputes

These Auction Rules shall be governed and construed in accordance with the laws of Belgium, to the exclusion of its conflicts of law provisions.

Any dispute, controversy or claim arising out of or in connection with these Auction Rules shall be finally settled in accordance with article 20 of attachment 2 of the SSA.

Schedule 1



Auction Form (Storage Year 2022/2023)

1. Storage User Information

Storage User
 Contact Person
 Phone
 E-mail

2. Request For Additional Volume and Priority Booster Capacity "Binding Request"

Please fill in a **Duration** (minimum 1 month); a **Bid Quantity** (maximum = offered quantity) and a **Bid price** (minimum = regulated tariff)

Additional Volume
 Offered: 591 000 MWh
 Regulated tariff: 0,1158 €/MWh/M

Duration (indicate with "X" for months you want to subscribe capacity for):

2022							2023		
June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar

Bid Quantity (MWh): _____

Bid Price (€/MWh/M): _____

PBC Injection
 Offered: 1 010 MWh/h
 Regulated tariff: 173,10 €/MWh/h/M

Duration (indicate with "X" for months you want to subscribe capacity for):

2022							2023		
June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar

Bid Quantity (MWh/h): _____

Bid Price (€/MWh/h/M): _____

PBC Withdrawal
 Offered: 1 274 MWh/h
 Regulated tariff: 105,09 €/MWh/h/M

Duration (indicate with "X" for months you want to subscribe capacity for):

2022							2023		
June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar

Bid Quantity (MWh/h): _____

Bid Price (€/MWh/h/M): _____

Signature date
 Name
 Position
 Signature

To be sent by registered mail, express courier service or electronic mail (confirmed by registered letter or by express courier) to:

Fluzys BE
Avenue des Arts 31
1040 Brussels, Belgium
E-mail: info.storage@fluxys.com

By signing this form, Client acknowledges and accepts all the provisions of the applicable regulated contractual documents and the Terms and Conditions for the corresponding Auction Window for Storage Services.