



## TCSW Short Term BioLNG Services



<b>1 Interpretation</b>	<b>3</b>
<b>2 Introduction</b>	<b>3</b>
2.1 Scope	3
2.2 Description of the Services Offered	4
2.3 Requesting the Services	4
2.4 Tariff(s)	5
<b>3 Participating and submitting a Binding Request</b>	<b>5</b>
3.1 Evaluation of the Binding Request	5
<b>4 Allocation Process</b>	<b>5</b>
4.1 Allocation Rules	5
4.2 Performance of the Services Offered	6
<b>5 Other provisions</b>	<b>6</b>
5.1 Representations and Warranties by the Participant	6
5.2 Languages	6
5.3 Governing Law and disputes	6

## 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 in the LNG Access Code for the Zeebrugge LNG Terminal ("LNG Access Code"), 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 LNG Services Offered via this TCSW;
- All dates and time are referred to as in Belgium local time.

## 2 Introduction

### 2.1 Scope

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

The object of this Subscription Window concerns Short Term BioLNG Capacities that will be available for the period between 01 January 2023 and ending on 31 December 2023 (Gas Days) according to the provisions in the LNG Access Code.

This Subscription Window will start on 01 January 2023 at 09:00h ("Opening Time") local time and comes to an end on 31 December 2023 at 15:00h ("Closing Time") local time.

For the purpose of this Subscription Window a request period ("Request Period") will be opened each beginning of the Month (as from the 1st January 2023) until the 7th business day of that Month. Parties interested in submitting a Binding Request for Short Term BioLNG Capacity can do so during the monthly Request Period of this Subscription Window.

All requests for a Month received from Participants within the corresponding Request Period for a Month are binding (hereafter referred to as "Binding Requests"). Any request received by the Terminal Operator after the above-mentioned Request Period but still within the Month shall be allocated under the First Come, First Served principle (if Short Term BioLNG Capacity is still available).

The Terminal Operator will allocate the Short Term BioLNG Capacities on a monthly basis related to this Subscription Window at the latest on the 10th business day of the Month.

## 2.2 Description of the Services Offered

The object of the Subscription Window (the "Offered LNG Services") consists of the monthly offering of the available Short Term BioLNG Capacity defined according to the provisions of section 3.10 of the Access Code.

Before the 5th business day of the Month the Terminal Operator will publish the available offer for the Short Term BioLNG Capacity for the Month.

For the avoidance of doubt, the Participant can send a Request for Short Term BioLNG Capacity as from the beginning of the Month, but the request will capped (as the case may be) to the available offered Short Term BioLNG Capacity (as published by the Terminal Operator)

## 2.3 Requesting the Services

A binding request for Short Term BioLNG Capacity within a Request Period shall be requested by stating the maximum capacity ("Demand" in MWh/month (GCV)) by means of the Services Demand Form for LT and ST BioLNG Quantity (see SDF in schedule 1 of this TCSW). The minimum capacity for the Short Term BioLNG Capacity will be zero MWh by default.

Short Term BioLNG Capacity for a Month not allocated at the end of the Request Period for the corresponding Month will be offered on a First Committed, First Served basis until the start of the next Request Period.

Note that not submitting a maximum capacity results in a capacity request of zero (0) MWh/month.

	<b>Request Period</b>	<b>Max Allocation Date</b>
Jan	1 - 10/1/2023	13/1/2023
Feb	1 - 10/2/2023	15/2/2023
Mar	1 - 10/3/2023	15/3/2023
Apr	1 - 11/4/2023	14/4/2023
May	1 - 10/5/2023	15/5/2023
Jun	1 - 9/6/2023	15/6/2023
Jul	1 - 10/7/2023	14/7/2023
Aug	1 - 10/8/2023	15/8/2023
Sep	1 - 11/9/2023	15/9/2023
Oct	1 - 10/10/2023	13/10/2023
Nov	1 - 10/11/2023	16/11/2023
Dec	1 - 11/12/2023	15/12/2023

## **2.4 Tariff(s)**

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

[Fluxys LNG services tariffs](#)

## **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 Terminal User. By submitting to Terminal Operator a duly completed and signed Binding Request, by means of the Services Demand Form for LT and ST BioLNG Quantity (SDF) to this Subscription Window, Terminal User becomes a Participant.

