Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A.

TRANSMISSION NETWORK CODE

(TNC)

Draft amendment – consultations with market participants – September 2023

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The English version is provided for the information purpose only.

If any discrepancy arises between this translation and the Polish original document, the Polish version shall prevail.

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Part I

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1 DEFINITIONS AND UNITS

1.1 Definitions

allocation	*The attribution of a certain quantity of gaseous fuel delivered for transmission at the entry point or off-taken from the exit point to individual Shippers.*
Auction Calendar	*Reference table published by the European network of gas transmission system operators (ENTSO for Gas) covering all the relevant dates for the auctions held from March to February of the following calendar year, including the auction start dates and standard capacity related products concerned.*
Auction Platform	*An online platform indicated by the TSO, which supports electronic auctioning of available capacity, including available bundled capacity.*
available capacity	*Part of technical capacity of transmission system which is not reserved and which can be made available in accordance with the law and the provisions of TNC.*
Average Balancing Settlement Price (CSRB)	*$CSRB_E$ or $CSRB_{LW}$*
Average Balancing Settlement Price ($CSRB_E$) in the high-methane gas balancing area	*Volume-weighted average price from all transactions of Towarowa Giełda Energii session of the Intraday Market (RDB_G), related to the present gas day, as published on the TSO's website and on the website of Towarowa Giełda Energii with index name TGEgasID - for the high-methane gas E type balancing area. In case of no publication of the TGEgasID index, the last published value of TGEgasID is taken as the $CSRB_E$.*
Average Balancing Settlement Price ($CSRB_{LW}$) in the low-methane gas balancing area	*Volume-weighted average price from all transactions of Towarowa Giełda Energii session of the Intraday Market (RDB_G), related to the present gas day, as published on the TSO's website and on the website of Towarowa Giełda Energii with index name TGEglwID - for the low-methane gas Lw type balancing area. In case of no publication of the TGEglwID index, the last published value of TGEglwID is taken as the $CSRB_{Lw}$.*
balancing area	*Part of the transmission system, which consists of entry points and exit points, including distribution systems connected to transmission system, to which certain balancing rules apply. The transmission system includes high-methane gas balancing area, and the low-methane gas balancing area in which TSO is responsible for commercial balancing.*
balancing group	*Group created by the Shippers in which one Shipper is responsible for the commercial imbalance of the whole group (ZUP_{BG}) while the other participants of the group (ZUP_{UG}) are not responsible for the balancing towards the TSO.*
billing period	*Gas month*
Billing Point Operator (OPR)	*An entity that has the legal title to the measurement and settlement systems at the physical entry points or physical exit points from the transmission system, and performs the activities related to measurements at such points, including specifically the TSO, the ISO and the Customer.*

booked capacity	*(Booked transmission ability) A part of the technical capacity of the transmission system that is reserved under transmission contracts, agreements referred to in point ~~3.8~~9.~~11~~3.9.3, ~~point 3.8.12, point 3.9 or point 3.10~~ and connection agreements signed by the TSO, unless the deadline set out therein for the conclusion of an agreement to be the basis for the supply of gaseous fuels has lapsed or he agreements referred to in point 5.3.12.*
business days	*The days from Monday to Friday, except statutory holidays.*
capacity	*The maximum hourly quantity of gas gaseous fuel, expressed in energy units (kWh/h), which may be delivered for transmission at a physical entry point or off-taken from the transmission system at a physical exit point.*
capacity (contractual capacity)	*The maximum hourly quantity of gaseous fuel, expressed in energy units (kWh/h), as specified in the capacity allocation (PP), which may be delivered for transmission at a physical entry point or off-taken from the transmission system at a physical exit point.*
capacity allocation (PP)	*A part of the transmission contract that specifies the capacity (contractual capacity) the Network User is eligible to at the specified physical entry point or physical exit point.*
capacity allocation forecast (PPP)	*A part of the transmission contract or agreement referred to in point 3.8.15, point ~~3.8.12~~3.8.16, point 3.8.16, point 3.9 or point 3.10 under which the TSO is obliged to allocate to the Network User a certain capacity in a given period in the future.*
Capacity allocation on the basis of technological start-up (PPR)	*A part of the transmission contract that specifies the capacity (contractual capacity) the Network User is eligible to at the specified physical entry point or physical exit point (capacity allocation) on the specific conditions of using the capacity (contractual capacity) during the technological start-up period. Specifies the minimum value of the capacity (contractual capacity) (PPRmin) consistent with the minimum capacity specified in the Connection Agreement for a given exit or entry point and the maximum value of the capacity (contractual capacity) (PPRmax) specified by the TSO.*
CEREMP	*Centralised European Register of Energy Market Participants run by the Agency for the Cooperation of Energy Regulators (ACER) established on the basis of the REMIT Regulation.*
commercial balancing	*The activity of the TSO that consists in the determination and settlement of the imbalance arising from the difference between the quantities of gaseous fuel delivered to and off-taken from the balancing area. Commercial balancing does not include reconciliation that would be necessary between the allocation and actual consumption subsequently derived from final customer meter readings.*
Commercial Transmission Report (HRP)	*A document prepared by the TSO containing a set of information on the provision of transmission services by the TSO to the Shipper in the billing period.*
compulsory stocks	*The compulsory stocks of natural gas within the meaning of the Stockpiling Act.*

connection capacity	*Planned maximum hourly capability to supply or off-take gaseous fuel, used as the basis for the design of a connection, as defined in the agreement on connection to the network.*
contractual congestion	*Restrictions on the gas transmission capabilities arising from (contractual) capacity booking by the Network User in excess of the actually used capacity.*
Customer	*Any party that receives or off-takes gaseous fuels under an agreement with an energy company, including Shippers, DSOs and SSOs.*
direct gas pipeline	*A gas pipeline that has been built to supply gaseous fuels directly to the Customer's installation, bypassing the gas system.*
distribution network	*A high, high-medium, medium and low-pressure gas network excluding upstream and direct gas pipelines, the operation of which is the responsibility of a DSO.*
Distribution Shipper (ZUD)	*A natural or legal person, or an organizational unit without legal personality but with legal capacity, which uses the distribution service under a contract executed with the DSO.*
distribution system	*Distribution network and the facilities and installations connected to and interoperating with such network.*
Distribution System Operator (DSO)	*An energy company engaged in the distribution of gaseous fuels that is responsible for network operation in the gas distribution system, the duties of which are specified in the Energy Law, designated as an Operator by virtue of a decision of the President of ERO.*
EIC code	*Codes used on the European electricity and gas market to identify entities, entry points or exit points, as well as market areas in electronic data exchange.*
emergency situation	*A situation resulting in the loss of technical operability of the transmission network, or the interconnected networks, installations or devices, or a direct threat to human life, health, property, the environment, or a sudden need to take measures in order to prevent or avoid the emergence of such threats or to eliminate the consequences caused by their emergence, and resulting in a restriction in the supply, transmission or off-take of gaseous fuel.*
Energy Law	*The Energy Law of 10 April 1997 - consolidated text (Journal of Laws of ~~2020~~2022, item ~~833~~1385, as amended).*
entry point	*A contractual point of the delivery of gaseous fuel to the transmission system listed in point 3.1.6.*
exit point	*A contractual point of the off-take of gaseous fuel from the transmission system listed in point 3.1.7*
Final Customer	*A Customer purchasing gaseous fuel for own use.*
force majeure	*An extraordinary external event that is independent of the will of a party, which prevents the permanent or temporary performance of an agreement, the event or the consequences of which the party was unable*

	to predict with due care at the time of signature of an agreement or avoid or overcome.
gas day	*A period from 6am on a given day until 6am on the following day.*
Gas Exchange	*The operator of a commodity exchange within the meaning of the Commodity Exchanges Act of 26 October 2000 (i.e. Journal of Laws of 2019, Item 312, as amended) where gaseous fuel is traded, or the operator of a regulated market in the territory of the Republic of Poland within the meaning of the Act on Trading in Financial Instruments of 29 July 2005 (i.e. Journal of Laws of 2020, Item 89, as amended) that organizes the trade in exchange commodities within the meaning of the Commodity Exchanges Act, including gaseous fuel.*
gas limitation scheme	*A plan for introduction of restrictions on the consumption of natural gas within the meaning of the Stockpiling Act.*
gas month	*A period from 6am of the first day of a given month until 6am of the first day of the following month.*
Gas Trading Platform	*An electronic platform, other than the one operated by the Gas Exchange, where Shippers may place and accept buy and sell orders for gaseous fuel and have the right to modify or withdraw such orders.*
gas year	*A period from 6am on 1 October of the previous year until 6am on 1 October of a given year.*
gaseous fuel	*High-methane natural gas or low-methane natural gas or ~~biogas~~ biomethan transported through the transmission system and conforming to the requirements set out in this TNC.*
gaseous fuel pressure reduction service	*a service provided by the TSO at the physical exit point, consisting in decreasing the gaseous fuel pressure to the value agreed with the Customer connected at a given physical exit point, to the extent resulting from the technical capabilities of the physical exit point and the Customer's connected network / installation*
gross calorific value H_{SN}	*Gross calorific value H_{SN} [298.15 K, 101.325 kPa, V (273.15 K, 101.325 kPa)] – the amount of heat that would be released as a result of the complete combustion in air of a certain volume of gaseous fuel, assuming that the reaction takes place under a constant pressure of 101.325 kPa, all the products of combustion, except for water, are in gaseous state, the water formed in the process of combustion condenses and all the products of combustion (both those in the gaseous state and the water in the liquid state) are brought to the same temperature of 298.15 K as the substrates had.*
imbalance	*The difference between the quantities of gaseous fuel delivered by the Shipper for transmission at the entry points and off-taken by the Shipper from the balancing area at the exit points, calculated on the basis of allocations made in accordance with the TNC.*
importation	*The importation of natural gas within the meaning of the Stockpiling Act into the territory of the Republic of Poland on the basis of intra-community acquisition or imports.*

incremental capacity (incremental transmission ability)	*The potential increase in the technical capacity (technical transmission ability) at an existing $FPWE_{PPM}$, $FPWY_{PPM}$ $FPWE_{OSP}$ or $FPWY_{OSP}$, or a newly created $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$ or $FPWY_{OSP}$, which may be offered based on investments into infrastructure or long-term optimisation of technical capacity.*
interconnector	*A gas transmission pipeline running across the border of the Republic of Poland intended to connect the transmission systems of the European Union member states or member states of the European Free Trade Agreement (EFTA) - the parties to the agreement on the European Economic Zone or connecting the transmission system with the gas infrastructure of a country other than those mentioned above.*
interoperating system	*A distribution, storage, re-gasification or transmission system other than the TSO's transmission system that interoperates with the TSO's transmission system.*
Interoperating System Operator (ISO)	*The DSO, SSO and OIR or an operator of a transmission system interoperating with the TSO's transmission system, other than the TSO.*
interoperator transmission contract (ITC)	*Gas transmission contract executed by the TSO with a DSO and by the TSO with a SSO, which sets out additional detailed terms and methods of cooperation between the parties.*
linepack	*The gaseous fuel that is kept under pressure in gas pipelines.*
Marginal Buy Price ($KCK_{E)}$	*Price determined for the calculation of daily imbalance charges in the high-methane gas balancing area, equal to the higher of the two following prices:* *a) The highest price of any purchases of title products, in which the TSO is involved in respect of the given gas day concluded on the trading platforms mentioned in point 14.5,* *b) $CSRB_E$ in relation to this gas day, plus 10%.*
Marginal Buy Price ($KCK_{Lw)}$	*Price determined for the calculation of daily imbalance charges in the low-methane gas balancing area, equal to the higher of the two following prices:* a) The highest price of any purchases of title products, in which the TSO is involved in respect of the given gas day *concluded on the trading platforms mentioned in point 14.5,* b) *$CSRB_{Lw}$ in relation to this gas day, plus 10%.*
Marginal Sell Price ($KCS_{E)}$	*Price determined for the calculation of daily imbalance charges in the high-methane gas balancing area, equal to the lower of the two following prices:* a) lowest price of any sales of title products, in which the TSO is involved in respect of the given gas day *concluded on the trading platforms mentioned in point 14.5,* b) *$CSRB_E$ in relation to this gas day, reduced by 10%.*

Marginal Sell Price (KCS_{Lw})	*Price determined for the calculation of daily imbalance charges in the low-methane gas balancing area, equal to the lower of the two following prices:* a) lowest price of any sales of title products, in which the TSO is involved in respect of the given gas day *concluded on the trading platforms mentioned in point 14.5,* b) *$CSRB_{Lw}$ in relation to this gas day, reduced by 10%.*
natural gas	*Natural gas within the meaning of the Stockpiling Act.*
net calorific value	*Net calorific value Hi [298.15 K, 101.325 kPa, V (273.15 K, 101.325 kPa) –the amount of heat that would be released as a result of the complete combustion of a certain volume of gas, assuming that the reaction takes place under a constant pressure of 101.325 kPa, all the products of combustion are in the gaseous state and have been brought up to the same temperature of 298.15 K as the substrates had.*
Network User (NU)	*A natural or legal person, or an organizational unit without legal personality but with legal capacity, which acquired the right to the capacity (contractual capacity) of the transmission system under a transmission contract executed with the TSO and the capacity allocation (PP).*
nomination	*The Shipper's declaration submitted to the TSO, regarding the quantity of gaseous fuel that will be delivered by the Shipper to the transmission system at the entry points and off-taken at the exit points during a certain time period.*
normal conditions	*The reference conditions for billing purposes, absolute pressure of 101.325 kPa and temperature of 273.15 K.*
Notifying party (PZPT)	*The party which notifies the TSO, under an agreement with the TSO, all the transactions ~~for $WPWE_{PPG}$ or $WPWY_{PPG}$~~ concluded on a specific Gas Trading Platform, for the purpose of their execution at $WPWE_{PPG}$ or $WPWY_{PPG}$.*
Obligated Entity	*An energy company engaged in business activity in respect of foreign trade in natural gas or an importer of natural gas; within the meaning of the Stockpiling Act.*
Operator of the installation connected	*A natural or legal person, or an organizational unit without legal personality but with legal capacity, which acquired the right to operate an installation connected or equipment installed at given physical entry or exit point.*
OTC Market	*Trade in gaseous fuels carried out at a virtual point outside the Gas Exchange.*
physical balancing	*The activity of the TSO aimed at the balancing the quantities of gaseous fuel delivered to and off-taken from the transmission system.*
physical entry point	*The place of the delivery of gaseous fuel with specified physical location, listed in point 3.1.4, including interconnection physical entry points at the point of interconnection with a distribution system or a storage facility.*

physical exit point	*The place of the off-take of gaseous fuel with specified physical location, listed in point 3.1.5, including interconnection physical exit points at the point of interconnection with a distribution system or a storage facility.*
Point of Interconnection (PWP)	*A point that comprises ~~all~~ the physical points located at the interconnection of the transmission system with the Transit Gas Pipeline System.*
pressure	*The pressure of gaseous fuel measured under static conditions as overpressure, which is the difference between the absolute static pressure of the gaseous fuel and atmospheric pressure.*
~~pressure control~~	*~~activities leading to the setting of the gaseous fuel pressure value within the technical capabilities of the physical exit point~~*
Protected Customer	*Protected Customer within the meaning of the Regulation of the Council of Ministers of 17 February 2021 on the manner and procedure for introducing restrictions on the of natural gas (Journal of Laws of 2021, item 549).~~Means:~~* *a) a household customer who is connected to a gas distribution network,* *b) a small or medium-sized enterprise connected to a gas distribution network with the contractual capacity up to 710 kWh/h,* *c) an essential social service connected to a gas distribution or transmission network,* *d) a district heating installation to the extent that it delivers heating to household customers, small or medium-sized enterprises, or essential social services, provided that such installation is not able to switch to other fuels than gas.*
Reference Gas Price (CRG)	*The weighted average price of the purchase of gaseous fuel by the TSO in the gas month preceding the month (m-1) when the CRG is to be published (m). The price shall apply in the month following the month in which it was published on the TSO's website (m=1). If the TSO concludes no gas purchase transactions in month m-1, the CRG published in month m shall assume the last published CRG value. The CRG shall be determined for the quantity expressed in kWh separately for high-methane gas balancing area (CRG_E) and low-methane gas balancing area (CRG_{Lw}).*
Re-Gasification Facility Operator (OIR)	*An energy company engaged in the unloading, process storage and re-gasification of liquefied gas (LNG).*
REMIT regulation	*Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, page 1).*
re-nomination	*A change to the confirmed nomination.*
Fall-back supply	*Fall-back Supply within the meaning of the Energy Law*

virtual reverse-flow service	*A transmission service provided by the TSO on interruptible basis, at the points indicated on the TSO's website consisting in contractual transmission of the gaseous fuel in the direction opposite to the physical flow of gaseous fuel – a service provided at a physical point, in a direction where the physical flow cannot be performed.*
Shipper (ZUP)	*A natural or legal person, or an organizational unit without legal personality but with legal capacity, which uses the transmission or balancing services under a transmission contract executed with the TSO and the transmission ability allocation (PZ).*
Stockpiling Act	*The Act of 16 February 2007 on stocks of crude oil, petroleum products and natural gas, the principles of proceeding in circumstances of a threat to the fuel security of the State and disruption on the petroleum market (Journal of Laws of ~~2020~~2022, item ~~411~~1537, as amended)*
storage facility	*A facility used to store gaseous fuels including underground storage of gaseous fuels and the linepack capacity of gas pipelines owned by an energy company or operated by such company, including the part of the liquefaction of natural gas facility used for its storage, with the exception of that part of the facility, which is used for the production activity, as well as the facilities serving exclusively the performance of the tasks of transmission system operators.*
Storage service customer (ZUM)	*A natural or legal person, or an organizational unit without legal personality but with legal capacity, which uses the storage service under a contract executed with the SSO.*
Storage System Operator (SSO)	*An energy company engaged in the storage of gaseous fuels, which is responsible for the maintenance of the storage installation, the duties of which are specified by the Energy Law, designated as an Operator by virtue of a decision of the President of ERO.*
substitute exit point	*Exit point at which transmission service to DSO is provided, without physical measurement of gaseous fuel.*
system balancing	*The business activity carried out by the TSO as part of the transmission services provided, which consists in the balancing of the demand for gaseous fuels with the supplies of such fuels, including physical balancing and commercial balancing.*
system congestion management	*Business activities conducted by the TSO within the framework of the transmission services provided in order to ensure the safe operation of the transmission system and to provide the required technical parameters of gaseous fuels in the event of the appearance of technical congestion in this system's capacity.*
System User	*An entity using the transmission system under a transmission system, which may be either a Shipper or a Network User.*
Tariff	*A set of prices and charges and the underlying conditions applicable to the settlements with the Network User.*

technical capacity	*(Technical transmission ability) The maximum firm capacity or conditional firm capacity of the transmission system available for the TSO to provide gas transmission services.*
technical congestion	*Restrictions on the ability to transmit gaseous fuel arising from congestion in the technical facilities, installations or networks.*
Transit Gas Pipeline System (SGT)	*A transmission system owned by EuRoPol Gaz S.A. for which the TSO has been designated as the operator.*
transmission	*Transportation of gaseous fuel through the transmission network.*
transmission ability	*The maximum hourly quantity of gaseous fuel specified in the transmission ability allocation (PZ), expressed in energy units (kWh/h), which may be delivered for transmission at an entry point or off-taken from the transmission system at an exit point.*
transmission ability allocation (PZ)	*A part of the transmission contract that specifies the transmission ability the Shipper is eligible to at the specified entry point or exit point.*
transmission contract	*A gas transmission contract executed between the TSO and a System User, including an ITC, which provides for the access to the transmission system and the performance of transmission services to the System Users.*
transmission network	*A high-pressure gas network excluding upstream and direct gas pipelines, for the operation of which the TSO is responsible.*
transmission system	*Transmission network and the facilities and installations connected to and interoperating with such network.*
Transmission System Operator (TSO)	*~~Gas Transmission~~ Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A. (Gas Transmission Operator) - an energy company engaged in the distribution of gaseous fuels that is responsible for network operation in the gas system, the duties of which are specified in the Energy Law, designated as an Operator by virtue of a decision of the President of ERO.*
transportation forecast	*A statement by a DSO delivered to the TSO and concerning the quantity of gaseous fuel to be off-taken from the transmission system by the DSO at $MFPWY_{OSD}$ or to be delivered to the transmission system at $MFPWE_{OSD}$ during the gas day.*
virtual point	*A point in the balancing area of unspecified physical location where the trade in gaseous fuel may take place.*
Wobbe index	*The ratio of the gross caloric value of gaseous fuel to the square root of its relative density under the same reference conditions.*

1.2 Units

1.2.1 The units of measure used in this TNC are:

m^3 cubic metre (defined in the TNC under normal conditions),

°C degree Celsius,

h hour,

K Kelvin,

km kilometre,

MJ megajoule,

mg milligram,

µg microgram,

MPa megapascal,

kPa kilopascal,

kWh kilowatt-hour

1.2.2 Any reference to a "quantity of gaseous fuel" in this TNC means a reference to such "quantity of gaseous fuel expressed in kWh", unless specifically indicated otherwise. The "volume of gaseous fuel" is expressed in cubic metres (m^3) under normal conditions.

1.3 List of acronyms:

CNG	*Compressed natural gas*
CRG	*Gas Reference Price*
CRG_E	*Gas Reference Price for high-methane gas balancing area.*
CRG_{LW}	*Gas Reference Price for low-methane gas balancing area.*
CSRB	*Average Balancing Settlement Price*
$CSRB_E$	*Average Balancing Settlement Price in the high-methane gas E type balancing area*
$CSRB_{LW}$	*Average Balancing Settlement Price in the low-methane gas Lw type balancing area*
DIN	*Daily Imbalance Quantity*
E	*High-methane natural gas*
EP	*The quantity of gaseous fuel delivered to the transmission system at the entry point and off-taken at the exit point, excluding the amounts delivered and off-taken at* $WPWE_{GG}$, $WPWY_{GG}$, $WPWE_{PPG}$, $WPWY_{PPG}$, $WPWE_{OTC}$ *and* $WPWY_{OTC}$
FPWE	*Physical entry points for which capacity allocation (PP) is executed*
$FPWE_M$	*Physical entry points to the transmission system at interconnections with natural gas mixing facilities*
$FPWE_{OA}$	*Physical entry points to the transmission system at interconnections with nitrogen removal plants*

$FPWE_{OIR}$	*Physical entry points to the transmission system at interconnections with the LNG terminal*
$FPWE_{OSP}$	*Physical entry points to the system at interconnections with transmission systems of neighbouring countries*
$FPWE_{PPM}$	*Points of interconnection connecting transmission systems for the purposes of providing integrated capacity services.*
$FPWE_{R}$	*Physical entry points at which virtual reverse-flow service is provided, as posted on the TSO's website*
$FPWE_{ŹDO}$	*Physical entry points to the transmission system at interconnections with gaseous fuel sources (including domestic natural gas fields or installations for biomethane production or injection)*
FPWY	*Physical exit points for which capacity allocation (PP) is executed*
$FPWY_{M}$	*Physical exit points from the transmission system at interconnections with natural gas mixing facilities*
$FPWY_{O}$	*Physical exit points from the transmission system at interconnections with the facilities of a Customer (other than an ISO) connected to the transmission system*
$FPWY_{OA}$	*Physical exit points from the transmission system at interconnections with nitrogen removal plants*
$FPWY_{OK}$	*Physical exit points from the transmission system at interconnections with the Final Customer's installation connected to the transmission system*
$FPWY_{OSP}$	*Physical exit points from the transmission system at interconnections with the transmission systems of neighbouring countries*
$FPWY_{PPM}$	*Points of interconnection connecting transmission systems for the purposes of providing integrated capacity services*
$FPWY_{R}$	*Physical exit points at which virtual reverse-flow service is provided, as posted on the TSO's website*
GIIP	*Gas Inside Information Platform – https://www.gasinsideinformationplatform.pl/*
H_{SNmin}	*Minimum gross calorific value referred to in point 3.3.1.*
$H_{SNmingr}$	*Minimum gross calorific value referred to in point 3.3.4*
H_{ZW}	*Actual gross calorific value of the gaseous fuel delivered at a physical entry point or off-taken at a physical exit point [kWh/m³]*
HRP	*Commercial Transmission Report*
I_{G}	*Daily quantity of gaseous fuel off-taken by the Shipper*
I_{GI}	*Quantity of off-spec gaseous fuel that is delivered at a physical entry point or off-taken at a physical exit point [kWh]*

IPT	*Daily quantity of gaseous fuel indicated in the transportation forecast for the point,*
IZM	*Daily quantity of gaseous fuel measured at the point*
KCK_E	*Marginal Buy Price determined for the calculation of daily imbalance charges in the high-methane gas balancing area*
KCS_E	*Marginal Sell Price determined for the calculation of daily imbalance charges in the high-methane gas balancing area*
KCK_{LW}	*Marginal Buy Price determined for the calculation of daily imbalance charges in the low-methane gas balancing area*
KCS_{LW}	*Marginal Sell Price determined for the calculation of daily imbalance charges in the low-methane gas balancing area*
LNG	*Liquefied natural gas*
Lw	*Low-methane natural gas, Lw type*
Lm	*Low-methane natural gas, Lm type*
Ln	*Low-methane natural gas, Ln type*
Mp	*Capacity (contractual capacity) allocated through an auction at an entry point*
$MFPWE_{OSD}$	*Interconnection physical entry points from the transmission system at interconnections with a distribution system, referred to as interconnection physical entry points*
$MFPWE_{OSM}$	*Interconnection physical entry points to the transmission system at interconnections with storage facilities, referred to as interconnection physical entry points*
$MFPWY_{OSD}$	*Interconnection physical exit points from the transmission system at interconnections with a distribution system, referred to as interconnection physical exit points*
$MFPWY_{OSM}$	*Interconnection physical exit points from the transmission system at interconnections with storage facilities, referred to as interconnection physical exit points*
MOD	*Absolute value*
N_z	*Daily quantity of gaseous fuel specified in the confirmed nomination*
O_{NCW}	*Charge for an off-spec gross calorific value at a physical entry point*
O_{NCWgr}	*Charge for an off-spec gross calorific value at a physical entry point*
O_{NMC}	*Charge for an off-spec minimum pressure at a physical entry point*
O_{NSJW}	*Charge for an off-spec quality parameter*

O_{NSTW}	*Charge for an off-spec water dew point parameter*
OIR	*Re-Gasification Facility Operator*
~~*OND*~~	~~*Charge related to financial neutrality of balancing*~~
~~*ONOB*~~	~~*Fee for the part of the system services not rendered*~~
ONP	*Charge for inaccuracy of the transportation forecast*
ONWW	*Charge for inconsistency with the nomination at an exit point*
OPR	*Billing Point Operator*
ORB_{D-ZO}	*Balancing settlement charge for gas days in which a compulsory stock was mobilised, for gaseous fuel delivered by Shippers whose imbalance is greater than zero*
ORB_{D}	*Balancing settlement charge for gaseous fuel delivered by a Shipper to the balancing area*
ORB_{P}	*Balancing settlement charge for gaseous fuel taken by a Shipper from the balancing area*
ORB_{P-ZO}	*Balancing settlement charge for gas days in which a compulsory stock was mobilised, for gaseous fuel taken by Shippers whose imbalance is smaller than zero*
DSO	*Distribution System Operator*
SSO	*Storage System Operator*
TSO	*Transmission System Operator*
ISO	*Interoperating System Operator*
OTC	*Over-the-counter market*
OZO	*Auction premium*
PNWW	*Relative inconsistency with the nomination at the exit point*
PP	*Capacity allocation*
PPP	*Capacity allocation forecast*
PPR	*Capacity allocation on the basis of technological start-up*
PPR_{max}	*Maximum value of the capacity (contractual capacity) during the technological start-up period*
PPR_{min}	*Minimum value of the capacity (contractual capacity) during the technological start-up period*

PWE	*Entry points for which transmission ability allocation (PZ) is made*
PWE_M	*Entry points with a physical location at an interconnection with natural gas mixing facilities*
PWE_{OA}	*Entry points with a physical location at an interconnection with nitrogen removal plants*
PWE_{OIR}	*Entry points with a physical location at an interconnection with the LNG terminal*
PWE_{OSD}	*Entry point from DSO's distribution system, created based on interconnection physical entry points to or physical interconnection exit points from the distribution system of the given DSO, specified by the TSO*
PWE_{OSM}	*Entry point at interconnection with storage facilities or with groups of storage facilities*
$PWE_{OSDŹ}$	*Entry point from a source directly connected to a distribution network*
PWE_{OSP}	*Entry points with a physical location at an interconnection with transmission systems of neighbouring countries*
PWE_{PPM}	*Points of interconnection connecting transmission systems for the purposes of providing integrated capacity services.*
PWE_R	*Entry points at which virtual reverse-flow service is provided, as posted on the TSO's website*
$PWE_{ŹDO}$	*Entry points with a physical location at an interconnection with gaseous fuel sources (including domestic natural gas fields or installations for biomethane production or injection)*
PWP	*Point of Interconnection*
PWY	*Exit points for which transmission ability allocation (PZ) is made*
PWY_M	*Exit points with a physical location at an interconnection with natural gas mixing facilities*
PWY_O	*Exit points with a physical location at an interconnection with facilities of Customers (other than an ISO) connected to a transmission network*
PWY_{OA}	*Exit points with a physical location at an interconnection with nitrogen removal plants*
PWY_{OK}	*Exit points at the interconnection of the transmission system with a Final Customer's facility*
PWY_{OSD}	*Exit point to a DSO distribution system, created based on interconnection physical exit points to the distribution system of the given DSO, specified by the TSO*
PWY_{OSM}	*Exit point at interconnection with storage facilities or with groups of storage facilities, i.e., exit points of unspecified physical location*

PWY_{OSP}	*Exit points with a physical location at an interconnection with transmission systems of neighbouring countries*
PWY_{PPM}	*Points of interconnection connecting transmission systems for the purposes of providing integrated capacity services*
PWY_{R}	*Exit points at which virtual reverse-flow service is provided, as posted on the TSO's website*
PZ	*Transmission ability allocation*
PZPT	*A notifying party with respect to a transaction*
Q	*Quantity of gaseous fuel for which the system service was not rendered*
Q_{Gmax}	*Upper limit for the range of volumetric flow measurement under the measurement conditions, specified according to the applicable standards published on the TSO's website*
Q_{Gmin}	*Lower limit for the range of volumetric flow measurement under the measurement conditions, specified according to the applicable standards published on the TSO's website*
Q_{Gt}	*The level of gas flow rate at which the value of the maximum permissible error of the gas meter is changed, indicated in point ~~3.6.1.3.5.5~~ 3.6.1.3.5.5 ~~3.6.1. 4.4.4~~*
Q_{max}	*The current maximum transmission capacity at a given physical entry or exit point.*
Q_{min}	*The minimum quantity of gaseous fuel that must flow in the direction of the physical gas flow, as published on the TSO's website.*
SNF	*Rate of charge related to the financial neutrality of balancing*
IES	*Information Exchange System*
T	*Number of hours in the billing period*
T_K	*Number of hours in a given quarter*
UR	*Quantities of gaseous fuel mobilised from a compulsory stock*
ERO	*Energy Regulatory Office*
NU	*Network User*
$WPWE_{GG}$	*Virtual Entry Points – for transactions concluded at the Gas Exchange*
$WPWE_{PPG}$	*Virtual Entry Points – for transactions concluded on the Gas Trading Platform other than the one operated by the Gas Exchange, for which nominations are submitted by PZPT*
$WPWE_{OTC}$	*Virtual Entry Point from the OTC market*

$WPWY_{GG}$	*Virtual Exit Point to the Gas Exchange – for transactions executed in the Gas Exchange*
$WPWY_{OSPPW}$	*Virtual exit point for transactions with the TSO related to the purchase of gaseous fuel by the TSO for its own needs*
$WPWY_{OTC}$	*Virtual Exit Point to the OTC market*
$WPWY_{PPG}$	*Virtual Exit Points – for transactions concluded on the Gas Trading Platform other than the one operated by the Gas Exchange, for which nominations are made by PZPT*
$WPWY_{ZO}$	*Virtual Exit Point for the purposes of activities related to the obligation to deliver compulsory stocks from the territory of the Member States of the European Union or the European Free Trade Agreement (EFTA) – parties to the Agreement on the European Economic Area.*
WTP	*Relative inconsistency of the transportation forecast at the point in question*
X_{SJNmax}	*The highest acceptable value of a given quality parameter as set out in point ~~19.13.10~~19.13.13*
X_{SJW}	*The actual value of a specific quality parameter of the gaseous fuel delivered at a physical entry exit or off-taken at a physical exit point*
X_{STNmax}	*The highest acceptable value of the water dew point [K]*
X_{STW}	*The actual value of the water dew-point temperature [K] of the gaseous fuel delivered at a physical entry exit or off-taken at a physical exit point*
ZUD	*Customer for gaseous fuel Distribution Service, including the distribution service from the source connected to a distribution network*
ZUM	*Storage Service Customer*
ZUP	*Shipper*
ZUP_{BG}	*Shipper responsible for commercial balancing of the entire balancing group*
ZUP_{UG}	*Shipper which is a participant of a balancing group, other than a ZUP_{BG}*

1.4 Legal grounds for the application of the TNC.

1.4.1 The TNC, prepared by the TSO pursuant to the requirements of Article 9(g) of the Energy Law specifies the detailed conditions for using the transmission system by System Users and the conditions and methods of conducting the transmission, operations and planning the development of this system.

1.4.2 The TNC takes into consideration the requirements specified in the provisions of the Energy Law, Regulation of the Minister of Economy of 2 July 2010 on detailed conditions of gas system operations (Journal of Laws of 2018, item 1158, as amended), Regulation of the Minister of Energy of 15 March 2018 on detailed principles of tariff design and calculation, and settlements in the trade in gaseous fuels (Journal of Laws of 2018, item 640, as amended, hereinafter the "Tariff Regulation"), as well as the Directive of the European Parliament and

Council 2009/73/EC of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94), and the Regulation of the European Parliament and Council (EC) No. 715/2009 of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) 1775/2005 (OJ L 211, 14.8.2009, p. 36, as amended).

1.4.3 The TNC has been drafted taking into consideration the principles set forth in the network codes referred to in Regulation of the European Parliament and Council (EC) No. 715/2009 of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) 1775/2005.

2 GENERAL PROVISIONS

2.1 Introduction.

2.1.1 ~~Gas Transmission~~ Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A., (the Transmission System Operator), provides the available capacity of the transmission system and gas transmission and balancing services under a licence for transmission of gaseous fuels and a decision of the President of the Energy Regulatory Office ("ERO") concerning the designation of the transmission system operator.

2.1.2 The TSO shall provide Network Users with:

2.1.2.1 the access to the transmission system by offering available capacity at physical entry points and physical exit points to the Network Users under a transmission contract, in accordance with the terms and conditions set forth in the Transmission Network Code ("TNC"),

2.1.2.2 the transmission of gaseous fuel for the purposes of its delivery to distribution systems, storage facilities and Final Customers connected directly to the transmission system.

2.1.3 The TSO provides the gas transmission and balancing services to Shippers under a transmission contract, in accordance with the terms and conditions set forth in the TNC.

2.1.4 The TNC constitutes a set of regulations established in accordance with Article 9 g of the Energy Law, which specifies, in particular, the following:

2.1.4.1 rights and obligations of the TSO and the System User,

2.1.4.2 conditions for the provision of the available capacity of the transmission system,

2.1.4.3 conditions for the provision of the gas transmission services,

2.1.4.4 processes required for a safe and efficient provision of the gas transmission services,

2.1.4.5 scope of cooperation between the TSO and the ISO, OPR and the Customers.

2.1.5 The TNC consists of the following sections:

2.1.5.1 Part I – General conditions for the use of the transmission system, operating and planning the development of the network;

2.1.5.2 Part II – Balancing and congestion management.

2.1.6 The TNC shall be delivered upon the execution of the transmission contract and made available for review upon the execution of the transmission network connection agreement.

2.1.7 The System User with whom the TSO executed a transmission contract shall be required to adhere to all the provisions of the TNC.

2.1.8 The TNC shall be delivered to distribution system operators and storage system operators upon the execution of inter-operator transmission contracts (ITC). DSOs and SSOs shall be obliged to adhere to all the provisions of the TNC pursuant to the ITC executed with the TSO.

2.1.9 Customers, OIRs and OPRs, whose facilities, installations or networks are connected to the transmission shall be obliged to adhere to the provisions of the TNC.

2.1.10 The TNC and the complementary documents shall be drafted in the Polish language. In addition, the TSO shall publish, solely for information purposes, the TNC and the accompanying documents in English language. If there are discrepancies between the Polish language version of the TNC or supplementary documents and the English language version of such documents, provisions of the TNC and supplementary documents prepared in the Polish language shall prevail.

2.1.11 The current version of the TNC shall be posted on the TSO's website.

2.2 The rights and obligations of the TSO.

2.2.1 While applying objective and transparent rules assuring equal treatment of transmission System Users and taking into account the environmental requirements, the TSO shall be responsible for:

2.2.1.1 security of delivery of gaseous fuel by assuring security of functioning of the transmission system and implementation of the transmission contracts with the System Users,

2.2.1.2 the management of network operation in a coordinated and efficient manner, while maintaining the required reliability of gas fuel transmission and quality,

2.2.1.3 operation, maintenance and repairs of the network, installations and facilities of the transmission system, together with the interconnections with other gas systems in a manner that guarantees the reliability of the transmission system functioning,

2.2.1.4 assurance of the long-term capability of the transmission system to satisfy legitimate demand for transmission of gaseous fuels, as well as the expansion of the transmission system, and where applicable, expansion of interconnections with other gas systems,

2.2.1.5 cooperation with the Interoperating System Operators or other energy companies in order for the gas systems to ensure reliable and efficient operation of the respective gas systems and to coordinate their development,

2.2.1.6 management of the flows of gaseous fuel and the maintenance of the quality parameters of such fuel in the transmission system and at the connections with interoperating systems,

2.2.1.7 provision of the services required for proper operation of the transmission system,

2.2.1.8 balancing of the system and management of congestion in the transmission system, as well as handling settlements with the Shippers, which arise from their imbalance,

2.2.1.9 provision of information to the System Users and the ISOs on the terms and conditions for the provision of transmission services, including the interoperation with interconnected gas systems,

2.2.1.10 preparation of gas limitation schemes for the Customers connected directly to the transmission network and being subject to gas curtailment measures pursuant to the Stockpiling Act, and the presentation of such plans to the President of the ERO for approval,

2.2.1.11 performance of duties connected with the implementation of gas curtailment measures introduced in accordance with the provisions of the Stockpiling Act,

2.2.1.12 holding periodic market screening exercises to assess the demand for new transmission infrastructure, with a view to using the results of such surveys in the definition of development plans or offering procedure of newly built and expanded physical entry points,

2.2.1.13 delivering gaseous fuel at the physical exit point from the transmission system and ensuring that such gaseous fuel conforms to the quality parameters specified in point 3.3.1, point 3.3.5 and at the pressure specified in accordance with point 3.4.13, provided that the (contractual) capacity at the exit point has not been exceeded by the System User.

2.2.2 The TSO shall provide transmission services within the limits of the technical capacity of the transmission network.

2.2.3 In the case of an unexpected increase in gaseous fuel consumption by Customers, the emergence of interference in the supply of gaseous fuel, an emergency situation, including in interoperating systems, resulting in the emergence of a threat to the security of operation of the transmission system, the TSO shall take the steps described in point 21.

2.2.4 In the event of an emergency situation, the TSO shall take the necessary steps to restore proper operation of the transmission system in accordance with the procedures specified in point 21.

2.2.5 The TSO shall publish the relevant information on its TSO's website in accordance with the applicable regulations of the law.

2.2.6 The TSO provides all necessary information to the Agency for the Cooperation of Energy Regulators and other relevant authorities in accordance with applicable law, including REMIT.

2.3 The rights and obligations of the Network User.

2.3.1 The Network User shall use the capacity (contractual capacity) of the transmission system in accordance with the principles set out in the Energy Law, the TNC, as well as the transmission contract and the capacity allocation (PP). SSOs and DSOs that are Network Users shall off-take the gaseous fuel transported by the TSO at interconnection physical exit points (MFPWY) and supply gaseous fuel at the interconnection physical entry points (MFPWE). The Network User shall be obliged to pay the charges specified in the Tariff and in the TNC to the TSO.

2.3.2 As the user of the capacity (contractual capacity) of the transmission system, the Network User shall be required to adhere to the provisions of the TNC, and specifically:

2.3.2.1 not to exceed the contractual capacities specified in the capacity allocation (PP),

2.3.2.2 to ensure that the gaseous fuel delivered for transmission at the physical entry point to the transmission system conforms to the quality requirements set out in point 3.3.1, point 3.3.5 and the pressure levels set out in point 3.4.13,

2.3.2.3 to make payments in accordance with the provisions of the transmission contract,

2.3.2.4 to immediately notify the TSO of any change in the conditions required upon the execution of the contract and constituting the basis for the execution of the transmission contract, as specified in point 6.3.2,

2.3.2.5 to provide for the possibility of 24-hour contact with the personnel of the Network User or its Customers who are connected directly to the transmission system in the event of the occurrence of any unexpected event that may affect the performance of transmission services,

2.3.2.6 in case of a threat to the safety or stability of the operation of the transmission system, to execute immediately the instructions of the TSO dispatcher services and assure the execution of such instructions by the entities delivering gaseous fuel to or taking it from the transmission system on behalf of the Network User.

2.3.3 The Network User which is a DSO shall publish on its website the standard consumption profiles for gaseous fuel for Customers connected to a distribution network, for which the consumed gaseous fuel is registered less frequently than once a day.

2.3.4 The Network User the operator of the installation connected at a given point (including a Final Customer) shall have the right to submit an application for approval of the capacity allocation forecast (PPP) according to the provisions of the TNC.

2.4 The rights and obligations of the Shipper.

2.4.1 The Shipper shall the gas transmission services subject to the principles set out in the Energy Law, the TNC, as well as the transmission contract and the transmission ability allocation (PZ). The Shipper shall be obliged to pay the TSO the charges specified in the TNC.

2.4.2 As a user of the gas transmission and balancing services, the Shipper shall be required to observe the provisions of the TNC, and in particular to:

2.4.2.1 deliver gaseous fuel for transmission and off-take from the transmission system in accordance with the quantities specified in the confirmed nominations for the entry and exit points,

2.4.2.2 ensure that the quantity of the gaseous fuel transmitted within the transmission contract is balanced in each balancing area,

2.4.2.3 make payments and perform the transmission contract,

2.4.2.4 take account of the restrictions specified the TNC in the submitted nominations,

2.4.2.5 immediately notify the TSO of any change in the conditions required upon the execution of the contract and constituting the basis for the execution of the transmission contract, as specified in point 6.3.2.

2.5 The rights and obligations of the Customer.

2.5.1 The Customer whose facilities or installations are connected to the transmission system shall adhere to the provisions of the TNC, and specifically:

2.5.1.1 provide for the access by the TSO to the measurement and billing facilities and enable the performance of measurements of the values set forth in point 3.4.2 and the transfer of measurement data to the TSO in case when the Customer has the title to the measurement facilities installed at the physical entry or exit point.

2.5.1.2 provide the relevant information to the TSO so as to enable the TSO to take into account the Final Customer's demand in the projection of the national demand for gaseous fuel,

2.5.1.3 conform to the provisions enabling the change of supplier by the Final Customer,

2.5.1.4 make allocations in respect of the points where gaseous fuel is transferred directly to the Customer and provides the TSO with the information on the allocated quantities in accordance with the TNC,

2.5.1.5 entities referred to in § 4.1 of Regulation of the Council of Ministers of ~~19~~ 17 February 2021~~September 2007~~ concerning the method and procedure for the implementation of gas curtailment measures (Journal of Laws of ~~2007~~2021, ~~No. 178 Item~~ item 549~~1252~~), hereinafter the "Regulation on Curtailment Measures", shall advise the TSO, by 31 July of each year, of the minimum quantity of gaseous fuel off-take that is required in order to avoid a threat to the safety of people or damage or destruction of process facilities, and corresponds to the 10th degree of supply rationing.

2.5.1.6 conform to the restrictions in gaseous fuel consumption, involving the reduction of the maximum hourly and daily volume of gaseous fuel consumption in accordance with the announcements of the TSO published in the manner and under the principles specified in the Stockpiling Act,

2.5.1.7 ensure the possibility of 24-hour contact with the Customer in the event of the occurrence of any unexpected events that may affect the delivery of gaseous fuel to the Customer,

2.5.1.8 in case of a threat to the safety or stability of the operation of the transmission system, immediately execute the instructions of the TSO's dispatcher services.

2.5.1.9 is authorised to receive from the TSO information which Network Users (US) use the capacity at the physical exit point ($FPWY_O$) from which the installation is supplied and on the allocated capacity (contractual capacity) to each of them at this point,

2.5.1.10 notifies the TSO of planned decreases or increases in gaseous fuel consumption on the terms and in the form specified in the agreement referred to in point 3.10.

