

# Terms and conditions



## SUBSCRIPTION WINDOW – Long term Storage Capacity



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# 1 Interpretation

In this Terms and Conditions for the Subscription Window ("TCSW"):

- All references to a clause/section/paragraph, unless specified otherwise, are references to a clause/section/paragraph in this TCSW;
- 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 Storage Agreement ("SSA"), unless specifically defined in this TCSW;
- 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;
- The description of rules, conditions and provisions only relates to the Storage Services offered via this TCSW;
- All dates and time are referred to as in Belgium local time.

## 2 Introduction

### Scope

This TCSW defines the relation between the Storage Operator and the Participant to the Subscription Window and the requirements for participating to the Subscription Window.

The object of this Subscription Window concerns Storage Services starting on 01 April 2023 according to the provisions in the Access Code for Storage ("ACS").

This Subscription Window will start at the opening time of **27 October 2022 at 09h00** local time ("Opening time") and comes to an end on the closing time of **15 November 2022 at 15h00** ("Closing time").

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

The Storage Operator will allocate the Storage Services through this Subscription Window at the latest on **16 November 2022 at 15h00**.

### Description of the offered Services

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

- **Long term Golden SBU's** (starting at 01/04/2023)
  - Minimum duration: 2 Storage Years
  - Maximum duration: 10 Storage Years
  
- **Priority Booster Capacity** (can only be booked for periods where Storage User has firm injection/withdrawal rights or SBUs)
  - Seasonal
  - Quarterly

Taking into account the Storage Services which have been previously subscribed, without prejudice to the provisions described in Attachment C2 of the ACS, the maximum amounts of capacity a Storage User can request for this Subscription Window are:

<b><u>Offered Golden Standard Bundled Units (firm)</u></b>		
SBU	247.272	<i>number of SBUs</i>

Representing the following capacities per Golden SBU:

- Storage Volume **30,44** *MWh*
- Injection **0,0113** *MWh/h*
- Withdrawal **0,0224** *MWh/h*

<b><u>Offered Priority Booster Capacity “PBC” (interruptible)</u></b>
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Representing the following maximum capacities:

- PBC Injection **1681** *MWh/h*
- PBC Withdrawal **2235** *MWh/h*

### **Requesting the Services**

The SBUs shall be requested by stating the number of SBUs in the Binding Request by means of the Storage Request Form for Contracting (see SRFC in schedule 1 of this TCSW).

Secondly, according to paragraph 5 of this TCSW, Storage Users can also request Priority Booster Capacities. Please note that the available Priority Booster Capacities can only be booked during periods where the Storage Users has firm injection rights for PBC Injection and firm withdrawal rights for PBC Withdrawal. Furthermore, the allocation of PBC injection capacity (resp. PBC Withdrawal capacity) can never be higher than the total offered PBC injection capacity (resp. PBC Withdrawal capacity) times the ratio of allocated SBUs to the total amount of SBUs.

For specific conditions applicable to the Offers as described above we refer to the Access Code for Storage.

### **Tariff(s)**

The applicable tariffs to the Services offered through this Subscription Window are the Regulated Tariffs as published on the Storage Operator's website:

Tariffs 2022

### **3 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 be a Storage User by signing the SSA. By submitting to Storage Operator a duly completed and signed Binding Request, by means of the Service Request Form for Contracting (SRFC) attached in schedule 1 to this Subscription Window, Storage User becomes a Participant.

No later than the Closing time of this Subscription Window, the SRFC Request or other information or notices shall be sent to the Storage Operator by electronic mail to:

*E-mail: [info.storage@fluxys.com](mailto:info.storage@fluxys.com)*

Any notice pursuant to this article, shall be deemed effective (within Opening Time and the Closing Time) on the date/time that such e-mail is delivered to recipient.

#### **Evaluation of the Binding Request**

The Storage Operator shall evaluate if the SRFC of the Participant is in accordance with the rules as set out in this TCSW. Storage Operator has the right to require an adapted SRFC from the Participant, replacing the previous SRFC in case of missing information.

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

# 4 Allocation Process

## Allocation Rules

The available Services under this Subscription Window shall be allocated between the Participants in following order:

- First the SBUs will be allocated pro rata the requested amount of SBUs with priority to the longest consecutive duration as described in section 2.2 attachment C2 of the ACS;
- Secondly, the Priority Booster Capacity will be allocated pro rata the requested amount of PBC for each month with priority to:

1. The longest consecutive duration of requested SBUs

When the requested SBUs have the same duration:

2. Priority will be given to the longest cumulative duration of Priority Booster Capacities - being the sum of booked Gas Days of PBC Injection and PBC Withdrawal.

The Storage Operator reserves the right to limit or annul the allocation of the capacities from this Subscription Window.

Storage Operator will inform the Participants about the allocation results no later than 16 November 2022 15h00 local time.

## 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 Storage User pursuant to and in accordance with the TCSW, 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 Storage Services if Storage Operator has executed the necessary Service Confirmation Form for Contracting (as defined in the SSA).

## 5 Other provisions

### Representations and Warranties by the Participant

In addition to article 9 of attachment 2 of the Standard Storage 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 SRFC.
- (ii) 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*;
- (iii) It has not already sold, even on a conditional basis, the capacity which is being awarded through the Subscription Window; and
- (iv) The Participant will only submit a SRFC for capacity pursuant to a *bona fide* estimate of Participant's actual needs. The Participant will not engage in hoarding behavior.

### 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 point is used to indicate multiples of a thousand and the comma as the decimal point.


### Governing Law and disputes

For the avoidance of doubt, articles 20 and 21 of the SSA are applicable.



# Schedule 1:

SRFC for offered Storage Services requested by Storage User

		Service Request Form for Contracting (SRFC): long term SBUs	
<b>1. Storage User Information</b>			
Storage User	_____		
Contact Person	_____		
Phone	_____		
E-mail	_____		
<b>1. Request for Golden Standard Bundled Units</b>			
<b>Golden Standard Bundled Unit</b>			
Tariff: 3,52 €/MWh or 106,99 €/SBU/year		Unit	
Number of storage years	Years [2-10]	_____	
Maximum request for SBUs	Nr of SBUs	_____	
Minimum request for SBUs	Nr of SBUs	_____	
Start date (01/04/2023)			
<b>2. Request for Priority Booster Capacity</b>			
Please fill in a Period and a Quantity			
<b>PBC Injection</b>			
Tariff: 0,24 €/MWh or 2 077,21 €/MWh/h/year			
Period (XX/XX/20XX - XX/XX/20XX):		_____	
Quantity (MWh/h):		_____	
<b>PBC Withdrawal</b>			
Tariff: 0,14 €/MWh 1 261,10 €/MWh/h/year			
Period (XX/XX/20XX - XX/XX/20XX):		_____	
Quantity (MWh/h):		_____	
<small>To be sent by electronic mail to: <a href="mailto:info.storage@fluxys.com">info.storage@fluxys.com</a></small>			
Signature date	_____		
Name	_____		
Position	_____		
Signature	_____		
<small>By signing this form, Client acknowledges and accepts all the provisions of the applicable regulated contractual documents.</small>			