Only the latest request received from the Participant within the Request Period will be considered as Binding Request for the Month and must be received no later than on the 7th business day of the Month.

The Binding Request shall be sent to the Terminal Operator by e-mail to [info.LNG@fluxys.com](mailto:info.LNG@fluxys.com).

Other information or notices can also be sent per e-mail to: [info.LNG@fluxys.com](mailto:info.LNG@fluxys.com)

Any notice pursuant to this article, shall be deemed effective (within the Opening Time and the Closing Time of the Subscription Window) on the date/time that such e-mail is delivered to recipient. This will also be the case for the Request Periods.

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

The Terminal Operator shall evaluate if the Binding Request of the Participant is in accordance with the rules as set out in this TCSW. Terminal Operator has the right to require an adapted SDF from the Participant, replacing the previous SDF in case of missing information received on the SDF before the end of the Request Period.

The Terminal Operator shall in no way be liable for any damages of whatsoever nature in the event the Terminal Operator does not accept the Binding Request of the Participant as a result of an incomplete SDF.

## **4 Allocation Process**

### **4.1 Allocation Rules**

The available Services under this Subscription Window between the Participants shall be allocated as follows (as defined in 2.2 of the LNG Access Code):

1. If the total requested capacity for a Month is less than or equal to the available capacity offered in the Request Period of this Subscription Window, each participant will be allocated the capacity requested;

2. If the total requested capacity for a Month is more than the available capacity offered in the Request Period of this Subscription Window, the available capacity will be allocated pro rata the requested capacities and the result is rounded down. If the requested capacity for a Participant is higher than the available capacity, the requested capacity from such Participant to calculate the pro rata will be limited to the available capacity.

Terminal Operator will inform each Participant about its allocation results no later than the 10th business day after the beginning of the Month, by e-mail to Participant of the binding request.

#### **4.2 Performance of the Services Offered**

The submission of a Binding Request (by means of an SDF) constitutes a legally binding offer on the part of the Participant which, for the Services allocated to the Terminal User pursuant to and in accordance with the TCSW, shall be a legally binding commitment on Participants' part, governed by the main conditions for LNG Services (LTA and the LNG Access code).

Terminal Operator shall only be considered to perform the LNG Services if Terminal Operator has executed the necessary Service Confirmation (as defined in LNG Access Code).

### **5 Other provisions**

#### **5.1 Representations and Warranties by the Participant**

In addition to article 11 of the LTA, 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 behaviour.

#### **5.2 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.

#### **5.3 Governing Law and disputes**

For the avoidance of doubt, article 6 of the LTA is applicable.

# Schedule 1:

SDF for offered LNG Services requested by Terminal User



## SERVICES DEMAND FORM FOR LT AND ST BIOLNG QUANTITY

### 1. Client

Company Name : .....

### 2. Demand for monthly BioLNG quantity

Demand for BioLNG quantity		Month	Year	Demand MWh / month (GCV)	
	Long Term	Select Month	2023		<i>only if you have long term capacity</i>
Short Term	Select Month	2023		<i>maximum capacity</i>	

To be sent by electronic mail to:  
info.lng@fluxys.com

Signing Date: .....

Name : .....

Position: .....

Signature: .....

*By signing this Demand Form, Client acknowledges and accepts all the provisions of the applicable regulated contractual documents and the Terms and Conditions for the corresponding Subscription Window for BioLNG services at the Zeebrugge LNG Terminal and the corresponding ISCC allotment rules related to the service.*

**fluxys** 



shaping together  
a bright energy  
future