2.5.2 The Customer being the owner of a measurement and billing system directly connected to the transmission system shall be obliged to:

2.5.2.1 maintain the gas station facilities in adequate technical condition,

2.5.2.2 respect the provisions referred to in point 3.6.1,

2.5.2.3 perform routine maintenance (metrological inspection) of measurement facilities at the point of gaseous fuel ~~consumption~~offtake,

2.5.2.4 advise the TSO on the scheduled dates of routine maintenance (metrological inspection) and provide for the possibility for its representatives to be present during the performance of the relevant works,

2.5.2.5 provide for the possibility of verifying the correctness of the measurement system operation, upon each request of the TSO

2.5.2.6 enable the representatives of the TSO to affix protective seals on the measurement system facilities,

~~2.5.2.7 enable remote reading by the TSO services of the measurement data in case when a telemetry system is in place at the gas station,~~

~~2.5.2.8~~2.5.2.7 permit the TSO to install its own telemetry system and remote reading of the measurement data~~, in case when not available at the gas station~~,

2.5.3 Subject to the provisions of point 3.5.1, the Customer that is directly connected to the transmission system without being the owner of a measurement and billing system:

2.5.3.1 shall be advised on the scheduled dates of routine maintenance (metrological inspection) to be carried out by the TSO services and may be present during the performance of the relevant works,

2.5.3.2 may affix protective seals on the measurement system facilities,

2.5.3.3 may ~~take~~ remotely acquire ~~readings of~~ the measurement data from the TSO ~~in case when a telemetry system is in place at the gas station~~.

2.6 A Customer connected directly to the system has the right to request the TSO for a pressure adjustment at a physical exit point(s) where the Customer off-takes gaseous fuel. The TSO shall make such adjustment in accordance with the procedure set forth in point 3.4.15.

2.7 Rights and obligations of entities connected to physical entry points at connections with gaseous fuel sources (FPWE$_{ŹDO}$).

2.7.1 The entity operating the installation connected to the transmission system at a physical entry point at the connection with gaseous fuel sources shall apply the provisions of the TNC, including but not limited to:

2.7.1.1 providing TSO with access to the fiscal-metering facilities and enable measurements of the quantities specified in point 3.4.4 to be made and measurement data to be transmitted to the TSO in the event that the title to the measurement facilities installed at the physical entry or exit point is vested in the Customer,

2.7.1.2 performing the allocation in respect of the entry points (FPWE$_{ŹDO}$) where the installation operated by that entity is connected and communicates to the TSO the quantities allocated in accordance with the TNC,

2.7.1.3 ensuring the possibility of round-the-clock contact in case of emergencies affecting the offtake by the TSO of gaseous fuel at that physical entry point,

2.7.1.4 in the event of a threat to the security or stability of operation of the transmission system, immediately implementing the instructions of the TSO's dispatching services,

2.7.1.5 notifying the TSO of planned reductions or increases in the supply of gaseous fuel under the terms and in the form specified in the agreement referred to in point 3.8.16.

2.7.2 The provisions of points 2.5.2 or 2.5.3 shall apply accordingly.

~~2.7~~2.8 Complementary documents to the TNC.

~~2.7.1~~2.8.1 The diagram of the transmission system and the list of entry points and exit points.

~~2.7.2~~2.8.2 The forms of applications for the definition of the conditions for connection to the transmission network.

~~2.7.3~~2.8.3 The specimen of the transmission contract and general terms and conditions of the contract.

~~2.7.4~~2.8.4 The specimen of the connection to the transmission network contract.

~~2.7.5~~2.8.5 The form of the application for capacity allocation/transmission ability allocation (PP/PZ).

~~2.7.6~~2.8.6 The Tariff.

~~2.7.7~~2.8.7 The form of the agreement referred to in point 3.10.

~~2.7.8~~2.8.8 The complementary documents are posted on the TSO's website.

~~2.8~~2.9 The application of the TNC.

~~2.8.1~~2.9.1 The TNC approved by the President of ERO, or the changes to the TNC shall be published in the ERO Bulletin. The new TNC or the changes to the TNC shall be published on the TSO's website and made available for review at the TSO's registered office.

~~2.8.2~~2.9.2 A System User or a potential system user may submit comments to the TSO concerning the TNC being in force, and such comments shall be reviewed by the TSO at the stage of the preparation of the subsequent version of the TNC.

~~2.8.3~~2.9.3 The notification regarding the amendment or publication of new TNC shall be sent by the TSO to System Users, OPRs and the entities which whom the contract or agreement referred to in point 3.8, point 3.9 or point 3.10has been executed.

~~2.8.4~~2.9.4 The amended or new TNC shall become binding for the TSO, System Users, ISOs, OPRs and Customers whose facilities, installations or networks are connected to the transmission system, upon its approval by the President of ERO and promulgation in the ERO Bulletin, as of the date stated in the relevant decision of the President of ERO.

~~2.8.5~~2.9.5 The TNC constitutes an integral part of the transmission contract. The amended or new provisions of the TNC shall become a part of the transmission contract starting from the date state in the relevant decision of the President of ERO concerning their approval.

~~2.8.6~~2.9.6 In the event of refusal to accept changes to the TNC or a new TNC, the System User shall have the right to terminate the transmission contract within fourteen (14) days from the date of its publication, subject to fourteen (14) days' notice or other notice period (i.e. shorter or longer) specified by the System User, which, however, may not be effective later than on the day preceding the entry of the changes to the TNC, or the new TNC, into force, or without any notice and with effect at the end of the gas day preceding the entry of such changes to the TNC, or the new TNC into force. In case when the amended or new TNC enters into force during the notice period, the System User shall apply the amended or new TNC during the notice period, as of its effective date.

~~2.8.7~~2.9.7 The TSO shall post the consolidated texts of the subsequent TNCs approved by the President of ERO on the TSO's website indicating the effective date of the introduced changes.

3 DESCRIPTION OF THE TRANSMISSION SYSTEM

3.1 Components of the transmission system

3.1.1 The gaseous fuel transmission services are provided by the TSO in two transmission systems designed for:

3.1.1.1 group E high methane natural gas (GZ-50),

3.1.1.2 group L, sub-group Lw low-methane natural gas (GZ-41.5),

3.1.2 The following interoperate with the TSO's transmission system:

3.1.2.1 group L, sub-group Ln and Lm low-methane natural gas pipelines that transport gas to nitrogen removal and natural gas mixing facilities,

3.1.2.2 upstream gas pipelines transporting gas from the fields to the entry points into the transmission system,

3.1.2.3 systems, networks and facilities of other operators,

3.1.2.4 facilities connected at physical entry points, enabling the supply of gaseous fuel meeting the quality parameters specified in the TNC,

~~3.1.2.4~~3.1.2.5 facilities of the Customers.

3.1.3 The transmission system comprises the following:

3.1.3.1 physical entry and exit points (FPWE and FPWY), and

3.1.3.2 entry points (PWE) and exit points (PWY).

3.1.4 The transmission system comprises the following physical entry points (FPWE) to the system:

3.1.4.1 at the interconnections with:

3.1.4.1.1 transmission systems - single physical points or groups of physical points specified by the TSO ($FPWE_{OSP}$ or PWP),

3.1.4.1.2 storage facilities referred to as interconnection physical entry points ($MFPWE_{OSM}$),

3.1.4.1.3 distribution systems referred to as interconnection physical entry points ($MFPWE_{OSD}$),

3.1.4.1.4 LNG terminal ($FPWE_{OIR}$),

3.1.4.1.5 gaseous fuel sources (including domestic natural gas fields, or installations for biomethane production or injection) ($FPWE_{ŹDO}$),

3.1.4.1.6 natural gas mixing facilities ($FPWE_{M}$),

3.1.4.1.7 nitrogen removal plants ($FPWE_{OA}$).

3.1.4.2 points for which virtual reverse-flow transmission service is provided, posted on the TSO's website ($FPWE_{R}$).

3.1.4.3 points of interconnection connecting transmission systems for the purposes of providing integrated capacity services ($FPWE_{PPM}$).

3.1.5 The transmission system comprises the following physical exit points (FPWY) from the system:

3.1.5.1 at the interconnections with:

3.1.5.1.1 transmission systems – single physical points or groups of physical points specified by the TSO ($FPWY_{OSP}$),

3.1.5.1.2 storage facilities referred to as interconnection physical exit points ($MFPWY_{OSM}$),

3.1.5.1.3 distribution systems referred to as interconnection physical exit points ($MFPWY_{OSD}$),

3.1.5.1.4 installation of a Customer connected to the transmission system ($FPWY_{O}$) including on the connection with the Final Customer's installation ($FPWY_{OK}$),

3.1.5.1.5 natural gas mixing facilities ($FPWY_{M}$),

3.1.5.1.6 nitrogen removal plants ($FPWY_{OA}$).

3.1.5.2 points for which virtual reverse-flow transmission service is provided, posted on the TSO's website ($FPWY_{R}$).

3.1.5.3 points of interconnection connecting transmission systems for the purposes of providing integrated capacity services ($FPWY_{PPM}$).

3.1.6 The transmission system comprises the following entry points (PWE):

3.1.6.1 entry points with physical location:

3.1.6.1.1 at the interconnections with:

3.1.6.1.1.1 transmission systems - single points or group of points specified by the TSO (PWE_{OSP} or PWP),

3.1.6.1.1.2 LNG terminal (PWE_{OIR}),

3.1.6.1.1.3 ~~domestic gas fields~~gaseous fuel sources ($PWE_{ŹDO}$),

3.1.6.1.1.4 natural gas mixing facilities (PWE_{M}),

3.1.6.1.1.5 nitrogen removal plants (PWE_{OA}).

3.1.6.1.2 points for which virtual reverse-flow transmission service is provided, posted on the TSO's website (PWE_{R}).

3.1.6.2 virtual entry points, i.e., entry points to transmission system, separately for the high-methane gas balancing area and the low-methane gas balancing area, of unspecified physical location where the trade in gaseous fuel takes place:

3.1.6.2.1 entry points from the Gas Exchange – for transactions executed in the Gas Exchange and notified to the TSO directly by the Gas Exchange ($WPWE_{GG}$),

3.1.6.2.2 entry points from the Gas Trading Platform – for transactions concluded on the Gas Trading Platform other than the Gas Exchange and notified by the PZPT ($WPWE_{PPG}$),

3.1.6.2.3 entry point from the OTC market – for bilateral transactions executed in the OTC market and notified to the TSO by Shippers ($WPWE_{OTC}$).

3.1.6.3 entry points from a distribution system, i.e., points created on the basis of interconnection physical entry points ($MFPWE_{OSD}$) of the given DSO (PWE_{OSD}),

3.1.6.4 entry points at interconnection with storage facilities, i.e., entry points of unspecified physical location (PWE_{OSM}),

3.1.6.5 points of interconnection connecting transmission systems for the purposes of providing integrated capacity services (PWE_{PPM}).

3.1.7 The transmission system comprises the following exit points (PWY) from the system:

3.1.7.1 exit points with physical location:

3.1.7.1.1 at the interconnection with:

3.1.7.1.1.1 transmission systems – single points or groups of points specified by the TSO (PWY_{OSP}),

3.1.7.1.1.2 installations of Customers connected to the transmission network (PWY_{O}), also at interconnection with the Final Customer's installation ($FPWY_{OK}$),

3.1.7.1.1.3 natural gas mixing facilities (PWY_{M}),

3.1.7.1.1.4 nitrogen removal plants (PWY_{OA}),

3.1.7.1.2 points for which virtual reverse-flow transmission service is provided, posted on the TSO's website (PWY_{R}).

3.1.7.2 virtual exit points, i.e. exit points from the transmission system, separately for the high-methane gas balancing area and the low-methane gas balancing area, of unspecified physical location where the trade in gaseous fuel takes place:

3.1.7.2.1 exit points – for transactions executed in the Gas Exchange and notified to the TSO directly by the Gas Exchange ($WPWY_{GG}$),

3.1.7.2.2 exit points from the Gas Trading Platform – for transactions concluded on the Gas Trading Platform other than the Gas Exchange and notified by a PZPT ($WPWY_{PPG}$),

3.1.7.2.3 exit point to the OTC market – for bilateral transactions executed in the OTC market and notified to the TSO by Shippers ($WPWY_{OTC}$),

3.1.7.2.4 exit point for the purposes of activities related to the obligation to deliver compulsory stocks from the territory of the Member States of the European Union or the European Free Trade Agreement (EFTA)– parties to the Agreement on the European Economic Area ($WPWY_{ZO}$),

3.1.7.2.5 exit point for transactions with the TSO related to the purchase of gaseous fuel by the TSO for its own needs ($WPWY_{OSPPW}$).

3.1.7.3 exit points to a distribution system, i.e. points created on the basis of interconnection physical exit points to the distribution system ($MFPWY_{OSD}$) of the given DSO (PWY_{OSD}),

3.1.7.4 exit points at interconnection with storage facilities, i.e. exit points of unspecified physical location (PWY_{OSM}),

3.1.7.5 points of interconnection connecting transmission systems for the purposes of providing integrated capacity services (PWY_{PPM}).

3.1.8 For the distribution system of the given DSO connected to the transmission system, separately for the high-methane gas balancing area and the low-methane gas balancing area, one (1) exit point to the distribution system (PWY_{OSD}) shall be established, based on interconnection physical exit points to the DOS's distribution system, specified by the TSO.

3.1.9 If a source feeding the distribution system exists in the distribution system, for the distribution system of the DSO connected to the transmission system, separately for high-methane gas balancing area and the low-methane gas balancing area, one (1) entry point from the distribution system (PWE_{OSD}) shall be established, based on interconnection physical entry or exit points from/to the distribution system of the DSO, specified by the TSO.

3.1.10 At PWY_{OSD} at an interconnection with a DSO being an entity referred to in art. 9d, par. 7 of the Energy Law, trading with gaseous fuel is possible between the Shipper and this DSO.

3.1.11 The following information shall be posted by the TSO on the website:

3.1.11.1 list of entry points,

3.1.11.2 list of exit points.

3.2 Transfer of risk.

3.2.1 The risk related to the transported gaseous fuel shall pass on the TSO upon the delivery of the gaseous fuel to the transmission system at the physical entry points specified in point 3.1.4.

3.2.2 The risk related to the transported gaseous fuel shall pass on the System User upon the off-take of the gaseous fuel at the physical exit points from the transmission system specified in point 3.1.5.

3.3 Quality parameters of gaseous fuel.

3.3.1 The following ranges of gross calorific value (H_{SN}) shall be applicable to gaseous fuel transported in the transmission system:

3.3.1.1 group E high-methane natural gas – at least H_{SNmin}= 38,0 MJ/m3 (10,556 kWh/m^3),

3.3.1.2 sub-group Lw low-methane natural gas – at least H_{SNmin}= 30,0 MJ/m3 (8,333 kWh/m^3),

3.3.2 In the event that the gross caloric value of the gaseous fuel supplied to the group E high methane natural gas system is within the range of 34.0 MJ/m3 (9,444 kWh/m3) ≤ HSN < 38.0 MJ/m3 (10,556 kWh/m3), the TSO may refuse to accept such fuel, and in the event that it is introduced into the system, an additional charge, as specified in the TNC shall be charged from the Network User.,

3.3.3 The TSO may refuse to accept group E high-methane gaseous fuel with gross caloric value within the range of 34.0 MJ/m^3 (9,444 kWh/m^3) ≤ H_{SN} < 38.0 MJ/m^3 (10,556 kWh/m^3), or quality parameters that differ from those specified in point 3.3.5, if this could result in:

3.3.3.1 deterioration of the quality of gaseous fuel delivered to the exit point to below the parameters specified in the TNC~~transmission contract concluded by the TSO~~,

3.3.3.2 a breach of rights or interests of Customers connected to the transmission system.

3.3.4 Gaseous fuel with a gross caloric value below of the following limits must not be introduced into the transmission system:

3.3.4.1 $H_{SNmingr}$ = 34 MJ/m^3 (9,444 kWh/m^3) for the group E high methane gas system,

3.3.4.2 $H_{SNmingr}$ = 30 MJ/m^3 (8,333 kWh/m^3) for the Lw subgroup low-methane gas system.

3.3.5 Requirements applicable to other quality parameters of the gaseous fuel transported by the transmission system:

Gaseous fuel quality characteristics	*Unit of measure*	*Maximum allowed value / range*
*Hydrogen sulphide content**	*mg/m³*	*7.0*
*Oxygen content**	*% (mol/mol)*	*0.2*
*Carbon dioxide content**	*% (mol/mol)*	*3.0*
*Mercury fumes content**	*µg/m³*	*30.0*
*Mercaptan sulphur content**	*mg/m³*	*16.0*
*Total sulphur content**	*mg/m³*	*40.0*
Water dew point temperature for the pressure of 5.5 MPa from 1 April to 30 September	*°C*	*+3.7*
Water dew point temperature for 5.5 MPa from 1 October to 31 March	*°C*	*-5.0*
Hydrocarbon dew-point temperature for the pressure of 2.7 MPa	*°C*	*0*
~~*Dust content of a particle diameter of greater than 10 µm**~~	~~*mg/m³*~~	~~*1.0*~~
Range of the Wobbe index variability for group E gaseous fuel	*MJ/m³*	*45.0 ÷ 56.9*
	kWh/m³	*12.500 ÷ 15.806*
Range of the Wobbe index variability for Lw sub-group gaseous fuel	*MJ/m³*	*37.5 ÷ 45.0*
	kWh/m³	*10.417 ÷ 12.500*
Range of the temperature variability of gaseous fuels introduced to the transmission system	*°C*	*0-50*

** Except for the water dew point temperatures, all values in the table refer to normal conditions.*

3.4 Measurements of pressure, quantities and quality parameters of gaseous fuel in the transmission system.

3.4.1 Measurement of the pressure, quantity, volume and quality parameters of the transported gaseous fuel are taken for the purpose of billing for the transmission services at physical entry points and physical exit points.

3.4.2 In the case of a physical entry point or physical exit point where the TSO has a legal title to the measurement facility, the TSO shall be responsible for the performance of measurements at such point.

3.4.3 If the TSO does not have a legal title to the measurement facilities installed at a physical entry or exit point, the OPR having the legal title to the facilities installed at such point shall provide the TSO with access to the measurement and billing facilities, the possibility to take the measurements of the values set out in point 3.4.4 and the communication of measurement data to the TSO. The frequency of performing the measurements and the dates and format of data exchange shall be specified in a technical annex constituting an integral part of the inter-operator transmission contract (ITC) or the agreements executed with the OPR or the ISO.

3.4.4 ~~The following values are specified~~, ~~respectively~~, ~~at~~ At the physical entry points and physical exit points, respectively, the following values are specified as a minimum:

3.4.4.1 ~~Hourly~~hourly, daily and monthly volume and quantity of gaseous fuel,

~~3.4.4.2 daily quantity of gaseous fuel,~~

~~3.4.4.3 monthly quantity of gaseous fuel,~~

~~3.4.4.4~~3.4.4.2 maximum hourly volume and quantity of gaseous fuel for the gas day or gas month, determined as the integral part, disregarding the fractional part,

3.4.4.3 average hourly supply pressure

3.4.4.4 average hourly composition of the gaseous fuel,

~~3.4.4.5 minimum pressure in the gas day,~~

3.4.4.5 average hourly gross calorific value,

3.4.4.6 average hourly value of the upper Wobbe index,

3.4.4.7 average hourly value of the dew point temperature.

3.4.5 Depending on the value of the connection capacity and (contractual) capacity, appropriate configurations of the measurement systems are used at the physical entry points and physical exit points.

3.4.6 The description of the measurement systems at the physical entry points and physical exit points, as well as the calculation methodology (when different than described in point 3.6) are set out in technical annexes to the relevant ITCs or agreements executed with the Customers connected to the transmission network, OPRs or ISOs.

3.4.7 The measurements of the quality parameters of the transported gaseous fuel are taken at the points of the transmission system designated by the TSO. The places and frequency of measurement taking and their results are posted on the TSO's website.

3.4.8 The gross calorific value of gaseous fuel shall be:

3.4.8.1 determined for physical entry points and physical exit points which are provided with chromatographs – for each hour as the arithmetic average of the measurements taken at such point at that hour,

3.4.8.2 determined for physical entry points which are not provided with ~~a system for continuous measurement of the gaseous fuel composition (no~~ chromatographs ~~installed)~~ – based on the most recent measurement

performed by the TSO or performed and provided to the TSO by the OPR of the entry point in question,

~~3.4.8.3~~ determined for ~~all~~ physical exit points~~,~~ – which are not provided with chromatographs - for each hour as the arithmetic or weighted average resulting from the measurements taken at that hour at points relevant for the billing areas, as designated in accordance with point ~~3.4.9~~3.4.9 or ~~. If the analyses of the gaseous fuel composition at a given point are made less frequently than once (1) an hour, the hourly gross calorific value shall be deemed to correspond to the value of the last correct measurement taken, subject to point 3.4.8.4,~~

~~3.4.8.4~~3.4.8.3 ~~for physical exit points at which the chromatographs referred to in point 3.4.8.1 are not installed, or where a failure of the measurement system has occurred, the TSO may determine the gross calorific value~~ on the basis of simulation methods, according to ISO 15112:2011 (EN) Natural gas – Energy determination.

3.4.9 The gross calorific value for each hour of the gas month is expressed in kWh/m^3 to an accuracy of three decimal places, assuming that the values are calculated in accordance with the algorithm set out in point 3.4.10.

3.4.10 The hourly gross calorific value is the arithmetic average of the measurements taken, to the accuracy of the chromatograph readings [MJ/m3]. The unit of the calculated hourly value is converted from MJ/m3 to kWh/m3 by dividing the gross calorific value by a coefficient of 3.6. Next, the obtained value is rounded to three (3) digital places. The so calculated value is taken as the basis for the calculation of the hourly quantity of gaseous fuel.

3.4.11 The TSO shall define billing areas in such a manner as to ensure that the average gross calorific value for any area does not differ by more than +/-3% from the gross calorific value of the gaseous fuel as determined at any physical point of such billing area. The assignment of physical exit points to a specific area (point of measurement) is published on TSO's website.

3.4.12 In case when the ISO or the Customer install a chromatograph approved by the TSO, and such instrument enables the determination of the gross caloric value of gaseous fuel at a physical entry point or at a physical exit point for the billing period, the gross caloric value shall be determined on the basis of the readings taken from such instrument, in accordance with point 3.4.8.1 or ~~1.1.1.1~~~~3.4.8.3~~3.4.8.3. The ~~instrument~~ chromatograph shall undergo metrological control by an accredited laboratory at least once a year or after a failure of the modules that affect the device indications.

3.4.13 The range of pressure values at which gaseous fuel is delivered for transmission at a physical entry point or received at a physical exit point shall be published on the TSO's website. For physical exit points where the use of the transmission system requires the use of gaseous fuel pressure reduction service provided by the Operator in accordance with 7.13, a range of pressure values to be achieved as a result of the reduction shall be published on the TSO's website. A change to the range of gaseous fuel pressure values published on the TSO's website shall take place upon agreement with the relevant ISO or the Customer connected at the relevant physical exit point.

3.4.14 The minimum pressure in a given month shall be deemed to correspond to the minimum average hourly pressure recorded in a given gas month.

3.4.15 Upon a request from a Customer connected directly to the transmission system, as submitted directly to the TSO, the TSO shall ~~adjust~~change the pressure

settings~~,~~ twice (2 times) a year, ~~the pressure~~ at the physical exit point where such Final Customer off-takes gaseous fuel, to the extent that technical capabilities for changing the pressure ~~adjustment~~settings exist at such point. The procedure of changing the pressure ~~adjustment~~settings at the physical exit points shall be specified in the technical annexes to the relevant contracts or agreements executed with the ISOs or Customers.

3.4.16 The quantity of gaseous fuel which is the basis for settlement for the transmission services and balancing shall be determined in the following manner:

3.4.16.1 The hourly quantity of gaseous fuel delivered for transmission at a physical entry point and off-taken at a physical exit point, shall be determined as the product of the volume of the gaseous fuel measured at the relevant physical entry point or exit point and the gross calorific value established for such physical entry or exit point, in accordance with the provisions of point 3.4.7 and point 3.4.8 for the same hour, subject to point 3.4.17,

3.4.16.2 The daily quantity of gaseous fuel shall be determined as the sum of the hourly quantities of gaseous fuel, as determined in accordance with point 3.4.16.1,

3.4.16.3 The monthly quantity of gaseous fuel shall be determined as the sum of the daily quantities of gaseous fuel, as determined in accordance with point 3.4.16.2.

3.4.17 In case when the measurement system and a chromatograph compatible with such system installed ~~by the ISO or the Customer~~ at the physical entry point or the physical exit point enables the determination of both the volume of gaseous fuel and the quantity of gaseous fuel, ~~and a chromatograph compatible with such system enables the determination of the gross calorific value~~, ~~after the acceptance of the TSO,~~ the settlement shall be made upon acceptance by the TSO based on the hourly quantities of gaseous fuel ~~obtained~~ as read from the measurement system.

3.4.18 In case of an overload or damage of a gas meter at a physical exit point, caused by increased consumption of gaseous fuel in excess of the upper limit of the range of volumetric flow measurement, the gas meter should undergo repeated verification or calibration, according to point ~~3.6.1.4~~3.6.1.3. Any costs related to such repeated verification or calibration, including but not limited to the costs of transport, verification or calibration and repair (if any) shall be borne, as appropriate by the ISO or the Customer whose facilities are connected to the transmission network, subject to the presentation by the TSO of documents evidencing the incurred costs.

3.4.19 Measurement instruments for the determination of gas volume, quantity and quality parameters, installed at the physical entry and exit points to/from transmission system shall be subject to legal metrological control carried out by an accredited laboratory or the services of the owner of instruments. The frequency of the control shall be specified in the agreements referred to in point 3.8, point 3.9, point 3.10.

3.4.20 Upon a written request of the Network User, the TSO shall procure that the accuracy of measurement instruments be checked by a laboratory that has been accredited as a certification body in accordance with separate regulations. The measurement instruments should be checked within thirty (30) days of the notification of such request by the Network User.

3.4.21 Upon a written request of the TSO, the OPR shall procure that the accuracy of measurement instruments be checked by a laboratory that has been

accredited as a certification body in accordance with separate regulations. The measurement instruments should be checked within thirty (30) days of the notification of such request by the TSO.

3.4.22 The Network User shall cover the costs of checking the accuracy of the measurement instruments referred to in point 3.4.20 undertaken at its request in the event that no faults in the performance of any of the measurement instruments have been discovered.

3.4.23 The TSO shall cover the costs of checking the accuracy of the measurement instruments referred to in point 3.4.21 undertaken at its request in the event that no faults in the performance of any of the of the measurement instruments have been discovered.

3.4.24 In the event that the performance of the measurement instrument is found to be faulty, the owner of the instrument shall cover all the costs of checking the accuracy and repair of the measurement instrument.

3.4.25 Any disputes between the Network User and the TSO concerning the accuracy of the measurements taken by the TSO as the basis for billing purposes shall be resolved in an amicable manner. In case when the parties fail to reach an agreement, the disputes shall be resolved by a competent common court.

3.4.26 In the event that a complaint concerning a paid invoice is admitted in full, the TSO shall issue an adjustment invoice within seven (7) days of the date of admitting the complaint and shall send it to the Network User forthwith.

3.5 Telemetry system.

3.5.1 In the event that the TSO has the legal title to a given physical entry or exit point, upon launching a telemetry system at such point, upon the System User's request, the TSO shall agree on the scope and conditions of ~~telemetry~~ measurement data sharing with the System User in consultation with the Final Customer or the ISO whose installations or devices are connected to the transmission system.

3.5.2 In the event that the TSO does not have the legal title to a given physical entry or exit point, the OPR undertakes to make it possible for the TSO to:

3.5.2.1 install telemetry facilities at such point, for the purpose of transmitting transmit measurement data to the TSO, provided that the ownership right to the installed telemetry facilities shall remain with the TSO, or

3.5.2.2 collect the measurement data from the indicated information system.

3.5.3 The TSO and the Network User cover their own costs related to the transmission of telemetry data to their respective services.

3.5.4 The transmission of telemetry data from a given point to the TSO should be effected using one or two independent transmission routes, depending on the importance of the point in the transmission system.

3.5.5 In the event of a failure of the telemetry system, the duty to notify the parties using the telemetry data of the failure that has taken place lies with the entity that operates the telemetry facilities. When the TSO is not the entity that operates the telemetry facilities, the OPR shall inform the TSO of the failure that has occurred. In case of a failure, the OPR shall take the necessary measures in order to restore the telemetric data transmission without undue delay.

3.5.6 In the event that a given physical entry or exit point is not connected to the telemetry system or a failure occurred within the telemetry system, the necessary data shall be communicated by the OPR in the manner set out in a technical annex to the relevant inter-operator transmission contract (ITC) or the agreements referred to in point 3.8 and point 3.10.

3.6 Technical requirements.

3.6.1 Measurement facilities.

3.6.1.1 The basic functional requirements concerning the design, construction, commissioning and use of measurement stations are set forth in the standard PN-EN 1776:2016-04 Gas infrastructure – Gas measuring systems - Functional requirements, as well as standards and technical standards indicated on the TSO's website.

3.6.1.2 Legal provisions obliging the absolute application of standards other than the technical standards indicated on the TSO's website shall take the precedence over these technical standards.

~~3.6.1.3 The use of gas meters which do not conform to the requirements of the standards indicated on the TSO's website in metering for billing purposes and the exercise of the metrological supervision are subject to arrangements set out the connection agreement, ITC, the transmission contract or in an agreement with an ISO or an OPR.~~

~~3.6.1.4~~3.6.1.3 ~~-~~Conditions for gas meter conformity

3.6.1.3.1 The following types of gas flow meters are used for billing at physical entry points or physical exit points: rotary, turbine, ultrasonic, mass.

~~3.6.1.4.1~~3.6.1.3.2 New gas meters put into service intended for carrying out settlements at physical entry or exit points to/from the transmission system shall undergo the conformity assessment procedure with the MID Directive (Directive 2014/32/EU).

~~3.6.1.4.2~~3.6.1.3.3 Gas meters at physical entry or exit points to/from the transmission system shall be subject to legal metrological control or metrological supervision.

~~3.6.1.4.3~~3.6.1.3.4 Gas meters subject to legal metrological control, with a maximum volume flow rate not exceeding 100 m3/h, installed on a gas network, in which the maximum operating pressure does not exceed 0.5 MPa, should be verified in accordance with the applicable legal regulations.

~~3.6.1.4.4~~3.6.1.3.5 Gas meters that are not subject to legal metrological control, are subject to metrological surveillance and should be calibrated in accordance with the relevant standards indicated on the TSO's website every five (5) years or after a repair unless the agreement referred to in point~~.~~ 3.10 do~~es~~ not provide otherwise. When gas meters are in serial arrangement, e.g. in U-2 or U-3 systems, the results of comparing the readings of the working gas meter and the control gas meter can be used to determine the individual calibration intervals, according to the provisions of ST-IGG-0101:2022, Annex C. The period of five (5) years shall be calculated from January 1 of the year following that in which the calibration was made. Calibration should be carried out in accordance with the following principles:

~~3.6.1.4.4.1~~3.6.1.3.5.1 Calibration of turbine and ultrasonic gas meters installed on a gas network where the maximum working pressure does not exceed 0.5 MPa shall be carried out with air at

atmospheric pressure or natural gas at a pressure close to working pressure.

~~3.6.1.4.4.2~~3.6.1.3.5.2 Calibration of turbine and ultrasonic gas meters installed on a gas network where the maximum operating pressure exceeds 0.5 MPa shall be carried out with natural gas at a pressure close to working pressure.

~~3.6.1.4.4.3~~3.6.1.3.5.3 Calibration of rotor gas meters, irrespective of the maximum operating pressure of the gas network on which they are installed, shall be carried out with air at atmospheric pressure or natural gas at a pressure close to the working pressure.

3.6.1.3.5.4 Calibration of mass gas meters, regardless of the maximum working pressure of the gas network where they are installed, shall be performed with natural gas at near working pressure or with water.

~~3.6.1.4.4.4~~3.6.1.3.5.5 The gas meter errors specified during calibration should be lower than the permissible limit error values:

~~3.6.1.4.4.4.1~~3.6.1.3.5.5.1 two (2) % within the range from Q_{Gmin} to Q_{Gt},

~~3.6.1.4.4.4.2~~3.6.1.3.5.5.2 one (1) % within the range from Q_{Gmin} to Q_{Gmax}.

~~3.6.1.4.4.5~~3.6.1.3.5.6 If the gas meter errors determined during calibration are greater than those specified in point 3.6.1.3.5.4, the gas meter must be adjusted and recalibrated.

~~3.6.1.4.4.6~~3.6.1.3.5.7 The characteristics of the turbine and ultrasonic gas meters, obtained during calibration with natural gas at a pressure close to working pressure, shall be entered into the volumetric conversion factors.

~~3.6.1.4.4.7~~3.6.1.3.5.8 Characteristics of rotary and mass gas meters obtained during calibration shall be entered in the volume converters.

~~3.6.1.4.4.8~~3.6.1.3.5.9 When calibrating gas meters, the aim should be to minimize errors obtained during calibration by performing the adjustment in such a way as not to favour any of the settling parties.

~~3.6.1.4.5~~3.6.1.3.6 Gas meters, which obtained legalisation until the date of entry into force of the Regulation of the Minister of Development and Finance of 13 April 2017 on types of measuring instruments subject to legal metrological control and the scope of such control (Journal of Laws 2017 item 885) remain valid until the end of the period defined in accordance with the current regulations. On expiry of the legalization period, the gas meters will be subject to metrological supervision in accordance with the provisions of point 3.6.1.3.5.

~~3.6.1.4.6~~3.6.1.3.7 Gas meters that have passed the calibration procedure at atmospheric pressure in the period from the date of entry into force of the Regulation of the Minister of Development and Finance of 13 April 2017 on the types of measurement instruments subject to legal metrological control and the scope of this control (Journal of Laws 2017 item 885) until the date of entry into force of the TNC, shall remain valid for a period of five years. The five-year period shall count from 1 January of the year following the year in which the calibration was made. After the expiration date of the aforementioned calibrations, the gas meters will be subject to metrological supervision in accordance with the provisions of point. 3.6.1.3.5.

3.6.1.4 The use of gas meters not listed in point 3.6.1.3.1 for billing measurements and the manner of exercising metrological supervision of gas meters, shall be agreed and documented in the connection contract, MUP or agreement with OSW or OPR.

3.6.1.5 The requirements referred to in point 3.6.1.3 shall apply to all gas meters installed at physical entry and exit points to/from the transmission system, including gas meters performing the function of control gas meters in U-2 and U-3 type metering systems, in accordance with point 3.6.1.8.

~~3.6.1.5~~3.6.1.6 Flow computers used for measuring the quantity or volume of transported gaseous fuel operate based on the standard winter time (UTC+1) throughout the gas year. The TSO shall bill the System User in accordance with the official time.

~~3.6.1.6~~3.6.1.7 Updating of gas composition in the flow computers installed at a physical entry or exit point to/from the transmission system, where the updating is not conducted on continuous basis, should be undertaken by the TSO or OPR as follows:

~~3.6.1.6.1~~3.6.1.7.1 based on the average daily gas composition from the previous day after the end of the gas day, or

~~3.6.1.6.2~~3.6.1.7.2 based on the average monthly gas composition from the previous month, by the third (3rd) business day of each month.

The methods described in point 3.6.1.7.1 and point 3.6.1.7.2 shall be applied to the relevant area where the flow computer is installed, as determined in accordance with point3.4.11. The composition of gas shall be published on the TSO's website.

~~3.6.1.7~~3.6.1.8 There are three types of measurement systems that may be used in measurement stations, i.e.: U-1, U-2 and U-3, depending on the size of the gas volumetric flow. For the maximum gas volumetric flow up to 5000 m^3/h under normal conditions, the U-1 measurement system should be used. The system may consist of a single or multiple operating measurement paths and a bypass path. The measurement paths may be of equal or different capacity. When the expected maximum gas volumetric flow under normal conditions is greater than 5000 m^3/h but does not exceed 50000 m^3/h, the U-2 measurement system should be used. The U-2 measurement system consists of a single or multiple operating measurement paths and one monitor measurement path which serves to monitor each of the operating paths. The monitor measurement path should be connected in a series with the operating measurement path and its capacity should enable the monitoring of each operating measurement paths. For the maximum expected gas volumetric flow exceeding 50000 m^3/h under normal conditions, the U-3 measurement system should be used. The system consists of a single or multiple operating measurement paths and one backup measurement path. Each operating and backup measurement path is furnished with an operating gas meter and a monitor gas meter connected to it in a series. The purpose of the U-3 system is to continuously compare the indications of the operating gas meter with those of the monitor gas meter. For volumetric flows which qualify the measurement for a U-1 type system, the application of a U-2 or U-3 measurement system shall be acceptable, and for U-2 the application of the U-3 type shall be acceptable, provided that the technical and economic analysis demonstrates that such change is appropriate.

3.6.2 Gas pipelines.

3.6.2.1 The basic requirements applicable to newly-built transmission pipelines are specified in Regulation of the Minister of Economy of 26 April 2013 concerning technical conditions to be met by gas networks and their location (Journal of Laws, item 640), hereinafter the "Technical Conditions Regulation", and the standard PN EN 1594:2014 Gas infrastructure - Pipelines for maximum operating pressure over 16 bar - Functional requirements.

3.6.2.2 The regulations that apply to existing gas pipelines are those that applied at the time they were built.

3.6.3 Transmission system components.

3.6.3.1 The basic requirements applicable to newly-built compressor stations in the transmission system are specified in the Technical Conditions Regulation and the standard PN-EN 12583:2014-06 Gas infrastructure – Compressor stations. Functional Requirements.

3.6.3.2 The basic requirements applicable to newly-built gas stations are specified in the Technical Conditions Regulation and in the following standards: PN-EN 12186:2015-02 Gas infrastructure – Gas pressure regulating stations for transmission and distribution – Functional requirements, PN-EN 12279:2004 Gas Supply Systems – Gas pressure reduction installations on service lines – Functional requirements, ST-IGG-0501:2017 Gas stations in transmission and distribution for entry pressures up to 10 MPa - Requirements for design, construction and commissioning, ST-IGG-0502:2017 Gas fittings on service lines - Requirements for design, construction and commissioning, ST-IGG-0503:2017 Gas stations in transmission and distribution system with entry pressure~~s~~ up to 10 MPa - Service requirements.

3.6.4 The legal regulations, as well as the provisions of the TNC and agreements executed with ISOs shall prevail over the provisions of the above-mentioned standards.

3.6.5 Detailed technical requirements applicable to physical entry points to the transmission system and physical exit points from the transmission system shall be set out in technical annexes to ITCs or to the agreements with ISOs or OPRs.

3.7 Criteria of the safety of the transmission system operation.

3.7.1 The TSO adopts the following safety criteria for the functioning of the transmission system:

3.7.1.1 maintenance of a capacity reserve providing for the capability to transport gaseous fuel in periods of exceptionally high demand, i.e. when the average ambient temperature during the day in three consecutive days is at a level of -15°C,

~~3.7.1.2 maintenance of a daily imbalance in the transmission system within the limit of +/- 5 % of the projected maximum daily demand in the transmission system,~~

~~3.7.1.3~~3.7.1.2 maintenance of the pressure at the exit points within the ranges specified in accordance with point 3.4.13 of the TNC,

~~3.7.1.4~~3.7.1.3 maintenance of the quality parameters of the gaseous fuel, as specified in the TNC.

3.7.2 In order to meet the criteria specified in point 3.7.1 and in order to assure the performance of the transmission contracts, the TSO shall:

3.7.2.1 hold reserves of gaseous fuel, acquired on market terms, in the facilities used for storage purposes with a view to covering any shortages of gaseous fuel in order to ensure the supply of gaseous fuels by ensuring the security of gas system operation and provision of contracts with system users according to Article 9c section 1 point 1 of the Energy Law; the reserves of gaseous fuels hold by the TSO in the facilities used for storage purposes shall not be used for system balancing purpose in non-emergency situations.

3.7.2.2 prepare, and submit for approval by the President of ERO, gas limitation schemes with respect to Customers and Shippers, connected directly to the transmission network who are subject to restrictions in gaseous fuel consumption in accordance with the Stockpiling Act,

3.7.2.3 in the cases specified in the Stockpiling Act, perform the duties and obligations connected with the introduction of gas curtailment measures by establishing and announcing to the public the degrees of supply rationing, pursuant to gas limitation schemes,

3.7.2.4 prepare procedures applicable in the event of an emergency situation in the transmission system,

3.7.2.5 prepare procedures applicable in the event of the disturbance in the operation of interoperating systems, within the framework of the relevant agreements with the ISOs,

3.7.2.6 maintain and develop control and measurement systems, control and telemetry systems and building automation systems to enable a fast response to potential threats within the transmission system,

3.7.2.7 maintain the system facilities, installations, networks and structures in good technical condition, in accordance with the applicable regulations, ensure operational monitoring and provide for technical emergency teams to be continuously on duty and, in the event of any threat, take immediate action to eliminate such threat,

3.7.2.8 conduct assessments of the technical condition of the transmission system the results of which are taken into consideration in the preparation of investment and maintenance plans.

3.7.2.9 take the measures described in Part II of the TNC.

3.7.2.10 The TSO shall inform the PZPT and the Gas Exchange about the termination of the transmission contract with a System User for whom transmission ability allocation (PZ) has been made at, as applicable, at $WPWE_{PPG}$ and $WPWY_{PPG}$ or at $WPWE_{GG}$ and $WPWY_{GG}$.

3.7.3 In order to assure the security of the transmission system operation and security of supply of gaseous fuel to Customers, the Shipper shall be obliged to:

3.7.3.1 prepare and submit for approval to the TSO operating procedures, as agreed with the entities responsible for their implementation, including, as appropriate, the operators of other gas systems or Customers, which shall be applicable in the event of:

3.7.3.1.1 disturbance in the supply of gaseous fuel to the transmission system,

3.7.3.1.2 unforeseen increase in the consumption of the gaseous fuel by Customers,

3.7.3.1.3 emergency situation in the transmission system, or

3.7.3.1.4 specify, in particular, the method of activating additional supplies of gaseous fuel from alternative sources of directions and reducing

the consumption of gaseous fuel by Customers, on accordance the relevant agreements concluded with them,

3.7.3.2 ensure that the quantity of the gaseous fuel transmitted within the transmission contract is balanced, i.e. ensure the supply of gaseous fuel in quantities corresponding to the demand of its customers in particular balancing areas,

3.7.3.3 deliver gaseous fuel at the entry points and off-take such gaseous fuel at the exit points in accordance with the confirmed nominations,

3.7.3.4 immediately inform the TSO of all events that could affect the security of supply of gaseous fuel to physical entry points.

3.7.4 In order to assure security of operation of the transmission system and security of supply of gaseous fuel to Customers, the Network User shall be obliged to:

3.7.4.1 not exceed the contractual capacities set out in the capacity allocation (PP) or resulting from the introduced curtailment measures,

3.7.4.2 deliver gaseous fuel for transmission at physical entry points to the transmission system while conforming to the quality parameters required under in the TNC, and maintaining the pressure within the ranges specified in accordance with point 3.4.13 of the TNC,

3.7.4.3 immediately inform the TSO of all events that could affect the security of supply of gaseous fuel to the entry points.

3.8 Scope of the cooperation between the TSO and the Interoperating System Operators.

3.8.1 The TSO, ~~with the approval of~~upon request filed by the DSOs, may establish groups of interconnection physical exit points ($MFPWY_{OSD}$) by way of an annex to ITC, which shall subsequently be published on the TSO's website.

3.8.2 Interconnection physical exit points that belong to a single group shall be hydraulically connected on the distribution system side in such a way as to ensure the mutual substitutability of interconnected physical exit points at connections to distribution systems ($MFPWY_{OSD}$) within a given group of points in the event of emergencies and planned works.

3.8.3 With the application for the creation or modification of a group of interconnected physical exit points at distribution system interconnections ($MFPWY_{OSD}$), the OSD shall enclose:

3.8.3.1 a document confirming that the interconnected physical exit points within the group are hydraulically connected on the distribution system side (including but not limited to a diagram of the OSD's network),

3.8.3.2 OSD statement confirming that the requirement of point 3.8.2. is met,

3.8.4 Upon the TSO's request, the OSD shall be obliged to submit documents confirming the fulfilment of the requirements stipulated in point 3.8.3 under pain of disbandment of a given group of points or removal of a given interconnection physical exit point on connections with distribution systems ($MFPWY_{OSD}$) from the group of points.

3.8.5 If the technological and measurement parameters of the stations in the $MFPWY_{OSD}$ within the point group are found to be exceeded, the TSO may disband the point group in question with effect from the following gas month by unilateral amendment to the annex to ITC, and notify the OSD thereof in writing. The re-establishment of the point group in question shall require an

application in accordance with point 3.8.3. In the case of an application for the re-establishment of a given group of points referred to above, when reviewing the application, the TSO shall take into account the identified exceedances of the technological and metering parameters at the stations in the $MFPWY_{OSD}$ within the group of points referred to in the application and the measures taken by the OSD to reduce the possibility of such exceedances occurring in the future.

~~3.8.3~~3.8.6 The TSO may decide~~, at its sole discretion,~~ to use ~~exclusively those~~the interconnection physical exit points belonging to a specific group of physical exit points, with the exception of groups for which the lack of such possibility ~~in respect of which this~~ has been expressly reserved in the annex to ITC, and within a limit corresponding to the total volume of gaseous fuel resulting from the transportation forecast confirmed for the interconnection physical exit points comprised in such group. ~~The TSO shall allocate the stream of gaseous fuel among such interconnection physical points comprised in a group of points.~~

3.8.7 In the event that the TSO finds that it is not possible to implement the provisions of point 3.8.6 with regard to a specific group of points, and this group has not been indicated in the ITC, the TSO may unilaterally disband the group of points and notify the OSD thereof in writing.

