

**Terms and Conditions of
Subscription Window (“TCSW”) of 11 March 2019
for Storage Services (“Services Offered”)**

1 Table of contents

1	Table of contents	1
2	Interpretation	2
3	Introduction	2
	3.1 SCOPE.....	2
	3.2 DESCRIPTION OF THE OFFERED SERVICES	2
	3.3 REQUESTING THE SERVICES.....	3
	3.4 TARIFF(S)	4
4	Participating and submitting a Binding Request	4
	4.1 EVALUATION OF THE BINDING REQUEST	4
5	Allocation Process	4
	5.1 ALLOCATION RULES.....	4
	5.2 PERFORMANCE OF THE SERVICES OFFERED	5
6	Other provisions.....	5
	6.1 REPRESENTATIONS AND WARRANTIES BY THE PARTICIPANT.....	5
	6.2 LANGUAGES	5
	6.3 GOVERNING LAW AND DISPUTES	5

2 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.

3 Introduction

3.1 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 15th April 2019 according to the provisions in the Access Code for Storage (“ACS”).

- [Standard Storage Agreement](#)
- [Access Code for Storage](#)

This Subscription Window will start at the opening time of 11 March 2019 at 08:00h local time (“Opening time”) and comes to an end on the closing time of 11 March 2019 at 12:00h (“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 Time shall automatically be excluded from this Subscription Window.

The Storage Operator will allocate the Storage Services through this Subscription Window at the latest on 11 March 2019 at 15:00h.

After the publication of these Terms and Conditions, only as from 12 March 2019, any remaining yearly Storage Services (SBU or Additional Storage Services) will be available on a First Committed First Served (FCFS) basis, until 14/04/2019 or (as the case may be) a new subscription window is launched.

3.2 Description of the offered Services

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

- SBU’s offered for the storage year (starting at 15/04/2019)
- A combination of Additional Storage Services offered for the storage year 2019-2020 (starting at 15/04/2019) consisting of
 - for a maximum Storage Volume (expressed GWh)

- for a maximum of Injection services (expressed in $m^3(n)/h$)
- for a maximum of Withdrawal services (expressed in $m^3(n)/h$)

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:

Offered Standard Bundled Units		
SBU	120.690	<i>number of SBUs</i>

Representing the following maximum capacities:

- Storage Volume (usable) 3.200 *GWh*
- Injection Firm 80.000 $m^3(n)/h$
- Injection Conditional 24.000 $m^3(n)/h$
- Withdrawal Firm 100.000 $m^3(n)/h$
- Withdrawal Conditional 25.000 $m^3(n)/h$

3.3 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 Additional Storage Services. Please note that the available Additional Storage Services will be reduced with the respective allocated capacities of SBUs and remains subject to simulation.

The requested Additional Storage Services must consist of a combination of Storage Volumes, Injection and Withdrawal services while respecting the following:

- Requested Injection and Withdrawal Services:
 - i. For requested injection and withdrawal services, the corresponding ratio firm/conditional from the offer must be respected in the request;
 - ii. Requested injection services must start at the beginning of the injection season, be flat and allow to fill the requested storage in the injection season;
 - iii. Requested withdrawal services must end at the end of the withdrawal season, be flat and allow to empty the requested storage in the withdrawal season.
- Requested Storage Volume for each month of the storage year:
 - iv. In the Injection Season: must at least allow to contain the maximum injectable quantities based on the requested Injection Services for a corresponding month;
 - v. In the Withdrawal Season: may not lead to volume exceeding due to the maximum withdrawable quantities based on the requested Withdrawal Services for a corresponding month.

For specific conditions applicable we refer to the Access Code for Storage and Storage User should ask the Storage Operator for a non-binding indicative quotation (only during business days) before the Opening Time of this subscription window.

For the avoidance of doubt: the 90% rule on the 1st November and the 30% rule on the 15th of February are both applicable on the maximum requested Storage Volume usable in the storage year.

3.4 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:

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

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 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) to this Subscription Window, Storage User becomes a Participant.

The Participant can send one (1) Binding Request during the Subscription Window that must be received no later than on the Closing time of this Subscription Window.

The Binding Request shall be sent to the Storage Operator by e-mail info.storage@fluxys.com addressed to

*Mr. Hany Aouad
Fluxys Belgium SA
Kunstlaan 31
1040 Brussels, Belgium*

Other information or notices can also be sent per e-mail to: 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.

4.1 Evaluation of the Binding Request

The Storage Operator shall evaluate if the Binding Request 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 to be received by storage before the Closing Time.

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 Binding Request of the Storage 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 in following order:

- First the SBU's will be allocated pro rata the requested amount with priority to the longest period as described in section 2.2 attachment C2 of the ACS;
- Secondly, based upon the remaining amounts after allocation of the SBUs, the combined Additional Storage Services will be allocated pro rata the requested maximum amount of storage volume with priority to longest period being the sum of booked days of injection and withdrawal services

The Storage Operator reserves the right to limit or annul the allocation of the capacities from this Subscription Window when the aggregation of the requests lead to unpredictability of the simulation results for the physical availability of the Storage Services from this Subscription Window and the already contracted capacities.

Storage Operator will inform each Participant about its allocation results no later than 11 March 2019 15h00 local time, by e-mail to Participant sender of the binding request

5.2 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 for Contracting (as defined in the SSA).

6 Other provisions

6.1 Representations and Warranties by the Participant

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

- 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*;
- It has not already sold, even on a conditional basis, the capacity which is being awarded through the Subscription Window; and
- 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 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.


6.3 Governing Law and disputes

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

Schedule 1:

Example of SRFC for offered Storage Services requested by Storage User

(*) storage user should ask storage operator for format in excel

	Storage Services Request Form for Contracting (SRFC)																		
1. Storage User Information																			
Storage User :																			
Contact Person:																			
Phone:																			
Fax:																			
E-mail:																			
2. Request for Storage Services for storage year 2019-2020 : "Binding Request"																			
Standard Bunled Units																			
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<p>By signing this SRFC, Storage User acknowledges and accepts the applicable (i) T&C of 11 march 2019 (ii) the nomination regime 'flat day ahead before 18h' and (iii) all other provisions of the SSA and ACS.</p>																			
<p style="text-align: right;"> To be sent by re-mail to info.storage@fluxys.com att. Mr. Hany Aouad Kunstlaan 31, 1040 Brussels BELGIUM Fax: +32 (0) 2 282 02 50 E-mail: info.transport@fluxys.com </p>																			