~~3.8.4~~3.8.8 The aggregate variance of the daily quantity of gaseous fuel measured at the interconnection physical exit or entry points with respect to transportation forecasts confirmed for such points shall be established.

~~3.8.5~~3.8.9 In the event that the capacity (contractual capacity) allocated to any of the interconnection physical exit points is exceeded, the TSO shall not be liable for the failure to maintain the required pressure at the interconnection physical exit points comprised in the group of points such point belongs to.

~~3.8.6~~3.8.10In the event that the capacity (contractual capacity) allocated to any of the interconnection physical exit points is exceeded, the TSO shall not be liable for the failure to maintain the required pressure at the interconnection physical exit points, if such overrun had an impact on the failure to maintain the pressure.

~~3.8.7~~3.8.11The TSO shall reserve the technical capacity of the transmission system for a DSO up to the amount of the booked capacity at individual interconnection physical exit points.

~~3.8.8~~3.8.12The DSO shall place the application for capacity allocation with the TSO for individual interconnection physical exit points. The application for each interconnection physical exit point shall be within the limit resulting from the technical capabilities of the facilities at such point.

~~3.8.9~~3.8.13The detailed conditions and methods of cooperation with the operator of another transmission system, OIR and an entity operating an installation connected at a physical entry point from a domestic source (PWE$_{ŹDO}$), ~~i.e. a nitrogen removal plant, production facility or a mixing facility,~~ shall be established in separate agreements and in technical annexes to connection agreements.

~~3.8.10~~3.8.14 The agreement with the operator of another transmission system should regulate, in particular, the following:

~~3.8.10.1~~3.8.14.1 handling any discrepancies in the starting/ending times of the gas day in the interoperating systems,

~~3.8.10.2~~3.8.14.2 performing measurements of volume, quantity and quality parameters of gaseous fuel~~matching of the Shipper – Shipper's counterparty code pairs~~,

~~3.8.10.3~~3.8.14.3 determination of the daily volumes of gaseous fuel per gas day,

~~3.8.10.4~~3.8.14.4 determination of the quality of the gaseous fuel delivered at the points of interconnection between the systems,

~~3.8.10.5~~3.8.14.5 access of representatives of a party that is not the owner of a measurement and billing point to the site,

~~3.8.10.6~~3.8.14.6 metrological inspection of the measurement systems,

~~3.8.10.7~~3.8.14.7 sharing of telemetry data,

~~3.8.10.8~~3.8.14.8 sharing of measurement and billing data,

~~3.8.10.9~~3.8.14.9 submission and verification of nomination (re-nomination) matching in interoperating systems,

~~3.8.10.10~~3.8.14.10 the allocation of the delivered quantities of gaseous fuel among individual transmission contracts being implemented at system interconnection points,

~~3.8.10.11~~3.8.14.11 transfer of data concerning the allocations at the system interconnection points,

~~3.8.10.12~~3.8.14.12 management of the operation of the gas stations located at the connections between the systems,

~~3.8.10.13~~3.8.14.13 alignment of the schedules for works in the interoperating systems, which affect the operating conditions of another interoperating system,

~~3.8.10.14~~3.8.14.14 maintenance works of the measurement and billing points located at the connections between the interoperating systems,

~~3.8.10.15~~3.8.14.15 approaches and exchange of information with regard to the procedures for providing access to the transmission network in respect of measurement and billing points,

~~3.8.10.16~~3.8.14.16 cooperation in the event of any disturbance concerning the quality of gaseous fuel that affects the operation of an interoperating system,

~~3.8.10.17~~3.8.14.17 alignment of emergency procedures,

~~3.8.10.18~~3.8.14.18 handling of emergency situations that affect the functioning of another interoperating system,

~~3.8.10.19~~3.8.14.19 communication principles and contact details of the relevant services of the TSO and the other transmission system.

~~3.8.11~~3.8.15 The agreement with an OIR should contain, in particular, the principles pertinent to:

~~3.8.11.1~~3.8.15.1 submission and verification of nomination (re-nomination) matching in interoperating systems,

~~3.8.11.2 matching of the supplier – customer code pairs,~~

~~3.8.11.3~~3.8.15.2 transfer of data concerning the allocations at the system interconnection points,

3.8.15.3 performing measurements of volume, quantity and quality parameters of gaseous fuel,

3.8.15.4 metrological inspection of the measurement systems,

~~3.8.11.4~~3.8.15.5 sharing of telemetry data,

~~3.8.11.5~~3.8.15.6 sharing of measurement and billing data,

~~3.8.11.6~~3.8.15.7 management of the operation of the gas stations located at the connections between the systems,

~~3.8.11.7~~3.8.15.8 alignment of the schedules for works in the re-gasification facility, which affect the operating conditions of the re-gasification system,

~~3.8.11.8~~3.8.15.9 exchange of information on planned investments that affect the operating conditions of the systems,

~~3.8.11.9~~3.8.15.10 principles of capacity booking on the basis of the capacity allocation forecast (PPP), as referred to in point 7.8,

~~3.8.11.10~~3.8.15.11 cooperation in the event of off-spec quality of gaseous fuel that affects the operation of the transmission system,

~~3.8.11.11~~3.8.15.12 alignment of emergency procedures,

~~3.8.11.12~~3.8.15.13 handling emergency systems that affect the functioning of the transmission system,

~~3.8.11.13~~3.8.15.14 communication principles and contact details of the relevant services of the TSO and the OIR.

~~3.8.12~~3.8.16 The agreement with an entity operating an installation connected at a physical entry point should contain, in particular, the principles pertinent to:

~~3.8.12.1~~3.8.16.1 submission and verification of nomination (re-nomination) matching ~~in interoperating systems~~,

~~3.8.12.2~~3.8.16.2 transfer of data concerning the allocations at the given entry ~~system interconnection~~ point~~s~~,

3.8.16.3 performing measurements of volume, quantity and quality parameters of gaseous fuel,

3.8.16.4 metrological inspection of the measurement systems,

~~3.8.12.3~~3.8.16.5 sharing of telemetry data,

~~3.8.12.4~~3.8.16.6 sharing of measurement and billing data,

~~3.8.12.5~~3.8.16.7 management of the operation of the gas stations located at the connections between the systems,

~~3.8.12.6~~3.8.16.8 works in the gas stations located at the connections between the systems,

~~3.8.12.7~~3.8.16.9 exchange of information on planned investments that affect the operating conditions of the systems,

~~3.8.12.8~~3.8.16.10 principles of capacity booking on the basis of the capacity allocation forecast (PPP), as referred to in point 7.8,

~~3.8.12.9~~3.8.16.11 cooperation in the event of off-spec quality of gaseous fuel that affects the operation of the transmission system,

~~3.8.12.10~~3.8.16.12 alignment of emergency procedures,

~~3.8.12.11~~3.8.16.13 handling emergency systems that affect the functioning of the transmission system,

~~3.8.12.12~~3.8.16.14 preparation and reconciliation of billing reports,

~~3.8.12.13~~3.8.16.15 communication principles and contact details of the relevant services of the TSO and the entity operating an installation connected at a physical entry point from a domestic source.

3.9 Scope of the cooperation between the TSO and SSO or DSO.

3.9.1 The detailed conditions and methods of the cooperation with a distribution system operator and a storage system operator shall be set out in an inter-operator transmission contract (ITC), including the technical annexes to such ITC.

3.9.2 The annex to the inter-operator transmission contract (ITC) executed with a distribution system operator should specify, in particular, the following:

3.9.2.1 principles of information exchange, including the specification of the data format and communication protocols to enable the interoperability of information exchange systems,

3.9.2.2 principles of performing measurements of volume, quantity and quality parameters of gaseous fuel,

3.9.2.3 principles of metrological inspection of the measurement systems,

~~3.9.2.2~~3.9.2.4 principles of telemetry data sharing,

~~3.9.2.3~~3.9.2.5 principles of measurement and billing data sharing,

~~3.9.2.4~~3.9.2.6 principles of the preparation and reconciliation of billing reports,

~~3.9.2.5~~3.9.2.7 determination of the quality of the gaseous fuel delivered at the points of interconnection between the systems,

~~3.9.2.6~~3.9.2.8 principles of the access of representatives of a party that is not the owner of a measurement and billing point to the site,

~~3.9.2.7 principles of the inspection of the measurement systems,~~

~~3.9.2.8~~3.9.2.9 principles of the communication of the allocation results among individual Shippers whose contracts are performed at the exit or entry points to/from the distribution system,

~~3.9.2.9~~3.9.2.10 principles of the exchange of measurement data for $MFPWE_{OSD}$ and $MFPWY_{OSD}$,

~~3.9.2.10~~3.9.2.11 principles of the management of the operation of the gas stations located at the connection between the interoperating systems,

~~3.9.2.11~~3.9.2.12 principles of the works conducting in the interoperating systems,

~~3.9.2.12~~3.9.2.13 principles of the alignment of the schedules for works in the interoperating systems, which affect the operating conditions of another interoperating system,

~~3.9.2.13~~3.9.2.14 principles of information exchange and handling with regard to the procedures for providing access to the transmission and distribution system,

~~3.9.2.14~~3.9.2.15 principles of the exchange of information on planned investments that affect the operating conditions of an interoperating system,

~~3.9.2.15~~3.9.2.16 principles of capacity booking on the basis of the capacity allocation forecast (PPP), as referred to in point 7.8,

~~3.9.2.16~~3.9.2.17 principles of the cooperation in the connection of new points - interconnections between the transmission and distribution systems,

~~3.9.2.17~~3.9.2.18 principles of the cooperation in the event of any disturbance concerning the quality of gaseous fuel that affects the operation of an interoperating system,

~~3.9.2.18~~3.9.2.19 principles of exchange of information between dispatcher services and handling of emergency situations that affect the operation of an interoperating system,

~~3.9.2.19~~3.9.2.20 procedures applicable in the event of the introduction gas curtailment measures,

~~3.9.2.20~~3.9.2.21 principles of reporting applicable at the times when gas limitation schemes approved the President of ERO are in effect,

~~3.9.2.21~~3.9.2.22 communication principles and contact details of the relevant services of the TSO and the DSO.

3.9.3 In order to optimise the transmission system or the connected network and to rationalise the expenditure and costs incurred on the existing and future gas infrastructure, an agreement may be concluded regulating the scope of works involving the construction or modernisation of metering and settlement points at the boundary of the systems, including the time limits for the implementation of the projects concerning gas stations and network sections, and the rules of mutual settlements.

~~3.9.3~~3.9.4 The annex to the ITC executed with a SSO should contain in particular:

~~3.9.3.1~~3.9.4.1 principles of the submission and verification of nomination (re-nomination) matching in interoperating systems,

~~3.9.3.2~~3.9.4.2 principles of the exchange of data concerning the allocations at the system interconnection points,

3.9.4.3 principles of performing measurements of volume, quantity and quality parameters of gaseous fuel,

3.9.4.4 principles of metrological inspection of the measurement systems,

~~3.9.3.3~~3.9.4.5 principles of telemetry data sharing,

~~3.9.3.4~~3.9.4.6 principles of measurement and billing data sharing,

~~3.9.3.5~~3.9.4.7 principles of the management of the operation of the gas stations located at the connection between the systems,

~~3.9.3.6~~3.9.4.8 principles of the works on the gas stations located at the connections between the systems,

~~3.9.3.7~~3.9.4.9 principles of the exchange of information on planned investments that affect the operating conditions of the systems,

~~3.9.3.8~~3.9.4.10 principles of capacity booking on the basis of the capacity allocation forecast (PPP), as referred to in point 7.8,

~~3.9.3.9~~3.9.4.11 principles of the cooperation in the event of off-spec quality of gaseous fuel that affects the operation of the transmission system,

~~3.9.3.10~~3.9.4.12 principles of the alignment of emergency procedures,

~~3.9.3.11~~3.9.4.13 procedures applicable in emergency situations that affect the functioning of the transmission system,

~~3.9.3.12~~3.9.4.14 principles of the preparation and reconciliation of billing reports,

~~3.9.3.13~~3.9.4.15 communication principles and contact details of the relevant services of the TSO and the SSO.

~~3.9.4~~3.9.5 Principles of providing storage capacity for the needs of the TSO.

~~3.9.4.1~~3.9.5.1 The SSO connected to the transmission system shall offer the TSO access to a certain part of the working volume of the storage facility and the injection and withdrawal capacity required for the performance of the duties of the TSO.

~~3.9.4.2~~3.9.5.2 The TSO shall notify the SSO, by 15 October each year, of the working volume, withdrawal capacity and injection capacity of the storage facility reserved by the TSO, for the period of the following year (from 6:00 hours on the fifteenth (15th) day of April the following year until 6:00 hours on the fifteenth (15th) day of April of the next year).

~~3.9.4.3~~3.9.5.3 The working volume, withdrawal capacity and injection capacity of the storage facility that is reserved by the TSO must not be made available to other entities without the TSO's consent.

~~3.9.4.4~~3.9.5.4 The SSO shall conclude an inter-operator transmission contract (ITC) with the TSO ensuring optimal cooperation of the transmission system with the SSO's system, particularly specifying the principles of the operator's account management, specifying the quantity of gaseous fuel that can be mutually transmitted between the operators in order to level out the differences between the quantities specified in the nominations and the quantities actually supplied to the gas system, including the principles of the levelling out the balances in the operator's account.

~~3.9.4.5~~3.9.5.5 The gaseous fuel injected to and withdrawn from the storage facilities should conform to the quality parameters specified in the TNC.

3.10 The scope of the cooperation between the TSO and the billing point operators (OPRs), Customers, including the energy company engaged in the operation of networks which is not a DSO.

3.10.1 The detailed conditions and methods of cooperation with the entities referred to in point 3.10 shall be set out in a separate agreement or in a connection agreement.

3.10.2 The agreement referred to in point 3.10.1 shall include in particular the following:

3.10.2.1 principles of the exchange of data concerning the allocations of gaseous fuel at FPWE or FPWY,

3.10.2.2 principles of performing measurements of volume, quantity and quality parameters of gaseous fuel,

3.10.2.3 principles of metrological inspection of the measurement systems,

~~3.10.2.2~~3.10.2.4 principles of telemetry data sharing,

~~3.10.2.3~~3.10.2.5 principles of measurement and billing data sharing,

~~3.10.2.4 the conditions for the performance of periodic inspections of measurement and billing facilities,~~

~~3.10.2.5~~3.10.2.6 principles of the management of the operation of the gas stations located at the connection with the transmission system,

~~3.10.2.6~~3.10.2.7 principles of the works on gas stations located at the connection with the transmission system,

~~3.10.2.7~~3.10.2.8 principles of the exchange of information on planned investments that affect the operating conditions of the transmission system,

~~3.10.2.8~~3.10.2.9 principles of capacity booking on the basis of the capacity allocation forecast (PPP), as referred to in point 7.8,

~~3.10.2.9~~3.10.2.10 principles of the cooperation in the event of off-spec quality of gaseous fuel that affects the operation of the transmission system,

~~3.10.2.10~~3.10.2.11 conditions for ensuring the presence of the representatives of the parties to the agreement during the replacement, maintenance, repairs and checks of the measurement and billing facilities,

~~3.10.2.11~~3.10.2.12 communication principles and contact details of the relevant services of the TSO and the OPR or the Customer,

~~3.10.2.12~~3.10.2.13 the principles for notifying the Customer connected to the transmission network of any changes in the terms and conditions of transmission system operation and any events that may affect the supply of gaseous fuel to the Customer, including any changes in the work schedule and in the schedule of works that were not pre-scheduled.

~~3.10.2.13~~3.10.2.14 The principles for notifying the TSO by a Customer connected to the transmission network of planned reductions or increases in gaseous fuel off-take.

3.11 The information exchange between the TSO and the entities referred to in point 3.8, point 3.9 and point 3.10 shall be based on EDIG@S standard with the use of AS4 protocol, or shall take place by the means of the Information Exchange System (IES).

4 PLANNING OF THE TRANSMISSION SYSTEM DEVELOPMENT

4.1 Development planning.

4.1.1 The development of the transmission system shall be a responsibility of the TSO.

4.1.2 The development of the transmission systems shall be managed on the basis of the criteria defined in the guidelines for the European and national energy policy and the strategy of the transmission system operator, which account for the need of satisfying the current and future demand for gaseous fuel, state policy in the field of infrastructure development and alternative fuels market in transport, while ensuring long-term capabilities of the transmission system.

4.1.3 In planning the development of the transmission system, the TSO shall use market screening to assess the demand for new transmission infrastructure, which consist in:

4.1.3.1 gathering of information concerning the development plans from Interoperating System Operators,

4.1.3.2 holding consultations with current and potential System Users, Customers and suppliers regarding their needs for capacity in the transmission system,

4.1.3.3 conducting the procedure for obtaining incremental capacity according to point 4.5,

4.1.3.4 analysis of the gathered data referred to in point 4.1.3.1, point 4.1.3.2 and point4.1.3.3.

4.1.4 On the base of the market screening referred to in point 4.1.3 TSO shall define the assumptions for the development plan.

4.1.5 For the purposes of planning the transmission network development the TSO shall gather information on long-term projections of demand for gaseous fuels for individual areas of the country.

4.1.6 The TSO develops projects of the country's demand for gaseous fuel on the basis of the information received from the Interoperating System Operators, System Users, Customers and suppliers, while taking into account the guidelines for national energy policy, assessment of their implementation, as well as results of the market research carried out in accordance with point 4.1.3.

4.1.7 The TSO shall define a ten-year transmission system development plan, which shall be prepared at least biannually.

4.1.8 In addition to the plan referred to in point 4.1.7, the TSO shall prepare the following plans, which are updated every year:

4.1.8.1 investment plans,

4.1.8.2 maintenance plans.

4.1.9 In the definition of the plans mentioned in point 4.1.7 and 4.1.8 above the TSO shall take into consideration the following:

4.1.9.1 security of the transmission system and the continuity of transmission services,

4.1.9.2 need to adapt the transmission system to the applicable legal regulations, rules and technical standards,

4.1.9.3 the technical condition of the components of the transmission system,

4.1.9.4 reduction of the costs of operation,

4.1.9.5 improvement of the technical capacity of the transmission system,

4.1.9.6 connections to the transmission system,

4.1.9.7 approved capacity allocation forecasts (PPP), as referred to in point 7.8,

4.1.9.8 economic efficiency of investment projects.

4.1.9.9 The TSO provides entities connected to the transmission network, upon their request, with information about planned projects to the extent to which these projects will affect the operation of devices connected to the transmission network or change the conditions for connection or supply of gaseous fuels.

4.2 In addition to the activities listed in point 4.1, the TSO shall cooperate with Interoperating System Operators and the System Users in the planning of the gas networks development.

4.3 In the ten-year transmission system development plan, the TSO shall take into account the results of the consultation process referred to in point 4.1.3 in respect of the development plans of DSOs, SSOs and OIRs. The ten-year transmission system development plan shall be published on the TSO's website.

4.4 The TSO and ISOs shall cooperate with respect to the coordination of the development of the transmission system and other interoperating systems, specifically by providing current information, updated at least once a year, concerning the planned investments and forecasts of the demand for gaseous fuels.

4.5 The process of obtaining incremental capacity.

4.5.1 The TSO conducts a process to assess the market demand for incremental capacity, including a non-binding phase in which System Users express and estimate their demand for incremental capacity, and a binding phase in which the TSO requests System Users to undertake binding obligations regarding the contracting of incremental capacity.

4.5.2 Provisions of point 4.5 shall be applicable to interconnections between the transmission system and the transmission systems of the Member States of the European Union. The TSO may also apply the provisions of point 4.5 at interconnections with transmission systems of non-Member States of the European Union.

4.5.3 Non-binding phase.

4.5.3.1 The day following the start of the auction referred to in point 7.5 for yearly products, in each odd calendar year the TSO carries out a non-binding procedure for assessing the market demand for incremental capacity.

4.5.3.2 System Users within eight (8) weeks of the start of the auction referred to in point 4.5.3.1, shall submit to the TSO a non-binding demand for capacity at the border with neighbouring countries.

4.5.3.3 In a non-binding demand, System Users shall indicate at least:

4.5.3.3.1 the state border,

4.5.3.3.2 gas year (gas years) for which the demand for incremental capacity is expressed,

4.5.3.3.3 the amount of incremental capacity for which the demand is submitted,

4.5.3.3.4 information on the non-binding demand that has been or will be submitted to the relevant ISO.

4.5.3.4 The non-binding demand is submitted using a form published on the TSO website or in another form indicated by the TSO on the TSO's website.

4.5.3.5 The TSO shall publish an evaluation report on the market demand within sixteen (16) weeks from the start of the auction referred to in point 4.5.3.1, which shall contain at least the following information:

4.5.3.5.1 the need to initiate further action aimed at offering binding incremental capacity, including performance of technical analysis,

4.5.3.5.2 a non-binding demand submitted by System Users,

4.5.3.5.3 expected directions, volume and duration of demand for incremental capacity,

4.5.3.5.4 need for the application of the charge referred to in point 4.5.3.6.

4.5.3.6 The TSO may apply a charge payable by System Users who submit non-binding indications of demand for activities resulting from submitting non-binding indications of demand, provided that such charges:

4.5.3.6.1 prior to their introduction by the TSO, shall be subject to approval by the President of ERO,

4.5.3.6.2 will be returned to the System User who has made a bid in a binding phase if the economic test for $FWPE_{OSP}$, $FPWY_{OSP}$ or a new $FWPE_{OSP}$ or $FPWY_{OSP}$, for which it has submitted a bid is successful.

4.5.3.7 The amount and method of payment of the charge referred to in point 4.5.3.6 shall be published on the TSO's website before the start of the non-binding phase referred to in point 4.5.3.

4.5.3.8 The TSO may also assess the market demand for incremental capacity in even years, provided that the design and binding phases are completed before the start of the next demand assessment cycle in an odd year in accordance with point 4.5.3.1 and the Auction Calendar is followed.

4.5.4 Design phase.

4.5.4.1 If the report identifies the need to initiate further actions referred to in point 4.5.3.5.1, on the day following the publication of the report referred to in point 4.5.3.5, the design phase begins.

4.5.4.2 As part of the design phase, the TSO together with the relevant ISO carries out technical analyses to prepare a binding project for offering incremental capacity.

4.5.4.3 Within twelve (12) weeks from the start of the design phase of the TSO, together with the relevant ISO, a public consultation shall be held on the preliminary proposal of incremental capacity project, such as project description, estimated costs, levels of incremental capacity offered, preliminary project implementation schedule or general rules and conditions necessary to be accepted by the System User in order to participate in the binding phase.

4.5.4.4 The public consultation referred to in point 4.5.4.3 shall last between one (1) and two (2) months.

4.5.4.5 After the consultation is completed, the proposal of incremental capacity project shall be submitted by the TSO for approval by the President of ERO.

4.5.5 Binding phase.

4.5.5.1 The TSO conducts a binding incremental capacity auction with a capacity auction for a yearly product, following 2 years from the initiation of the process of assessing the market demand for incremental capacity, in accordance with point 4.5.3.1.

4.5.5.2 The incremental capacity is auctioned in the mode and according to the rules specified for capacity auctions for the yearly product.

4.5.5.3 For each incremental capacity auction, the TSO shall provide information on the need to apply and the amount of the mandatory minimum premium, the achievement of which will ensure a positive economic test result.

4.5.5.4 The TSO may offer for a given $FPWE_{PPM}$, $FPWY_{PPM}$, $FWPE_{OSP}$, $FPWY_{OSP}$ or new $FPWE_{PPM}$, $FPWY_{PPM}$, $FWPE_{OSP}$ or $FPWY_{OSP}$ in separate and independent auctions, different levels of incremental capacity and the corresponding levels of the mandatory minimum premium.

4.5.5.5 An incremental capacity auction may be conducted by the TSO for several levels of incremental capacity offered, determined in accordance with the decision of the President of ERO approving the proposal of incremental capacity project.

4.5.5.6 The actions resulting in the fulfilment of the TSO's obligations resulting from the binding phase shall be undertaken only in the case of obtaining from System Users binding notifications resulting in a positive result of an economic test conducted by the TSO and ISO or by the President of ERO, in accordance with the decision of the President of ERO, referred to in article 22 point 1 of CAM NC, for a given level of offered capacity.

4.5.6 The TSO may apply other than those indicated in the point 4.5.5, methods of allocation of incremental capacity, provided that they are approved by the President of ERO.

4.6 Providing access to newly built or expanded physical entry or exit points on interconnections with transmission systems of other TSOs not covered by point 4.5 is implemented by the TSO under a non-discriminatory and transparent Open Season procedure, within the scope agreed upon with ISO (including capacity made available on a related basis) and in accordance with the "Capacity allocation methods" approved by the President of ERO and the regulations consulted with the System Users:

4.6.1 the TSO shall announce the start of the procedure at least thirty (30) days in advance on the TSO's website,

4.6.2 the refusal to allocate newly built capacity under the procedure cannot take place on the ground that the technical capacity of the transmission system (including metering equipment) which is subject to this procedure does not exist and will be ensured after the conclusion of the transmission contract.

4.7 Optimization of transmission infrastructure.

4.7.1 If a gas station needs to be modernized due to the expiry of the technical efficiency period of the equipment of a given station, the TSO shall set new technologn~~n~~ical and measurement parameters for a given station, taking into account the integrity of the transmission system and the efficient and effective operation of the transmission network.

4.7.2 ~~If a given gas station is to be modernized by limiting its technical parameters,~~ ~~t~~The TSO ~~may adjust its~~shall set new technnological and measurement

parameters for a given gas station taking into account the requested capacity (contractual capacity) and the approved capacity allocation forecast (PPP).

4.7.3 Modernisation of the gas station consisting of limiting its technological and metering parameters.

4.7.3.1 The TSO consults the modernisation of gas stations consisting of limiting its technological and measurement parameters with interested entities. The TSO sends the interested entities the ~~general scope of~~ information on the ~~modernisation and~~ proposed new technological and measurement parameters of the station. Within ~~thirty~~ fifteen (~~30~~15) days the interested entity submits to the TSO its position on the proposed new technological and measurement parameters of the station~~modernisation~~, under pain of acknowledging that it does not raise any comments and accepts the proposed technological and measurement parameters.

4.7.3.2 Prior to taking ~~an investment to~~to the decision to limit the technical and measurement parameters of a gas station, the TSO:

~~4.7.3.2.1 conducts an economic analysis of the impact of such a restriction on the development of the transmission system,~~

~~4.7.3.2.2~~4.7.3.2.1 calls the relevant Customer to submit by him or by the Network User a request for capacity allocation or approval of the capacity allocation forecast (PPP), in accordance with the provisions of point 7, for the period covering the planned date of reduction of these parameters, at the same time indicating the required minimum level of capacity (contractual capacity), which is to be requested by the Customer or Network User.

4.7.3.3 In the event that a given Customer or Network User referred to in point ~~4.7.3.2.2~~4.7.3.2.1~~,~~ does not submit an application in accordance with the requirements, the TSO ~~may take a positive decision and~~ shall provide the Customer with information about the date from which the technical and measurement parameters of the gas station will be limited at the connection point with the Customer's installation.

5 CONNECTION TO THE TRANSMISSION NETWORK

5.1 General conditions for connecting to the transmission network

5.1.1 In order to maximise the utilisation of the existing transmission infrastructure, the priority shall be given to connecting sources of supply, Customers and networks of other energy companies to the existing physical entry points or physical points.

5.1.2 In case when there is no possibility for the connection at an existing physical point of the transmission system, the TSO shall define the connection conditions for a new physical point that is to be located in the immediate vicinity of the existing transmission network, taking into consideration the location of the infrastructure to be connected and cost optimization.

5.1.3 The entity applying for the connection to the transmission network must have a legal title to the property, facility or network to be connected.

5.1.4 The connection to the transmission network shall be established under a connection agreement, following to the fulfilment by the entity applying for the connection of the requirements specified by the TSO in the conditions for connection to the transmission network.

~~5.1.5 If the entity applying for connection to transmission network in accordance with Art. 38(2)(zh) of the Act of 24 April 2009 on investments relating to regasification liquefied natural gas terminal in Świnoujście (i.e. Journal of Laws of 2019, item 1554 as amended) requests the TSO to cooperate in the construction of the infrastructure necessary to service the connections and gas pipelines used to connect to the transmission system, the TSO and the entity applying for connection may determine, in the course of negotiation, the terms of cooperation regarding this connection and the minimum value of the contracted capacity.~~

~~5.1.6~~5.1.5 Apart from the connection agreement, the connection of direct gas pipelines, gas networks, re-gasification facilities, nitrogen removal plants, upstream delivery facilities, ~~including producing fields and mixing facilities~~ to the transmission network operated by the TSO, shall require signing a separate agreement with the TSO, as referred to in point 3.8 and point 3.10, such agreement to set out the terms and ways of co-operation between the operators of such gas pipelines and facilities with the transmission system.

~~5.1.7~~5.1.6 The connection of a distribution system or storage facilities to the transmission network of the TSO shall require that, apart from the connection agreement, an inter-operator transmission contract (ITC), including the annex referred to in point 3.9 is signed with the TSO.

~~5.1.8~~5.1.7 The start of the delivery of gaseous fuel to a physical exit point to which the Customer's facility has been connected shall be conditional on the execution by the Customer of the agreement referred to in point 3.10 with the TSO.

~~5.1.9~~5.1.8 The process of connection to the transmission network shall comprise the following steps:

~~5.1.9.1~~5.1.8.1 submission of a complete application by the applying entity for the definition of the connection conditions,

~~5.1.9.2~~5.1.8.2 definition of the connection conditions by the TSO and delivery of the same to the entity seeking the connection by the TSO,

~~5.1.9.3~~5.1.8.3 delivery a draft connection agreement by the TSO to the entity seeking the connection,

~~5.1.9.4~~5.1.8.4 signature of the connection agreement,

~~5.1.9.5~~5.1.8.5 performance of the connection agreement,

~~5.1.9.6~~5.1.8.6 execution of the agreement referred to in point 3.8, point 3.9 or point 3.10.

5.2 Application for the definition of conditions for connection to the transmission network.

~~5.2.1 An entity applying for connection to the transmission network submits an application to the TSO for the definition of conditions for connection to the transmission network, together with the appendices, using the applicable form that is available at the TSO's offices posted on its website.~~

~~5.2.2~~5.2.1 An entity applying for connection to the TSO transmission network may submit ~~to the TSO~~ only through ~~SWI~~ IES an application for the determination of the terms and conditions for connection to the transmission network with attachments for the definition for connection to the transmission network.

~~5.2.3~~5.2.2 An entity applying for connection to the network shall attach the following documents and certificates to the application:

~~5.2.3.1~~5.2.2.1 a document confirming the legal form of the business - a current excerpt from the National Court Register (KRS) or a computer print-out of the information about the entry in the National Court Register or a certificate on the entry in the Central Register and Information ~~of~~ on Economic ~~Activities~~ Activity (CEIDG), and in the case of an entity without a registered office on the territory of the Republic of Poland - current excerpt from the relevant register of entrepreneurs issued not earlier than three (3) months before the date of submission of the application, obtained on the principles set out in the regulations of the country where the entity applying for connection to the transmission network has its registered office,

~~5.2.3.2~~5.2.2.2 power of attorney or other documents confirming the right of persons representing the entity to incur obligations on its behalf, if this right does not arise from the content of the document referred to in point ~~5.2.3.1~~5.2.2.1,

~~5.2.3.3~~5.2.2.3 a document confirming the assignment of a tax identification number for the purpose of value added tax for entities established in the European Union, if this information does not result from the content of the document referred to in point ~~5.2.3.1~~5.2.2.1,

~~5.2.3.4~~5.2.2.4 entities having their registered office in the Republic of Poland shall additionally submit a certificate confirming the issue of a REGON statistical number, if this information does not appear in the document referred to in point ~~5.2.3.1~~5.2.2.1,

~~5.2.3.5~~5.2.2.5 the Applicant who has no registered office in the territory of the Republic of Poland, together with the application for conclusion of the transmission contract, apart from the documents referred to in point ~~5.2.3.1~~ 5.2.2.1 to point ~~5.2.3.4~~5.2.2.4, also presents a certified translation into Polish of documents that are not in Polish.

~~5.2.4~~5.2.3 For the purposes of determining the economic feasibility of the connection, the entity requesting the connection and engaged in distribution activity shall append an analysis to the application, estimating the expected volumes of gaseous fuel quantity off-take by year, broken down by the type of activity and Customers and the use of the gaseous fuel (e.g. industrial production, heating) to be supplied from such physical point.

~~5.2.5~~5.2.4 At the request of an entity that does not have a title to use the site where the facilities, installations or networks to be connected are to be operated, the TSO shall provide information regarding the feasibility of connection to the network. The provisions of point 5.3 shall apply accordingly.

5.3 Conditions for connection to the transmission network.

5.3.1 The TSO examines the application that was filed by the entity on the basis of information provided in the application and the attached documents.

5.3.2 In the event that the application fails to satisfy the formal requirements:

5.3.2.1 the TSO shall request the entity within 7 days of the date of its receipt to supplement the application,

5.3.2.2 the entity shall be obliged to deliver a supplemented application within the deadline set by the TSO. The deadline set by the TSO must not be shorter than twenty-one (21) days of the receipt of the request referred to in point 5.3.2.1,

5.3.2.3 if no supplemented application is delivered within the specified deadline, the TSO leaves the application without considering it.

5.3.3 When the application conforms to formal requirements, a technical and economic analysis is carried out, during which the TSO assesses whether connection to the transmission network is technically feasible and economically justified.

5.3.4 When considering the application, the TSO determines the available capacity in line with the rules set forth in point 7.1.4~~takes into account the existing transmission contracts (capacity allocation (PP)), the approved capacity allocation forecasts (PPP) referred to in point 7.8 and the existing connection agreements, unless the deadline set out therein for the conclusion of an agreement to be the basis for the supply of gaseous fuels has lapsed~~.

5.3.5 The TSO shall have the right to request a declaration on the conformity the facilities, installations and networks of the entities applying for the connection to the relevant legal metrological requirements with a view to ensuring:

5.3.5.1 safety of the operation of the transmission system,

5.3.5.2 protection of the transmission system against damage caused by any inappropriate operation of the connected facilities, installations and networks,

5.3.5.3 protection of the connected facilities, installations and networks against damage in the event of an emergency or imposition on curtailment measures on the consumption or supply of gaseous fuels,

5.3.5.4 adherence to the quality parameters of the gaseous fuel at the place of connection of the facilities, installations and networks,

5.3.5.5 fulfilment of environmental requirements specified in separate regulations,

5.3.5.6 ability to take measurements of the necessary values and parameters required for managing network operation and billing for the transmission of gaseous fuel.

5.3.6 Specifically, it is deemed that technical conditions for connection to the transmission network do not exist when the provision of transmission services to the entity applying for the connection undermines the reliability of transmission or quality of gaseous fuel or prevents the TSO from fulfilling other obligations imposed on it with regard to the protection of the interests of Customers and environmental protection.

5.3.7 Specifically, it is deemed that economic conditions for connection to the transmission network do not exist when the connection results in a detrimental change in the level of prices or charges for the provision of transmission services to other entities connected to the network.

5.3.8 The TSO may refuse to define the conditions for connection to the transmission network in the event when no economic or technical conditions exist for such a connection. This does not exclude the application of the provisions of Article 7.9 of the Energy Law.

5.3.9 The TSO shall inform the entity concerned and the President of ERO on its refusal to issue the connection conditions, or the issuance of connection conditions that partly consider the application for the connection conditions, stating the grounds for its decision.

5.3.10 The TSO shall define the connection conditions or provide the information on the inability to connect within the maximum deadline of:

5.3.10.1 60 days for entities engaged in transmission, distribution, production, processing, extraction or storage of gaseous fuel and liquefaction or re-gasification of liquefied natural gas, running from the date of the submission of a complete application,

5.3.10.2 45 days for any other entities except for those specified in point 5.3.10.1, whose facilities and installations are directly connected to a high-pressure transmission network, counting from the submission date of a complete application.

5.3.11 The TSO shall immediately inform the entities applying for the connection about any different date for issuing the connection conditions in the event that the deadlines set out in point 5.3.10 cannot be met due to some material reasons and shall state the reasons for such failure to meet the deadline.

5.3.12 In the event that the TSO determines that the formal and economic requirements referred to in points 5.2 and 5.3 are met, but connection to the transmission network is not technically possible due to fact that the insufficient advancement of necessary projects implemented by the TSO to enable the determination of the connection conditions, it is possible to conclude an agreement specifying the principles for the development of project documentation for the future connection by the TSO. Once the prerequisites for the determination of the connection conditions on the part of the TSO are fulfilled, the entity, upon receipt of the relevant information from the TSO, shall re-apply for the determination of the connection conditions. The agreement referred to above shall expire upon the conclusion of the connection agreement for a given point, or upon its termination for other reasons specified in the agreement.

~~5.3.12~~5.3.13 Change to the connection conditions may be made by way of submitting a new application to the TSO for the definition of connection conditions, or by virtue of the provisions of a connection agreement.

~~5.3.13~~5.3.14 The conditions of connection shall specify, in particular:

~~5.3.13.1~~5.3.14.1 the place of connection of the gas pipelines or gas installations or gas networks to the SGT and their technical parameters,

~~5.3.13.2~~5.3.14.2 extent of necessary adaptations in the network related to the connection to a gas network,

~~5.3.13.3~~5.3.14.3 technical parameters of the connection line to the gas network,

~~5.3.13.4~~5.3.14.4 group and sub-group of the gaseous fuel in accordance with PN-C-04750/2011 "Gaseous fuels, classification, labelling and requirements",

~~5.3.13.5~~5.3.14.5 the minimum and maximum pressures for the supply and off-take of gaseous fuel,

~~5.3.13.6~~5.3.14.6 the requirements applicable to the measurement system and the location where it is to be installed,

~~5.3.13.7~~5.3.14.7 the connection capacity,

~~5.3.13.8~~5.3.14.8 delivery and off-take profile, including the minimum and maximum hourly quantities and volumes of gaseous fuel, potential dynamics of increase and decrease in gaseous fuel consumption (i.e. the maximum change in the gas off-take flow per hour) and yearly quantities of gas fuel off-take,

~~5.3.13.9~~5.3.14.9 the place for the delivery and off-take of gas,

~~5.3.13.10~~5.3.14.10 point delimiting the ownership of the TSO's transmission system and the facilities, installations or networks owned by the entity to be connected,

~~5.3.13.11~~5.3.14.11 the requirements related to the features of a gas station or a measurement system, type of such system, as well as telemetry and cathodic protection systems,

~~5.3.13.12~~5.3.14.12 expected starting date for off-take of gaseous fuel,

~~5.3.13.13~~5.3.14.13 intended use for the gaseous fuel.

~~5.3.13.14~~5.3.14.14 estimated expenditures on the construction of the connection.

~~5.3.14~~5.3.15 In addition to the data specified in point 5.3.14~~3~~, the connection conditions for a storage facility shall specify:

~~5.3.14.1~~5.3.15.1 working volume of the storage facility,

~~5.3.14.2~~5.3.15.2 expected operating characteristics of the storage facility,

~~5.3.14.3~~5.3.15.3 minimum and maximum hourly quantities and volumes of gaseous fuel and yearly quantities of gaseous fuel off-taken for own consumption needs of the storage facility.

~~5.3.15~~5.3.16 In addition to the data specified in point 5.3.14~~3~~, the connection conditions for sources interoperating with the transmission system shall also specify the composition of the gaseous fuel supplied to the transmission system.

~~5.3.16~~5.3.17 In the event when multiple applications for the definition of conditions for connection to the transmission network have been submitted, and their implementation would involve the use of the same technical capacity of the transmission system, or when the submitted applications concern entirely or

partly overlapping areas – the TSO shall define the connection conditions for all the entities whose applications meet the technical and economic criteria of connection, indicating this fact to the parties concerned, and informing them about the principles for the execution of connection agreements resulting from points 5.4.3 and 5.4.10~~5.4.85.4.75.4.10~~.

5.4 Transmission network connection agreement.

5.4.1 The transmission network connection agreement is concluded when technical and economic conditions exist for connection to the transmission network, specified on the conditions set out in point 5, and the entity applying for connection to the network meets these conditions, or in the case specified in Article 7.9 of the Energy Law.

5.4.2 In order to ensure non-discriminatory treatment of all entities applying for the conclusion of a transmission network connection agreement, the TSO applies a standard contract template, which is published on the TSO's website.

5.4.3 Subject to the provisions contained in point 5.4.4, ~~The~~ the draft of the transmission network connection agreement shall be sent to the applicant without undue delay but not later than within twenty-seven (27) days of the date of the issuance of the connection conditions, in accordance with the order of the submitted application for the issuance of connection conditions. The TSO shall immediately inform the entities applying for the connection about any different deadline for sending the draft of the transmission network connection agreement in the event that the deadlines set out above cannot be met due to some material reasons, and shall state the reasons for such failure to meet the deadline.

5.4.4 If the entity requesting the connection has submitted, according to point 5.2, ~~multiple~~ several applications for the definition of the connection conditions at the same physical point or for the same area of supply or resulting in the use of the same technical capacity of the transmission system, the TSO shall ~~sign~~ forward a draft network connection agreement ~~a network connection agreement with this entity~~ only once the entity indicates to the TSO the connection conditions that have been selected by ~~the~~ that entity.

~~5.4.3~~5.4.5 The delivery of the draft transmission network connection agreement by the TSO shall not constitute a contractual offer within the meaning of the Civil Code Act of 23 April 1964 (consolidated text in Journal of Laws of ~~2019~~2022, item ~~1145~~360, as amended).

~~5.4.4~~5.4.6 The transmission network connection agreement may be executed within two years of the issuance of the connection conditions by the TSO, on the conditions set out in point 5.3, unless a change of the technical conditions of the transmission system has taken place, according to point ~~5.4.9or~~ 5.4.11 or point 5.4.3.

~~5.4.5~~5.4.7 The TSO is obliged to conclude an agreement for connection to the transmission network on the basis of equal treatment of entities applying for connection if there are technical and economic conditions for connection to the network and the applying entity meets the conditions for connection to the network.

~~5.4.6~~5.4.8 A new installation of the Final Customer may be connected to the transmission network only if the connection capacity for such installation is at least 45 000 m^3/h, unless the new installation is solely for the purpose of refuelling vehicles with gas.

~~5.4.7~~ The entity applying for connection to the network sends to the TSO, before submitting to the TSO a transmission network connection agreement signed unilaterally by that entity

~~5.4.8~~5.4.9 updated versions of documents referred to in point ~~5.2~~5.2.2.

~~5.4.9~~5.4.10 When network connection conditions have been defined and the fulfilment of such conditions would require the use of the same technical capacity of the transmission system, or the network connection conditions concern an entirely or partly overlapping area, the TSO shall enter into network connection agreements, according to pint 5.4.1 taking into account the order of receiving draft connection agreements unilaterally signed by the entities applying for connection to the network, to the extent allowed by the existing technical conditions, including in particular the available technical capacity of the transmission network.

~~5.4.10~~5.4.11 The TSO shall inform the entities that received the connection conditions referred to in point ~~5.3.16~~5.3.17, unless the deadline referred to in point ~~5.4.4~~ 5.4.6 has lapsed, about the following:

~~5.4.10.1~~5.4.11.1 any limitations of the technical capacity of the transportation system for the physical point concerned by the issued connection conditions,

~~5.4.10.2~~5.4.11.2 the definition and delivery of connection conditions to further entities applying for connection to the network, whenever the implementation of such conditions would require the use of the same technical capacity of the transmission system, or when such conditions concern an entirely or partly overlapping area,

~~5.4.10.3~~5.4.11.3 the execution of network connection agreements and the lack of technical conditions for connection to the transmission network (i.e. expiry of the transmission network connection conditions).

~~5.4.11~~5.4.12 The network connection agreement shall constitute a basis for the commencement of engineering design and construction and assembly work subject to the terms and conditions set out therein.

~~5.4.12~~5.4.13 The network connection agreement shall specify in particular the following:

~~5.4.12.1~~5.4.13.1 rights and obligations of the parties, including the expected execution date of the agreement to be the basis for the supply of gaseous fuel,

~~5.4.12.2~~5.4.13.2 connection capacity and contractual capacity in each year until the year when the contractual capacity reaches the level of connection capacity for the physical entry or exit point to be connected,

~~5.4.12.3~~5.4.13.3 minimum and maximum hourly volumes and quantities and yearly quantities of gaseous fuel intended for delivery and/or off-take,

~~5.4.12.4~~5.4.13.4 term and termination conditions of the agreement,

~~5.4.12.5~~5.4.13.5 the liability of the parties for a default under the network connection agreement, including any delay in the completion of work with respect to the deadlines set out in the agreement, a failure to perform the obligations referred to in point 5.4.13.1, or withdrawal from the agreement,

~~5.4.12.6~~5.4.13.6 connection completion date,

~~5.4.12.7~~5.4.13.7 amount or method of determination of the connection fee and the payment terms,

~~5.4.12.8~~5.4.13.8 point delimiting the ownership of the transmission network and the installations or networks of the entity to be connected,

~~5.4.12.9~~5.4.13.9 scope of work required to establish the connection,

~~5.4.12.10~~5.4.13.10 requirements as to the location of the measurement and billing system and its parameters,

~~5.4.12.11~~5.4.13.11 the principles on which the Customer uses other sources of energy in the event of stoppages or restrictions in the supply of gaseous fuels,

~~5.4.12.12~~5.4.13.12 conditions of access to the real property controlled by the connected entity for the purposes of network construction or expansion, as required to establish the connection.

~~5.4.13~~5.4.14 The entity to be connected to the transmission network shall present a financial security against the connection fee in the amount specified in the connection agreement.

~~5.4.14~~5.4.15 The entity to be connected to the transmission network is required to perform the obligations referred to in point 2.5.

~~5.4.15~~5.4.16 ~~At the planning or implementation stage of the connection,~~ The TSO shall make a capacity reservation (reserved capacity) ~~for the Network User or the operator of the installation connected at a given point (including the Final Customer)~~ at $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$, $MFPWE_{OSD}$, $MFPWE_{OSM}$, $FPWY_{OK}$, $FPWY_{M}$, $FPWY_{OA}$, $MFPWY_{OSD}$ and $MFPWY_{OSM}$ on the basis of the following:

5.4.16.1 the concluded agreements referred to in point 5.3.12, for the duration of the agreement, in a quantity equal to that specified in the agreement, or

~~5.4.15.1~~5.4.16.2 the concluded network connection agreements, for the period until the date of execution of the agreement, on the basis of which the supply of gaseous fuels is to take place - in a quantity equal to the contractual capacity declared by the ~~party~~entity being connected,

- in favour of the entities which are party to the abovementioned agreements or contracts at the planning or implementation stage of the connection.

~~5.4.15.2 the most recent existing allocated capacities (contracted capacities) for yearly products under a capacity allocation (PP), unless otherwise indicated by an approved capacity allocation forecast (PPP), in the amount specified in such capacity allocation (PP),~~

~~5.4.15.3 the approved capacity allocation forecasts (PPP) referred to in point 7.8 for the duration of the approved capacity allocation forecast (PPP), in the amount set out in the approved capacity allocation forecast (PPP).~~

5.5 Applications for modernisation or expansion of the connection due to the need to increase the connection capacity or to change the conditions and technical parameters of operation of equipment, installations or distribution networks connected to the transmission network shall be subject to the provisions of points 5.1 – 5.4, whereas the provisions of point 5.4.7~~6~~ 8 shall not apply.

5.6 Mobilisation a physical entry point or physical exit point.

5.6.1 The TSO provides the transmission service at a given physical entry point or physical exit point after the connection is completed, at the moment of mobilisation the point.

5.6.2 A given point is mobilised:

5.6.2.1 After completing the connection of a new physical entry point or physical exit point - by the TSO publishing information about a given point in the IES and providing information to the connected Customer or entity operating the installation about the possibility of ordering the transmission service.

5.6.2.2 After completing the connection of an existing physical entry point or physical exit point as a result of its expansion - by the TSO providing information to the connected Customer or entity operating the installation about the possibility of ordering the transmission service in the scope resulting from the completion of the connection.

6 TRANSMISSION CONTRACT

6.1 The provision of capacity (contractual capacity) under the capacity allocation (PP) and the provision of transmission services within the limits of the transmission ability allocation (PZ) and balancing services shall take place under a transmission contract, including an inter-operator transmission contract (ITC).

6.2 The conclusion of a Transmission Contract, including an inter-operator transmission contract (ITC), may only take place with an entity whose EIC code is registered in CEREMP.

6.3 Application for Transmission Contract, including an inter-operator transmission contract (ITC).

6.3.1 The application for transmission contract is submitted via the IES after registering in the IES and obtaining a login and password to the IES in accordance with the IES rules.

6.3.2 The entity applying for the execution of a transmission contract ("Applicant") shall submit together with the application for transmission contract, the scans of the following documents and certificates, or copies thereof authenticated by individuals authorized to represent the entity, or a legal counsel or attorney:

6.3.2.1 documents confirming the legal status of the activity carried out by the Applicant, including specifically a confirmation of Applicant in the Central Registration and Information on Business (CEIDG) or a current extract from the National Court Register (KRS) or computer printout of information on the entry in the KRS, and in case of an entity without a registered office in the territory of the Republic of Poland, a current, issued not earlier than three (3) months before the date of submission of the application for the conclusion of a transmission contract, extract from the relevant commercial registered obtained in accordance with the principles specified in the regulations of the country where the Applicant has its registered office,

6.3.2.2 power of attorney or other documents confirming the right of the individuals who represent the Applicant to incur obligations on its behalf, unless such right can be inferred from the content of the document referred to in point 6.3.2.1,

6.3.2.3 certificate of tax identification number for the purposes of the tax on goods and services (VAT) for Applicants based in the European Union Member States, unless this information can be inferred from the content of the document referred to in point 6.3.2.1,

6.3.2.4 Applicants having their registered office in the territory of the Republic of Poland shall also present a certificate of REGON statistical number, unless this information can be inferred from the content of the document referred to in point 6.3.2.1,

6.3.2.5 Applicant carrying out an activity in the territory of the Republic of Poland shall present a licence promise, excerpt of the licence, decision on designation as an operator or a declaration signed by persons authorised to represent the Applicant that the activities carried out by the Applicant do not require a licence under the Energy Law, with the provision that the TSO will inform the President of ERO of the submission of such a declaration by the Applicant,

6.3.2.6 Power of attorney for the persons authorised to represent the Applicant in the procedure of concluding capacity allocation or ability allocation via the IES,

6.3.2.7 Applicant intending to take part in available capacity allocation procedure in the auction procedure shall present a power of attorney for the individuals that will represent the Applicant in the course of the auction at the Auction Platform as a proxy, in accordance with the form published on the TSO's website,

6.3.2.8 In addition to the documents referred to in points from 6.3.2.1 to 6.3.2.7, an Applicant without a registered office on the territory of the Republic of Poland shall also present, together with the application for transmission contract, the sworn translation to the Polish language of the documents which are not executed in the Polish language.

6.3.3 The Applicant shall be obliged to notify the TSO immediately of any changes to the data and documents contained in the submitted application and to update such data and documents that have changed. The above obligation shall concern any changes that occur in the period after the date of the application submission by the Applicant until the date of the execution of the transmission contract with the Applicant, as well as during the term of the transmission contract. The provisions of point 6.3.2.8 shall apply as appropriate. The designation or change of the individual authorised to represent the System User in an auction shall be made through the submission of a new form of the power of attorney

6.3.4 After obtaining the application for a transmission contract, the TSO shall review the application to verify the completeness and validity of the data contained therein and the enclosed documents. The TSO shall consider the application for a transmission contract within fourteen (14) days of the date of its receipt. After considering the application for a transmission contract the TSO shall advise the Applicant of either its acceptance or rejection, or request the Applicant to supplement the application.

6.3.5 The TSO shall request the Applicant to supplement the application for a transmission contract in case when any essential data is missing or the application is incomplete. The Applicant should deliver the supplemented application for a transmission contract within fourteen (14) days of receiving the request for its supplementation. In the event of requesting the Applicant to supplement the application for the conclusion of the transmission contract, the time limit indicated in point 6.3.4 begins from the date of receipt by the TSO of a complete application that meets the requirements referred to in point 6.3.2. If the supplemented application for a transmission contract is not delivered within the required time limit, the TSO shall leave the application unconsidered.

6.3.6 The information that the application was not considered, rejected, or the refusal to execute the transmission contract shall be immediately communicated by the TSO to the applicant in writing together with the grounds.

6.3.7 In case of accepting the application, the TSO shall send a draft transmission contract to the applicant against a confirmation of receipt within three (3) business days of finalising the application consideration process, such draft to be prepared on the basis of the currently applicable specimen.

6.3.8 The applicant shall submit the signed draft contract to the TSO against a confirmation of receipt within thirty (30) days of the delivery date of such draft together with the original copies of the documents and certificates referred to in point 6.3.2 or with their copies authenticated by individual authorised to represent the entity, or by a legal counsel or attorney.

6.3.9 If the applicant fails to deliver a signed draft transmission contract or does not object the content of draft transmission contract within the deadline specified in point 6.3.8, its application for transmission contract shall be deemed withdrawn and the applicant shall be informed thereof by the TSO without delay. In the event when the applicant reports some objections as to the content of the draft transmission contract, the TSO, within fourteen (14) days of receiving the relevant comments, shall respond to the applicant and present the TSO's position in this regard.

6.3.10 The TSO sends the applicant a signed transmission contract by recorded delivery post within twelve (12) days of the date of delivery of the contract that is signed by the Applicant, provided that the transmission contract has been signed by persons authorized to represent the Applicant and all attachments to the transmission contract have been sent.

6.3.11 In the event of the rejection of the application or the refusal to sign the transmission contract, the TSO shall immediately notify the President of ERO stating the grounds for such refusal.

6.4 A System User shall provide a financial security in accordance with the principles of transparency and equal treatment, on the principles set out in the decision of the President of the ERO, referred to in point 18.5.1, in the amount and form specified in the transmission contract to secure the claims of the TSO under the transmission contract.

6.5 Transmission Contract.

6.5.1 In order to ensure non-discriminatory treatment of all entities applying for the conclusion of a transmission contract, the TSO shall use a standard form of the transmission contract together with the general terms and conditions of the transmission contract, which are published on the TSO's website.

6.5.2 Upon the conclusion of the transmission contract, the ~~applicant~~ Applicant shall receive the status of a System User.

6.5.3 The contract signing by the ~~applicant~~ Applicant is ~~synonymous with~~tantamount to the acceptance of all conditions of the transmission contract and all the provisions of the TNC.

6.5.4 Attached to the transmission contract is the "allocation of capacity and ability". The Annex "allocation of capacity and ability" is concluded based on the annex template published on the TSO's website. The Annex "allocation of capacity and ability" defines the capacity allocation (PP) or the transmission ability allocation (PZ), including the amount of capacity (contractual capacity) allocated to the Network User, type of allocated capacity (contractual capacity), i.e. on a firm (including conditional firm) or interruptible (including conditional interruptible) basis, and the product (time for which the capacity (contractual capacity) is allocated). Conclusion of the Annex "allocation of capacity and ability" takes place in electronic form by providing access to the electronic document in the IES by the TSO. The printout of the annex "capacity and transmission ability allocation" made through the IES shall constitute the confirmation of its execution.

6.5.5 The transmission contract and the Annex "allocation of capacity and ability" shall be executed in the Polish language. Upon a request of the System User, the TSO shall execute the transmission contract together with capacity allocation (PP) and transmission ability allocation (PZ) in the Polish and English language, provided that in case of any inconsistencies between the Polish and

English language version, the Polish language version of the document shall prevail.

6.5.6 Under the transmission contract the System User without an executed capacity allocation (PP) or transmission ability allocation (PZ) shall not be eligible to any capacity or capacity at entry points or exit points to/from the transmission system. Under the transmission contract the System User may apply for the capacity allocation (PP) and transmission ability allocation (PZ).

7 CAPACITY ALLOCATION (PP)

General principles of providing available capacity of the transmission system.

7.1.1 The access to available capacity may only be sought by the System User.

7.1.2 The TSO shall provide the available capacity in a physical entry point and physical exist point, including the capacity in a physical interconnection entry point or interconnection exist point, to the Network User.

7.1.3 The Network User may use both firm or conditional firm and interruptible or conditional interruptible capacity (contractual capacity) at a given physical entry point or physical exit point.

7.1.4 The TSO shall determine available capacity having considered:

7.1.4.1 existing network connection agreements, unless the deadline for concluding the agreement on the basis of which gas fuels were to be supplied has not expired~~taking into account the date for the conclusion of the gaseous fuel supply agreement under which the supply of gaseous fuels is to take place~~,

7.1.4.2 the most recent existing capacity allocations (contractual capacities) for yearly products within the framework of capacity allocation (PP), unless otherwise indicated by approved capacity allocation forecasts (PPP),

7.1.4.3 the approved capacity allocation forecasts (PPP) referred to in point 7.8including the duration of the approved capacity allocation forecast (PPP),

7.1.4.4 available capacity retained to be made available as a bundled product together with ISO,

7.1.4.5 agreements referred to in point 3.9.3,

7.1.4.6 modernisations undertaken, referred to in point 4.7.2~~.~~,

7.1.4.7 agreements referred to in point 5.3.12, for the duration of the agreement, in the amount equal to that specified in the agreement.

7.1.5 The available capacity of a physical entry point and physical exit point from the transmission system shall be provided to the Network User under a transmission contract, including an inter-operator transmission contract (ITC) and the capacity allocation (PP), subject to point 7.1.7, point 7.1.8 and point 7.1.10.

7.1.6 The capacity (contractual capacity) allocated under the capacity allocation (PP) shall be the basis for the application of charges in respect of the transmission of gaseous fuel.

7.1.7 The available capacity of an interconnection physical entry point from a storage facility connected to the transmission system ($MFPWE_{OSM}$) and an interconnection physical exit point to such facility ($MFPWY_{OSM}$) shall be only provided to the SSO under an inter-operator transmission contract (ITC) and a capacity allocation (PP). Upon the execution of the inter-operator transmission contract (ITC) the SSO shall become the Network User. The provisions concerning the transmission contract shall apply to the inter-operator transmission contract (ITC), subject to point 3.9.3.

7.1.8 The available capacity of an interconnection physical entry point to the transmission system from a distribution system ($MFPWE_{OSD}$) and an interconnection physical exit point to the distribution system ($MFPWY_{OSD}$) shall

be only provided to the relevant DSO under an inter-operator transmission contract (ITC) and a capacity allocation (PP). Upon the execution of the inter-operator transmission contract (ITC) the DSO shall become the Network User. The provisions concerning the transmission contract shall apply to the inter-operator transmission contract (ITC), subject to point 3.9.2.

7.1.9 The available firm capacity, including the conditional firm capacity, of an existing physical entry or exit point at an interconnection with a transmission system of a member state of the European Union or a physical point of interconnection between transmission systems enabling the provision of integrated capacity services, to the extent agreed with the Interoperating System Operator, shall be made available by the TSO on a bundled basis, under a non-discriminatory and transparent procedure described in point 7.5. Inasmuch as the available capacity of such points is not made available under bundled rules, the allocation of available capacity shall take place in the course of the auction procedure, in accordance with point 7.3 under non-bundled rules.

7.1.10 The participation of the available capacity offering procedure in respect of the bundled capacity of the Point of Interconnection (PWP) shall only be open to the System User that is a party to a current contract for transmission services provided through the Transit Gas Pipeline System executed with ~~Gas Transmission~~ Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A.

7.1.11 Available firm capacity of a physical entry point ($FPWE_{OIR}$) at the interconnection with the LNG terminal facility (regasification facility) is allocated to the System User which has concluded regasification service contract with OIR, under which gaseous fuel is to be delivered to $FPWE_{OIR}$, once the TSO receives the information ~~from the OIR~~ about the allocation of regasification capacities to a given System User. The capacity of a physical entry point ($FPWE_{OIR}$) is allocated for the same ~~time~~ period as the contractual capacity acquired by the System User from OIR on a firm basis, in a quantity corresponding to the sum of the contractual regasification capacities and the separated contractual regasification capacities specified in the regasification orders for the LNG terminal installations concerned, concluded by that System User.~~:~~

~~7.1.11.1 on a firm basis: in the quantity corresponding to the sum of average capacities of regasification specified in the regasification orders concluded by this System User~~

~~7.1.11.2 on an interruptible basis: in the quantity corresponding to the difference between the sum of contract capacities and the sum of average capacities of regasification specified in the regasification orders concluded by this System User.~~

7.1.12 The TSO shall allocate the available capacity of the transmission system for yearly, quarterly, monthly periods and for a single gas day, within-day, separately for:

7.1.12.1 firm capacity, including the conditional firm capacity;

7.1.12.2 interruptible capacity either:

7.1.12.2.1 conditional interruptible capacity, or

~~7.1.12.2.1~~7.1.12.2.2 interruptible capacity provided at physical points where physical gas flow may take place, or

~~7.1.12.2.2 interruptible conditionally firm capacity, or~~

7.1.12.2.3 virtual reverse-flow capacity.

7.1.13 When making ~~available~~ firm capacity available, the TSO shall provide the Network User with continuous access to such capacity (contractual capacity), except for the periods of agreed scheduled maintenance in the transmission system or emergency situations and the imposition of curtailment measures in accordance with the provisions ~~described in~~set out in the TNC.

7.1.14 A TSO can make capacity available for a physical exit point (FPWY) or a physical entry point (FPWE) on a conditional firm basis. The prerequisite for the Network User to use of the allocated capacity (contractual capacity) on a conditional firm basis is the delivery of the relevant quantity of gaseous fuel at the physical entry point(s) (FPWE) specified by the TSO or, to the offtake of the relevant quantity of gaseous fuel at the physical exit point(s) (FPWY) specified by the TSO. The TSO shall inform on the website of the available capacity on a conditional firm basis at the physical exit point(s) (FPWY) or at the physical entry point(s) (FPWE), indicating respectively the entry points (PWE) where the supply of gaseous fuel is required or the exit points (PWY) where the offtake of gaseous fuel is required, and the quantities of gaseous fuel to be supplied or off-taken at the relevant physical exit point(s) (FPWY) or physical entry point(s) (FPWE).

7.1.15 When making the capacity available on a conditional firm basis, the TSO shall provide the Network User with the uninterrupted possibility of using the capacity (contractual capacity), provided that the condition determined by the TSO in accordance with the rules set out in point 7.1.14 is met, with the exception of situations of planned works on the transmission system and the occurrence of emergency situations and the introduction of constraints in accordance with the provisions of the TNC.

~~7.1.14~~7.1.16 Capacity constraint (contractual capacity) on a ~~continuous~~ firm basis, including conditional firm, referred to in point 7.1.13 and 7.1.14, the TSO introduces:

~~7.1.14.1~~7.1.16.1 in the case of the Shipper submitting a nomination for a given point within firm capacity (contractual capacity), including conditional firm capacity, in which the quantities of gaseous fuel planned to be sent are greater than zero (0) - through an individual information given to the Shipper on the reduction of nominations due to the limitation of the capacity (contractual capacity), including conditional firm capacity, on firm terms at this point in accordance with point ~~15.2.31~~30 15.2.28, or

~~7.1.14.2~~7.1.16.2 in other cases, by publishing an Urgent Market Message, published on GIIP, indicating the point to which the restriction applies and the total capacity constraint level for such point. The restriction of firm capacity (contractual capacity), including conditional firm capacity, shall be proportionate to the capacity reduction at a given point.

~~7.1.15~~7.1.17 With respect to the term of the performance of the transmission service, the following products shall be offered:

~~7.1.15.1~~7.1.17.1 yearly – where the capacity is made available for the term of one gas year, at a constant rate for each hour during the gas year;

~~7.1.15.2~~7.1.17.2 quarterly – where the capacity is made available for the term of one quarter in a gas year (consecutive quarters of the gas year start, respectively, on 1 October, 1 January, 1 April or 1 July), at a constant rate for each hour during the quarter;

~~7.1.15.3~~7.1.17.3 monthly – where the capacity is made available for the term of one month in a gas year (consecutive months start on 1st day of each gas month), at a constant rate for each hour during the month;

~~7.1.15.4~~7.1.17.4 daily – where the capacity is made available for the term of one gas day.

~~7.1.15.5~~7.1.17.5 within-day – where the capacity is made available for a given hour in the gas day to the end of this gas day

~~7.1.16~~7.1.18 The level of capacity (contractual capacity) contracted on a firm basis, including conditional firm capacity, should fit within the measurement range of the measurement devices and the capacity of the process equipment installed at the given physical entry or exit point.

~~7.1.17~~7.1.19 The TSO may indicate the physical entry points to the transmission system, at which, due to technical limitations, the capacity may vary in different months of the gas year. Information of such points shall be published on the TSO's website.

~~7.1.18~~7.1.20 The value of capacity (contractual capacity) specified in the capacity allocation (PP) is expressed in integers greater than zero.

7.2 Interruptible capacity, including conditional interruptible capacity.

7.2.1 For each physical exit and entry point, the amount of capacity that may be provided on an interruptible ~~basis~~, including conditional interruptible basis, shall be defined by the TSO.

7.2.2 In case when firm capacity (contractual capacity) is acquired by the Network User at an entry/exit point (FPWE/FPWY) where such Network User previously acquired for the same period interruptible capacity for a yearly, quarterly or monthly term, the Network User shall have the right to release the interruptible capacity for yearly, quarterly or monthly in the amount corresponding to the acquired firm capacity. A declaration on releasing the interruptible capacity shall be delivered by the Network User to the TSO via the Auction Platform or through the IES within three (3) business days from the day the capacity to be released was acquired. The respective changes to the capacity allocation (PP) take place upon providing access to the documents in electronic form in IES. The remaining capacity (contractual capacity), which has not been released by the Network User for the product, shall be adjusted to respective shorter-term products matching the outstanding term, to the extent this is required in view of the term in which the modified capacity allocation is in effect, provided that first the capacity allocation shall be matched to products with the longest possible term matching the outstanding term.

7.2.3 The provisions of point ~~7.2.2~~7.2.2 shall apply mutatis mutandis to a Network User who has purchased capacity (contractual capacity) on a conditional firm basis at a physical entry or exit point for which the Network User concerned has previously purchased capacity (contractual capacity) on a conditional interruptible basis.

~~7.2.3~~7.2.4 Allocation of ~~Interruptible~~ interruptible capacity ~~allocation~~, including conditional interruptible capacity, at physical exit points to Customers ~~or facilities~~ where this could cause threats or disturbances in the supply of gaseous fuel to a Protected Customer ~~referred to in § 2 Section 2 of the Regulation on Curtailment Measures~~ is allowed, provided that the Customer submits a declaration, which will show that due to the provision of alternative methods of supplying a given Customer or facility, the interruptible capacity allocation, including conditional interruptible capacity allocation will not cause threats or disruptions in the supply of gaseous fuel to a Protected Customer~~referred to in § 2 Section 2 of the Regulation on Curtailment Measures~~. The declaration signed by persons authorized to represent the Customer, should be submitted

as part of the procedure of providing interruptible capacity including conditional interruptible capacity at a given physical exit point.

~~7.2.4~~7.2.5 The capacity of interconnection physical exit and entry points to/from a distribution system and to/from a storage facility ($MFPWE_{OSD}$, $MFPWY_{OSD}$, $MFPWE_{OSM}$, $MFPWY_{OSM}$) shall be provided on an interruptible including conditional interruptible basis ~~only~~ when the entire technical capacity has been allocated ~~in full~~ on firm or conditional firm basis. Interruptible capacity including conditional interruptible capacity shall be allocated subject to the approval by the ISO unless such ISO reckons that a breach of the provisions of point ~~7.2.3~~ ~~7.2.3~~~~7.2.4~~ 7.2.4 has taken place.

~~7.2.5~~7.2.6 TSO shall have the right to reduce the performance of transmission service when the capacity is allocated on interruptible including conditional interruptible basis at a given physical entry point or physical exit point due to a failure to maintain the quality parameters of gaseous fuel specified in the TNC, performance of the transmission service for products allocated on a firm basis, maintenance and repairs of the transmission network, restrictions related to the supplying or supplied markets, performance of public service obligations or due to capacity management under system congestion management.

7.2.7 In the event that capacity is made available by the TSO on a conditional interruptible basis for a given physical entry point (FPWE) or physical exit point (FPWY), the condition for the use of the allocated capacity (contractual capacity) on a contractual interruptible basis by the Network User is the take-off of the relevant quantities of gaseous fuel at the physical exit point(s) (FPWY) specified by the TSO or the supply of the relevant quantities of gaseous fuel at the physical entry point(s) (FPWE) specified by the TSO. The TSO shall inform on the TSO's website about the available capacity on a conditional interruptible basis at the physical exit point(s) (FPWY) or at the physical entry point(s) (FPWE), indicating respectively the entry points (PWE) where the supply of gaseous fuel is required or the exit points (PWY) where the offtake of gaseous fuel is required and the quantities of gaseous fuel to be supplied or off-taken at the respective physical exit point(s) (FPWY) or physical entry point(s) (FPWE).

7.2.8 The interruption of the provision of the capacity transmission service on a conditional interruptible basis may take place in the event of non-fulfilment of the condition referred to in item ~~7.2.7~~7.2.7 or in accordance with item 7.2.10 ~~7.2.10~~.

~~7.2.6~~7.2.9 The TSO shall restrict the provision of transmission services within the capacity (contractual capacity) on an interruptible basis including conditional interruptible basis:

~~7.2.6.1~~7.2.9.1 in the case of the Shipper submitting a nomination for a given point within interruptible capacity (contractual capacity), including conditional interruptible, in which the quantities of gaseous fuel planned to be sent are greater than zero (0) - through an individual information given to the Shipper on the reduction of nominations due to the limitation of the capacity (contractual capacity) on interruptible ~~terms~~ basis, including conditional interruptible, at this point in accordance with point ~~15.2.23~~ 15.2.20 and point ~~15.2.24~~15.2.21, or

~~7.2.6.2~~7.2.9.2 in other cases, by publishing an Urgent Market Message, published on GIIP, indicating the point to which the restriction applies and the total capacity constraint level for such point. The restriction of interruptible capacity including conditional interruptible (contractual capacity) shall be proportionate to the capacity reduction at a given point.

~~7.2.6.3~~7.2.9.3 Only the above actions of the TSO constitute limitations of contractual capacity within the meaning of the Tariff and Tariff Regulation.

~~7.2.7~~7.2.10 The TSO may also limit the capacity (contractual capacity) on interruptible basis, including conditional interruptible, when agreed works are being carried out in the transmission system, or in emergency situations and implementing limitations, according to provisions set out in the TNC.

~~7.2.8~~7.2.11 The Network User shall conform to the restrictions on the interruptible capacity (contractual capacity), including conditional interruptible capacity,~~)~~ introduced by the TSO in accordance with the law and the TNC at a given physical entry point or physical exit point. A failure by the Network User to conform to the introduced restrictions shall constitute a capacity (contractual capacity) overrun.

~~7.2.9 For a physical exit point (FPWY) or physical entry point (FPWE), in which the virtual reverse-flow transmission service is not provided, interruptible conditionally firm capacity may be made available by the TSO. In such case, the Network User is provided with continuous access to the capacity provided that gaseous fuel is supplied at a physical entry point(s) (FPWE) or gaseous fuel respectively, is collected at a physical exit point(s) (FPWY) determined by the TSO, in accordance with the provisions set in point 8.6.3. and 8.6.4. Information on interruptible conditionally firm capacity available at physical exit points (FPWY) or at physical entry points (FPWE), shall be published by the TSO on the TSO's website, together with the indication of respectively the entry points (FPWE) at which supply of gaseous fuel is required or the exit points (FPWY) at which collection of gaseous fuel is required. The interruptible conditionally firm capacity shall be allocated by the TSO when there is no possibility of allocating firm capacity at the point concerned:~~

~~7.2.9.1 and the allocation of interruptible conditionally firm capacity (contracted capacity) was agreed in the transmission network connection agreement with the Customer, including the DSO, connected at this physical exit point (FPWY); or~~

~~7.2.9.2 in the case of $FPWY_{OSP}$ or $FPWE_{OSP}$.~~

~~7.2.10 The interruptible conditionally firm capacity is allocated on terms and conditions as for the interruptible capacity.~~

~~7.2.11 The interruption of the provision of a transmission service within the interruptible conditionally firm capacity may take place in the event of failure to meet the condition referred to in point 7.2.9~~

7.3 Virtual reverse-flow transmission service.

7.3.1 ~~7.3.1~~ The virtual reverse-flow transmission services are provided by the TSO at a limited number at a physical points identified in the TSO's website.

7.3.2 ~~7.3.2~~ The reverse flow transmission service is provided as interruptible capacity.

7.4 The allocation of capacity under the auction procedure in $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP.

7.4.1 The allocation of yearly, quarterly, monthly and daily products within the available capacity on a firm, including conditional firm, or interruptible, including conditional interruptible basis, as well as within-day products within the available capacity on a firm, including conditional firm, basis, at physical

entry and exit points at interconnections with transmission systems of neighbouring countries ($FPWE_{OSP}$ and $FPWY_{OSP}$), and at the Point of Interconnection (PWP), and at points of interconnection connecting transmission systems for the purposes of providing integrated capacity services ($FPWE_{PPM}$) and ($FPWY_{PPM}$) shall take place through an auction.

7.4.2 The capacity available on a firm, including conditional firm, basis at $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP is provided with the following assumptions:

7.4.2.1 a maximum of 90% of technical capacity of the given point is provided in a gas year (R) for yearly products provided for gas years from R+1 to R+5,

7.4.2.2 a maximum of 80% of technical capacity of the given point is provided in a gas year (R) for yearly products provided for gas years from R+6 to R+15,

7.4.2.3 at least 10% of technical capacity and the capacity (contractual capacity) not allocated through auction of products referred to in 7.4.2.1 and 7.4.2.2 of the given point is offered for quarterly products provided for the next gas year,

7.4.2.4 unsold capacity of products referred to in 7.4.2.3, is offered as part of monthly, daily or within-day products.

7.4.3 Capacity allocation on a firm, including conditional firm, or interruptible, including conditional interruptible, basis for $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP, is made for:

7.4.3.1 yearly product, for any of the fifteen (15) gas years, which are consecutive and fall after the gas year in which the capacity is allocated with respect to firm, including conditional firm, capacity, and for the next gas year for interruptible, including conditional interruptible, capacity;

7.4.3.2 quarterly product, for a quarter in the gas year following the gas year when the capacity is allocated, or during the gas year in which such capacity allocation takes place;

7.4.3.3 monthly product, for a gas month following the month when the capacity is allocated;

7.4.3.4 daily product, for a gas day following the day when the capacity is allocated;

7.4.3.5 within-day product, for the period from the given hour in the gas day to the end of the gas day.

7.4.4 The available capacity of $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP, provided as unbundled, is provided as a yearly or quarterly product for the gas year following the gas year of the auction, or as monthly, daily and within-day products in the gas year of the auction, or as quarterly, monthly, daily and within-day products in the gas year following the gas year in which the available capacity is provided in the case when the providing of the capacity takes place, respectively, in the last gas month of the gas year or in the last gas day of the gas year. In case when a transmission contract for unbundled capacity exists on the other side of the $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP, the technical capacity may be provided as unbundled capacity only to the maximum extent and for the maximum term resulting from such transmission contract.

7.4.5 The TSO provides capacity on an interruptible including conditional interruptible basis in $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP for yearly, quarterly, monthly and daily products, exclusively in case when the respective daily, monthly, quarterly or yearly firm capacity product was sold with an auction premium, was sold out or was not offered.

7.4.6 The TSO provides capacity on an interruptible including conditional interruptible basis in $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP for within-day products when the offered firm capacity was sold out in full or was not offered.

7.4.7 Auction procedure.

7.4.7.1 The right to participate in an auction is granted to the Auction Participant, i.e. System User, who has a signed transmission contract and received a login and password for the Auction Platform.

7.4.7.2 Prior to the auction, the TSO will publish, on the Auction Platform website, information on:

7.4.7.2.1 the name of the physical entry or exit point the available capacity of which will be made available through the auction,

7.4.7.2.2 the products made available through the auction and the amount of available capacity made available for each product,

7.4.7.2.3 the date of the auction,

7.4.7.2.4 the value of small and big price steps– for ascending clock auctions, or

7.4.7.2.5 the minimum price – for uniform-price auctions.

7.4.7.3 The information referred to in 7.4.7.2 will be published by the TSO at the latest:

7.4.7.3.1 one (1) month prior to an auction of yearly products,

7.4.7.3.2 two (2) weeks prior to an auction of quarterly products,

7.4.7.3.3 one (1) week prior an auction of monthly products,

7.4.7.3.4 at the start of an auction of daily products,

7.4.7.3.5 upon completion of an auction for daily products and each time before the start of each auction for within-day products.

7.4.7.4 In the case of auctions of interruptible including conditional interruptible capacity products, the TSO shall publish the offered interruptible including conditional interruptible capacity quantities before the start of the auction procedure – if known, in particular with regard to the application of the capacity (contractual capacity) conversion procedure referred to in 7.5.6.

7.4.7.5 Auctions are held on the dates set out in the Auction Calendar.

7.4.7.6 Auctions of yearly, quarterly and monthly products are conducted using an ascending clock auction algorithm. Auctions of daily and within-day products are conducted using a uniform-price auction algorithm.

7.4.8 Internet platform for conducting auctions

7.4.8.1 Auctions are conducted on the Auction Platform, following the rules of the Auction Platform.

7.4.9 In the event when, in the process of capacity allocation through an auction it is necessary to use auction mechanisms, including price steps (in an ascending auction or a uniform-price auction), i.e. in case when the demand for capacity exceeds the capacity offered in the auction, the TSO shall charge an auction premium in the amount established upon the completion of the respective auction procedure.

7.4.10 The TSO shall charge the auction premium earned as a result of the auction of a given capacity product in each billing period on the basis of a basic invoice.

7.4.11 The TSO shall report to the President of ERO, on a quarterly basis, on the revenue generated from the auction premium paid by the Network Users and on the use of the said funds for the planned or on-going development of the transmission system with a view to eliminating any system congestion at the interconnections between the transmission system and transmission systems of other countries.

7.5 Providing capacity on a bundled basis.

7.5.1 Available capacity of physical entry or exit points at the interconnection with a transmission system of a Member State of the European Union, referred to in 7.1.9, is provided by the TSO on a bundled basis in a common auction carried out in accordance with the rules referred to in 7.4, conducted by the TSO and ISO.

7.5.2 The TSO may provide the available capacity on a bundled basis at physical entry or exit points at the interconnection with a transmission system of a neighbouring country not being a Member State of the European Union.

7.5.3 As a result of a procedure of allocating available capacity at a point at the interconnection of transmission systems, allocating available capacity at the Point of Interconnection (PWP), or allocating available capacity at a point of interconnection connecting transmission systems for the purposes of providing integrated capacity services carried out jointly by Interoperating System Operators, the allocation in both systems shall be made for the same entity, the same amount of available capacity (contractual capacity), and the same product.

7.5.4 Before the auction of capacity on a bundled basis, the TSO, in addition to the information referred to in 7.4.7.2, shall publish on the Auction Platform website information on:

7.5.4.1 name of ISO providing its capacity in the auction together with the TSO,

7.5.4.2 Internet platform where the auction of capacity on a bundled basis will be conducted,

7.5.4.3 currency of the auction,

7.5.4.4 division ratio of the auction premium earned from the auction of each of the bundled capacity products between the TSO and ISO.

7.5.5 In the event that for the auction of capacity on a bundled basis the currency will be other than PLN, the following principles shall apply:

7.5.5.1 before the beginning of the auction, the rate of transmission service specified in the Tariff for each of the products related to capacity on a bundled basis will be converted by the TSO – exclusively for publication on the Internet platform – into the currency relevant for the auction at the average exchange rate quoted by the Central European Bank on the last business day preceding the date of publication of the information referred to in 7.5.4;

7.5.5.2 after closing of the auction, the value of the auction premium earned as a result of the auction will be converted by the TSO to PLN at the average currency exchange rate relevant for the auction, quoted by the Central European Bank on the last business day preceding the date of publication of the information referred to in 7.5.4.

7.5.6 The conversion of unbundled capacity (contractual capacity) to bundled capacity (contractual capacity).

7.5.6.1 The Network User may apply to the TSO for conversion of its allocated unbundled capacity (contractual capacity) to bundled capacity (contractual capacity) resulting in the allocation of bundled capacity (contractual capacity) to the Network User. Conversion can only be made within the same ~~sort~~ category of capacity (contractual capacity), i.e. as part of firm or conditional firm capacity ~~(contractual capacity) on a continuous basis~~ or as ~~part of capacity (contractual capacity) on an~~ interruptible or conditional interruptible capacity basis.

7.5.6.2 The application referred to in point 7.5.6.1 for annual, quarterly and monthly product shall be submitted with offers through the bundled capacity auction (contractual capacity) via the Auction Platform or via the IES within three (3) working days from the end of the auction, in which bundled capacity (contractual capacity) was allocated to the Network User, while for daily products through the bundled capacity auction (contractual capacity) via the Auction Platform, no later than at the last moment when it is possible to submit bid.

7.5.6.3 The conversion may be carried out only within the bundled capacity (contractual capacity) allocated in the auction for annual, quarterly, monthly and daily products. In the application referred to in point 7.5.6.1 the Network User indicates the bundled capacity (contractual capacity) (annual, quarterly or monthly product) which is to be subject to conversion.

7.5.6.4 In the case when in the conversion application a greater amount of capacity (contractual capacity) than allocated to the Network User in the bundled capacity auction (contractual capacity) is indicated, the TSO shall convert the unbundled capacity (contractual capacity) only in the quantity allocated in the bundled capacity auction (contractual capacity).

7.5.6.5 In the event that the conversion procedure results in unbundled capacity becoming available, the TSO shall offer such capacity in subsequent auctions.

7.5.6.6 As a result of the conversion, the Network User shall only pay charges for bundled capacity (contractual capacity) rather than for the sum of unbundled capacity (contractual capacity) and bundled capacity (contractual capacity), subject to the provisions of points 7.5.6.7 and 7.5.6.8. The provisions of this point shall only apply to the part (amount) of capacity (contractual capacity) that has been converted.

7.5.6.7 In the case of conversion, the charge for the converted capacity is applied at the rate for the transmission service specified in the Tariff, applicable to an unbundled capacity product (contractual capacity).

7.5.6.8 In the event that during the auction of unbundled capacity (contractual capacity) or bundled capacity (contractual capacity) which is subject to conversion, an auction premium has occurred, the TSO shall charge the Network User for the converted capacity (contractual capacity) the sum of the auction premiums applied in such auctions.

7.6 Allocation of capacity at $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$, $MFPWE_{OSD}$, $MFPWE_{OSM}$, $FPWY_{OK}$, $FPWY_{M}$, $FPWY_{OA}$, $MFPWY_{OSD}$ and $MFPWY_{OSM}$.

7.6.1 Capacity is provided on the System User's request.

7.6.2 The allocation of capacity on a firm including conditional firm and interruptible including conditional interruptible basis is ~~made~~ provided for:

7.6.2.1 yearly products for the gas year after the gas year of the capacity allocation;

7.6.2.2 quarterly or monthly products, for the gas year following the gas of the capacity allocation, or for the gas year of the capacity allocation.

7.6.3 the TSO provides capacity on an interruptible including conditional interruptible basis when the entire technical capacity of the given physical point has been allocated for products provided on a firm basis including conditional firm.

7.6.4 The allocation of capacity at interconnection physical entry points ($MFPWE_{OSD}$) and interconnection physical exit points ($MFPWY_{OSD}$) is done exclusively for the DSO, whose distribution system is connected to the transmission system at these points.

7.6.5 The allocation of capacity at interconnection physical entry points ($MFPWE_{OSM}$) and in interconnection physical exit points ($MFPWY_{OSM}$) is done exclusively for the SSO, whose system is connected to the transmission system at these points.

7.6.6 Where the application for capacity allocation (PP) for a particular point shows that the provision of transmission services requires the upgrade or expansion of such point, the application for capacity allocation (PP) shall be rejected in so far as it cannot be achieved and the applicant shall be informed of the need to apply the procedure referred to in point 5 and about the possibility of changing the application for capacity allocation (PP).

7.6.7 Request for allocation of capacity.

7.6.7.1 The System User submits a request for allocation of capacity, which results in obtaining:

7.6.7.1.1 capacity allocation (contractual capacity) on a firm including conditional firm or interruptible including conditional interruptible basis in the procedure of providing capacity referred to in 7.6.10 for yearly, quarterly or monthly products in the gas year following the gas year when the request is submitted,

7.6.7.1.2 capacity allocation (contractual capacity) on a firm including conditional firm or interruptible including conditional interruptible basis for quarterly or monthly products, no earlier than two (2) months and no later than two (2) weeks before the expected starting date of using the capacity (contractual capacity),

7.6.7.1.3 capacity allocation (contractual capacity) at physical exit points for yearly products in the gas year following the gas year when the request was submitted, in the course of the gas year, and beyond the procedure of providing capacity, when this is justified by the TSO's contract implementation for connecting at this physical exit point, or due the circumstances described in point 7.10.5.

7.6.7.2 The System User submits to the TSO a request for capacity allocation via IES.

7.6.7.3 The System User may submit a collective request for capacity allocation at multiple physical entry and exit points.

7.6.8 The request must state separate capacity for physical entry points and for physical exit points, as well as the products and time for which the capacity is to be provided.

7.6.8.1 It is assumed that the requests concerns capacity on a firm basis or conditional firm basis, depending on the capacity made available by the TSO at the point in question.

7.6.8.2 The request is submitted when it is registered by the TSO in the IES.

7.6.8.3 At the request of the Final Customer, the TSO provides information on the quantities of capacity requested by System Users for the physical exit point located at the interconnection with the installation.

7.6.9 Verification of request for allocation of capacity.

7.6.9.1 If the submitted request contains errors or omissions, the TSO no later than five (5) business days from the date of receipt of the request shall call the applicant to submit a properly completed request within five (5) business days from the date of receipt of this call, otherwise the request will be disqualified. The TSO shall notify the System User of disqualifying the request without any delay. The call to complete the request and the notification on the request being disqualified shall be made via IES.

7.6.9.2 A request whose errors or omissions are not remedied within the prescribed period will be declined. If the System User is requested to submit a correctly completed application for capacity allocation, the deadline for considering the application begins from the date of submission of a valid application.

7.6.9.3 The request is subjected to technical analysis, subject to the provisions of point 7.8.10 to point 7.8.12.

7.6.9.4 During the technical analysis, the TSO assesses whether there are technical possibilities to provide the capacity at the indicated physical entry or exit points. During the technical analysis it will be assessed whether:

7.6.9.4.1 there is technical capacity of the transmission system that allows the transmission of gaseous fuel from the physical entry points or to the physical exit points specified in the request for allocation of capacity,

7.6.9.4.2 the equipment at the physical entry or exit points allows correct measurement of the amount of gas transmitted,

7.6.9.4.3 the quality parameters of gaseous fuel transferred for transmission at the physical entry points, specified in the request, will not cause a reduction in the quality of gaseous fuel specified in separate regulations or the TNC, and adverse changes in the scope of supply of gaseous fuels to Customers connected to the transmission system,

7.6.9.4.4 there are no other circumstances resulting in deterioration of gaseous fuel transmission reliability below the parameters set by law or the provisions of the TNC,

7.6.9.4.5 conclusion of the capacity allocation does not prevent the TSO from protecting Customers' interest or the environment,

7.6.9.4.6 the condition referred to in 7.6.3 was met.

7.6.9.5 If there is no available capacity of technological devices at the requested physical exit point and the procedure for changing the supplier is not applicable, then the applicant who requested the provision of services on

a firm including conditional firm basis will be notified of the need to submit an application for definition of the conditions for connection to the transmission network.

7.6.9.6 Entities who have not been allocated the requested amount of capacity on a firm including conditional firm basis will be offered capacity on an interruptible including conditional interruptible basis. It is possible that the offer will include both available capacity on a firm including conditional firm basis and interruptible including conditional interruptible basis, or only on an interruptible including conditional interruptible basis, with a total value equal to the request submitted. The System User may accept the offer presented by the TSO in full or in part, provided that the firm including conditional firm capacity allocation shall be executed first.

7.6.9.7 After the analysis referred to in 7.6.9.4, where there is no technical possibility to provide capacity, and the applicant has not submitted an application for definition of the conditions for connection to the transmission network, the TSO may refuse to allocate capacity, unless the offer referred to in 7.6.9.6 is accepted.

7.6.9.8 the TSO shall refuse to allocate capacity in cases when:

7.6.9.8.1 capacity allocation (PP) for the System User would reduce the reliability of delivery and the quality of gaseous fuels below the level specified in the TNC and cause an unfavourable change in prices or rates for delivered gaseous fuels, the extent of their delivery to Customers connected to the transmission network, and would prevent the TSO from protecting Customers' interest or the environment,

7.6.9.8.2 the gaseous fuel supplied would originate from a gas system of another country, and that country has not imposed the obligation to provide transmission services on companies which operate in that country, or when the Customer to which gaseous fuel would be supplied would not be regarded as entitled to use these services in that country.

7.6.9.9 The TSO shall inform the applicant of the outcome of processing of the request referred to in 7.6.7.1.2 or 7.6.7.1.3 within fourteen (14) days from the date of the receipt of the application correct in terms of formal-legal. Requests are processed in the order of receipt of formally and legally valid requests.

7.6.9.10 If a request for capacity allocation (PP) is rejected or capacity allocation (PP) is refused, the TSO shall immediately notify the interested entity and the President of ERO in writing, indicating the reasons for refusal.

7.6.9.11 Correspondence during the verification of the request for capacity allocation (PP) is transferred electronically and in the form of electronic scans of documents sent to the email address specified in the request. Information shall be considered delivered at the moment of sending documents in electronic form.

7.6.10 Procedure of providing available capacity.

7.6.10.1 The procedure of providing capacity includes capacity (contractual capacity) allocation in the following order: firm capacity, conditional firm capacity, interruptible capacity and conditional interruptible capacity. Each System User may submit one request for allocation of capacity in a given physical entry or exit point within the procedure of capacity allocation, where orders for yearly, quarterly or monthly products are specified.

7.6.10.2 The procedure of providing capacity involves requests that were submitted in the period from 25th June to 15th July and passed the preliminary technical verification, until 15th August of the gas year when the request is submitted.

7.6.10.3 the TSO shall allocate the available capacity on a firm basis including conditional firm capacity for yearly, quarterly and monthly products for the gas year following the gas year when the procedure of providing capacity is carried out.

7.6.10.4 The value of the capacity (contractual capacity) in a given physical point, expressed as an integer greater than zero, cannot exceed the technical capacity of that point.

7.6.10.5 If the demand for capacity at the physical entry points or physical exit points does not exceed the available capacity, the TSO allocates to all System Users the capacity (contractual capacity) specified in the request.

7.6.10.6 If the sum of the requested capacity on a firm basis including conditional firm capacity exceeds the available capacity, the TSO informs the operator of the installation connected at the physical entry point or the Final Customer of the requests submitted, simultaneously calling for allocating the available capacity at this point, for each of the System Users who submitted a request for capacity allocation at this point, in writing.

7.6.10.7 Until 15th August the TSO shall inform the System User, the operator of the installation connected at the physical entry point or the Final Customer of the need to allocate the available capacity.

7.6.10.8 Information on the value of the allocated capacity is given to the TSO within fourteen (14) days from the date of receipt of the written call. Information on the allocation of the available capacity is binding for the TSO and the Network User. The lack of allocation of available capacity is treated as lack of capacity allocation for each of the applicants.

7.6.10.9 the TSO shall by 20th September inform Network Users of the capacity allocated to them (contractual capacity) in the procedure of providing available capacity. The information is communicated by the TSO via IES.

7.6.10.10 Correspondence related to 7.6.10.7 and 7.6.10.8 is communicated in writing and in form of electronic scans of documents sent to the email address of System User or Final Customer. Information shall be considered delivered at the moment of sending documents in electronic form.

7.7 Capacity allocation in the overnomination procedure.

7.7.1 In the overnomination procedure, capacity is provided on a firm including conditional firm and interruptible including conditional interruptible basis dashed for the points $FPWE_{ŹDO}$, $FPWE_{M}$ $FPWE_{OA}$, $FPWY_{OK}$, $FPWY_{M}$, $FPWY_{OA}$, for daily product, and on an interruptible basis including conditional interruptible for within-day product for points $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP.

7.7.2 The capacity available under the overnomination procedure is provided under a transmission contract, capacity and transmission ability allocation (PP/PZ) and nomination confirmed by the TSO.

7.7.3 Rules of providing capacity for a period of one gas day at interconnection physical entry and exit points to/from the distribution system and storage facility ($MFPWE_{OSD}$/$MFPWY_{OSD}$ and $MFPWE_{OSM}$/$MFPWY_{OSM}$) are set out in the relevant inter-operator transmission contracts (ITC).

7.7.4 The System User who intends to use a daily or within-day product under the overnomination procedure submits a request for capacity allocation (PP) during the term of the transmission contract, indicating physical entry/exit points where the User intends to use such capacity.

7.7.5 Firm including conditional firm and interruptible including conditional interruptible capacity made available for $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$, $FPWY_{OK}$, $FPWY_{M}$, $FPWY_{OA}$, points as a daily product.

7.7.5.1 Nominations under the overnomination procedure are submitted to the TSO in accordance with the procedure described in 15.3.

7.7.5.2 If there is available capacity on a firm basis including conditional firm capacity, the TSO shall allocate such capacity to the System User. If the sum of maximum hourly quantities of gaseous fuel reported in nominations by System Users requesting capacity for one gas day is larger than the available capacity on a firm basis, the TSO shall allocate the available capacity on a firm basis including conditional firm capacity in proportion to the quantity of gaseous fuel being the difference between the maximum hourly quantity of gaseous fuel reported in the nominations and the quantities resulting from the aggregated capacity (contractual capacity) held by the System User under all the products for the given point. If there is no available capacity on a firm basis including conditional firm capacity, the System User shall be allocated capacity on an interruptible basis including conditional interruptible capacity.

7.7.5.3 Allocated capacity (contractual capacity) corresponds to the difference between the maximum hourly quantity of gaseous fuel specified in the nomination confirmed by the TSO and the amounts resulting from the sum of the capacity (contractual capacity) held by a given System User under all products longer than the daily for a given point.

7.7.6 Interruptible capacity including conditional interruptible capacity made available for $FPWE_{PPM}$, $FPWY_{PPM}$, $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP as a within-day product.

7.7.6.1 Nominations under the increased nomination procedure are submitted to the TSO from 00:00 on gas day preceding the gas day, to which the nomination under the increased nomination procedure applies.

7.7.6.2 The allocated capacity (contractual capacity) is acquired in the amount corresponding to the difference between the successive maximum hourly quantities in the confirmed nomination and the capacity (contractual capacity) allocated before the nomination or renomination is confirmed.

7.7.6.3 The capacity (contractual capacity) is allocated for the period from the occurrence of a given maximum to the end of a gas day.

7.8 Capacity allocation forecast (PPP).

7.8.1 SSO, DSO, OIR or the operator of the installation connected at a given point (including the Final Customer) shall have the right to submit to the TSO, as appropriate for $FPWE_{OIR}$, $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$, $MFPWE_{OSD}$, $MFPWE_{OSM}$, $FPWY_{OK}$, $FPWY_{M}$, $FPWY_{OA}$, $MFPWY_{OSD}$ and $MFPWY_{OSM}$ respectively, an application for the capacity allocation forecast (PPP) approval for the gas years Y+2 to Y+5, divided into individual quarters for maximum of 16 consecutive quarters with continuity of the entire forecast period.

7.8.1.1 The submission of the application for $FPWE_{OIR}$, $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$ $FPWY_{M}$, $FPWY_{OK}$ and $FPWY_{OA}$ by the operator of the connected installation

shall be subject to the prior agreement referred to in point ~~3.8.11~~ 3.8.15 or in point ~~3.8.12~~ 3.8.16 or in point 3.10 respectively.

7.8.1.2 The submission of the application for $MFPWE_{OSD}$, $MFPWE_{OSM}$, $MFPWY_{OSD}$ and $MFPWY_{OSM}$ by DSO and SSO respectively requires prior supplementation of the relevant provisions of the inter-operator transmission contract referred to in point 3.9.

7.8.2 Applications shall be submitted only for activated physical entry points or physical exit points.

7.8.3 Applications shall be submitted within the time limits set for the procedure referred to in point 7.6.10.2 or with an application for the first capacity allocation (PP) for a given point made after activation of a given point.

7.8.4 Subject to the TSO making an investment decision in accordance with point 4.7.2 for a given point indicated in the capacity allocation forecast (PPP), the capacity value related to a given quarter may not be lower than the higher of the following values:

7.8.4.1 the last applicable allocated capacity (contractual capacity) under the yearly product, or

7.8.4.2 the capacity indicated in the capacity allocation forecast (PPP) for the previous quarter.

7.8.5 The applicant may submit only one application for approval of the capacity allocation forecast (PPP) for a given point.

7.8.6 Where the application for capacity allocation forecast (PPP) approval shows that the provision of transmission services requires the upgrading or extension of this point, the application for approval of a capacity allocation forecast (PPP) shall be rejected in so far as it cannot be achieved. In such case the applicant shall be informed of the need to apply the procedure referred to in point 5 and about the possibility of changing the application for approval of the capacity allocation forecast (PPP).

7.8.7 To the extent not regulated in point 7.8 for the examination of an application for approval of a capacity allocation forecast (PPP), the provisions of point. 7.6, with the exception of the notification referred to in point ~~7.7~~6.9.~~10~~7.6.9.10 and 7.6.10.9~~7.6.10.9~~.

~~7.8.6.1~~7.8.7.1 The TSO shall inform Network Users by 25 September of the approval of the capacity allocation forecast (PPP) in the procedure for providing the available capacity. Such information is provided by TSO through IES.

~~7.8.7~~7.8.8 The approved capacity allocation forecast (PPP) cannot be higher than the technological and measurement parameters of the station of a given point taking into account the information provided to the Customer by the TSO, in accordance with point 4.7.3.3.

~~7.8.8~~7.8.9 The Network User or operator of the installation connected at a given point (including the Final Customer) shall have the right to submit a request for a revision of the approved capacity allocation forecast (PPP), by reducing or increasing it. In order to change the capacity allocation forecast (PPP), the Network User shall provide a new value of the capacity allocation forecast (PPP) as part of the application submitted in accordance with point 7.8.1.

~~7.8.9~~7.8.10 The TSO shall refuse to increase the approved capacity allocation forecast (PPP) in the event that there are no technical capabilities of the transmission system, or when such increase is not possible due to the TSO's contractual obligations.

~~7.8.10~~7.8.11 The TSO shall be obliged to allocate capacity (contractual capacity) to the Network User within the limits of the capacity allocation forecast (PPP) approved for a given $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$, $MFPWE_{OSD}$, $MFPWE_{OSM}$, $FPWY_{OK}$, $FPWY_{M}$, $FPWY_{OA}$, $MFPWY_{OSD}$ and $MFPWY_{OSM}$.

~~7.8.11~~7.8.12 In the case of $FPWE_{OIR}$, $FPWE_{ŹDO}$, $FPWE_{M}$, $FPWE_{OA}$ $FPWY_{M}$, $FPWY_{OK}$ and $FPWY_{OA}$ the TSO obligation referred to in the point 7.8.10, refers to the sum of capacity allocated to all Network Users using a given point.

~~7.8.12~~7.8.13 Approval or modification of the approved capacity allocation forecast (PPP) shall be effected by electronic means by the TSO by making a document available in the IES.

~~7.8.13~~7.8.14 In the case, when for the point for which the TSO approved the capacity allocation forecast (PPP), a capacity (contractual capacity) will be allocated that is lower than the one specified in the capacity allocation forecast (PPP), a point 19.12 shall apply.

~~7.8.14~~7.8.15 The TSO examines the applications and approves capacity allocation forecasts (PPP) after considering applications for capacity allocation (PP) and capacity allocation (contractual capacity).

~~7.8.15~~7.8.16 If the capacity allocation forecast (PPP) is reduced by more than 5%, the provision of point 19.12.3 shall apply.

7.9 Execution of capacity allocation (PP).

7.9.1 The execution of capacity allocation (PP) shall take place electronically.

7.9.2 If the execution of capacity allocation (PP) occurs in the case of changing the supplier or launching the fall-back supply, upon providing access in IES to the capacity allocation (PP) that takes into account changes resulting from the procedure referred to in 10.2.7 or 11, it is assumed that the TSO and the System User have made a binding change of capacity allocation (PP) to the extent specified by the TSO. Information shall be considered delivered at the moment of submitting documents in electronic form in IES in such a way that the System User can access them.

7.9.3 The execution of capacity allocation (PP) in the auction procedure and on the basis of a System User's request, takes place upon providing access to the document in electronic form in IES.

7.9.4 The execution of capacity allocation (PP) in the overnomination procedure takes place upon notifying the Shipper of confirmation of the nomination.

7.10 Revision the capacity allocation (PP).

7.10.1 Increasing the capacity (contractual capacity) occurs through participation in an auction or by submitting an appropriate request for capacity allocation via IES.

7.10.2 Decreasing the capacity (contractual capacity) can occur through the process of releasing capacity (contractual capacity), referred to in 7.2.2 , or through the process of resignation, referred to in 19.7.

7.10.3 Changing the capacity (contractual capacity) may also occur through the process of changing the supplier, referred to in 10 , or reselling, as referred to in 19.6.

7.10.4 Changing the capacity (contractual capacity) requires confirmation in the form of capacity allocation (PP) update to be valid. Changing the capacity allocation (PP) takes place in the form provided for its conclusion.

7.10.5 In justified cases, upon a Network User's request submitted in accordance with point 7.6 and subject to an approval by the TSO, the capacity (contractual capacity) for the physical entry and exit points specified in the capacity allocation (PP) within the allocated products, may be changed during a given gas year due to the need for a permanent increase of the capacity (contractual capacity), and specifically in the event of:

7.10.5.1 connection of new Customers, including Customers of the Network User, to be supplied from a distribution network, when such connection takes place during the gas year;

7.10.5.2 modernisation or upgrade of a pressure reduction and measurement station or a measurement station;

7.10.5.3 a process change implemented by the Network User's Customer;

7.10.5.4 additional production resulting from increased demand for the products of a Customer.

or because of the need to permanently reduce the capacity (contractual capacity) in the case of:

7.10.5.5 permanent and documented physical disconnection during the gas year of the Customers, including the Customers of the Network User supplied from the distribution network.

7.10.6 The change of the technologic or measurement parameters of the physical exit point does not constitute a reason to change the capacity allocation (PP) on the basis of point 7.10.5, unless this change is the result of execution by the TSO of the connection agreement at a given physical exit point.

7.10.7 If the change of capacity (contractual capacity) in a given physical entry or exit point requires the upgrade of this point, relevant provisions of the Tariff shall apply.

7.10.8 In the cases referred to in 7.10.7, changing the capacity (contractual capacity) may occur after starting up of the upgraded point.

~~7.10.8~~7.10.9 In the event that the TSO implements an investment project to replace the capacity (contractual capacity) made available at a given physical entry/exit point on a conditional firm or interruptible basis with firm capacity or interruptible capacity respectively, the TSO shall be entitled to change the type of transmission services provided at the physical entry/exit point allocated prior to the aforementioned investment project from conditional firm or interruptible capacity to firm capacity or interruptible capacity respectively. This results in a corresponding change in the type of transmission services allocated to the Network User at a given point, without affecting the duration of the relevant capacity product. Once the capacity allocation (PP) taking into account the indicated change is made available in the IES, the TSO and the Network User

are deemed to have made a binding change to the capacity allocation (PP) to the extent indicated by the TSO. The information shall be deemed to have been delivered as soon as the documents are made available in electronic form in the IES.

7.11 Ordering capacity during Customer's technological start-up period.

7.11.1 The capacity allocation on the basis of technological start-up (PPR) is allocated on the basis of an application submitted by the Network User in agreement with the Customer who is conducting the technological start-up. The application for capacity allocation based on the principles of technological start-up (PPR) is submitted through IES.

7.11.2 The TSO in the capacity allocation on the principles of technological start-up (PPR) determines the permissible maximum capacity (contractual capacity), during the technological start-up period (PPR_{max}), that the Network User may use at the given physical exit point taking into consideration the system capacity and its network integrity and security.

7.11.3 The TSO in the capacity allocation on the basis of technological start-up (PPR) determines the minimum value of capacity (contractual capacity) (PPR_{min}) in accordance with the conditions set out in the connection agreement.

7.11.4 The capacity allocation on the principles of technological start-up (PPR) shall be subject to the provisions of the TNC regarding capacity allocation, unless otherwise provided in the provisions of point 7.11, with the exception of the notification referred to in point 7.6.9.10.

7.11.5 Prior to the start of each month during the start-up, the Network User, in consultation with the Customer, submits a preliminary schedule of the number of anticipated gaseous fuel receipts, broken down into individual gas days.

7.11.6 Capacity allocation on the principles of technological start-up (PPR) takes place for the period from the date of allocation by the TSO and not longer than to the end of the sixth (6) gas month following the gas month in which the use of capacity on the principles of technological start-up (PPR) at a given physical exit point was stated.

7.11.7 In the event of a permanent, significant change in the final Customer's installation, that the final Customer has properly documented, capacity allocation on the basis of technological start-up (PPR) takes place for the requested period from the date of allocation by the TSO and not longer than to the end of the sixth (6) the gas month following the gas month in which this change occurred.

7.11.8 In case of capacity allocation on the basis of technological start-up (PPR) for the existing exit point to a given final Customer without the performance of the connection agreement as part of the technological start-up of the Customer's installation, the minimum value of the capacity (contractual capacity) (PPRmin) is set at a level not lower than the sum of capacity allocation in the gas month preceding the capacity allocation on the basis of technological start-up, taking into account annual, quarterly and monthly products.

7.11.9 During the technological start-up period, the Shipper using the transmission ability at PWY_O is obliged to submit hourly nominations, and the DSO using the capacity (contractual capacity) of $MFPWY_{OSD}$ is obliged to submit the hourly transmission forecasts, which will include the planned off-take of gaseous fuel from the transmission system. For off-take other than in hourly nominations,

apart from renominations, the Shipper and the DSO are obliged to secure prompt providing of information in a dispatcher mode about the planned change of the off-take of gaseous fuel from the TSO's transmission system. Such information may be communicated by the Shipper, ISO or Customer.

7.12 Ordering capacity during the technological start-up of the storage facility.

7.12.1 Capacity allocation on the basis of technological start-up (PPR) is allocated on the basis of an application submitted by the SSO, which conducts the technological start-up. The application for capacity allocation on the basis of technological start-up (PPR) is submitted via IES.

7.12.2 The TSO in the capacity allocation on the principles of technological start-up (PPR) determines the permissible maximum capacity (contractual capacity) during the technological start-up period (PPRmax)that the SSO may perform in a given $MFPWY_{OSM}$ and $MFPWE_{OSM}$, taking into account the system capacity and its integrity as well as network security.

7.12.3 The TSO in the capacity allocation on the basis of technological start-up (PPR) determines the minimum value of the capacity (contractual capacity) (PPRmin) in accordance with the conditions set out in the connection agreement.

7.12.4 The provisions of the TNC regarding the allocation of capacity shall apply to the allocation of capacity on the basis of technological start-up (PPR), unless the provisions of point 7.12 state otherwise, with the exception of the notification referred to in point 7.7.9.10.

7.12.5 Before the commencement of each month during the start-up, SSO shall submit a preliminary schedule of the quantities of gaseous fuel transferred between the systems of TSO and SSO, broken down into individual gas days.

7.12.6 Capacity allocation on the basis of technological start-up (PPR) takes place for the period from the date of allocation by the TSO and not longer than until the end of the sixth (6) gas month following the gas month in which the use of capacity on the basis of technological start-up (PPR) began in a given $MFPWY_{OSM}$ and $MFPWE_{OSM}$.

7.12.7 In the event that there has been a permanent significant change in the storage facility, which is properly documented by the SSO, the capacity allocation on the basis of technological start-up (PPR) is made for the requested period from the date of allocation by the TSO and not longer than by the end of sixth (6) gas month following the gas month in which this change occurred.

7.12.8 In case of capacity allocation on the basis of technological start-up for the existing $MFPWY_{OSM}$ and $MFPWE_{OSM}$ without the performance of the connection agreement as part of the technological start-up of the storage facility, the minimum value of the capacity (contractual capacity) (PPRmin) is set at a level not lower than the capacity allocation in the gas month preceding capacity allocation on the basis of a technological start-up, taking into account annual, quarterly and monthly products.

7.13 Gas pressure reduction service:

7.13.1 The use of the transmission system for allocated firm or interruptible capacity at physical exit points, in which the gaseous fuel pressure is reduced by the TSO on the transmission system, outside the Customer's installation connected to

the transmission system, shall only be possible after gaseous fuel pressure reduction service.

7.13.2 The list of physical exit points where the use of the transmission system requires the use of the gaseous fuel pressure reduction service provided by the Operator shall be published on the TSO website. The TSO shall announce the publication of the list or amendments to the list on the TSO website.

7.13.3 The TSO shall be obliged to provide gaseous fuel pressure reduction service at the physical exit point from the transmission system listed in the list referred to in 7.13. to the System User, at the level and for the duration of the capacity allocated to that System User at the relevant physical exit point.

7.13.4 Gas pressure reduction service is provided at the physical exit point at the request of the System User. The System User shall be obliged to submit a request for the provision of gaseous fuel pressure reduction service at a physical exit point as part of capacity allocation request for a specific physical exit point listed in the list referred to in 7.13.2, at the level and for the duration specified in the application for capacity allocation. The provisions of 7.6.7.2, 7.6.7.3and 7.6.8.2shall apply accordingly.

7.13.5 A System User who intends to use daily or intraday product under the overnomination procedure in accordance with 7.7, shall apply for the provision of gas pressure reduction service at the physical exit points listed in the list referred to in 7.13.2, as part of the application referred to in 7.7.4, indicating therein specific physical exit points at which the System User intends to use the said service.

7.13.6 In order to verify an application for the provision of gaseous fuel pressure reduction service at a physical exit point, the provisions of 7.6.9.1and 7.6.9.2. shall apply accordingly.

7.13.7 A request for the provision of gaseous fuel pressure reduction service at a physical exit point from the transmission system shall be rejected for the part in which no capacity allocation for the physical exit point in question is included, either on a firm including conditional firm or interruptible including conditional interruptible basis.

7.13.8 When capacity allocation (PP) is made available for a physical exit point listed in the list referred to in 7.13.2 in an electronic form in the ~~SWI~~IES, it is understood that the TSO shall communicate the acceptance of the gaseous fuel pressure reduction service at a specific physical exit point to be provided to a given System User at the level and for the duration of the allocated capacity to that System User of that physical exit point. Regarding the application referred to in 7.13.5, the TSO shall communicate its acceptance for implementation to a given System User at the level and for the duration of the allocated capacity to that System User at a specific physical exit point, determined in accordance with 7.13.5, 7.7.5.2-7.7.5.3.

7.13.9 The provisions of 7.13.1, 7.13.3, 7.13.4and 7.13.6- 7.13.8 shall apply accordingly in the event of a change in the capacity allocation (PP) for a physical exit point from the list referred to in 7.13.2.

7.13.10 The System User may, at any time, request the TSO to discontinue the provision of gaseous fuel pressure reduction service at a given physical exit point from the transmission system, due to the installation of pressure reduction equipment within the connected Customer's network / installation.

7.13.11 In the event that a change within the connected network/installation of the Customer results in a change of the existing conditions and technical parameters of operation of the TSO's equipment, installations or network, the System User shall apply for the determination of the connection conditions.

7.13.12 The date for performing the works and the detailed scope thereof will be agreed between the TSO and the Customer under a separate agreement, or in the case referred to in point 7.13.11, in the connection agreement.

~~7.13.10~~7.13.13 The TSO shall ~~accept the System User's request,~~ update the list referred to in 7.13.2 accordingly, and cease the provision of the reduction service from the first gas day in which the technical possibility to use the transmission system for the allocated firm or interruptible capacity has been provided without the implementation of gaseous fuel pressure reduction by the TSO on the transmission system.

~~7.13.11~~7.13.14 In the cases of optimisation of the transmission system or the Customer's connected network/installation, other than those regulated in 7.13.10 including under the agreements indicated in point 3.9.3, affecting the scope of the reduction service provided at the physical exit points, the TSO shall update the list referred to in 7.13.2. The System User using a given exit point shall be obliged to submit an appropriate application for the provision of gaseous fuel pressure reduction service at a given physical exit point. The provisions of 7.13.1, 7.13.3, 7.13.4 and 7.13.6- 7.13.8 shall apply accordingly.

8 TRANSMISSION ABILITY ALLOCATION (PZ)

8.1 General conditions.

8.1.1 The basis for rendering gas transmission services by the TSO, including balancing, is the transmission ability allocation (PZ). Upon obtaining the transmission ability (PZ), the System User obtains the status of Shipper and the resultant rights and obligations set out in the TNC.

8.1.2 The allocated ability (PZ) is expressed in units of energy (kWh /h) in integers greater than zero or equal to zero.

8.1.3 Due to the existing system limitations resulting from the measuring range of the measuring instruments, at the points for which the TSO has not executed the agreement referred to in point 16.4, the ability allocation (PZ) will specify the minimum amount of gaseous fuel that must be transferred to the transmission system and included in the nominations and renominations submitted by the Shipper for specific entry points from transmission systems of countries which are not members of the European Union. Minimum sizes of nominations may with the TSO's consent change during the period of the agreed works or in an emergency situation resulting in a reduction in the deliverability of gaseous fuel in accordance with the nomination. In case when the capacity at a given point is allocated to multiple Shippers, the TSO shall specify the minimum quantities of gaseous fuel on a pro rata basis according to the allocated capacity.

8.2 Transmission ability allocation (PZ) for the DSO and SSO.

8.2.1 The DSO and SSO, based on transmission ability allocation (PZ) and to the extent specified therein, obtain the status of Shipper and the resultant rights and obligations set out in the TNC.

8.2.2 The DSO, based on an inter-operator transmission contract (ITC) and transmission ability allocation (PZ), obtains the right to use the ability at entry and exit points to/from the distribution system (PWE_{OSD} and PWY_{OSD}), at the junction with the distribution system operated by this DSO.

8.2.3 The SSO, based on an inter-operator transmission contract (ITC) and transmission ability allocation (PZ), obtains the right to use the ability at entry and exit points to/from the storage facility (PWE_{OSM} and PWY_{OSM}) operated by the SSO.

8.2.4 In an annex to the inter-operator transmission contract (ITC), transmission ability allocation (PZ) is specified for the PWE_{OSM}, PWE_{OSD}, PWY_{OSD} or PWY_{OSM} points.

8.3 Transmission ability allocation (PZ) at PWE_{OSD} and PWY_{OSD}.

8.3.1 The System User can request transmission ability allocation (PZ) after concluding a transmission contract.

8.3.2 Transmission ability allocation for PWE_{OSD} and PWY_{OSD} is for an indefinite period, unless the System User applies for a transmission ability allocation (PZ) specifying the term thereof; in such case the transmission ability allocation will be made for the term indicated in the application.

8.3.3 The ability offered by the TSO for an entry point to the distribution system (PWY_{OSD}) is published on TSO's website and corresponds to the sum of capacities (contractual capacities), which the DSO acquired from the TSO at

the interconnection physical exit points to the distribution system of this DSO ($MFPWY_{OSD}$).

8.3.4 The ability offered by the TSO for the entry point to the distribution system (PWE_{OSD}) is published on TSO's website and corresponds to the sum of capacities (contractual capacities), which the DSO acquired from the TSO at the interconnection physical entry and exit points from/to the distribution system of this DSO ($MFPWE_{OSD}$ and $MFPWY_{OSD}$).

8.3.5 Transmission ability allocation (PZ) for an exit point to the distribution system (PWY_{OSD}) may occur for the System User being a Distribution Shipper (ZUD) in the distribution system of the DSO, and the party ordering the gaseous fuel distribution service from a source connected to the distribution system (ZUD). The allocation of ability will be subject to the submission of a distribution agreement with the DSO providing distribution services in the distribution system or the presentation of a DSO's declaration that the DSO has entered into such agreement. The present requirements shall not apply to those System Users which apply for transmission ability allocation at an exit point to a distribution system (PWY_{OSD}), for which the DSO's function is performed by the entity referred to in Art. 9d paragraph 7 of the Energy Law, in such a case, however, it is necessary to submit a DSO statement by the System User confirming the DSO's consent to allocate the capacity to this System User at the exit point to the distribution system (PWY_{OSD})of that DSO.

8.3.6 The entity ordering gaseous fuel distribution service from a source connected to the distribution system (ZUD) is required to conclude a transmission contract and request the allocation of abilities (PZ) at PWE_{OSD} and PWY_{OSD}.

8.3.7 The ability allocated to each System USER at the entry point from the distribution system (PWE_{OSD}), and exit point to the distribution system (PWY_{OSD}) will correspond to the value of the ability offered each time by the TSO. Changing the ability allocated to the System User occurs when the TSO updates the information published on the TSO's website and does not require electronic changes in transmission ability allocation (PZ).

8.3.8 An annex to the transmission contract specifies the transmission ability allocation (PZ) for PWE_{OSD} or PWY_{OSD} points. For these points, the System User has the status of Shipper and the resultant rights and obligations set out in the TNC.

8.4 Transmission ability allocation (PZ) at PWE_{OSM} and PWY_{OSM}.

8.4.1 The System User can request transmission ability allocation (PZ) after concluding a transmission contract.

8.4.2 Transmission ability allocation for PWE_{OSM} and PWY_{OSM}, is for an indefinite period, unless the System User applies for a transmission ability allocation (PZ) specifying the term thereof; in such case the transmission ability allocation will be made for the term indicated in the application.

8.4.3 The ability offered by the TSO to each System User being a Storage Service Customer (ZUM) for exit points to storage facilities (PWY_{OSM}) is published on the TSO's website and corresponds to the capacity (contractual capacity) in yearly, quarterly and monthly products that the SSO acquired from the TSO at interconnection physical entry points ($MFPWY_{OSM}$) to the storage facility of this SSO.

8.4.4 The ability offered by the TSO to each System User being a Storage Service Customer (ZUM) for entry points from storage facilities (PWY_{OSM}) is published on the TSO's website and corresponds to the capacity (contractual capacity) in yearly, quarterly and monthly products that the SSO acquired from the TSO at interconnection physical entry points ($MFPWY_{OSM}$) from the storage facility of this SSO.

8.4.5 A Storage Service Customer (ZUM), in order to introduce or off-take gaseous fuel to/from the storage facility via the transmission system concludes a transmission contract and uses the transmission ability allocation (PZ) for entry or exit points at the connection with the storage facility (PWE_{OSM} and PWY_{OSM}).

8.4.6 The ability referred to in 8.4.5 will correspond to the ability offered by the TSO. Changing the ability allocated to the System User occurs when the TSO updates the information published on the TSO's website and does not require electronic changes in transmission ability allocation (PZ).

8.4.7 A System User, being a Storage Service Customer (ZUM), may use capacity for a period of one gas day in case the maximum capacity at a given point (Qmax) published on the TSO website exceeds the ability allocation value (PZ) for entry or exit points at the storage facility connection (PWE_{OSM} and PWY_{OSM}).

8.4.8 Qmax exceeding the value of the ability allocation (PZ) for entry or exit points at the storage facility interconnection (PWE_{OSM} and PWY_{OSM}) shall only be published if agreed between the TSO and the SSO on the basis of the agreement referred to in point 3.9.4.

8.4.9 The provision of transmission service for a period of one gas day is exercised on the basis of approved nominations or renominations at the entry or exit points at the connection to the storage facility (PWE_{OSM} and PWY_{OSM}).

8.4.10 The difference between the maximum hourly quantity of gaseous fuel specified in the TSO-approved nomination for entry or exit points at the storage facility connection (PWE_{OSM} or PWY_{OSM}) and the quantities resulting from the sum of capacities (contractual capacities) in the yearly, quarterly and monthly products, that the SSO has purchased from the TSO at the interconnected physical entry points ($MFPWE_{OSM}$) from that SSO's storage facility or interconnected physical exit points ($MFPWY_{OSM}$) to that SSO's storage facility shall be allocated as capacity for the SSO for a period of one day.

~~8.4.6~~8.4.11 The quantities of gaseous fuel specified in nominations or renominations at the entry or exit points at the connection to the storage facility (PWEOSM and PWYOSM) shall not exceed the current maximum transmission capacity at a given point (Qmax) published on the TSO's website.

8.5 Transmission ability allocation at $WPWE_{GG}$, $WPWY_{GG}$, $WPWE_{PPG}$, $WPWY_{PPG}$, $WPWE_{OTC}$, $WPWY_{OTC}$, and $WPWY_{ZO}$.

8.5.1 A System User, including DSO and SSO, is entitled under the transmission contract and transmission ability allocation (PZ) to use the ability at:

8.5.1.1 entry and exit points $WPWE_{GG}$ and $WPWY_{GG}$, and

8.5.1.2 entry and exit points $WPWE_{PPG}$ and $WPWY_{PPG}$, and

8.5.1.3 entry and exit points $WPWE_{OTC}$ and $WPWY_{OTC}$.

8.5.2 A System User or Applicant may request transmission ability allocation (PZ) for points $WPWE_{GG}$ and $WPWY_{GG}$, $WPWE_{PPG}$ and $WPWY_{PPG}$ and $WPWE_{OTC}$ and $WPWY_{OTC}$ after concluding the transmission contract.

8.5.3 There are no limits for the ability allocated for virtual points, i.e. $WPWE_{PPG}$ and $WPWY_{PPG}$, $WPWE_{OTC}$ and $WPWY_{OTC}$ and $WPWE_{GG}$ and $WPWY_{GG}$ and $WPWY_{ZO}$.

8.5.4 Allocation of ability for $WPWE_{GG}$ and $WPWY_{GG}$, $WPWE_{PPG}$ and $WPWY_{PPG}$ and $WPWE_{OTC}$ and $WPWY_{OTC}$ is for an indefinite period.

8.5.5 In the event the Obligated Entity notifies maintaining a compulsory stock outside the territory of the Republic of Poland, it automatically obtains the capacity in the $WPWY_{ZO}$, for the period of maintaining a compulsory stock.

8.6 Transmission ability allocation (PZ) at entry and exit points other than PWE_{OSM}, PWY_{OSM}, PWE_{OSD}, PWY_{OSD}, $WPWE_{OTC}$, $WPWE_{PPG}$, $WPWY_{PPG}$, $WPWY_{OTC}$, $WPWE_{GG}$, $WPWY_{GG}$.

8.6.1 A Network User who has been allocated capacity (contractual capacity) at physical entry or exit points ($FPWE_{PPM}$ and $FPWY_{PPM}$, FPWE and FPWY), including the Point of Interconnection (PWP) and, at the same time, has been allocated transmission ability (PZ) acquires the status of a Shipper. In this respect, and in the same form, the allocation of transmission ability (PZ) occurs simultaneously with the allocation of capacity (PP). Transmission ability allocation (PZ) is for the same time as capacity allocation (PP).

8.6.2 In the transmission ability allocation (PZ) for an exit point (PWY_{OK}) for which conditional interruptible ~~conditionally firm~~ capacity (contractual capacity) has been allocated, as referred to in 7.2.~~9~~ 7 the entry point(s) (PWE) or exit point(s) (PWY) will be indicated, where ensuring supply of gaseous fuel is necessary for providing conditional interruptible ~~conditionally firm~~ ability at a given exit point (PWY_{OK}).

8.6.3 Using by the Shipper the allocated conditional interruptible ~~conditionally firm~~ ability at an exit point (PWY_{OK} or PWY_{OSP}) depends on ensuring by any Shipper supply or takeoff of appropriate quantities of gaseous fuel to the appropriate entry point (PWE) or exit point (PWY).

8.6.4 Using by the Shipper the allocated conditional interruptible ~~conditionally firm~~ ability at an entry point (PWE_{OSP}) depends on ensuring by any Shipper ~~collection~~ takeoff or supply of appropriate quantities of gaseous fuel at the appropriate exit points (PWY) or entry points (PWE).

8.7 Request for transmission ability allocation (PZ).

8.7.1 Transmission ability allocation for $WPWE_{GG}$ $WPWY_{GG}$, $WPWE_{PPG}$ and $WPWY_{PPG}$, $WPWE_{OTC}$, $WPWY_{OTC}$, PWE_{OSD}, PWY_{OSD}, PWE_{OSM} and PWY_{OSM} requires the System User to submit a request for transmission ability allocation.

8.7.2 The System User shall submit to the TSO such request for allocation of ability (PZ) via the IES.

8.7.3 The TSO shall process the request within fourteen (14) days from the date of its receipt. After processing the request for transmission ability allocation (PZ), the TSO shall notify the applicant of accepting or rejecting the request because of the important and legitimate reasons, or call the applicant to supplement it. If the System User is requested to complete the application within the required time, the time limit for examining the application shall run from the date of submission of the correct application.

8.7.4 The information about declining or rejecting of the request for transmission ability allocation (PZ) shall be communicated by the TSO to the System User in writing, stating the reason.

8.7.5 If a request for transmission ability allocation (PZ) is rejected, the TSO shall immediately notify the interested entity and the President of ERO in writing, indicating the reasons for refusal.

8.7.6 If the System User submits a request for transmission ability allocation (PZ) at the entry point $WPWE_{GG}$, entry point $WPWE_{PPG}$, entry point from the distribution system (PWE_{OSD}) or the point of entry from the OTC market ($WPWE_{OTC}$), the TSO shall allocate the requested ability also for the exit point $WPWY_{GG}$, exit point $WPWY_{PPG}$, exit point to the distribution system (PWY_{OSD}) or the exit point to the OTC market ($WPWY_{OTC}$).

8.7.7 If the System User submits a request for transmission ability allocation (PZ) at the exit point $WPWY_{GG}$, exit point $WPWY_{PPG}$ or exit point to the OTC market ($WPWY_{OTC}$), the TSO shall allocate the requested ability also for the entry point $WPWE_{GG}$, entry point $WPWE_{PPG}$ or the entry point from the OTC market ($WPWE_{OTC}$), respectively.

8.7.8 If the System User submits a request for transmission ability allocation (PZ) at the exit point to the distribution system (PWY_{OSD}), the TSO shall allocate the requested ability also for the entry point from the distribution system (PWE_{OSD}), if such a point has been created at the connection with the given DSO.

8.8 Conclusion of transmission ability allocation (PZ).

8.8.1 Conclusion of transmission ability allocation (PZ) occurs when the electronic document specifying the transmission ability (PZ) is published by the TSO in the IES.

8.9 Changing the ability allocation (PZ).

8.9.1 Changing the ability allocation (PP) at physical entry or exit points leads to an automatic change in ability allocation (PZ) at the corresponding points with a physical location.

8.9.2 Changing the ability allocation (PZ) occurs when the electronic document specifying the transmission ability (PZ) is published by the TSO in the IES.

9 SUSPENSION AND REINSTATEMENT OF GASEOUS FUEL TRANSMISSION

9.1 The TSO may suspend the transmission of gaseous fuel in case when:

9.1.1 illegal off-take of gaseous fuel is discovered at a given exit point as a result of an inspection, when such illegal off-take involves the off-take of gaseous fuel without entering into a transmission contract for the physical point (without capacity (contractual capacity) allocation in the physical exit point), or bypassing, in full or in part, the measurement system, or in an interference with this system which distorts the measurements taken by this measurement system,

9.1.2 the contract on the basis of which the fall-back supply was performed expired, and at the same time the TSO does not implement the supplier switching procedure to the given Final Customer.

9.1.3 the System User defaults on the payment for the provided services, including balancing, for at least thirty (30) days after the due date.

9.2 The TSO shall suspend the transmission of gaseous fuel if an inspection has revealed that an installation at the site of the Customer (including System Users) presents a direct threat to human life, health or the environment,

9.3 In the event of suspension of the gaseous fuel transmission, the Customer is obliged to suspend the gaseous fuel off-take from the transmission system.

9.4 The TSO shall restore the transmission of quantities of gaseous fuel immediately after the reasons for the suspension have ceased.

9.5 If a Shipper's Customer is in arrears with payment of any amounts due to the Shipper for the off-taken gaseous fuel or the provided services, the Shipper shall have the right to submit an order to the TSO to suspend the delivery of gaseous fuel to the physical exit point from which the Shipper's Customer being in delay with payment off-takes gaseous fuel.

9.6 The TSO may suspend the deliveries of gaseous fuel to a physical exit point to the Customer at the request of all the Shippers using the capacity of such point. The suspension order referred to in this point may be issued exclusively if the conditions laid down in Article 6 b of the Energy Law are met.

9.7 In case when gaseous fuel is delivered to the Customer by at least two Shippers and one Shipper issues a suspension order, the TSO shall initiate a suspension procedure which disables the Customer in making allocations with respect to the Shipper which issued the suspension order. As a condition for the suspension of deliveries to the Customer, the Shipper which issued the suspension order must nominate zero for such Customer during the period affected by the suspension order.

9.8 Such orders may only refer to those physical exit points which have the technical capacity to suspend the supply/transmission of gaseous fuel to the Shippers Customer.

9.9 Prior to submitting the suspension order to the TSO, the Shipper shall notify its Customer taking off gaseous fuel at the physical exit point and concerned by the order referred to under point 9.6 of the date in which gaseous fuel transmission is to be suspended.

9.10 The Shipper shall submit the order to suspend gaseous fuel deliveries thirty (30) days after the due date of overdue payments. In the order to suspend the supply of gaseous fuel the Shipper should specify the following:

9.10.1 physical exit point to which the order refers;

9.10.2 date and hour in which the order is to be performed by the TSO, however the order may only be executed only on working days.

9.10.3 contact details of the Shippers representative authorised to act as a contact with the TSO in respect of the time and performance of the order (name, title, phone no. and e-mail address) and make a valid written decision to revoke the order.

9.10.4 to the order to suspend, the Shipper is also obliged to attach:

9.10.4.1 The original or certified true copy of the invoice for the provided services or the off-taken gaseous fuel issued to the Shipper's Customer and specifying the payment date and the call of the Customer to whom gaseous fuel was delivered by the Shipper to pay the outstanding receivables for provided services or the off-taken gaseous fuel, together with a document confirming the delivery of the invoice and the call to the Shipper's Customer.

9.10.4.2 Shipper's declaration confirming that the gaseous fuel recipient is delaying payment for provided services or off-taken gaseous fuel for at least thirty (30) days after the due date of payment, and the due date of payment specified in the call,

9.11 The order should be passed on to the TSO together with the documents referred to in point 9.10, at least three (3) working days prior to the date indicated in the order for the suspension of gaseous fuel supply.

9.12 In the event of problems related to contact with the Customer or the TSO's representatives reaching the Customer's premises where the gas station is located, it is recommended that, at the TSO's request, the Shipper's representative be present when executing the order.

9.13 If the TSO, despite having exercised appropriate care and having exhausted all legally available measures within the time specified in the order, is unable to perform the order, it shall notify the Shipper's representative of the above. The TSO may withdraw from the execution of the order 6 hours after it has notified the Shipper.

9.14 Immediately after receiving a resuming order from the Shipper, the TSO shall resume the delivery of gaseous fuel to the exit point in respect of which the reason for a suspension of deliveries ceased to apply. Such gaseous fuel supply resuming shall be effected by sending a written resuming order and submitting a relevant nomination in accordance with the transmission order. The Shipper, together with the resuming order, sends to the TSO the Customer's statement that the Customer's installation is ready to resume gas fuel delivery.

9.15 A suspension effected upon the Shipper's order shall not release the Shipper from the obligation to pay the charges in respect of the performance of the transmission contract at the point concerned by such order.

9.16 The TSO is not liable for the failure to transmit gaseous fuel in the event of withholding the transmission of gaseous fuel in the situations described in point 9.

10 SUPPLIER SWITCHING PROCEDURE

10.1 Each Final Customer in the transmission system has the right to change the gaseous fuel supplier in accordance with the provisions of the Energy Law

10.2 In the event of gaseous fuel supplier switching by the Final Customer whose facilities, installations or networks are connected directly to the transmission system:

10.2.1 The Final Customer shall conclude a sale agreement or a comprehensive agreement with a new supplier, or change the point of delivery of gaseous fuel specified in the sale agreement to an entry point to the transmission system or the virtual point,

10.2.2 The Final Customer or the new supplier acting on behalf of the Final Customer shall terminate the sale agreement with the existing supplier in respect of a part or all of the ordered capacity (contractual capacity) at a physical exit point ($FPWY_{OK}$), or the Final Customer shall change the point of delivery of gaseous fuel specified in the sale agreement with the existing supplier to an entry point to the transmission system or the virtual point.

10.2.3 the new supplier or the Final Customer shall conclude a transmission contract with the TSO and/or submit an application for transmission capacity allocation at a physical exit point ($FPWY_{OK}$) where gaseous fuel is off-taken by the Final Customer switching the supplier,

10.2.4 the new supplier or the Final Customer shall submit an application for capacity allocation digitally through the IES, no later than twenty-one (21) days prior to the date in which the supply of gaseous fuel to the physical exit point ($FPWY_{OK}$) by the new supplier or the Final Customer is to begin. The application for capacity allocation should be accompanied by the Final Customer's declaration that the supply agreement with the existing supplier has been effectively terminated or that the sale agreement referred to in point 10.2.1 and the statement on the quantity of capacity (contractual capacity) and the duration of withdrawing the capacity from the existing Network User (existing supplier) and the quantity of capacity and the duration of assigning the capacity to the Final Customer or new supplier. The model application form shall be available from the TSO's website,

10.2.5 the TSO shall consider the application over a period of seven (7) days; in the case of the application containing formal defects or errors, particularly if not all the required information or documents have been provided in or with the application, the TSO shall request the applicant to provide the missing details and information or to remove any errors, stipulating in writing any errors or deficiencies in the application within five (5) days of the delivery of the request. An application containing formal defects or errors which are not removed by the specified date, shall not be considered by the TSO.

10.2.6 the new supplier or the Final Customer shall inform the TSO of the date of terminating the offtake of gaseous fuel from the existing supplier and starting the supply of gaseous fuel to the physical exit point ($FPWY_{OK}$),

10.2.7 as of the starting date of the supply of gaseous fuel to the physical exit point ($FPWY_{OK}$) by the new supplier or the Final Customer, the capacity allocation (PP) of the Network User (existing supplier) shall be revised in such a manner that the capacity allocation (PP) at the physical exit point ($FPWY_{OK}$) shall be reduced by the capacity (contractual capacity) allocated to the Network User that is the new supplier or the Final Customer according to the statement of the Final Customer referred to in point 10.2.4. In the event of a total change

of supplier, the capacity allocation (PP) in the given physical exit point ($FPWY_{OK}$) of the existing supplier is terminated. The Network User (new supplier or Final Customer) shall acquire the capacity at the physical exit point ($FPWY_{OK}$) where the change of supplier takes place, in the amount specified in the statement of the Final Customer referred to in point 10.2.4. The termination, amendment or conclusion of a new capacity allocation (PP) at the physical exit point ($FPWY_{OK}$) shall take place in accordance with the procedure described in point 7.9.2.

10.3 The TSO shall perform the measurement system reading for the purpose of the settlement between the existing supplier and the Final Customer,

10.4 By the date when the TSO performs the billing for the month when the change of supplier took place, it shall provide the necessary billing data to the existing supplier and to the Network User (new supplier or the Final Customer).

10.5 The reading referred to under point 10.3 shall be performed by the TSO no later than within five (5) business days of the last day of term of the sale agreement concluded with the Network User (existing supplier). In the event that such reading may not be performed, the TSO shall provide an estimate of the quantity of gaseous fuel as at the last day of term of the sale agreement concluded with the Network User (existing supplier).

10.6 The capacity offering procedure for the transfer of the capacity (contractual capacity) held by the existing supplier to the new supplier or the Final Customer (the "supplier switching procedure in the transmission system") shall take no longer than twenty-one (21) days.

10.7 Supplier switching in transmission system shall be made through capacity allocation to the new supplier or Final Customer by TSO, it is therefore necessary to adequately new supplier or Final Customer was a party to the transmission contract with the TSO (had the status of System User). The transmission contract shall be concluded no later than at the time of accession to the supplier switching procedure in the transmission system.

10.8 The provisions of point 10 shall be applicable, *mutatis mutandis*, in the case when the Final Customer changes the supplier ("partial change of the supplier") by the way of:

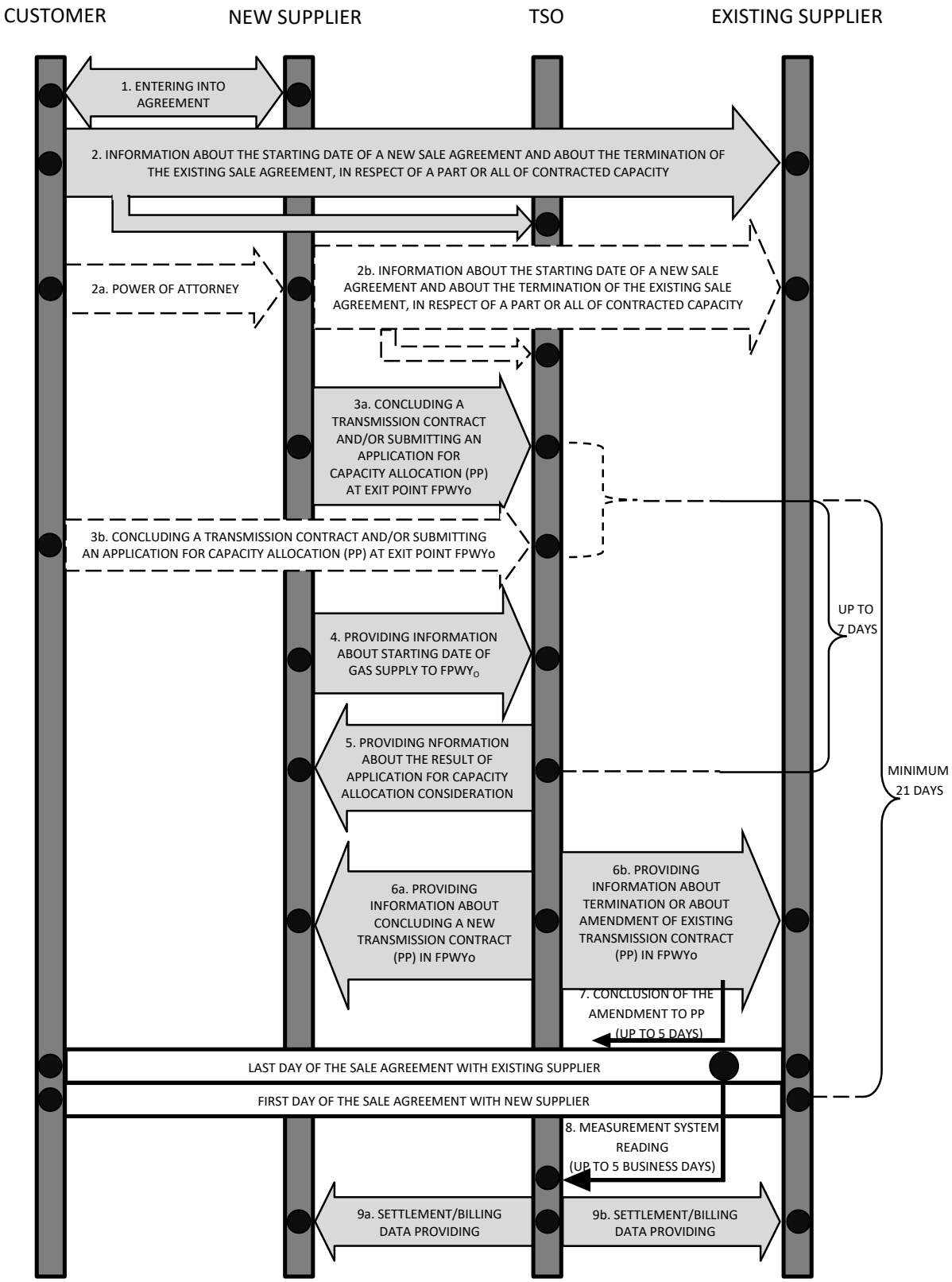
10.8.1 concluding a universal agreement with another supplier and, at the same time, reducing the capacity with the existing supplier, or

10.8.2 concluding a transmission contract and submitting an application for capacity allocation (PP) at $FPWY_{OK}$ and, at the same time, reducing the capacity (contractual capacity) with the existing supplier.

10.9 In case of a complete change of the supplier the amount of the capacity (contractual capacity) allocated to the new supplier or the Final Customer shall not be lower than the capacity allocated to the existing supplier, subject to the provisions of point 7.10.5.

10.10 In the event when during the supplier switching procedure, there are reasons for launching the fall-back supply, in accordance with point. 11 the supplier switching procedure is cancelled.

10.11 The supplier switching procedure.


CUSTOMER
NEW SUPPLIER
TSO
EXISTING SUPPLIER
1. ENTERING INTO AGREEMENT
2. INFORMATION ABOUT THE STARTING DATE OF A NEW SALE AGREEMENT AND ABOUT THE TERMINATION OF THE EXISTING SALE AGREEMENT, IN RESPECT OF A PART OR ALL OF CONTRACTED CAPACITY
2a. POWER OF ATTORNEY
2b. INFORMATION ABOUT THE STARTING DATE OF A NEW SALE AGREEMENT AND ABOUT THE TERMINATION OF THE EXISTING SALE AGREEMENT, IN RESPECT OF A PART OR ALL OF CONTRACTED CAPACITY
3a. CONCLUDING A TRANSMISSION CONTRACT AND/OR SUBMITTING AN APPLICATION FOR CAPACITY ALLOCATION (PP) AT EXIT POINT FPWYo
3b. CONCLUDING A TRANSMISSION CONTRACT AND/OR SUBMITTING AN APPLICATION FOR CAPACITY ALLOCATION (PP) AT EXIT POINT FPWYo
4. PROVIDING INFORMATION ABOUT STARTING DATE OF GAS SUPPLY TO FPWY$_O$
5. PROVIDING NFORMATION ABOUT THE RESULT OF APPLICATION FOR CAPACITY ALLOCATION CONSIDERATION
6a. PROVIDING INFORMATION ABOUT CONCLUDING A NEW TRANSMISSION CONTRACT (PP) IN FPWYo
6b. PROVIDING INFORMATION ABOUT TERMINATION OR ABOUT AMENDMENT OF EXISTING TRANSMISSION CONTRACT (PP) IN FPWYo
7. CONCLUSION OF THE AMENDMENT TO PP (UP TO 5 DAYS)
LAST DAY OF THE SALE AGREEMENT WITH EXISTING SUPPLIER
FIRST DAY OF THE SALE AGREEMENT WITH NEW SUPPLIER
8. MEASUREMENT SYSTEM READING (UP TO 5 BUSINESS DAYS)
9a. SETTLEMENT/BILLING DATA PROVIDING
9b. SETTLEMENT/BILLING DATA PROVIDING
UP TO 7 DAYS
MINIMUM 21 DAYS

11 FALL-BACK SUPPLY

11.1 Conditions, procedures and dates of launching fall-back supply.

11.1.1 The TSO launches fall-back supply in case of:

11.1.1.1 getting by TSO the information from the Shipper about the necessity to cease gas fuel supply to all its Final Customers and the expected date of this ceasing or

11.1.1.2 getting by TSO the information on the occurrence of an event resulting in the need to cease providing transmission services to the Shipper delivering gas fuel to its Final Customers. An event resulting in the need to cease providing transmission services may be in particular:

11.1.1.2.1 dissolution of the Transmission Contract with the Shipper delivering the gas fuel to the Final Customer, unless the Final Customer informs that the delivery of gaseous fuel is provided by other Shipper in accordance with the form prepared by TSO,

11.1.1.2.2 suspension by the TSO of the provision of transmission services in case of a lack of relevant guarantees on the financial reliability of Shipper and without completing them by the Shipper to the required level within three (3) working days from the suspension of the provision of services;

11.1.1.3 getting by TSO the information about the expiration of the sale contract or the universal agreement connecting the Final Customer with the Shipper, if this agreement constituted the only and exclusive basis for the delivery of gaseous fuel to the Final Customer - i.e. in case of the expiry of the sole capacity allocation (PP) in exit point for this Final Customer;

11.1.1.4 unless the TSO realises the supplier switching procedure for a given Final Customer and this procedure will end at the latest before the gas day, when the gaseous fuel to this Final Customer will cease to be delivered.

11.1.2 In the case when the comprehensive agreement which expired concerned the fall-back supply, and the TSO does not perform the supplier switching procedure to the Final Customer, the TSO shall not restart the fall-back supply and simultaneously suspend the delivery of the gas fuel to this Final Customer to the extent that the delivery took place on the basis of a contract which expired in accordance with the provisions of point 9.1.2.

11.1.3 The TSO shall without undue delay provide the DSO via message to the e-mail address indicated in the agreement referred to in point 3.9 with information on the fact of the occurrence of the circumstances described in point 11.1.1.1 or in point 11.1.1.2 or of the occurrence of facts that may result in the occurrence of this circumstances in the future for Shippers with ability allocation (PZ) to a given DSO.

11.1.4 The Information transferred between the TSO and the DSO includes relevant information, including:

11.1.4.1 the lack of adequate guarantees regarding the financial reliability of the Shipper

11.1.4.2 type of premise or circumstances resulting in the launching of fall-back supply in the OSW system as well as the date of its occurrence

11.1.4.3 the time limit for the provision of the transmission service to the Shipper

11.1.4.4 the deadline for the restoration of the provision of the transmission service to the Shipper, in the case of completing the appropriate guarantees

regarding the financial reliability of the Shipper to the level required by the TSO

11.1.4.5 the date of cessation of the transmission service to the Shipper

11.1.4.6 the company and the code of the competent Shipper

11.1.5 Providing the information referred to in point 11.1.4.2 and point 11.1.4.5 result in the necessity to launch the fall-back supply on the date indicated by the TSO in this information.

11.1.6 The TSO shall submit on behalf of and for the benefit of the Final Customer a declaration of acceptance of the offer referred to in point 11.1.9, which results in the conclusion of a comprehensive agreement between the Final Customer and the Shipper containing the provisions of the fall-back supply and the launch of fall-back supply indicating the physical exit point to the Final Customer ($FPWY_{OK}$) whose the launch of the fall-back supply concerns. Subject to the provisions of point 11.1.8, the TSO accepts the offer of the Shipper who has been indicated by the Final Customer. Within five (5) days from the submission of the declaration, the TSO informs the Final Customer about the conclusion of a fall-back supply contract and at the same time provides data on:

11.1.6.1 the reasons and the date for the conclusion of this contract,

11.1.6.2 the date for launching the fall-back supply,

11.1.6.3 contact details of the relevant Shipper,

11.1.6.4 the address of the website of the Shipper, on which the conditions for realising the fall-back supply are published.

11.1.7 The TSO shall submit to the Shipper the declaration referred to in point 11.1.6 via email to the e-mail address specified in the offer:

11.1.7.1 on the day of receiving the information referred to in point 11.1.1.1,

11.1.7.2 on the day of getting the information referred to in point 11.1.1.2 or point 11.1.1.3, subject to the provisions of point 11.1.6.3,

11.1.7.3 immediately after three business days (3) from the moment of suspension of the provision of transmission services by the TSO in case of a lack of relevant guarantees on the financial reliability of Shipper.

11.1.8 In case when it's necessary to launch the fall-back supply and in the Final Customer agreement with the existing supplier (Shipper):

11.1.8.1 no entity is indicated for the conclusion of a comprehensive agreement containing the provisions of a fall-back supply contract, or

11.1.8.2 the entity indicated is not entered in the list referred to in point. 11.2.1, or

11.1.8.3 the entity indicated in the contract with the existing supplier (Shipper) may not take, didn't took or ceased the fall-back supply, or

11.1.8.4 the TSO is not authorised to conclude a comprehensive agreement containing the provisions of a fall-back supply contract,

11.1.8.5 the TSO shall conclude on behalf of and for the benefit of the Final Customer a comprehensive agreement with the supplier of last resort within the meaning of the Energy Law. In this case, the provisions of point 11.1.12 to 11.1.15 shall apply appropriately.

11.1.9 The Shipper entered on the list referred to in point 11.2.1 is obliged to provide the TSO with the current address of the website on which the fall-back supply

offer addressed to the Final Customers connected to the transmission system, has been published.

11.1.10 Subject to point 11.1.11, the fall-back supply shall be performed from the beginning of the gas day in which the TSO has submitted to the Shipper the declaration referred to in point 11.1.6, unless the TSO has indicated a later date in the declaration.

11.1.11 When the fall-back supply is launched on the basis of the TSO's declaration submitted in accordance with the provisions of point 11.1.7.3, its implementation takes place from the beginning of the gas day in which the TSO suspended the transmission services to the Shipper.

11.1.12 As soon as the fall-back supply is launched in accordance with point 11.1.7, the capacity allocation (PP) of the Network User (existing supplier) shall be changed, in this way, the capacity allocation (PP) at the physical exit point ($FPWY_{OK}$) is terminated, and the existing capacity (contractual capacity) at this physical exit point ($FPWY_{OK}$) is allocated to a Network User (Shipper) performing fall-back supply. In the case referred to in point 11.1.1.3 the Shipper performing the fall-back supply will be allocated capacity (contractual capacity) with the value and on the rules of the capacity allocated by the TSO at the exit point to the Final Customer. The change or conclusion of a new capacity allocation (PP) at the physical exit point ($FPWY_{OK}$) takes place according to point 7.9.2.

11.1.13 The TSO shall perform the measurement system reading for the purpose of the settlement between the existing supplier and the Final Customer.

11.1.14 The reading referred to under point 11.1.13 shall be performed by the TSO no later than within five (5) business days of launching the fall-back supply. In the event that such reading may not be performed, the TSO shall provide an estimate of the quantity of gaseous fuel off-taken by the Final Customer as at the last gas day before starting the fall-back supply to this Final Customer.

11.1.15 Information on the results of the reading performed shall be provided by the TSO to the existing supplier (Shipper) and the Shipper performing the fall-back supply within fourteen (14) days from the day the fall-back supply to this Final Customer has started.

11.1.16 The Shipper providing gas fuel to the Final Customer is obliged to inform immediately the TSO in writing on the choice of the fall-back supplier made by the Final Customer within the meaning of the Energy Law and submit for the TSO the power of attorney issued by the Final Customer to conclude the comprehensive agreement containing the provisions of fall-back supply contract.

11.2 The list of fall-back suppliers.

11.2.1 The TSO shall keep a list of Shippers offering the fall-back supply in the transmission system. The list of Shippers offering the fall-back supply is published on the TSO's website and is available at the TSO office.

11.2.2 The Shipper shall be entered on the list referred to in point 11.2.1, as acting as a supplier of last resort within the meaning of the Energy Law.

11.2.3 The Shipper who submitted an appropriate application to the TSO may also be entered on the list referred to in point 11.2.1. Conditions for entering and deleting from the list referred to in point 11.2.1, are specified in the transmission contract or in the contract general conditions published on the TSO's website.

11.2.4 The completion of the performance of the fall-back supply and execution of a universal agreement with a supplier of last resort within the meaning of the Energy Law may take place through the supplier switching process, in accordance with point. 10.1 or through its dissolution

11.3 The fall-back supply shall not be launched to the Final Customer, to whom the TSO suspended the supply of gaseous fuels, in accordance with the provisions of point. 9 or when the comprehensive agreement has been terminated due to the lack of consent of the Final Customer to install a prepayment metering and settlement system.

12 WORKS IN THE TRANSMISSION SYSTEM

12.1 Planning of works that affect the conditions of the transmission system functioning.

12.1.1 The TSO shall carry out the necessary operations, diagnostic, maintenance, servicing and connection, installation and modernisation works (hereinafter the "works") in order to ensure the safety and adequate operating reliability of the transmission system.

12.1.2 By 31 October of the current year, the Customer connected directly to the transmission system presents an information to the TSO with regard to the works planned for the following calendar year in its facilities, which may affect the conditions of gas fuel off-take, including a potential reduction of the quantity of gaseous fuel to be off-taken.

12.1.3 The TSO shall agree the scope and timing of work planned in the interoperating systems with the ISOs on the conditions specified in the agreements referred to in point 3.8 and point 3.9.

12.1.4 By 19 November of current year, the TSO shall post an information on TSO's website regarding the works planned for the following calendar year, which may affect the conditions of the transmission system functioning leading to limited gas transmission capacity. In the above information, the TSO includes the information provided in accordance with the provisions of point 12.1.2 and point 12.1.3 and shall make efforts in order to ensure that the timing of the works to be conducted by the TSO takes account of the timing provided by the entities mentioned above.

12.1.5 In the information referred to in point 12.1.4, the TSO shall provide a list of entry and exit points where restrictions affecting the off-take and supply of gaseous fuels may occur, and the expected duration of such restrictions.

12.1.6 Specific arrangements as to the scope and timing of the works shall be agreed between the TSO and the Network User or the ISO.

12.1.7 In justified cases, the TSO may introduce changes to the scope of the works during the year. Such changes may also be introduced by the TSO upon a justified request of the Network User or ISO. The TSO, Network User and ISO shall make every effort to minimize the effects of the restrictions caused by the planned works.

12.1.8 The TSO shall provide the Network User concerned with any information on any changes to the timing of the works and the timing of any works that had not been previously scheduled.

12.1.9 In the event that planned works are carried out by the Network User or ISO, the TSO, upon a request submitted in writing by the Network User or the ISO at least seven (7) prior to the planned works commencement date may ensure the possibility of off-take or supply of additional amounts of gaseous fuel at particular physical entry and exit points, in particular by giving its consent to overrun the capacity at such points over a specified period of time.

12.1.10 The request submitted by the Network User or the ISO referred to under point 12.1.9 should specify the physical point or physical points at which additional supply or off-take of gaseous fuel is to occur and the level of the possible overrun of the capacity. The TSO shall either give or refuse its consent in writing within three (3) days of receiving such request from the Network User or the ISO.

In the event of refusal to overrun the capacity, the TSO shall provide the rationale for its decision.

12.1.11 The TSO may ensure the possibility of off-take or supply of additional amounts of gaseous fuel at particular physical entry and exit points, in particular by giving its consent to exceed the capacity in the event of interruptions or disturbances in the transmission of gaseous fuel which are beyond the control of the Network User or the ISO. The TSO shall agree with the ISO or the Network User the measurement systems (physical entry or exit points) as well as the dates and volumes of additional supplies or off-takes of gaseous fuel as well as the possible exceeding of the capacity. The ISO or the Network User shall confirm to the TSO in writing, within three (3) days, and immediately in emergency situations, whether such disturbances or interruptions cause any actual reduction of gaseous fuel supply to Customers.

12.1.12 In a situation where, in connection with planned works in the transmission system of the TSO resulting in limitation of the possibility to supply the DSO's system with gaseous fuel from the transmission network with respect to the quantities to be off-taken by Protected Customers, the TSO, in cooperation with the relevant DSO, shall ensure the continuity of gas fuel supply, to the extent technically and economically feasible.

12.1.13 The provisions of point 12.1.12 shall be applied accordingly in the event of a breakdown in the transmission network resulting in limitation of the possibility of delivering the DSO's facilities with gaseous fuel from the transmission network with respect to the quantities to be off-taken by Protected Customers.

12.2 Notification of the Network User of changes in the conditions of the transmission system functioning.

12.2.1 The TSO shall notify the Network Users about the duration ~~and scope~~ of ~~such~~ restrictions at the entry and exit points resulting from the ongoing works, as well as about the capacity available at the points covered by the ~~restrictions~~limitation, at least forty-two (42) days prior to the date of commencement of the planned work.~~:~~

~~12.2.1.1 in the event that such works result in an interruption in the supply of gaseous fuel to the Network User's Customers - at least forty-two (42) days prior to the commencement date of the planned works, according to point 12.1.4,~~

~~12.2.1.2 in the event that such works do not result in an interruption in the supply of gaseous fuel to the Network User's Customers - at least five (5) days prior to the commencement date of the planned works,~~

~~12.2.1.3~~12.2.1.1 ~~In the event that such works result in capacity congestion at the import entry points, but do not result in an interruption in the supply of gaseous fuel to the Network User's Customers at least five (5) days prior to the commencement of the planned works.~~

12.2.2 The System User shall take the reductions referred to in point 12.2.1 into account in its nominations or transportation forecasts.

12.2.3 The Network User hall inform and commit its Customers located downstream of the exit points that are affected by the restrictions to introduce appropriate restrictions with respect to the off-take of gaseous fuel.

12.2.4 The Shipper shall inform and commit its suppliers located upstream of the entry points that are affected by the restrictions to introduce appropriate restrictions with respect to the supply of gaseous fuel.

12.2.5 During the periods when reductions due to the performance of the works the system, as referred to in point 12.2.1, the TSO shall be released from the obligation to accept gaseous fuel for transmission, to the extent required under the introduced restrictions at the entry points, or to transport gaseous fuel to the exit points which are affected by the restrictions due to the performance of such works.

13 DATA PROCESSING SECURITY

13.1 Entities responsible for data processing security.

13.1.1 The provisions of point 13 shall apply to:

13.1.1.1 TSO,

13.1.1.2 any entity filing an application for a connection to the transmission network, the entity filing an application for a transmission contract, the parties to the network connection agreement and the parties to the transmission contract,

13.1.1.3 System Users, ISO, Customers and owners of storage facilities (hereinafter "Entities").

13.2 Data processing security.

13.2.1 The Entities undertake to protect any technical, technology-related, commercial, strategic, financial and economic information they obtained during the process of connecting to the transmission network, or in connection with the procedure of entering into and the performance of a transmission contract, or the agreements referred to in point 3.8, point 3.9 and point 3.10, and the agreements on the use of the storage facilities, which is not in the public domain, and with respect to which any Entity had taken the necessary measures in order to keep it confidential (hereinafter referred to as "trade secret"). In particular, the Entities undertake to:

13.2.1.1 treat the above information as confidential, and refrain from publishing or disclosing it to any third parties,

13.2.1.2 refrain from using the above information for any other purposes than those related to the process of connecting to the transmission network, the procedure of entering into and the performance of a transmission contract, or the interoperator agreements referred to in point 3.8, point 3.9 and point 3.10, and the agreements on the use of the storage facilities,

13.2.1.3 take all the necessary measures to protect the above information,

13.2.1.4 restrict the exchange of the above confidential information, as well as access to it, to people who need this information in connection with the process of connecting to the transmission network, or the procedure for entering into and the performance of the contracts and agreements referred to in point 13.2.1.2 and, in any case, inform such people of the confidential nature of such information,

13.2.2 The Entities undertake to protect any classified information in accordance with provisions of the act on the protection of classified information of 5 August 2010 (consolidated text in Journal of Laws of 2019, item 742, hereinafter the "Act on the Protection of Classified Information").

13.2.3 Users of the Information Exchange System (IES) are responsible for ensuring the protection of the storage and transfer of information against any unauthorised access by third parties and to secure it against any unauthorised changes in its content.

13.2.4 If, at the stage of the consideration by the TSO of an application for connection to the transmission network, an application for capacity allocation (PP), or during the performance of an agreement concluded by the TSO and the Entity, it becomes evident that the information that should be attached to or contained in the application constitutes a trade secret or is subject to protection as classified information within the meaning of the Act on the

Protection of Classified Information (hereinafter referred to as "classified information"), the Entity undertakes to:

13.2.4.1 notify the TSO of thereof,

13.2.4.2 if necessary, obtain the consent of a third party to provide the TSO with access the information that constitutes a trade secret, such that the disclosure of this information does not constitute an act of unfair competition.

13.2.5 If the entity does not provide the TSO with access to the information referred to in point 13.2.4, the TSO shall leave the application for connection to the transmission network without considering it, or shall reject the application for the provision of transmission services.

13.2.6 Information that constitutes a trade secret may be disclosed to authorities that are entitled to request the provision of such information in accordance with the provisions of the law. In such a case, the entity that was requested to provide the information should inform the other party to the agreement about this fact. With respect to any classified information, the respective provisions of the Act on the Protection of Classified Information regarding the provision of access to such information to authorised bodies, authorities or services shall apply.

13.2.7 Any breach of the provisions of this point 13 shall give the affected Entity the right to seek compensation based on generally applicable principles.

Part II

Balancing and System Congestion Management

14 TRANSMISSION SYSTEM BALANCING

14.1 The TSO shall provide the balancing service in the particular balancing areas on the terms and conditions set forth in the TNC.

14.2 The physical balancing services shall be provided by the TSO in order to ensure the security of the operation and integrity of the transmission system.

14.3 Commercial balancing is performed in order to settle the Shippers' imbalances in particular balancing areas, on the basis of the quantities of gaseous fuel allocated to the Shippers in accordance with the allocation principles described in point 16.

14.4 The TSO shall provide physical balancing that consists in, among other things, balancing the supply of gaseous fuel with the demand for gaseous fuel and cover:

14.4.1 Balancing area together with the entry and exit points, including:

14.4.1.1 exit points to distribution systems connected to the transmission system and entry points from distribution systems connected to the transmission system, excluding those parts of the distribution systems for which balancing is not possible due to the hydraulic constraints of those systems,

14.4.1.2 virtual points $WPWE_{GG}$, $WPWY_{GG}$, $WPWE_{PPG}$, $WPWY_{PPG}$, $WPWE_{OTC}$ and $WPWY_{OTC}$.

14.4.2 Distribution systems connected to transmission system supplied exclusively from $MFPWY_{OSD}$ excluding those parts of the distribution system that cannot be balanced due to the hydraulic constraints of these systems..

14.5 ~~.~~For the purposes of transmission system balancing the TSO shall enter into buy and sell transactions in respect of gaseous fuel on the following trading platforms:

14.5.1 Towarowa Giełda Energii S.A.

14.5.2 any other trading platform approved and accepted by the President of ERO.

14.6 The TSO shall take measures in order to maintain the transmission system in balance through undertaking the following actions:

14.6.1 within the high-methane gas balancing area:

14.6.1.1 purchase or sale of gaseous fuel at the Gas Exchange (Towarowa Giełda Energii S.A.) on the Intraday Market or Day-Ahead Market,

14.6.1.2 purchase or sale of gaseous fuel through another trading platform approved and endorsed by the President of ERO, in the case when the mechanisms indicated in point 14.6.1.1 prove insufficient in case when no adequate offers/bids are available or when the offers/bids of the TSO have not been executed during the market session, in case of necessity to undertake balancing actions related to a given location at the border with ~~GASPOOL~~ adjacent balancing area~~ or at the border with the balancing area in the Czech Republic, or in case of actions related to the operation of PWP~~.

14.6.2 within the low-methane gas balancing area – the purchase or sale of gaseous fuel on Towarowa Giełda Energii in the Intraday Market or Day-Ahead Market.

14.6.3 If the mechanisms specified in points 14.6.1 and in point. 14.6.2 are insufficient, TSO may take other balancing actions to the extent and mode permitted by Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing the

Network Code on Gas Balancing of Transmission Networks (OJ L.2014.91 p. 15, hereinafter the "NC BAL").

14.7 ~~Within~~ Within-day obligations.

14.7.1 Due to the lack of access to market instruments necessary to ensure balancing, the TSO, based on the decision of President of ERO issued pursuant to the article 27 point 1 of BAL NC, introduces a ~~within~~ within-day obligation. The ~~within~~ within-day obligations shall apply for the period and to the extent indicated by the decision of President of ERO issued pursuant to and in accordance with the procedure laid down in the provisions of Chapter VI ("~~Within~~ Within-day obligations") of BAL NC.

15 NOMINATION AND MATCHING PROCESS

15.1 In order for the transmission services to be effected, the Shipper shall submit nominations to the TSO.

15.2 Nominations and re-nominations – general conditions.

15.2.1 Subject to point 15.2.2 and point 15.2.5, the Shipper shall submit a daily nomination to the TSO which shall specify the quantity of gaseous fuel per each hour of the gas day at each entry and exit point for which it has been allocated transmission ability (PZ). The Shipper shall not submit nominations for PWE_{OSD} and PWY_{OSD}.

15.2.2 PZPT and the Gas Exchange shall submit nominations or renominations for, as appropriate, the virtual entry point ($WPWE_{PPG}$) and the virtual exit point ($WPWY_{PPG}$) or the virtual entry point ($WPWE_{GG}$) and the virtual exit point ($WPWY_{GG}$) on behalf and in the name of the Shipper that executed a transaction in respect of the purchase or sale of gaseous fuel at the virtual point. The nomination or renomination submitted by the Gas Exchange shall stipulate the balance of the Shipper's transactions executed at the virtual point. The nomination or renomination received from a PZPT or the Gas Exchange is not subject to approval pursuant to the provisions of point 15.3.3 and point 15.4.3. The nomination or renomination received from a PZPT or the Gas Exchange shall be considered as confirmed by the TSO.

15.2.3 In the event when the trading platform provides for the possibility of offering transactions which transfer the title to gaseous fuel at a specific physical point in the transmission system (locational product), in the agreement with such platform the TSO shall define the principles for the submission and processing of the nominations and renominations to be made through the trading platform in connection with the conclusion of such transactions.

15.2.4 The aggregate quantities of gaseous fuel nominated at the virtual entry point ($WPWE_{GG}$ or $WPWE_{PPG}$) in respect of a gas day shall be equal to the quantities of gaseous fuel nominated at the virtual exit point ($WPWY_{GG}$ or $WPWY_{PPG}$) in such gas day.

15.2.5 The Shipper shall submit nominations and re-nominations for the Point of Interconnection (PWP) in accordance with the provisions of the Network Code of the Polish Section of the Transit Gas Pipeline System Yamal-Europe (hereinafter: "TGPS Network Code"), taking into account the provisions of point 8.1.3. A confirmed nomination in the Transit Gas Pipeline System shall constitute a basis for the performance of transmission services (a confirmed nomination) at the Point of Interconnection (PWP) within the domestic transmission system.

15.2.6 A change of the nomination (re-nomination) referred to in point 15.2.5 shall automatically result in a corresponding change of the nomination (re-nomination) in the domestic transmission system for the Point of Interconnection (PWP).

15.2.7 The Shipper shall submit nominations and renominations for $FPWE_{OIR}$ only to OIR. The nomination received by the OIR is the basis for the process of the confirmation of the nomination by each operator.

15.2.8 All quantities of gaseous fuel in the nominations and re-nominations shall be specified in integers greater than zero or equal to zero, in kWh.

15.2.9 Subject to point 15.2.10, the hourly quantities of gaseous fuel specified in the nominations and re-nominations for a given entry or exit point cannot exceed the capacity agreed for the given entry or exit point in the transmission ability allocation (PZ) of the given Shipper.

15.2.10 In the case of the Shipper using gas transmission services on the basis of capacity allocation under the overnomination procedure, referred to in 7.7, the quantity of gaseous fuel specified in the Shipper's nomination for that given point cannot exceed the current maximum transmission capacity at a given point (Qmax) as published on the TSO's website~~technical capacity of a given point~~.

15.2.11 With the exception of $WPWE_{GG}$ and $WPWY_{GG}$ as well as $WPWE_{PPG}$ and $WPWY_{PPG}$, in order to enable the verification by the TSO of the correctness of the nomination and re-nomination, the quantity of gaseous fuel specified therein should be broken down by contractors of the Shipper who:

15.2.11.1 supply the Shipper with gaseous fuel at the entry point (e.g. the shippers contracting transmission services in the system of the ISO that sell the gaseous fuel to the Shipper at the virtual point),

15.2.11.2 take gaseous fuel from the Shipper at exit points (e.g. the shippers contracting transmission services in the system of the ISO that purchase the gaseous fuel from the Shipper at the virtual point).

15.2.12 In nominations or renominations submitted by the Gas Exchange or a PZPT, the counterparty of the Shipper shall be referred to as, as applicable, the Gas Exchange or the PZPT.

15.2.13 The Shipper entering into a gaseous fuel purchase or sale transaction at a virtual point outside $WPWE_{GG}$ and $WPWY_{GG}$ or $WPWE_{PPG}$ and $WPWY_{PPG}$ shall submit appropriate nominations or re-nominations which shall specify the quantities of gaseous fuel off-taken at the virtual exit point ($WPWY_{OTC}$) and delivered to the virtual entry point ($WPWE_{OTC}$).

15.2.14 The quantities declared in the nominations/re-nominations which result from transactions at a virtual point ($WPWE_{OTC}$/$WPWY_{OTC}$) should match each other. In the case when the quantities for the respective Shipper pairs do not match, the nominated/re-nominated quantity of gaseous fuel shall be deemed to be equal to the lower of the nomination/re-nomination values compared for a given Shipper pair (the "lesser rule" principle). The information on the acceptance or rejection of the nomination/re-nomination referred to in point 15.3.3 or point 15.4.3 shall be communicated to the Shipper and should include information on the application of the lesser rule and on the quantities of gaseous fuel confirmed for delivery.

~~15.2.15 In the event of failure to comply with the condition published on the TSO's website, the quantity specified in the nomination (re-nomination) for the exit point or entry point for which interruptible conditionally firm transmission ability has been allocated may be reduced accordingly in accordance with the principles referred to in point 15.2.23 and in point 15.2.24.~~

~~15.2.16~~15.2.15 In the case of the differences between quantities of gaseous fuel specified in nominations for an entry point and the exit point (PWY_R) corresponding thereto, in which a virtual reverse flow is performed or exit point and the entry point (PWE_R) corresponding thereto, in which a virtual reverse flow is performed being smaller than the Q_{min} that is published on the TSO's website, the nominations for PWE_R or PWY_R shall be reduced by the TSO in

accordance with the rules specified in point ~~15.2.23~~ ~~22~~15.2.20 and point ~~15.2.24~~~~23~~15.2.21.

~~15.2.17~~15.2.16 Quantities of gaseous fuel specified in nominations for a given hour for the same Shipper – Shipper's counterparty code pairs for points identified by the same EIC code may only be specified in one direction.

~~15.2.18~~15.2.17 The nominations may be revised under the re-nomination procedure. A re-nomination confirmed in accordance with the provisions of the TNC receives the status of a confirmed nomination.

~~15.2.19 The permitted discrepancy between the hourly quantity of gaseous fuel specified in the re-nomination for the entry point at interconnection with countries which are not Member States of the European Union and the quantity of gaseous fuel specified for such hour in the confirmed nomination shall not exceed 5%. In case when this is technically justified, the TSO may agree to increase the difference referred to in the first sentence.~~

~~15.2.20~~15.2.18 The nominations and re-nominations should take into account the transition from summer time to winter time and from winter time to summer time. In such cases the gas day shall be longer or shorter by an hour, respectively.

~~15.2.21~~15.2.19 The nominations and re-nominations submitted by the Shipper shall take into account the curtailment and suspension measures in supply introduced pursuant to the provisions of the TNC, including the curtailment measures introduced by the Council of Ministers pursuant to the provisions of the Stockpiling Act.

~~15.2.22 Should the TSO be informed by an ISO or a Customer, also when under different a procedure than those specified in point 15.3 or point 15.4, of the lack of the possibility to transmit the quantities of gaseous fuel specified in the nomination, the TSO shall immediately inform the Shipper thereof. The Shipper shall adjust its nomination at the relevant point and submit a re-nomination to the TSO within two (2) hours of the receipt of the above information.~~

~~15.2.23~~15.2.20 The nomination/re-nomination of the Shipper for whom interruptible transmission service including conditional interruptible transmission service is provided may be confirmed with a reduction of the quantity of gaseous fuel specified by the Shipper in the nomination/re-nomination. The reduction shall take place in case when no capacity is available for such services. The reduction shall be made starting from:

~~15.2.23.1~~15.2.20.1 the shortest-term products (i.e. in the first place the reduction shall apply to within-day capacity, and then to daily, monthly, quarterly and, finally, to yearly capacity) and for points PWE_{PPM}, PWY_{PPM}, PWE_{OSP}, PWY_{OSP} and PWP taking into account the time of the execution of the capacity allocation (PP) for the given product, and

~~15.2.23.2~~15.2.20.2 in case of products with the same term and concluded at the same time, the reduction shall be prorated to the quantity of gaseous fuel specified in the respective nomination.

~~15.2.24~~15.2.21 The Shipper using the service of transmission on an interruptible basis including conditional interruptible transmission service, that was advised by the TSO of the confirmation of its nomination/re-nomination or its confirmation subject to reduction of the quantity of gas fuel specified in such nomination/re-nomination, may be advised by the TSO of further proportional reduction of the quantity of gaseous fuel under such nomination. Such further reduction of the quantity of gaseous fuel in the submitted nomination shall be applied when

necessitated by the re-nominations submitted by the Shipper that uses transmission services provided on firm ~~basis~~including conditional firm basis or interruptible including conditional interruptible basis as part of products with a longer ~~implementation period~~duration.

~~15.2.25~~15.2.22 Information on the reduction for given hour mentioned in ~~15.2.23~~ 15.2.20 and ~~15.2.24~~ 15.2.21 shall be communicated by the TSO without undue delay but in any case no later than forty five (45) minutes after the beginning of the hour when submission of renomination is possible for this hour.

~~15.2.26~~15.2.23 Nominations and re-nominations, as well as the information on their confirmation, shall be submitted in accordance with point 20.

~~15.2.27~~15.2.24 The TSO shall have the right share the information about nominations and re-nominations with the ISO and OPR to the extent necessary to match the nominations and re-nominations in the interoperating systems.

~~15.2.28~~15.2.25 The difference between the daily quantities of gaseous fuel delivered for transmission at entry points or off-taken from the transmission system at exit points specified pursuant to the allocation, and the daily quantities of gaseous fuel specified in the corresponding confirmed nominations shall be established for every Shipper for every gas day.

~~15.2.29~~15.2.26 In the case of the difference at a given exit point mentioned in point ~~15.2.28~~ 15.2.25 amounting to over 10% of the daily quantity of gaseous fuel specified in the confirmed nomination, the TSO shall charge fees to the Shipper pursuant to the provisions of point 19.9.3 and point 19.10.

~~15.2.30~~15.2.27 The TSO may change the nomination or renomination made by the Shipper in exceptional cases and in extraordinary situations when the safety and stability of the transmission system are clearly at risk. The TSO shall inform the President of ERO each time it takes such measure.

~~15.2.31~~15.2.28 In the case of the necessity to reduce nominations or renominations, due to maintenance works being carried out, or due to the occurrence of emergency situations:

~~15.2.31.1~~15.2.28.1 nominations or re-nominations for services provided on interruptible ~~basis~~including conditional interruptible basis will be reduced first, in accordance with the provisions of point ~~15.2.23~~15.2.20,

~~15.2.31.2~~15.2.28.2 nominations or re-nominations for services provided on a firm including conditional firm basis will be reduced in the second place, starting from:

~~15.2.31.2.1~~15.2.28.2.1 transmission ability under short-term products (i.e. first within-day, ~~-~~followed by daily, then monthly, then quarterly, and finally yearly) capacities will be reduced first, and

15.2.28.2.2 in case of products with the same term, the reduction shall be prorated to the quantity of gaseous fuel specified in the respective nomination.

15.2.29 The provisions of point ~~15.2.30~~15.2.28 TSO shall apply mutatis mutandis in the event of a need to reduce a nomination or a renomination submitted for capacity on a conditional firm or interruptible basis due to the non-fulfilment of a condition set out in point ~~7.1.14~~7.1.14 or ~~7.2.7~~7.2.7.

15.2.30 A Shipper to whom the transmission service is provided on a conditional firm or a conditional interruptible basis, which has received information from the TSO

on full approval or approval with reduction of the gaseous fuel quantity in the submitted nomination/renomination, may receive information from the TSO on further reduction of the gaseous fuel quantity in the submitted nomination. Further reduction of the gaseous fuel quantity in the submitted nomination shall be implemented when the necessity to do so results from a change in the extent of fulfilment of the conditions specified for a given point.

15.3 Nomination procedure.

15.3.1 The Shippers, Gas Exchange and PZPT shall submit their nominations to the TSO no later than by 2:00 pm of the gas day before the gas day that the nomination concerns.

15.3.2 In the case of the entity mentioned in point 15.3.1 submitting more than one nomination in the period specified in 15.3.1, the TSO shall review the last received nomination.

15.3.3 The TSO shall notify the Shipper about the confirmation or rejection of the nomination by 16:00 on the gas day before the gas day that the nomination concerns.

15.3.4 A nomination may be rejected due to:

15.3.4.1 a failure to meet the requirements as to the form and content of the nomination (including, in the case of non-compliance with the minimum requirement of nominations referred to in point 8.1.3) or the method and time of its submission, as specified in the TNC,

15.3.4.2 the submission of the nomination by unauthorised entity,

15.3.4.3 the overrun of the capacity allocated to the Shipper.

15.3.5 The TSO shall specify the reason for the rejection of the nomination.

15.3.6 In case when the Shipper fails to submit a nomination for the following gas day to the TSO within the time limit specified in point 15.3.1, it shall be deemed that a nomination with the quantity of gaseous fuel equal to "0" (zero) has been confirmed for such Shipper with respect to the relevant point.

15.3.7 In the case of the nomination for the given point being rejected it shall be assumed that the quantity of gaseous fuel in the nomination confirmed for the Shipper for the relevant point shall amount to "0" (zero).

15.3.8 For physical entry points at interconnections with the ISO located in the territory of other countries that are not members of the European Union or member states of the European Free Trade Association (EFTA) – parties to the contract on the European Economic Area or non-member countries of the Energy Community, Shippers shall be required to convey to the TSO every Thursday, no later than by 10:00 am, a forecast of the daily quantities of gaseous fuel to be delivered for transmission for each gas day of the subsequent week for the period from Monday until Sunday.

15.3.9 The TSO has the right to adjust the nomination of a given Network User when the quantity of gaseous fuel specified in this nomination exceeds the capacity (contractual capacity) possessed by this Network User at the given point, where, under the surrender procedure mentioned in 19.7, the capacity (contractual capacity) surrendered by this Network User, was allocated by the TSO to another Network User. The TSO shall inform the Network User of the nomination adjustment.

15.4 Re-nomination procedure.

15.4.1 The Shipper, Gas Exchange and PZPT may re-nominate the hourly quantities of gaseous fuel specified in the nomination confirmed by the TSO for the given gas day. Re-nominations may be submitted from 16:00 on the gas day before the gas day which the nomination concerns, up to 03:00 am on the gas day that the re-nomination concerns. Re-nominations of the hourly quantities of gaseous fuel may be submitted no later than two (2) hours before the first hour in which the nomination is to be changed.

15.4.2 The re-nomination cycle for a given point shall start at the start of every hour in the re-nomination period and shall last two (2) hours. The TSO shall take into account the last re-nomination received from a given Shipper before the renomination cycle.

15.4.3 The TSO shall notify the re-nomination submitting entity about whether the re-nomination was accepted or rejected and shall state the reasons for such rejection within two (2) hours from the commencement of a given re-nomination review procedure but no later than before the beginning of hour that the re-nomination concerns.

15.4.4 The rejection of the re-nomination may take place for the reasons mentioned in point 15.3.4 ~~including failing to meet the condition stipulated in point 1.1.115.2.19,~~ and when the Shipper submitted a renomination below the allowed scope in accordance with 15.4.6. The TSO shall state the reason for the rejection of the renomination.

15.4.5 In the case of the TSO rejecting the re-nomination, the last confirmed nomination by the TSO shall remain valid and binding for the parties, subject to the curtailment and suspension measures mentioned in point 15.2.19.

15.4.6 Firm, including conditional firm capacity day-ahead "*use-it-or-lose-it*" mechanism.

15.4.6.1 The TSO applies the firm including conditional firm capacity day-ahead "use-it-or-lose-it" mechanism at interconnection points, in which the President of ERO obliged the TSO to apply the above mechanism on the basis of the report referred to in point 2.2.3. 1of Annex I to Regulation (EC) No. 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005 (OJ L 211, 14.8.2009, p. 36, as amended).

15.4.6.2 The President of the ERO may decide to terminate the firm including conditional firm capacity day-ahead "use-it-or-lose-it" mechanism, pursuant to point 2.2.3.2 of Annex I to Regulation (EC) No. 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005 (OJ L 211, 14.8.2009, p. 36, as amended).

15.4.6.3 When it comes to entry and exit points at interconnections with transmission systems of other member states of the European and at PWP point, renomination is only permitted in the range of 10% to 90% of the ability allocated on a firm basis for the Shipper. However, if the nomination exceeds 80% of this ability, then only half of the non-nominated amount may be renominated upwards. When it comes to the remaining allocated ability of the given Shipper, the renomination is treated as complex renomination for interruptible capacity. If the nomination does not

exceed 20% of the allocated ability, then a half the nominated amount may be renominated downwards.

15.4.6.4 Firm including conditional firm capacity day-ahead "*use-it- or-lose-it*" mechanism does not apply to Shipper which fulfils all the following conditions:

15.4.6.4.1 in the gas year preceding the year of renomination, the Shipper was entitled to less than 10% of the average technical ability at a given entry or exit point at interconnection with transmission systems of other countries which are EU Member States, or at the PWP point the renomination applies to,

15.4.6.4.2 the Shipper is not a member of a capital group within the meaning of Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, which in the gas year preceding the year of renomination was entitled to at least 10% of the average technical ability at a given entry or exit point at interconnection with transmission systems of other countries which are EU Member States, or at the PWP point the renomination applies to.

15.5 Matching process for interoperating systems.

15.5.1 The values taking into account reductions in accordance with the provisions of the TNC shall be subject to matching process for the nominations and renominations in the interoperating systems.

~~15.5.1~~15.5.2 Matching process for the interconnection points with adjacent transmission systems.

~~15.5.1.1~~15.5.2.1 Nominations and re-nominations submitted by Shippers for entry points or exit points located at interconnections between the transmission system and other transmission systems should match the corresponding nominations (re-nominations) in other transmission systems.

~~15.5.1.2~~15.5.2.2 If the matching process reveals divergences in nominations or re-nominations, the "lesser rule" shall apply, which means that the confirmed quantities in both systems are reduced to the level of the lower of the compared quantities of gaseous fuel specified in the nominations or re-nominations.

~~15.5.1.3~~15.5.2.3 In the situation referred to in point 15.5.2.2, the TSO shall deem the nomination or re-nomination specifying the quantities of gaseous fuel established in accordance with the provisions of point 15.5.2.2 as being confirmed.

~~15.5.2~~15.5.3 The matching process (for nominations) in storage facilities.

~~15.5.2.1~~15.5.3.1 The nominations submitted by Shippers for entry or exit points from/to a storage facility should be consistent with the corresponding nominations in the storage facilities, to the extent that such nominations are submitted to SSOs.

~~15.5.2.2~~15.5.3.2 The TSO shall ~~pass on~~forward Shippers' nominations ~~that were submitted by Shippers~~ to the SSOs by 14:45 in order to match the Shippers' nominations with the quantities of gaseous fuel nominated in storage facilities.

~~15.5.2.3~~15.5.3.3 The SSO shall advise the TSO of the results of the nomination matching by 15:30

~~15.5.2.4~~15.5.3.4 In case of a mismatch, the "lesser rule" shall apply, which means that the confirmed quantities in both systems shall be reduced to the level of the lower of the compared quantities of gaseous fuel specified in the nominations.

~~15.5.3~~15.5.4 The matching process (for the renominations) in storage facilities.

~~15.5.3.1~~15.5.4.1 In the case of the Shipper submitting a re-nomination of the quantity of gaseous fuel at entry or exit points to/from a storage facility pursuant to point 15.4, the TSO shall pass on ~~such~~ the re-nomination to the SSO within 45 minutes of the commencement of the relevant re-nomination review procedure.

~~15.5.3.2~~15.5.4.2 The SSO shall match the re-nomination and provide the TSO with information on the results of the re-nomination matching within 90 minutes from the beginning of the relevant re-nomination review procedure.

~~15.5.3.3~~15.5.4.3 In the case of a mismatch, the "lesser rule" shall apply, which means that the confirmed quantities in both systems shall be reduced to the level of the lower of the compared quantities of gaseous fuel specified in the re-nominations. The TSO shall inform the Shipper of the re-nomination confirmation in accordance with point 15.4.3.

~~15.5.4~~15.5.5 The matching process at the interconnection of the transmission system with the LNG terminal.

~~15.5.4.1~~15.5.5.1 The Shippers' nominations and renominations ~~submitted by the Shipper~~ for FPWE$_{OIR}$ should be consistent with the corresponding nominations (renominations) at the LNG terminal.

~~15.5.4.2~~15.5.5.2 If the matching process reveals divergences in nominations or renominations, the "lesser rule" shall apply, which means that the confirmed quantities in both systems are reduced to the level of the lower of the compared quantities of gaseous fuel specified in the nominations or re-nominations.

~~15.5.4.3~~15.5.5.3 In the situation referred to in point 15.5.5.2, the TSO shall deem the nomination or re-nomination specifying the quantities of gaseous fuel established in accordance with the provisions of point 15.5.5.2 as being confirmed.

16 ALLOCATION

16.1 Allocations for entry points

16.1.1 The allocations at respective entry points PWE_{OSP} and PWP shall be made by the TSO.

16.1.2 Total quantities of the gaseous fuel determined by measuring at the given $PWE_{ŹDO}$, PWE_{OA} and PWE_{M} entry point are allocated by the operator of the installation connected at this entry point.

16.1.3 If the allocation for a given entry point $PPWE_{ŹDO}$, PWE_{OA} and PWE_{M} is not made in the mode described in point 16.1.2, quantities of gaseous fuel off-taken at particular entry points shall be allocated to individual Shippers proportionately to the nominations confirmed by the TSO.

16.1.4 The allocations at entry points from distribution systems shall be made by the DSO.

16.1.5 Subject to point, point 16.1.3, point 16.5, in the case of gaseous fuel being delivered for transmission at given entry point by one Shipper only, the total quantity of gaseous fuel determined on the basis of the measurement results for a given point shall be allocated to this Shipper.

16.1.6 Subject to point 16.5, the total quantities of gaseous fuel established based on the measurement taken for a given entry point PWE_{OSP} shall be allocated to individual Shippers respectively in PWE_{OSP} in proportion to the confirmed nomination, unless the Shippers using the point enter into an agreement with the TSO setting out an alternative algorithm for the allocation of the total quantities of gaseous fuel established based of the measurement. The maximum hourly quantity allocated to a given Shipper at a given entry point shall not be higher than the gaseous fuel quantity allocated to this Shipper in a given gas day.

16.1.7 In the process of allocating the quantity of gaseous fuel for a virtual entry point ($WPWE_{GG}$, $WPWE_{PPG}$, $WPWE_{OTC}$), the Shipper shall be allocated quantities of gaseous fuel corresponding to the quantities specified in the confirmed nominations.

16.2 Allocations for exit points.

16.2.1 Excluding points mentioned in 16.5, and subject to point 9.7, in relation to exit points in which the gaseous fuel is transmitted to the ISO's system or directly to the Customer, the allocation shall be performed by the ISO or the relevant Customer, respectively.

16.2.2 The allocations at exit points to distribution systems shall be made by the DSO.

16.2.3 Excluding points mentioned in point 16.5, in the case of gaseous fuel being off-taken at given exit point by one Shipper only, the total quantity of gaseous fuel, as determined on the basis of the measurement results for the point shall be allocated to such Shipper.

16.2.4 Excluding points mentioned in 16.3 and 16.5, in the allocation made pursuant to point 16.2.1, the hourly quantities of gaseous fuel and the maximum hourly quantity resulting from the measurement readings shall be specified. The total measured quantity of gaseous fuel that was off-taken from the transmission system and the total maximum hourly quantity shall be allocated to respective

Shippers using the transmission ability at the relevant point (PZ). The maximum hourly quantity allocated to a given Shipper at a given exit point shall not be higher than the gaseous fuel quantity allocated to this Shipper in a given gas day.

16.2.5 Should the allocation not be made pursuant to point 16.2.1, the quantities of gaseous fuel off-taken at relevant exit points shall be allocated to relevant Shippers proportionally to the nominations confirmed by the TSO.

16.2.6 In the process of allocating the quantities of gaseous fuel for a given virtual exit point ($WPWY_{GG}$, $WPWY_{PPG}$, $WPWY_{OTC}$, $WPWY_{ZO}$), the Shipper shall be allocated quantities of gaseous fuel corresponding to the quantities specified in the confirmed nominations.

16.3 Allocation principles for entry and exit points from/to a distribution system.

16.3.1 The DSO shall perform allocation with a breakdown to all the Shippers which have the transmission ability allocation for entry point from the distribution system or for exit point to the distribution system of that DSO.

16.3.2 Detailed rules of allocation performed by the DSO shall be laid down in the Distribution Network Code, taking into account the provisions of the TNC.

16.3.3 In case when, at a given exit point (PWY_{OSD}), gaseous fuel is off-taken by one Shipper only, the total quantity of gaseous fuel determined on the basis of the measurements for such point shall be allocated to such Shipper.

16.3.4 In case when the DSO has the measurement data about the quantity of gaseous fuel off-taken by the Customers connected to the distribution system of this DSO, this information should be taken into account in the allocation performed by the DSO for the exit point (PWY_{OSD}) without modification resulting from the adopted model of the Customers' off-take estimation.

16.3.5 The correction of final allocation (reconciliation) which would result from the actual consumption subsequently derived from meter readings of final customers connected to distribution network of the DSO is not accepted after the deadline referred to in point 16.7.4.

16.3.6 The DSO shall inform the TSO on the quantity of gaseous fuel off-taken from the distribution system of the DSO by the Customers connected to such distribution system, broken down to Shippers. The above information shall be provided as an allocation for PWY_{OSD}.

16.3.7 The DSO shall inform the TSO on the quantity of gaseous fuel delivered by sources connected to the distribution system, broken down by Shippers. The above information shall be provided as an allocation for PWE_{OSD}.

16.3.8 The difference between the allocation for the entry point from the distribution system and the allocation for the exit point to the distribution system should be equal to the difference between the transferred quantities of gaseous fuel at $MFPWE_{OSD}$ and $MFPWY_{OSD}$ in the given gas day.

16.3.9 With respect to the exit/entry point to/from the DSO's distribution system (PWY_{OSD}/PWE_{OSD}), no maximum hourly quantity shall be determined.

16.4 Operator's account agreements.

16.4.1 The TSO may conclude an agreement with an operator of another transmission system, OIR or an SSO, on an operator's account to be maintained for the gaseous fuel supplied at the entry point to the TSO's transmission system or off-taken at the exit point from the TSO's transmission system. The agreement may be concluded if the technical capabilities exist for such an account to be maintained. The agreement should specify the principles of making up the balance of the operator's account and the settlement principles with regard to the delivered or off-taken gaseous fuel upon the expiry of the term of the agreement.

16.4.2 In respect of the points where the agreement mentioned in point 16.4.1 was concluded, the hourly quantities of gaseous fuel appropriately supplied by the Shipper for transmission through or off-taken from the system shall be the quantities agreed in the confirmed nomination for the relevant points.

16.5 The list of points in which the allocated quantities of gaseous fuel delivered by the Shipper for transmission at the entry points or off-taken by the Shipper at the exit points correspond to the quantity of gaseous fuel specified in the nominations confirmed for those points shall be published at the TSO's website.

16.6 The allocations of gaseous fuel at entry and exit points shall be made in integers greater than zero or equal to zero.

16.7 Allocations for entry or exit points made by the ISO, the Customer or the operator of the system connected at the entry point shall be submitted to the TSO on the following dates:

16.7.1 estimated quantities of gaseous fuel allocated to each Shipper ("provisional quantities") for the first four hours of the gas day (from 06:00 till 10:00) shall be submitted to the TSO every day during the gas day by 12:00 pm,

16.7.2 estimated quantities of gaseous fuel allocated to each Shipper ("provisional quantities") for the eight four hours of the gas day (from 06:00 till 14:00) shall be submitted to the TSO every day during the gas day by 16:00

16.7.3 estimated quantities of gaseous fuel allocated to each Shipper ("provisional quantities") for the previous gas day shall be submitted to the TSO every day by 10:00,

16.7.4 quantities of gaseous fuel that form the basis of settlement, allocated to each Shipper, shall be submitted to the TSO by the seventh (7) business day of the month following the month of the allocation.

16.8 In the absence of submission of allocation data by the DSO within the time limits referred to in point 16.7.1 to 16.7.3 the estimated quantities allocated to particular Shippers are considered to be zero (0).

16.9 In the case when the absolute value of the difference between the quantities specified by the ISO, the Customer or the operator of the installation connected at a given entry point for a given Shipper at a given point of the transmission system in accordance with point 16.7.3 and the quantities specified by the ISO or the Customer for a given Shipper in accordance with point 16.7.4 will be greater than the absolute value between the estimates and the billing data provided in accordance with point 20.4.12, the TSO shall be entitled to apply a charge payable by the ISO, the Customer or the operator of the installation connected at a given entry point, which shall be calculated according to the following formula:

$$O_{ND} = \sum_{i=1}^{n} MOD(ORP_{Di} - HRP_{Di}) * 0,02 * CSRB$$

where:

O_{ND}	charge for inconsistency of provisional data with final data
ORP_{Di}	estimated (provisional) quantities of gaseous fuel allocated to a given (i) Shipper for a given gas day
HRP_{Di}	final quantities of gaseous fuel allocated to a given (i) Shipper for a given gas day
n	number of Shippers, for which the allocated provisional and final quantities for a given gas day differ more than the difference between the estimated and the billing measured quantities for this gas day
CSRB	Average Balancing Settlement Price appropriate for a given balancing area

16.10 The fee referred to in point 16.9, is not charged if the difference between the estimated quantities of gaseous fuel assigned to a given Shipper for a given gas day and the final quantities of gaseous fuel assigned to this Shipper for the same gas day is not more than half percent (0.5%) of the final quantities of gaseous fuel shipper assigned to this Shipper on a given gas day.

16.11 The TSO shall draw up and agree with the ISO, the Customer or the operator of the system connected at the entry point billing protocols containing information about daily and monthly quantities of gaseous fuel measured for physical entry points (FPWE) or physical exit points (FPWY), maximum hourly quantities of gaseous fuel for each gas day, and physicochemical parameters of the gaseous fuel introduced or off-taken to/from the transmission system, by the fifth (5) business day of the gas month following the gas month covered by the settlement. Billing protocols are the basis for assigning quantities of gaseous fuel to the Shipper (allocation). The allocation of quantities of gaseous fuel, carried out as per 16, is also the basis for the billing of the Network Users who are also Shipper, for fees for using the capacity (contractual capacity) based on capacity allocation (PP) and confirmed nomination for the services for a period of one gas day.

16.12 The TSO shall every day, by 08.00, publish data required by the ISO to meet the requirements of §38, par. 3 of the Tariff Regulation, i.e. the volumes of gaseous fuel that have been introduced at $MFPWE_{OSD}$ or transmitted to $MFPWY_{OSD}$, and the gross calorific value specified for $MFPWE_{OSD}$ or $MFPWY_{OSD}$.

17 TRANSMISSION SYSTEM INTEGRITY

17.1 The Shipper shall deliver and off-take gaseous fuel to/from the transmission system in quantities resulting from the transmission contract, including the confirmed nominations and quality requirements specified in the TNC.

17.2 In ensuring the integrity the TSO shall take into consideration the balancing of the off-take and supply of gaseous fuel as well as the system congestion.

18 COMMERCIAL BALANCING

18.1 Terms and conditions for commercial balancing

18.1.1 As part of the balancing function, the TSO shall deliver to or off-take from Shippers the necessary quantities of gaseous fuel required to balance the difference between the quantity of gaseous fuel that has been delivered for transmission and off-taken from the balancing area.

18.1.2 The balancing service shall be provided to Shippers in respect of the entry and exit points covered by the transmission ability allocation (PZ) in a given balancing area, and in particular to those who:

18.1.2.1 execute transactions in respect of the purchase or sale of gaseous fuel, in particular at $WPWE_{GG}$ and $WPWY_{GG}$, $WPWE_{PPG}$ and $WPWY_{PPG}$ or under bilateral contracts to be performed within the balancing area (including when the off-take or delivery of such gaseous fuel takes place in the distribution system),

18.1.2.2 use the storage service and transport gaseous fuel to or from storage facilities connected to the transmission system,

18.1.2.3 distribution shippers (ZUD) contracting the distribution of gaseous fuel with the use of a source connected to the distribution system.

18.1.3 At the end of the gas month with respect to each gas day, the parties shall settle their accounts in respect of the quantity of gaseous fuel delivered by the TSO to the Shipper or off-taken by the TSO from the Shipper, as required to balance the difference between the amount of gaseous fuel delivered by the Shipper for transmission at the entry points and off-taken by the Shipper at the exit points from the balancing area in accordance with the provisions of point 18.3.6.

18.1.4 The TSO shall specify the daily imbalance quantity (DIN) for the given gas day as the difference between the quantity of gaseous fuel that was delivered by the Shipper at the entry point and taken by the Shipper from the balancing area at the exit points in a given gas day.

18.1.5 The imbalance value shall be specified in kWh.

18.1.6 The TSO shall off-take gaseous fuel from or deliver gaseous fuel to the Shipper in case of an imbalance of the quantity of gaseous fuel delivered for transmission to or off-taken from the balancing area by the Shipper, to the extent permitted by the technical capabilities available to the TSO.

18.2 Communication concerning the imbalance status.

18.2.1 The TSO shall keep the Shippers informed for the purposes of specifying the status of the Shipper's imbalance. The level of detail of the information provided shall reflect the level of information that the TSO has available.

18.2.2 For each Shipper, the TSO shall determine the estimated daily imbalance quantity (DIN).

18.2.3 The determination of the estimated imbalance quantity shall be done on the basis of data received in the course of the allocation process.

18.2.4 The estimated imbalance value shall be determined for the first 4 hours of a gas day and transmitted to the Shipper by 2 pm on a given gas day.

18.2.5 The estimated imbalance value shall be determined for the first 8 hours of a gas day and transmitted to the Shipper by 6 pm on a given gas day.

18.2.6 The estimated imbalance quantity shall be determined for each gas day within 6 hours of the end of the gas day.

18.2.7 The information referred to in point 18.2.4, point 18.2.5 and 18.2.6 shall be provided to Shippers via the Information Exchange System (IES). The above information shall not constitute final data.

18.3 Principles of settlements in respect of the imbalance.

18.3.1 The settlement in respect of balancing services shall be made by the TSO for each gas day upon the end of the gas month, based on the allocation principles set out in point 16.

18.3.2 The TSO shall make the settlement in respect of the imbalance of each Shipper, and such settlement shall consist in the recalculation of the DIN values for each gas day of the gas month.

18.3.3 In case when the monthly settlement is subject to adjustment, the quantities of gaseous fuel delivered or off-taken by the Shipper shall be specified as a separate item in the Commercial Transmission Report (HRP) and shall be settled:

18.3.3.1 for the high-methane gas balancing area (E-gas) – based on the arithmetic average of the $CSRB_E$ for the given month,

18.3.3.2 for the low-methane gas balancing (Lw-gas) – based on the arithmetic average of the $CSRB_{LW}$ for the given month.

18.3.4 The settlements with the Shipper shall be based on the volumes set out in the Commercial Transmission Report (HRP) compiled by the TSO.

18.3.5 The Commercial Transmission Report containing the data to be used as the basis for the settlement in respect of balancing and congestion management under point 19.919.8 and point 19.10 shall be compiled without undue delay after the end of the gas month such settlement relates to.

18.3.6 The settlement in respect of gaseous fuel delivered and off-taken related to the imbalance in the area of group E high-methane natural gas balancing.

18.3.6.1 For each gas day, when the value of DIN is not zero (0), and:

18.3.6.1.1 DIN < 0, the Shipper is obliged to pay the TSO a charge for the gaseous fuel off-taken by the Shipper (ORB_P), defined as follows:

$$\mathbf{ORB_P = [MOD(DIN) * KCK_E}$$

where:

KCK_E	Marginal Buy Price [PLN/kWh]
MOD	absolute value
DIN	daily imbalance quantity [kWh]

18.3.6.1.2 DIN > 0, the TSO is obliged to pay the Shipper a charge for the gaseous fuel delivered by the Shipper (ORB_D), defined as follows:

$$\mathbf{ORB_D = DIN * KCS_E}$$

where:

KCS_E	Marginal Sell Price [PLN/kWh]
DIN	daily imbalance quantity [kWh]

18.3.6.2 After the settlement referred to in 18.3.6, the DIN value is set at zero (0).

18.3.7 The provisions of point 18.3.6 shall not be applied during the period of compulsory stocks mobilisation. In such case, the provisions of point 21.3 shall be applied.

18.3.8 Settlement in respect of supplied or off-taken gaseous fuel in the context of imbalance in the low-methane gas balancing area.

18.3.8.1 After each gas day, when the value of DIN is not zero and:

18.3.8.1.1 DIN < 0, the Shipper is obliged to pay the TSO a charge for the gaseous fuel off-taken by the Shipper (ORB_P), defined as follows:

$$\mathbf{ORB_P = MOD(DIN) * KCK_{Lw}}$$

where:

KCK_{Lw}	Marginal Buy Price [PLN/kWh]
MOD	absolute value
DIN	daily imbalance quantity [kWh]

18.3.8.1.2 DIN > 0, the TSO is obliged to pay the Shipper a charge for the gaseous fuel delivered by the Shipper (ORB_D), defined as follows:

$$\mathbf{ORB_D = DIN * KCS_{LW}}$$

where:

KCS_{Lw}	Marginal Sell Price [PLN/kWh]
DIN	daily imbalance quantity [kWh]

18.4 Balancing groups.

18.4.1 General conditions.

18.4.1.1 Provisions of points 18.1, 18.2 and 18.3 shall apply to commercial balancing in a balancing group, unless provisions of point 18.4 provide otherwise.

18.4.1.2 The Shipper may be responsible for balancing (ZUP_{BG}) of only one balancing group in a given balancing area. ZUP_{BG} may not be a participant of another balancing group in the same balancing area.

18.4.1.3 The Shipper may be a participant of only one balancing group (ZUP_{UG}) in a given balancing area. Transfer of a Shipper to another balancing group or creating its own balancing group may take place no earlier than at the beginning of a gas month.

18.4.1.4 A balancing group shall consist of at least the ZUP_{BG} and at least one ZUP_{UG}.

18.4.2 Creation of a balancing group.

18.4.2.1 In order to create a balancing group, ZUP_{BG} to be responsible for commercial balancing of a balancing group should apply to the TSO with a request for creating a balancing group in accordance with the form published on the website of the TSO, no later than fourteen (14) days before commencement of the gas month in which the balancing group is to be created.

18.4.2.2 Along with the request referred to in point 18.4.2.1, ZUP_{BG} may present a statement or statements based on the form published on the TSO's website, where it lists the Shippers which are participants of the balancing group being created (ZUP_{UG}). The statement or statements should be signed by ZUP_{BG} and ZUP_{UG}.

18.4.2.3 In order to create a balancing group, ZUP_{BG} and TSO must sign the "Balancing Group" Appendix to the transmission contract, where ZUP_{BG} commits to settle with the TSO the imbalance of all participants of the balancing group (i.e. ZUP_{BG} and ZUP_{UG}).

18.4.2.4 The balancing group shall be created in the first hour of the gas month following the month in which ZUP_{BG} signed the appendix to the transmission contract in accordance with point 18.4.2.3.

18.4.3 Joining a balancing group.

18.4.3.1 A Shipper which intends to join a balancing group should submit a statement to the TSO, also signed by ZUP_{BG} on accession to the balancing group, no later than fourteen (14) days before commencement of the gas month in which the balancing group is to be joined.

18.4.3.2 The Shipper joins the balancing group in the first hour of the gas month stated in the statement referred to in point 18.4.3.1.

18.4.3.3 Upon joining the balancing group, the ZUP_{UG} imbalance shall be settled in the balancing group in accordance with rules set out in point 18.4.6.

18.4.4 ZUP_{UG} leaving a balancing group.

18.4.4.1 A ZUP_{UG} which intends to leave a balancing group should submit a statement to the TSO on leaving the balancing group, no later than fourteen (14) days before commencement of the gas month in which the balancing group is to be left.

18.4.4.2 The ZUP_{UG} shall leave the balancing group in the first hour of the gas month stated in the statement referred to in point 18.4.4.1.

18.4.4.3 Until leaving the balancing group, the ZUP_{UG} imbalance shall be settled in the balancing group in accordance with rules set out in 18.4.6.

18.4.5 Dissolution of a balancing group.

18.4.5.1 A ZUP_{BG} which intends to dissolve a balancing group should submit a statement to the TSO on dissolving the balancing group, no later than fourteen (14) days before commencement of the gas month in which the balancing group is to be dissolved.

18.4.5.2 The balancing group shall be dissolved in the first hour of the gas month stated in the statement referred to in point 18.4.5.1.

18.4.5.3 Until dissolution of the balancing group, the ZUP_{BG} and ZUP_{UG} imbalance shall be settled in the balancing group in accordance with rules set out in point 18.4.6.

18.4.5.4 The balancing group shall be dissolved in case of: (i) termination of the transmission contract between the TSO and ZUP_{BG} or (ii) the expiry of the termination notice by the TSO of the "Balancing Group" Appendix to the Transmission Contract, or (iii) suspension of the provision of transmission services to ZUP_{BG} due to insufficient financial security in respect of the obligations of ZUP_{BG} towards the TSO in accordance with the provisions of transmission contract whereas the dissolution takes place from the gas day in which the provision of transmission serviced for ZUP_{BG} is suspended. Upon dissolution of the balancing group the rules set out in points 18.1-18.3 shall be applied to the Shipper by the TSO.

18.4.6 Rules of commercial balancing of a balancing group.

18.4.6.1 The TSO shall specify the daily quantity of imbalance (DIN) of a balancing group for each gas day as the difference between the quantity of gaseous fuel which the ZUP_{BG} and all ZUP_{UG} of the balancing group supplied to the balancing area at the entry points and the quantity of gaseous fuel off-taken from the balancing area at the exit points in a gas day.

18.4.6.2 ZUP_{BG} shall receive electronically from the TSO, through the IES, estimated data referred to in point 20.4.7.220.4.10.3, point 20.4.8.2 and point 20.4.9.2 for particular ZUP_{UG} and aggregated for the entire balancing group.

18.4.6.3 ZUP_{BG} shall receive electronically from the TSO, through the IES, without undue delay after the end of the month the settlement relates to the final data referred to in point 20.4.10.3, for particular ZUP_{UG} and aggregated for the entire balancing group.

18.4.6.4 ZUP_{UG} shall not receive the information referred to in point 20.4.7.2, point 20.4.8.2, point 20.4.9.2 and point 20.4.10.3 from the TSO.

18.4.6.5 The daily quantity of imbalance of a balancing group shall be settled between the TSO and ZUP_{BG}. Provisions of point 18.3 shall apply accordingly.

18.4.6.6 The financial security for the imbalance of all members of the balancing group shall be submitted by ZUP_{BG}.

18.4.6.7 ZUP_{UG} shall be released from an obligation to submit to the TSO the financial security for balancing for as long it is a member of the balancing group.

18.5 Charge related to financial neutrality of balancing.

18.5.1 In accordance with the decision of the President of ERO issued on the basis of Article 30 p. 2 of BAL NC approving the mechanism of ensuring the financial neutrality of the TSO balancing actions, with regard to the financial neutrality of balancing, a charge related to financial neutrality of balancing is paid by or to the Shipper, separately for each balancing area. The charge is determined in accordance with the provisions of the mechanism ensuring the financial neutrality of the TSO balancing actions.

18.5.2 If the SNF rate for a given gas month is negative, the charge related to financial neutrality of balancing shall be paid by the TSO to the Shipper and the Shipper shall issue an invoice for this charge.

18.5.3 The charge related to financial neutrality of balancing is settled only with the Shipper who had the status of Shipper in the period to which the settlement applies.

18.5.4 The charge related to financial neutrality of balancing and the SNF rate shall be determined in each billing period.

18.5.5 On its website, the TSO shall publish the mechanism for ensuring cost neutrality of the balancing measures undertaken by the TSO which defines the mechanism for determining the charge related to the financial neutrality of balancing and determining the rate of this charge, as approved by a decision of the President of ERO.

18.5.6 The TSO provides support for cost neutrality of the balancing and publishes information on cost neutrality of the balancing through the IES.

18.5.7 The TSO informs the Shipper about the publication of new fees related to the financial neutrality of the balancing and SNF rates by electronic means.

19 SYSTEM CONGESTION MANAGEMENT

19.1 Congestion may occur in the transmission system in connection with:

19.1.1 limited capacity of the network or system facilities,

19.1.2 limited capability of the TSO to store gaseous fuel in the transmission system and in the interoperating storage facilities,

19.1.3 need to maintain minimum pressure at exit points from the transmission system,

19.1.4 the need to maintain stable quality parameters of the gaseous fuel in the transmission system,

19.1.5 works carried out within the transmission system operated by the TSO or in other interoperating systems,

19.1.6 occurrence of an emergency situation,

19.1.7 actions of System Users, their suppliers or Customers, which are in breach with the provisions of the TNC or the transmission contract.

19.2 As part of system congestion management, the TSO has the right to provide access to capacity (contractual capacity) allocated to the Network User, which limits the access to the transmission system for other parties. The terms and procedures for resale or offering the capacity (contractual capacity) unused by the Network User are set out in point 19.5 and point 19.6.

19.3 Measures taken by the TSO to eliminate the potential occurrence of system congestion:

19.3.1 At the stage of reviewing applications for capacity allocation or the approval of the capacity allocation forecast (PPP), the TSO shall assess the capabilities for the performance of new contracts in such a manner that they do undermine the level of security of supply or quality of the gaseous fuel supplied to the existing Network Users.

19.3.2 In case when the capabilities exist for the performance of transmission services, the TSO shall offer available capacity in accordance with the provisions of the TNC.

19.3.3 In case of the lack of the capability to provide firm transmission services, including conditional firm capacity, the TSO shall provide interruptible transmission services including conditional interruptible capacity, to the extent ~~this is~~ possible.

19.3.4 In order to prevent the occurrence of system congestion, the TSO shall cooperate with the ISOs on the terms and conditions specified in the interoperator agreements or inter-operator transmission contracts (ITC).

19.3.5 Furthermore, the TSO shall take the following measures with a view to preventing the occurrence of system congestion:

19.3.5.1 plan and implement the expansion of the transmission system,

19.3.5.2 take appropriate steps to maximize the capacity utilization in the transmission system while securing its integrity,

19.3.5.3 operate the transmission system and control its operation so as to reduce the probability of any occurrence of system congestion,

19.3.5.4 monitor technical and quality parameters of the transported gaseous fuel,

19.3.5.5 schedule the work in the system so to avoid causing any congestion, and when congestion is unavoidable in connection with the works to be carried out, make efforts to mitigate the consequences of the congestion caused by the planned works,

19.3.5.6 prepare operating procedures in the event of an emergency situation in the transmission system,

19.3.5.7 introduce additional charges, as referred to in point 19.10, point 19.11 and point 19.12.

19.3.5.8 apply oversubscription and buyback mechanisms.

19.3.6 Oversubscription and buyback mechanisms

19.3.6.1 For physical entry points to the system located at interconnections with transmission systems of neighbouring countries ($FPWE_{OSP}$), physical exit points from the transmission system located at interconnections with transmission systems of neighbouring countries ($FPWY_{OSP}$), and the Point of Interconnection (PWP), information on additional firm capacity to be made available for the following gas day, taking into account the technical conditions, expected offtakes from the system and capacity in the adjacent transmission system, shall be published by the TSO at the TSO's website, by noon (12.00 hours) of the gas day.

19.3.6.2 In case when, during the performance of the transmission service, it is necessary to reduce the firm capacity (contractual capacity) made available under point 19.3.6.1, the TSO shall apply the capacity (contractual capacity) buyback mechanism described below with respect to the Network Users.

19.3.6.3 The buyback shall take place under an auction procedure according to the rules of the Auction Platform to be drafted according to the principles set forth in point 19.3.6.6 and posted at the TSO's website. The auction to be used in the buyback procedure shall be carried out in accordance with the principles of a uniform-price auction within the meaning of the Commission Regulation (EU) No 2017/459 of 16 March 2017 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and repealing Regulation (EU) No 984/2013 I (OJ EU L 72/1) (hereinafter referred to as "CAM NC"), save that the bids shall be ordered from the lowest one rather than from the highest one.

19.3.6.4 The participation in the auction shall be open to any Network User that holds firm capacity (contractual capacity) at the point concerned by the buyback procedure.

19.3.6.5 The TSO shall inform the Network Users referred to in point 19.3.6.4 about launching the buyback procedure in the form of an auction at least thirty (30) minutes prior to the beginning of the auction:

19.3.6.6 Auction principles:

19.3.6.6.1 the right to participate in the auction as an auction participant shall be available to the Network Users referred to in point 19.3.6.4, provided that they obtained a login and password for the Auction,

19.3.6.6.2 the participation in the auction shall be anonymous, and in the course of the auction the identity of the auction participant shall be known exclusively to the TSO,

19.3.6.6.3 each auction shall comprise one bidding round only and last for thirty (30) minutes,

19.3.6.6.4 the bid of the auction participant may be placed, revised or withdrawn at any time during the bidding round; the bid shall be deemed binding until it is modified or removed,

19.3.6.6.5 in the bid, the auction participant shall indicate the following:

19.3.6.6.5.1 the identity of the auction participant,

19.3.6.6.5.2 the entry/exit point for which the bid is placed,

19.3.6.6.5.3 the capacity offered, which shall not exceed the firm capacity (contractual capacity) held by the auction participant, to the extent it is used in a confirmed nomination for the period concerned by the buyback procedure,

19.3.6.6.5.4 the price, specified taking into account the provisions of point 19.3.6.6.7.

19.3.6.6.6 The bid of the auction participant shall be deemed binding provided that it meets all the requirements set forth in point 19.3.6.6.5.

19.3.6.6.7 The maximum price at which capacity (contractual capacity) buyback may be offered by the auction participant shall not exceed ten (10) times of the fixed charge applicable to services for one gas day, as specified in the TSO's Tariff.

19.3.6.6.8 The capacity (contractual capacity) buyback under the auction procedure shall be made at the lowest price offered to the TSO.

19.3.6.6.9 The TSO may accept the bid of the auction participant in part only,

19.3.6.6.10 The final result of the auction shall be published by the TSO within thirty (30) minutes of its closing. Individual data will only be disclosed to the parties that they concern by electronic means in the soonest possible time.

19.3.6.7 In case when, as a result of the auction referred to in point 19.3.6.3, the TSO does not obtain sufficient capacity that is required to perform the transmission services with respect to confirmed nominations for a specific point for a given gas day, the TSO, with the appropriate discount rate set out in TSO's Tariff, shall reduce the capacity allocation on firm basis (contractual capacity). The reduction referred to above shall be applied starting from the product with the shortest delivery term up to the product with the longest delivery term, and in case of products with the same delivery term, shall be prorated according to the hourly quantities of gaseous fuel confirmed in the Shippers' nominations for the period affected by the reduction.

19.3.6.8 As a result of the buyback procedure, the TSO shall reduce, as appropriate, the confirmed nominations of the parties whose bid was accepted, or those referred to in point 19.3.6.7.

19.3.6.9 The reduction of the TSO's compensation due to the buyback of the Network User's capacity (contractual capacity) under the procedure referred to in point 19.3.6.3 shall be reflected in the invoice issued to the Network User by the TSO for the performance of the transmission contract, in the form of appropriate discount.

19.4 System congestion management in case of contractual congestion.

19.4.1 The TSO shall carry out on-going assessment of the utilisation of the technical capacity, while taking into account the transmission services currently provided under the existing transmission contracts, accepted applications for the capacity allocation and the executed transmission network connection

agreements. The above analyses are aimed at preventing any possibility of capacity blocking in the in the transmission system and the occurrence of contractual congestion.

19.4.2 In the event of the occurrence of contractual congestion, which prevents the capacity allocation, the TSO shall make efforts to mitigate such congestion and to enable the capacity allocation, at least on an interruptible, including conditional interruptible, basis.

19.4.3 If, during the review of an application for capacity allocation it is revealed that no capacity is available, and allocated but unused capacity (contractual capacity) exists, i.e. when the Network User:

19.4.3.1 systematically underutilises the allocated capacity, i.e. uses annually less than 80 % of the capacity (contractual capacity) allocated to the Network User, both in the period from 1 April until 30 September and in the period from 1 October until 31 March, when the effective term of the capacity allocation (PP) has been longer than one gas year, and such situation cannot be reasonably justified,

19.4.3.2 has failed to sell or release the unused capacity (contractual capacity) on reasonable terms and other Network Users are seeking access to capacity at such point on a firm basis,

19.4.3.3 fails to justify the underutilisation of capacity (contractual capacity) in a satisfactory manner, in particular by evoking the following reasons:

19.4.3.3.1 the necessity to conform to legal requirements in respect of security of supply,

19.4.3.3.2 a failure on the part of the TSO or an interoperating system,

19.4.3.3.3 an extraordinary event on the part of a Customer,

19.4.3.3.4 a force majeure.

19.4.4 an appropriate declaration shall be submitted, following the obligation by the President of ERO to withdraw, in part or in full, the capacity (contractual capacity) allocation at a given physical entry or exit point.

19.4.5 The occurrence of the situation referred to in point 19.4.3 shall be notified by the TSO to the President of ERO.

19.5 Subletting of capacity (contractual capacity).

19.5.1 The Network User may sublet the capacity (contractual capacity) with the exception of capacity (contractual capacity) at $MFPWE_{OSD}$, $MFPWY_{OSD}$, $MFPWE_{OSM}$ and $MFPWY_{OSM}$.

19.5.2 In case of capacity (contractual capacity) sublet, the rights and obligations related to the capacity and transmission ability allocation (PP/PZ) remain with the releasing System User.

19.6 Reselling capacity (contractual capacity).

19.6.1 The Network User may resell the capacity (contractual capacity), with the exception of capacity (contractual capacity) at $MFPWE_{OSD}$, $MFPWY_{OSD}$, $MFPWE_{OSM}$ and $MFPWY_{OSM}$, on an Internet platform specified by the TSO, in accordance with the rules of such platform.

19.6.2 In case when capacity (contractual capacity) is resold, all the rights and obligations (including OZO) resulting from the capacity and transmission ability

allocation (PP/PZ) shall be transferred on the party that acquires the capacity (contractual capacity).

19.6.3 If the System User resells the capacity (contractual capacity) on a bundled basis, the System User must resell such capacity (contractual capacity) at the same time on both sides of the point to the same System User, provided that:

19.6.3.1 the TSO in consultation with the ISO shall confirm whether the System User to which the capacity (contractual capacity) is to be resold on a bundled basis meets the formal requirements set out in the TSO or ISO network codes, as necessary to conclude the transmission contract with that User on the capacity (contractual capacity) resold on a bundled basis;

19.6.3.2 if the TSO or ISO find that the System User to which the capacity (contractual capacity) is to be resold on a bundled basis fails to meet the formal requirements referred to in point 19.6.3.1, the operators shall refuse to approve the resale.

19.7 Surrender of allocated firm including conditional firm capacity (contractual capacity).

19.7.1 The System User may surrender the allocated capacity (contractual capacity) in points $FPWE_{OSP}$, $FPWY_{OSP}$ and PWP on an Internet platform, following the rules of such platform.

19.7.2 If the System User surrenders the capacity (contractual capacity) allocated on a bundled basis, the System User must surrender the capacity in both transmission systems.

19.7.3 The System User must pay the TSO the auction premium for the billing periods for a transmission product surrendered by the System User, based on an invoice issued by the TSO, paid within fourteen (14) days from the invoice date, under the pain of rejecting the declaration of surrendering the capacity (contractual capacity).

19.7.4 The Network User shall retain its rights and obligations under the capacity allocation (PP) until the capacity being surrendered by the Network User is re-allocated by the TSO to another Network User under the procedures referred to in point 7, and to the extent that it is not re-allocated by the TSO. The surrendered capacity shall be made available according to the order of the submission of complete declarations of surrender by the Network User.

19.7.5 The capacity (contractual capacity) being surrendered by the Network User shall be allocated only when the allocation of the entire available transmission capacity is allocated by the TSO. The TSO shall not offer capacity (contractual capacity) surrendered by the Network User in accordance with point 19.7 as part of products for a period of one gas day.

19.7.6 The TSO shall immediately inform the Network User on the re-allocation of the capacity (contractual capacity) surrendered by such Network User, making available in the IES the changed capacity allocation (PP), reflecting the changes related to the surrendering by this Network User, and the changed capacity allocation (PP) for other Network Users.

19.7.7 In case of the re-allocation of the capacity referred to in point 19.7.6 by the TSO, the Network User that surrendered the capacity (contractual capacity) shall pay charges for transmission services in respect of the capacity that has not been subject to the re-allocation of capacity to another Network User, on the terms applicable to the originally contracted product.

19.8 Release of allocated interruptible including conditional interruptible (contractual capacity) capacity

19.8.1 The System User may release the allocated interruptible including conditional interruptible capacity product subject to fourteen (14) days' notice effective at the end of the gas month.

19.8.2 In case when bundled capacity is to be released, the System User shall release the capacity in both transmission systems.

19.8.3 The release of allocated capacity (contractual capacity) shall not be applicable to allocated interruptible including conditional interruptible capacity at points where firm capacity is not offered and no firm including conditional firm capacity (contractual capacity) has been allocated. At such points, the surrender procedure specified in point 19.7 is applied accordingly for interruptible including conditional interruptible capacity (contractual capacity).

19.9 System congestion management in case of incompatibility of the off-take or deliveries of gaseous fuel with the Shippers' confirmed nomination:

19.9.1 The TSO shall schedule the operation of the transmission system on the basis of the nominations and re-nominations received from Shippers and transportation forecasts presented by DSOs, as referred to in point 19.11.1.

19.9.2 In the event that the quantities of gaseous fuel delivered for transmission and the quantities off-taken from the transmission system are inconsistent with the confirmed nominations and transportation forecasts, the TSO shall take additional steps to adjust the system's operation to the new conditions.

19.9.3 If the inconsistency between the actual volumes and the nomination exceeds the acceptable tolerance, as specified in point ~~15.2.29~~15.2.26, the TSO shall apply additional charges in accordance with point 19.10.

19.10 The method of calculating the charges for inconsistency with the confirmed nominations

19.10.1 The charge for inconsistency with the daily quantities of gaseous fuel specified in the confirmed nomination at the exit point (ONWW) shall be calculated as follows:

19.10.1.1 the relative inconsistency with the nomination at the exit point (PNWW) shall be calculated according to the following formula:

PNWW = [MOD (NZ – IG)/NZ] * 100%

where:

MOD	absolute value
N_Z	daily quantity of gaseous fuel specified in the confirmed nomination
I_G	daily quantity of gaseous fuel off-taken by the Shipper

19.10.1.2 if PNW > 10%, the TSO shall calculate and apply a charge for the inconsistency with the nomination at the exit point, which shall be calculated according to the following formula:

$$ONWW = (PNWW - 10\%)* N_Z * 0.01 * CRG$$

where:

PNWW	inconsistency with the nomination at the exit point,
N_Z	daily quantity of gaseous fuel specified in the confirmed nomination [kWh]
CRG	Gas Reference Price, [PLN/kWh],

19.10.2 In the event that the value of the daily quantity at the given exit point is nominated as zero ($N_Z = 0$), the TSO shall calculate and apply a charge for inconsistency with the nomination at an exit point (ONWW), which shall be calculated according to the following formula:

$$ONWW = I_G * 0.01 * CRG$$

where:

I_G	daily quantity of gaseous fuel off-taken by the Shipper [kWh]
CRG	Gas Reference Price, [PLN/kWh],

19.10.3 The TSO shall not apply the charges for inconsistency with the confirmed nominations at exit points when the inconsistency with the confirmed nominations occurred due to the reasons attributable to the TSO, including a failure in the transmission system of the TSO or the inconsistency is the result of the fall-back supply provided in accordance with point 11.1.11 – in such case the charge is not applied for the first three (3) gas days in which the fall-back supply is provided.

19.10.4 The revenues earned by the TSO in connection with the application of the charges for inconsistency with the daily quantities of gaseous fuel specified in a confirmed nomination shall be settled with the Network User as part of the mechanism for determining the rate of the charge related to financial neutrality of balancing.

19.11 System congestion management in case of incompatibility of the off-take or deliveries of gaseous fuel with the DSO transportation forecasts.

19.11.1 DSOs shall provide a transportation forecast for each gas day for the interconnection physical points located at the interconnection between the transmission system and the distribution system.

19.11.2 The transportation forecast shall be provided by 14:00 hours of the gas day preceding the gas day it relates to.

19.11.3 In the transportation forecast the DSO shall specify the hourly quantities of gaseous fuel planned to be off-taken at each of the interconnection physical points at the interconnection between the transmission system and the distribution system.

19.11.4 The transportation forecast shall take into account the transition from summer to winter time and from winter to summer time when the gas day is longer or shorter by one (1) hour, as appropriate.

19.11.5 In the event of the DSO's failure to provide a transportation forecast, the transportation forecast shall be deemed to amount to zero (0).

19.11.6 Rejecting the transportation forecast by the TSO may occur due to:

19.11.6.1 failure to meet the requirements regarding its form, as well as the manner and time of its transmission specified in the TNC,

19.11.6.2 submission of the transportation forecast by an unauthorized entity,

19.11.6.3 exceeding the capacity allocated to DSOs.

19.11.7 The TSO informs about the reason for rejecting the transport forecast.

19.11.8 The provision of point 15.4 shall apply, as appropriate, to the transportation forecast, provided however, that the confirmed transportation forecast for $MFPWY_{OSD}$ referred to in point 14.7.1 shall not be subject to revision.

19.11.9 For each gas day, the difference between the daily quantity of gaseous fuel indicated by the DSO in the transportation forecast and the actual quantity of gaseous fuel delivered for transmission or off-taken at the point for which the transportation forecast is presented shall be determined.

19.11.10 If the difference referred to in point 19.11.9 exceeds 10 % of the daily quantity gaseous fuel indicated in the transportation forecast for a given point, or the group~~s~~ of points referred to in point 3.8.1 ~~3.8.7~~, the DSO shall be subject to a charge calculated in accordance with the following formula:

19.11.10.1 The charge for inaccuracy of the transportation forecast (ONP) shall be calculated as follows:

ONP = (WTP – 10%)* IPT * 0.01 * CRG

where:

WTP	relative inconsistency of the transportation forecast at the point,
IPT	daily quantity of gaseous fuel indicated in the transportation forecast for the point [kWh]
CRG	Gas Reference Price, [PLN/kWh],

19.11.10.1.1 the relative inconsistency of the transportation forecast at a given point shall be calculated in accordance with the following formula:

WTP = [MOD(IPT – IZM)/IPT] * 100%

where:

MOD	absolute value

IPT	daily quantity of gaseous fuel indicated in the transportation forecast for the point [kWh]
IZM	daily quantity of gaseous fuel measured at the point [kWh/h]

19.11.10.1.2 In case when the value of the transportation forecast at a given point was zero (IPT=0), the TSO shall apply the charge for inaccuracy of the transportation forecast at such point (ONP), which shall be calculated in accordance with the following formula:

ONP = IZM * 0,01 * CRG

where:

IZM	daily quantity of gaseous fuel measured at the point [kWh]
CRG	Gas Reference Price, [PLN/kWh],

19.11.11 The DSO's Commercial Transmission Report containing the data to be used as the basis for the settlement in respect of congestion management under point 19.11 shall be compiled without undue delay after the end of the gas month such settlement relates to.

19.11.12 The revenues generated by the TSO in connection with the application of the charges for inconsistency with the daily quantities of gaseous fuel specified in a confirmed transportation forecast shall be settled with Network Users as part of the mechanism for determining the rate of the charge related to financial neutrality of balancing.

19.12 Failure to meet capacity allocation forecast (PPP).

19.12.1 If the aggregate capacity (contractual capacity) specified in the capacity allocation (PP) at a given point indicates in point 7.8.1 for a given gas month (including annual, quarterly and monthly products) is lower than the approved capacity allocation forecast (PPP) for a given gas quarter, as referred to in point 8 for this point by more than five (5) percent, the TSO shall apply a charge for failure to meet the capacity allocation forecast (PPP) payable by the Network User, and in case when the capacity allocation forecast (PPP) was requested by the operator of the installation connected at a given point (including a Final Customer) by the operator of the installation connected at a given point – a fee for failure to meet capacity allocation forecast (PPP)..

19.12.2 The payable for failure to meet the capacity allocation forecast (PPP) in a given quarter shall be calculated according to the following formula:

$$\boldsymbol{O_{NP} = 150\% * S_{FPWY} * (M_{p\,(prognoza)} - M_{p\,(PP)}) * T}$$

where:

O_{NP}	Charge for failure to meet the capacity allocation forecast (PPP) [PLN]

S_{FPWY}	rate of fixed charge at exit point applied by the TSO for the gas year [PLN/kWh/h]
$M_{p(prognoza)}$	Confirmed capacity allocation forecast (PPP) for the quarter [kWh/h]
$M_{p(PP)}$	capacity (contractual capacity) specified in PP for the month as part of yearly, quarterly and monthly products [kWh/h]
T	number of hours in the settlement period

19.12.3 In the case of an application to reduce the capacity allocation forecast (PPP) for the given quarter by more than five (5) percent of the approved capacity allocation forecast (PPP), the Network User or the operator of the installation connected at a given point (including a Final Customer) shall pay a charge in the amount of:

$$\boldsymbol{O_{ZP} = K * (S_{FPWY} * (M_{p\,(prognoza)} - M_{ZP}) * T)}$$

where:

O_{ZP}	Charge for reduction of capacity allocation forecast (PPP) [PLN]
S_{FPWY}	rate of fixed charge at exit point applied by the TSO for the quarter [PLN/kWh/h]
K	in case the change concerns: year Y+2, the coefficient K is ~~8~~30%. year Y+3, the coefficient K is ~~6~~20%. year Y+4, the coefficient K is 10~~4~~%.
$M_{p(prognoza)}$	Current confirmed capacity allocation forecast (PPP) booked capacity for the quarter [kWh/h]
M_{ZP}	revised level of confirmed allocation forecast for a given quarter [kWh/h]
T_K	number of hours in the given quarter

19.12.4 The charge referred to in point 19.12.2 shall be applied by the TSO in each gas month in which the capacity allocation forecast (PPP) has not been met.

19.12.5 The charge referred to in point 19.12.3 shall be applied by the TSO once per gas year, within thirty (30) days of the end of the capacity offering procedure referred to in point 7.6.10.

19.13 Congestion management in case of the failure to maintain the quality parameters of the gaseous fuel and the minimum pressure.

19.13.1 In situations where the relevant quality parameters of the gaseous fuel are not met at physical entry points, as specified in point 3.3.5, the TSO may introduce restrictions on the acceptance of gaseous fuel for transmission at the entry points and the off-take at the exit points with respect to System Users on whose part circumstances resulting in such a situation have arisen.

19.13.2 In the event whereby the minimum pressure of supply at a physical entry point to the system is not met, the TSO may impose on the System User on whose part circumstances resulting in such a situation have arisen, restrictions on the admission of gaseous fuel at the physical entry point and on the offtake at the physical exit points, up to a quantity enabling the minimum pressure to be maintained as specified for the point in question on the TSO's website.

19.13.3 When introducing the restrictions, TSO shall inform the System User of the starting time of the restrictions, their expected duration and the maximum hourly and daily ability to deliver gaseous fuel to or off-take gaseous fuel from the transmission system at the specified points.

~~19.13.2~~19.13.4 When introducing the restrictions referred to in point ~~19.13.1~~19.13.1 or 19.13.2~~19.13.2~~ for the current gas day, the TSO shall reduce the nomination at the point in question starting from the nearest hour.

19.13.5 The restrictions introduced in accordance with point 19.13.1 or 19.13.2~~19.13.2~~ shall be implemented by the Network Users in accordance with the information provided by the TSO through the reduction of deliveries or off-takes of gaseous fuel to or from the transmission system.

~~19.13.3~~19.13.6 In the event when the System Users fail to conform to the restriction that is introduced, the TSO may suspend the acceptance of gaseous fuel into the transmission system.

~~19.13.4~~19.13.7 In case when the gross calorific value of gaseous fuel delivered by the Network User for transmission at a physical entry point, or off-taken at a physical exit point exceeds the value specified in point 3.3.1, the parties to the transmission contract shall not make any additional settlements in this regard.

~~19.13.5~~19.13.8 In case when the gross calorific value of gaseous fuel delivered by the Network User for transmission at a physical entry point exceeds the value specified in point 3.3.1, the TSO shall be required to ensure that the gross calorific value of gaseous fuel at the physical exit point is at least equal or higher than H_{SNmin}.

~~19.13.6~~19.13.9 In case when the gross calorific value of the gaseous fuel delivered at a physical entry point is lower than $H_{SNmingr}$, where $H_{SNmingr}$ for respective systems is:

$H_{SNmingr}$	*9,444 kWh /m³ for the group E high methane gas system*
$H_{SNmingr}$	*8,333 kWh /m³ for the Lw sub-group low-methane gas system*

the Network User shall be ~~subject to a~~ charged a fee~~,~~ which is calculated according to the following formula:

$$O_{NCWgr} = I_{GI} * 2 * CRG *(1- H_{ZW}/H_{SNmin})$$

where:

O_{NCWgr}	charge for an off-spec gross calorific value at a physical entry point [PLN]
I_{GI}	quantity of gaseous fuel with off-spec gross calorific value that is delivered at the physical entry point (kWh)
CRG	Gas Reference Price (PLN/kWh)
H_{ZW}	actual gross calorific value of the gaseous fuel delivered at the physical entry point [kWh/m^3]
H_{SNmin}	minimum gross calorific value specified in point 3.3.1 [kWh/m^3]

~~19.13.7~~19.13.10 In the event that group E gaseous fuel of a gross calorific value of more than $H_{SNmingr}$ amounting to 9.444 kWh /m^3, but less than H_{SNmin} amounting to 10.556 kWh/m^3, is delivered for transmission at a physical entry point, the Network User shall be subject to a charge in the amount calculated according to the following formula:

$$O_{NCW} = I_{GI} * CRG * (1 - H_{ZW}/H_{SNmin})$$

where:

O_{NCW}	charge for an off-spec gross calorific value at a physical entry point [PLN]
I_{GI}	quantity of gaseous fuel with off-spec gross calorific value that is delivered at the physical entry point [kWh]
CRG	Gas Reference Price [PLN/kWh]
H_{ZW}	actual gross calorific value of the gaseous fuel delivered at the physical entry point [kWh/m^3],
H_{SNmin}	minimum gross calorific value referred to above [kWh/m^3].

~~19.13.8~~19.13.11 In case when the TSO agrees in writing to accept the delivery of group E gaseous fuel with the gross calorific value as specified in point ~~19.13.7~~19.13.10, the charge for the delivery of such gaseous fuel into the transmission system shall amount to 50% of the charge referred to in point ~~19.13.7~~19.13.10. The TSO's consent for the acceptance of gaseous fuel with reduced gross calorific value that lies within the range specified in point ~~19.13.7~~ 19.13.10 at the physical entry point may only be expressed upon the Network User's written request, which is to be submitted at least 48 hours before the planned delivery of such gaseous fuel to the physical entry point.

~~19.13.9~~19.13.12 The gross calorific value (H_{ZW}) shall be calculated in accordance with point 3.4.8.

~~19.13.10~~19.13.13 Additional charges shall be imposed if the gaseous fuel delivered to the transmission system at a physical entry point or off-taken at a

physical exit point does not conform to the quality parameters specified in the table below.

Gaseous fuel quality characteristics	*Unit of measure*	*Maximum acceptable value* X_{SJNmax}
*Hydrogen sulphide content**	*mg/m³*	*7.0*
*Mercury fumes content**	*µg/m³*	*30.0*
*Total sulphur content**	*mg/m³*	*40.0*

* The figures in the table refer to normal conditions.

~~19.13.10.1~~19.13.13.1 If the gaseous fuel delivered by the Network User to the transmission system at a physical entry point does not conform to at least one of the quality parameters specified in point ~~19.13.10~~19.13.13, the TSO shall be entitled to a charge from the Network User for each of the quality parameters in point ~~19.13.10~~ 19.13.13 that is off-spec, which is to be calculated according to the following formula:

$$O_{NSJW} = I_{GI} * 2 * CRG * (X_{SJW} - X_{SJNmax}) / MOD(X_{SJNmax})$$

where:

O_{NSJW}	charge for an off-spec quality parameter [PLN]
I_{GI}	quantity of gaseous fuel with the off-spec quality parameter that is delivered at the physical entry point [kWh]
CRG	Gas Reference Price [PLN/kWh]
MOD	Absolute value
X_{SJNmax}	the highest admissible value of the given quality parameter as set out in point ~~19.13.10~~19.13.13,
X_{SJW}	actual value of the quality parameter of the gaseous fuel delivered at the physical entry point

~~19.13.10.2~~19.13.13.2 The parties shall ensure an adequate level of water dew-point of the gaseous fuel delivered to the transmission system at physical entry points or off-taken at a physical exit point from the transmission system, in accordance with the following requirements:

~~19.13.10.2.1~~19.13.13.2.1 the highest acceptable value of water dew-point (XSTNmax) for 5.5 MPa from 1 April until 30 September is +3.7 °C (276.85 K),

~~19.13.10.2.2~~19.13.13.2.2 maximum acceptable value of the water dew point (X_{STNmax}) for 5.5 MPa from 1 October until 31 March is -5 °C (268.15 K).

~~19.13.10.3~~19.13.13.3 In the event when the gaseous fuel delivered to the transmission system at a physical entry point is off-spec with regard to the parameters specified in point 19.13.13.2, the TSO shall be entitled to a

charge from the Shipper in the amount calculated according to the following formula:

$$O_{NSTW} = I_{GI} * 0,1 * CRG * (X_{STW} - X_{STNmax}) / MOD(X_{STNmax})$$

where:

O_{NSTW}	charge for an off-spec water dew point parameter [PLN]
I_{GI}	quantity of gaseous fuel with off-spec value of the water dew point parameter [kWh]
CRG	Gas Reference Price [PLN/kWh]
MOD	Absolute value
X_{STNmax}	the highest acceptable value of water dew point [K],
X_{STW}	actual value of the water dew point of the gaseous fuel delivered at the physical entry point [K]

~~19.13.10.4~~19.13.13.4 The TSO shall be entitled to a charge from the Network User, which shall be calculated in accordance with the formula set out in point 19.13.13.1 or point 19.13.13.3 for each of the quality parameters referred to in point ~~19.13.10~~ 19.13.13 or point 19.13.13.2. The above charge shall be calculated for each of the off-spec quality parameters individually.

~~19.13.11~~19.13.14 The parties are required, in the event of assessing the capacity of transporting gaseous fuel of an inadequate quality, to immediately inform the other party of the possibility of such a situation occurring.

~~19.13.12~~19.13.15 In the event of failing to maintain the minimum delivery pressure at a physical entry point to the transmission system, the TSO is entitled to a charge from the Network User on this account, and the amount of such charge shall be calculated according to the following formula:

$$O_{NMC} = 0,0004\sum_{i=1}^{n}\left(I_{GI} \cdot \Delta p_i\right)$$

where:

O_{NMC}	charge for an off-spec minimum pressure at a physical entry point [PLN]
I_{GI}	quantity of gaseous fuel delivered at the physical entry point during the day when the contractual pressure parameter was off-spec
Δp_i	difference between the average daily pressure of the gaseous fuel delivered at the physical entry point to the transmission system and the contractual pressure [MPa]

	n	gas days in which the contractual pressure parameter was off-spec

~~19.13.13~~19.13.16 In the event of a failure to maintain adequate pressure of the supply in the physical entry point to the transmission system, the TSO may request the Network User, apart from the charge specified in point 19.13.15, to cover the amounts of compensation or discounts that the TSO paid to other Network User on the account of the failure to maintain the pressure at the physical exit points.

19.13.17 In the event of a System User's failure to comply with a restriction imposed in accordance with points ~~19.13.1~~19.13.1 or 19.13.2~~19.13.2~~, the charge for the introduction of gaseous fuel shall be 150% of the charge set out in points 19.13.9~~19.13.9~~, 19.13.10~~19.13.10~~, 19.13.13.1~~19.13.13.1~~, 19.13.13.3~~19.13.13.3~~, 19.13.15~~19.13.15~~.

~~19.13.14 In the event of a failure to maintain the minimum supply pressure at a physical entry point to the system, the TSO may impose restrictions on the acceptance of gaseous fuel at the physical entry point and off-take at physical exit points with respect to the System User on whose side the circumstances causing such a situation arose, to a level that enables it to maintain the minimum pressures specified for the relevant point on the TSO's website.~~

~~19.13.14.1 When imposing the restrictions, the TSO shall provide the System User with information on the starting date of the restrictions and their duration, as well as the maximum hourly and daily capabilities for the supply of gaseous fuel to and its off take from the transmission system at the specified physical entry and exit points. In the event that the TSO provides the information on restrictions or total interruption in the performance of the gas transmission services, the System User, within two (2) hours of obtaining such information, shall be required to adjust the nomination at a given point and correspondingly at the remaining entry and exit points and to submit re-nominations to the TSO.~~

~~19.13.14.2 The restrictions introduced pursuant to point 19.13.11.3 shall be implemented by the System User according to the information submitted pursuant to point 19.13.11.4. In the event when the System User fails to conform to a restriction imposed on it, the TSO may interrupt the acceptance of gaseous fuel into the transmission system and its delivery at the exit points.~~

~~19.13.15~~19.13.18 Gaseous fuel compression service

~~19.13.15.1~~19.13.18.1 At physical entry points at connections to domestic gas fields ~~(FPWE$_{ZDO}$),~~ the TSO may provide the gaseous fuel compression service to the extent determined by the technical capacity of the transmission system, using compressor stations whose capacity is underutilised for the needs of the transmission system.

~~19.13.15.2~~19.13.18.2 An application for the provision of gaseous fuel compression service shall be made in writing sufficiently in advance of the planned commencement of the use of the compression service.

~~19.13.15.3~~19.13.18.3 The scope of the gaseous fuel compression service and the rules for its provision by the TSO shall be specified in the contract for the provision of the gaseous fuel compression service.

~~19.13.15.4~~19.13.18.4 The contract referred to in point ~~19.13.18.3~~19.13.18.3 shall specify in particular:

~~19.13.15.4.1~~19.13.18.4.1 the gaseous fuel compression parameters,

~~19.13.15.4.2~~19.13.18.4.2 the manner of determining the quantity of gaseous fuel used to power the compressors at the compressor station used to provide the compression service at a given physical entry point, in the part relating to the gaseous fuel compression service provided, regulated in accordance with the Tariff,

~~19.13.15.4.3~~19.13.18.4.3 rules for the provision of metering and billing data,

~~19.13.15.4.4~~19.13.18.4.4 principles of settlement of the gaseous fuel compression service,

~~19.13.15.4.5~~19.13.18.4.5 rules for scheduling work on compressor stations where compression service is provided,

~~19.13.15.4.6~~19.13.18.4.6 the method of exchanging information on planned investment projects affecting the conditions for the provision of compression service,

~~19.13.15.4.7~~19.13.18.4.7 rules for the exchange of information between the TSO's and the Network User's dispatching services and the handling of emergency situations,

~~19.13.15.4.8~~19.13.18.4.8 communication rules and contact data of TSO services and the Network User ordering the gaseous fuel compression service.

~~19.13.15.5~~19.13.18.5 The provisions of clauses ~~19.13.15~~19.13.15 - 19.13.16 ~~19.13.16~~ shall not apply to the Network User in the scope of $FPWE_{ŹDO}$ where the TSO provides the compression service to the Network User.

~~19.13.16~~19.13.19 In case when contracts for multiple Network Users are ~~executed~~ performed at a given point, the charges referred to in point ~~19.13.6~~19.13.9, point ~~19.13.7~~19.13.10, point ~~19.13.10~~ 19.13.13 and point ~~19.13.11~~ 19.13.14 shall be prorated among the Network Users based on the respective billing allocation made for each of them at such point.

19.14 The provisions of point 19.3.6, point 19.4 and point 19.7 do not apply to the physical entry points and entry points from the transmission systems of non-members of the:

19.14.1 European Union,

19.14.2 European Free Trade Association (EFTA) - parties to the Agreement on the European Economic Area,

19.14.3 Energy Community.

19.15 The TSO shall terminate or suspend the capacity allocation (PP) allocated as part of a product made available as part of the capacity on a related basis in the event of receiving an appropriate statement from the relevant OSW regarding respectively the termination or suspension of the contract for the provision of transmission services related to the same product in the OSW system. Termination or suspension of capacity allocation (PP) by the TSO takes place from the date and for a period analogical to that indicated in the OSW statement.

~~19.15~~19.16 In the event of three or more instances of exceeding the capacity allocation at an $MFPWY_{OSD}$ being a part of interconnected physical exit points ($MFPWY_{OSD}$) group within the past 36 months, the TSO may remove such $MFPWY_{OSD}$

from a given point group with effect from the next gas month by unilaterally amending the appendix to the ITC.

20 EXCHANGE INFORMATION RELATED TO NOMINATIONS, BALANCING AND SYSTEM CONGESTION MANAGEMENT

20.1 General provisions

20.1.1 The exchange of information related to the provision of transmission services between the TSO and the System Users and OPRs, including the Shippers and the Network Users, shall take place by the means of the Information Exchange System (IES). The System User shall be informed about the change of the data status in the IES by email.

20.1.2 Detailed information concerning the access to the IES, its operation, content and functionality shall be described in the user manual available at the TSO's website

20.1.3 Electronic exchange of information related to the performance of the concluded transmission contracts shall be based on the electronic document interchange standard EDIG@S in the version specified on the TSO's website.

20.1.4 The file formats are described in detail on the TSO's website. Information on the modification of the requirements applicable to the files to be transferred shall be announced on the TSO's website six months in advance.

20.2 Method of information interchange

20.2.1 The information exchange referred to in point 20.1.3 shall take place using the AS4 protocol.

20.2.2 The TSO, DSO, OPR, SSO, the owner of the storage facilities and the Shipper shall ensure protection and integrity of the files transferred.

20.3 The responsibility for the form and content of the information of the documents rests with the party sending the document.

20.4 Information provided by the TSO

20.4.1 The TSO shall publish the full wording of the TNC on the TSO's website, which contains standard terms and conditions specifying the rights and obligations of the System User.

20.4.2 The TSO shall publish on the TSO's website the relevant information, as required under the legal regulations, and specifically the data concerning the relevant entry and exit points approved by the President of ERO.

20.4.3 The TSO shall publish on the TSO's website the transmission system chart, together with a list of entry and exit points on its website.

20.4.4 The TSO shall notify the System Users of any events that could have an impact on the provision of gas transmission services, as well as the operation of interoperating systems, including changes in the timing of work and the timing of previously unscheduled work through the publication of information on the TSO's website, including the publication of Urgent Market Messages on GIIP.

20.4.5 The TSO shall submit to the ISO information on the nomination and re-nomination received from the Shipper in order to confirm the possibility of performing them in the interoperating system.

20.4.6 The TSO, on the basis of information obtained in accordance with 20.6.5, shall submit to the Shipper forecasts regarding the daily quantities of gaseous fuel off-taken by the Shipper, measured less often than daily ("forecast"), at PWY_{OSD}.

20.4.6.1 The TSO provides the forecast to the Shipper by 13:00 on the day preceding the gas day the forecast concerns,

20.4.6.2 The TSO provides the first update of the forecast by 14:00 during the gas day the forecast concerns.

20.4.6.3 The TSO provides the second update of the forecast by 20:00 during the gas day the forecast concerns.

20.4.7 The TSO provides the Shipper electronically via IES, by 14:00 on the gas day, the following provisional data (estimated), covering the first four (4) hours of the gas day (6:00 - 10:00):

20.4.7.1 quantity of delivered and off-taken gas at various points of entry and exit,

20.4.7.2 imbalance in the first four hours of the gas day.

20.4.8 The TSO provides the Shipper electronically via IES, by 18:00 on the gas day, the following provisional data (estimated), covering the first eight (8) hours of the gas day (6:00 - 14:00):

20.4.8.1 quantity of delivered and off-taken gas at various points of entry and exit,

20.4.8.2 imbalance in the first eight (8) hours of the gas day.

20.4.9 The TSO provides the Shipper electronically via IES, by 12:00 on the next gas day following the provisional data (estimates) for the previous gas day:

20.4.9.1 quantity of delivered and off-taken gas at various points of entry and exit,

20.4.9.2 daily imbalance.

20.4.10 Subject to point 18.4.6, the TSO shall provide the Shipper electronically via IES, without undue delay after the end of the gas month the settlement relates to with the following final data concerning the current gas month:

20.4.10.1 daily quantities of gaseous fuel delivered and off-taken at the respective entry and exit points,

20.4.10.2 information on the difference between the daily quantities of gaseous fuel in the confirmed nominations and the quantities of gaseous fuel delivered and off-taken at the respective entry and exit points,

20.4.10.3 daily imbalance by gas day,

20.4.11 The TSO shall advise the Network User of the average pressure of gaseous fuel supply for each month in the gas month, by entry point.

20.4.12 The TSO shall provide the DSO with final data for interconnection physical entry and exit points operated by the TSO and located at the interconnection of the transmission and distribution system, in accordance with the schedule set out in point 16.8, provisional data for the previous gas day by 08:00 am, estimated quantities of gaseous fuel for the first four hours of a gas day (from 6 am to 10 am of a given day) until 11 am on a given gas day, estimated quantities of gaseous fuel for the first eight hours of a gas day (from 6 am to 14 pm of a given day) until 15 pm on a given gas day.

20.4.13 The TSO shall present HRP_{OSD} to the DSO.

20.4.14 For interconnection physical exit points ($MFPWY_{OSD}$), for which interruptible capacity including conditional interruptible capacity (contractual capacity) was allocated, the TSO shall provide the DSO with information on off-take restriction at the interconnection physical exit point ($MFPWY_{OSD}$) whenever such necessity arises. The DSO shall be required to adjust its off-take at the relevant point within two (2) hours of receiving the information about the restriction.

20.4.15 For interconnection physical exit points ($MFPWY_{OSD}$), for which ~~interruptible~~ conditional~~ly~~ interruptible ~~firm~~ capacity (contractual capacity) was allocated, the TSO shall inform DSO of not assuring required supply of gaseous fuel at specific physical entry points (PWE), based on submitted nominations.

20.4.16 The TSO shall provide the DSO with a list of Shippers with allocated ability for PWE_{OSD} and PWY_{OSD} to a given DSO

20.4.17 For interconnection physical entry or exit points ($MFPWE_{OSM}$ or $MFPWY_{OSM}$), which were allocated interruptible capacity including conditional interruptible capacity (contractual capacity) ~~on an interruptible basis~~, the TSO provides the SSO information on limitations of delivery at the interconnection physical entry or exit point ($MFPWE_{OSM}$ or $MFPWY_{OSM}$), if this is necessary. OSM within two (2) hours of receipt of the above information is required to adjust the flow at the given point to the information about the limitation.

20.5 The information referred to in points from 20.4.5 to 20.4.12 shall be provided in formats specified by the TSO.

20.6 Information provided by the DSO

20.6.1 DSOs shall provide the following information to the TSO:

20.6.1.1 transportation forecast referred to in point 19.11,

20.6.1.2 information on quantities of gaseous fuel allocated to individual Shippers in accordance with point 16.7,

20.6.1.3 together with a gas limitation scheme applicable to the Customers connected to the distribution system, as approved by the President of ERO, the DSO shall provide the following information concerning the Customers covered by such plan: rank number in the gas limitation scheme, Customer name and registered address together with postal code, Customer's REGON number, name and address of the connected plant (off-take point for gaseous fuel), type of business activity, contractual capacity and a list of interconnection physical exit points from the TSO's transmission system that are or may be used for supplying gaseous fuel to the Customer,

20.6.1.4 gas limitation schemes for individual Customers and the degrees of supply rationing, after their approval by the President of ERO, containing updated schedules with the daily and hourly quantities,

20.6.1.5 the total daily quantities of gaseous fuel used in the previous month by Customers covered by gas limitation schemes prepared by the DSO, broken down by types of gaseous fuel, by the tenth (10^{th}) day of each month,

20.6.1.6 during the period of applicability of the restrictions introduced by the Council of Ministers under the procedure of Article 56 of the Stockpiling Act, the DSO shall report the daily quantities of gaseous fuel for the previous gas day for the individual Customers covered by the gas limitation scheme prepared by the DSO, each day by 10am,

20.6.1.7 a notification on the occurrence of a disruption in the DSO's system, which could affect the conditions of the off-take of gaseous fuel from the TSO system, containing information on the reason for the occurrence of disruptions, their expected duration, the reduction in capacity (contractual capacity) at the points of interconnect with the TSO system, the values of the parameters that are off-spec with respect to the contractual conditions and a confirmation of the revised nominations arising from the disruptions.

20.6.2 The DSO shall deliver to the TSO, by the third (3rd) business day of the following month, the necessary information concerning the stations that comprise the substitute exit points, which is required for the billing for the gas transmission services, i.e. the measurement data obtained from the facilities of the gas stations including the daily, monthly and hourly quantities of transmitted gaseous fuel.

20.6.3 The data referred to in point 20.6.1.3, point 20.6.1.4, point 20.6.1.5 and point 20.6.1.6 shall be delivered to the TSO electronically, in the file format specified by the TSO published on the TSO website.

20.6.4 The DSO shall immediately inform the dispatcher service of the TSO of any failure of the distribution system that influences or may influence the functioning of the transmission network, and such notification shall in any case be made within four (4) hours of its occurrence.

20.6.5 Forecasts for daily quantities of gaseous fuel off-taken by the Shipper on the current and next gas day, measured less often than daily.

20.6.5.1 The DSO shall submit to the TSO forecasts regarding the quantities of gaseous fuel off-taken by the Shipper on the given gas day, measured less often than daily ("forecast").

20.6.5.2 The OSD, by 12:00 on the day preceding the gas day the forecast concerns, shall notify the TSO the forecast broken down into individual Shippers off-taking fuel ~~to~~ at PWY_{OSD}.

20.6.5.3 DSO performs the first update of the presented forecast by 13:00 during the gas day the forecast concerns.

20.6.5.4 DSO performs the second update of the presented forecast by 19:00 during the gas day the forecast concerns.

20.6.5.5 DSO submits the forecasts in the format specified by the TSO. Information about the data format to be used for submitting forecasts will be published by the TSO on the TSO's website.

20.7 Information to be provided by the SSO.

20.7.1 SSOs shall supply the following to the TSO:

20.7.1.1 information on the matching of the nominations and re-nominations at the exit / entry points connected to the storage facilities in accordance with the provisions of point ~~15.5.2~~ 15.5.3 and point ~~15.5.3~~15.5.4,

20.7.1.2 at the request of the TSO within seven (7) days, the profiles of injection and withdrawal from the storage facilities and their updates,

20.7.1.3 telemetry data on pressure, quantity, volume and quality of the gaseous fuel injected to and withdrawn from the storage facilities,

20.7.1.4 data on the quantity of gaseous fuel withdrawn from and injected into storage on the previous gas day and the balance of the working volume of the storage facility for the previous gas day by 09:00 am of every day,

20.7.1.5 a notification on the occurrence of disruptions in the operation of the storage facilities, when such disruptions could affect the conditions under which these facilities interoperate with the transmission system, containing information on the reason for the occurrence of the disruptions, their expected duration, the reduction in capacity (contractual capacity) at the points of interconnect with the TSO system, the values of the parameters that are off-spec with regard to the contractual conditions and a confirmation of the revised nominations arising from the disruptions,

20.7.1.6 information on work planned in the storage facilities, when such work could affect the conditions under which these facilities interoperate with the transmission system, in order to agree the possible timing and duration of the work with TSO.

20.7.1.7 Information concerning compulsory stocks in accordance with point 21.2.9 and the applicable legal regulations.

20.8 Information to be provided by the Shippers.

20.8.1 The Shippers supply the following to the TSO:

20.8.1.1 nominations and re-nominations of the quantity of gaseous fuel in accordance with the provisions of point 15.3 and 15.4,

20.8.1.2 information on any disruptions on the part of the Shipper's Customers and suppliers, which could affect the operating conditions of the TSO's transmission system, including the reason for the occurrence of such disruptions, their expected duration, the reduction in capacity at the points of interconnect with the TSO system, the values of the parameters that are off-spec with respect to the contractual conditions and a confirmation of the revised nominations arising from the disruptions,

20.8.1.3 information on entities being the owners of gaseous fuel quantities introduced in a given gas month at the entry points to the transmission system from outside the territory of the Republic of Poland, including the assignment of the appropriate quantities – within seven (7) days from providing the Commercial Transmission Report (HRP) for a given gas month; above information is provided in the form indicated by the TSO on the TSO's website,

20.8.1.4 information on entities owning gaseous fuel brought out in a given gas month at exit points from the transmission system outside the Republic of Poland together with the allocation of appropriate quantities - within seven (7) days of making HRP available for a given gas month; abovementioned information is provided in the form indicated by the TSO on the TSO's website,

20.8.1.5 information on the security of gas supply measures available to the Shipper, as referred to in Regulation (EU) No 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard security of gas supply and repealing Regulation (EU) No 994/2010 (OJ EU L 280/1), as regards:

20.8.1.5.1 supply-side measures, including but not limited to:

20.8.1.5.1.1 increased production flexibility,

20.8.1.5.1.2 increased import flexibility,

20.8.1.5.1.3 facilitating the integration of gas from renewable energy sources into the gas network infrastructure,

20.8.1.5.1.4 commercial gas storage — withdrawal capacity and volume of gas in storage,

20.8.1.5.1.5 diversification of gas supplies and gas routes,

20.8.1.5.1.6 use of long-term and short-term contracts in the scope of natural gas trading,

20.8.1.5.1.7 contractual arrangements to ensure security of gas supply,

20.8.1.5.2 demand-side measures, including but not limited to:

20.8.1.5.2.1 use of interruptible contracts,

20.8.1.5.2.2 fuel switch possibilities including use of alternative back-up fuels in industrial and power generation plants,

20.8.1.5.2.3 voluntary reduction of gas off-take,

20.8.1.5.2.4 increased efficiency,

20.8.1.5.2.5 increased use of renewable energy sources.

20.8.1.5.3 expected impact of the implementation of the above measures.

20.8.1.6 operating procedures prepared pursuant to point 21.6.1,

20.8.1.7 Information concerning compulsory stocks according to the provisions of point 21.8 and the applicable legal regulations.

20.8.2 The Shipper shall provide the TSO with the following information from the entry points to the transmission system, which are not utilised by the TSO, by the 3rd business day of the following month:

20.8.2.1 measurement data, containing the hourly, daily and monthly quantities and the delivery pressure of the gaseous fuel delivered for transmission,

20.8.2.2 average monthly gross calorific value of gaseous fuel, total sulphur content and the values of water dew point, if available.

20.8.3 The information referred to in points from 20.8.1 to 20.8.2 shall be provided in formats specified by the TSO.

21 PROCEDURES APPLICABLE IN EMERGENCY SITUATIONS

21.1 An emergency situation in the transmission system

21.1.1 In case of an emergency situation resulting in a threat to the security of the transmission system operation, the TSO shall take immediate action to eliminate the emergency situation and to restore proper operation of the transmission system.

21.1.2 In case of an emergency situation resulting in a shortage of natural gas in the transmission system, the TSO shall, in particular, take the following actions:

21.1.2.1 take advantage of the relevant regulatory instruments,

21.1.2.2 take the necessary steps in cooperation with the interested entities, as specified in point 21.2 and point 21.6.

21.1.3 If the measures referred to in point 21.1.2 prove inadequate, the TSO shall report to the competent minister for energy the necessity to impose restrictions in accordance with Article 53 in connection with Article 56 of the Stockpiling Act.

21.1.4 The TSO shall immediately inform the System Users and the Interoperating System Operators that an emergency situation has taken place, which could affect the operation of their facilities, installations or networks and, in particular, of the expected duration and extent of the restrictions in the transmission of natural gas.

21.1.5 In case of an emergency situation, the TSO shall not accept natural gas for transmission or shall not deliver natural gas to an exit point, if this could result in a threat to security of the transmission system operation, human health or lives or the environment, or could cause damage to property, and the TSO shall immediately inform the Shipper thereof.

21.1.6 In an emergency situation, the System Users shall be obliged to cooperate with the TSO to the necessary extent.

21.1.7 The respective personnel of the parties authorised to act as contact persons in case of an emergency situation shall be indicated in the transmission contract.

21.2 Procedure for mobilisation of additional deliveries of natural gas.

21.2.1 In case of disruptions in the supply of natural gas, unexpected increase in its consumption, or in the event of a sudden, unexpected damage or destruction of facilities, installations or networks resulting in an interruption in their use, or their loss of their characteristics, which presents a threat to the security of the transmission system operation, the TSO shall take steps, in cooperation with the Obligated Entities and other operators of gas systems in order to ensure or restore proper operation of the transmission system.

21.2.2 In the cases referred to in point 21.2.1:

21.2.2.1 the Obligated Entity, operators of natural gas storage facilities and natural gas liquefaction facilities, as well as entities responsible for the dispatch of the capacity in storage facilities and LNG facilities are required to remain in a state of readiness for implementing the instructions of the TSO as regards the mobilisation of compulsory stocks of natural gas,

21.2.2.2 the TSO shall immediately inform the Obligated Entity or the entity which has been commissioned to maintain the compulsory stocks of natural gas,

and the SSO of the necessity and date of the mobilisation of the compulsory stocks of natural gas,

21.2.2.3 The Obligated Entity and the System User shall be required to follow the instructions of the TSO including but not limited to the instructions concerning the deliveries of natural gas to the transmission system, including the mobilisation of compulsory stocks of natural gas.

21.2.3 The TSO shall mobilise compulsory stocks of natural gas after obtaining the relevant approval from the competent minister for energy. The instruction on the mobilisation of a compulsory stock shall be sent by the TSO to the email address indicated in the transmission contract.

21.2.4 The TSO shall inform about the mobilisation of the compulsory stock held in the storage facilities:

21.2.4.1 on the territory of the Republic of Poland - the SSO;

21.2.4.2 outside the territory of the Republic of Poland - the Obligated Entity in respect of compulsory stocks outside the territory of the Republic of Poland or the entity which has been commissioned to maintain the compulsory stocks of natural gas;

at the latest on the date on which those stocks are mobilised.

21.2.5 If the compulsory stocks held outside the territory of the Republic of Poland pursuant to a declaration of the Obligated Entity or the entity which has been commissioned to maintain the compulsory stocks of natural gas, may only be delivered directly to the distribution network, such compulsory stocks shall be mobilised only after the relevant DSO has notified the need to mobilise them.

21.2.6 The obligation to supply natural gas constituting a compulsory stock held outside the territory of the Republic of Poland shall be fulfilled by submitting nominations for $WPWY_{ZO}$ and for the relevant $FPWE_{OSP}$ or PWP, at which the Shipper holds dedicated capacity for compulsory stock purposes, with hourly value corresponding to at least one nine hundred sixty (1/960) parts of the compulsory stock. Under the pain of reduction or rejection of nominations for $WPWY_{ZO}$, the Shipper is obliged to submit nominations both in the $WPWY_{ZO}$ and in the relevant $FPWE_{OSP}$ or PWP, however, the nomination for $FPWE_{OSP}$ or PWP must be at least equal to the nomination for the $WPWY_{ZO}$. If the nomination for $FPWE_{OSP}$ or PWP is reduced or rejected, including but not limited to the application of the "lesser rule", the nomination for $WPWY_{ZO}$ shall be, respectively, reduced or rejected. In case when the compulsory stock is delivered to the transmission system through the TGPS and PWP, the confirmed nomination at the TGPS Mallnow Entry Point (ID: 870002; EIC code: 21Z000000000056S), under the pain of recognizing the compulsory stocks as immobilized, must not be smaller than the confirmed nomination.

21.2.7 The quantity of compulsory stocks mobilised from a given storage facility located in the territory of the Republic of Poland shall be deemed to correspond to the amount of gas constituting the difference between the aggregate quantities measured as withdrawn from a given storage facility and the sum of allocations equal to the confirmed nominations for the storage facility.

21.2.8 For gas days in which the compulsory stocks were mobilised, the operation of the operator's account between the TSO and SSO referred to in point 16.4.

21.2.9 The SSO shall inform the TSO about:

21.2.9.1 operating characteristics of the storage facility in which compulsory stocks of natural gas are held, together with a detailed list of the Obligated Entities holding compulsory stocks in that facility and the amount of compulsory stocks allocated to individual Obligatory Entities - in order to verify the technical feasibility of supplying the entire quantity of compulsory stocks from such facility to the transmission system, by 15 June of each year or at the request of the TSO,

21.2.9.2 details of the Obligated Entities holding compulsory stocks in the SSO's storage facility, including information on their business name, registered address and the NIP and REGON numbers,

21.2.9.3 total quantity of mobilised compulsory stocks from individual storage facilities, with detailed breakdown of these quantities by Obligated Entity, in a given gas day by 10:00 a. m. of the next gas day,

21.2.9.4 the quantities of natural gas used as a basis for the settlement for withdrawn compulsory stocks of natural gas, taking into account the provisions of the agreements referred to in art. 24b of the Stockpiling Act - – immediately but in any case no later than two (2) business days after the end of the gas month.

21.3 Settlements in respect of imbalance and for mobilised compulsory stocks of natural gas for gas days in which compulsory stocks have been mobilised or natural gas off-take restrictions have been introduced to a higher degree of supply than the first degree of supply rationing are made in accordance with the Regulation of the Minister of Climate and Environment of 2 May 2023 on the manner of exercising settlements and balancing of the gas transmission system in the period of mobilisation of compulsory stocks of natural gas and in the period of introduction of natural gas off-take restrictions (Journal of Laws of 2023, item 961). ~~in case of the mobilisation of compulsory stocks.~~

~~21.3.1 During the mobilisation of compulsory stocks, allocations shall be made in accordance with point 16.~~

~~21.3.2 For gas days in which the compulsory stock has been mobilised, the TSO shall settle the imbalance in accordance with the provisions of point 18, unless otherwise provided for in point 21.4.~~

~~21.3.3 For each gas day in which a compulsory stock has been mobilised, when the DIN value is different from zero (0), and:~~

~~21.3.3.1 DIN < 0, the Shipper is obliged to pay to the TSO a charge for natural gas ($ORB_{P\text{-}ZO}$) taken by the Shipper, specified in the following manner:~~

~~$ORB_{P\text{-}ZO} = MOD(DIN) * CSRB$~~

~~where:~~

~~CSRB~~	~~Average Balancing Settlement Price for a given gas day [PLN/kWh]~~
~~MOD~~	~~absolute value~~
~~DIN~~	~~daily imbalance quantity in a given gas day [kWh].~~

~~21.3.3.2 DIN > 0, the TSO is obliged to pay to the Shipper a charge for natural gas ($ORB_{D\text{-}ZO}$) delivered by the Shipper, specified in the following manner:~~

~~$ORB_{D\text{-}ZO} = DIN * CSRB$~~

~~where:~~

~~CSRB~~	~~Average Balancing Settlement Price for a given gas day [PLN/kWh]~~
~~DIN~~	~~daily imbalance quantity in a given gas day [kWh].~~

~~21.3.4~~

21.4 With a view of ensuring ~~Financial~~ financial neutrality of ~~the~~ balancing ~~during~~ in the month when ~~the~~ compulsory stock was ~~mobilisation period~~mobilised, the settlements with Shipper shall be made in accordance with the Regulation of the Minister of Climate and Environment of 2 May 2023 on the on the manner of exercising settlements and balancing of the gas transmission system in the period of mobilisation of compulsory stocks of natural gas and in the period of introduction of natural gas off-take restrictions (Journal of Laws of 2023, item 961).

~~21.4.1 The TSO shall ensure the financial neutrality of balancing in the period when compulsory stocks are mobilised. The mobilisation of a compulsory stock, including revenues and costs related to the settlement of imbalance during the period of compulsory stock mobilisation, as well as costs related to the purchase and sale of natural gas constituting the compulsory stock, shall be included in the charge related to the financial neutrality of the balancing referred to in point 21.5.2.~~

~~21.4.2 In consideration of the financial neutrality of balancing during the period of compulsory stock mobilisation, a charge related to the financial neutrality of balancing shall be payable by or to the Shipper, separately for each balancing area, which shall be determined as follows:~~

~~$ONB_{ZO} = SNF_{ZO} * EP$~~

~~ONB_{ZO}~~	~~charge related to financial neutrality of balancing during the period when compulsory stocks are mobilised~~
~~SNF_{ZO}~~	~~rate of the charge related to financial neutrality of balancing applied for gas days in which compulsory stocks were mobilised – published on the TSO's website~~
~~EP~~	~~quantity of natural gas constituting the sum of daily quantities of natural gas in a given settlement period delivered by the Shipper for transmission at an entry point to the transmission system and off-taken by the Shipper at the exit point from the transmission system, with the exception of quantities delivered and off-taken at the $WPWE_{GG}$, $WPWY_{GG}$, $WPWE_{PPG}$, $WPWY_{PPG}$ $WPWE_{OTC}$, $WPWY_{OTC}$ and $WPWY_{ZO}$.~~

~~21.4.3 In case the charge related to the financial neutrality of balancing during the period of compulsory stocks mobilisation takes a negative value, the Shipper shall issue an invoice for the neutrality charge.~~

~~21.4.4 The charge related to the financial neutrality of balancing in the period when compulsory stocks are mobilised is settled only with the Shipper who had the status of a Shipper in the period to which it relates, including settlements with Shipper participating in a balancing group (ZUP_{UG}).~~

~~21.4.5 The charge related to the financial neutrality of balancing in the period of compulsory stocks mobilisation and the SNF_{ZO} rate are determined in each settlement period. The SNFzo rate is adjusted if there is a necessity to correct the costs/revenues in previous settlement periods in order to achieve cost neutrality of the TSO during the period of compulsory stock mobilisation. In the event of a correction, SNFzo will be immediately corrected and published on the TSO's website. SNFzo adjustments shall apply to all Shippers in the period in which the corrected SNFzo applies. Accordingly, the TSO or the Shipper shall be obliged to immediately correct the invoice issued or to immediately issue an invoice including the value of the ONBzo adjustment.~~

~~21.4.6 The charge related to the neutrality of balancing in the period when compulsory stocks are mobilised is calculated separately for each balancing area.~~

~~21.4.7 The charge related to the neutrality of balancing in the period when compulsory stocks are mobilised shall be based on:~~

~~21.4.7.1 Costs and revenues directly attributable to the balancing areas and resulting directly from accounting entries,~~

~~21.4.7.2 Overheads (shared costs) which are allocated to balancing areas on the basis of a settlement key reflecting, in value terms, the TSO activities undertaken to balance particular balancing areas.~~

~~21.4.8 The TSO shall publish relevant data on total imbalance charges, total revenues and costs related to settlement of withdrawn and delivered compulsory stock as well as total charges related to balancing neutrality during the period of compulsory stocks mobilisation, at least as often as invoices are issued to the Shipper for given charges, but at least once a month.~~

~~21.4.9 The charge related to the neutrality of balancing during the period when compulsory stock is mobilised may take:~~

~~21.4.9.1 Positive value – in this case the charge will be paid by the Shipper to the TSO, or~~

~~21.4.9.2 Negative value – in this case the charge will be paid by the TSO to the Shipper.~~

~~21.4.10 Principles for determining the rate of charge related to financial neutrality of balancing (SNFzo).~~

~~21.4.10.1 The calculation of the SNF_{ZO} is based on the costs incurred and revenues generated by the TSO in connection with balancing activities as well as the off-take and delivery of the compulsory stock, in accordance with the actual performance results calculated for m-1 gas month for gas days in which the compulsory stock was mobilised.~~

~~21.4.10.2 SNFzo will be calculated as follows:~~

$$\boldsymbol{SNFzo = \frac{Kzo - Pzo + Korekta}{W}}$$

~~where:~~

~~Kzo – costs incurred by the TSO in connection with the compulsory stocks mobilisation, in accordance with the execution calculated for the gas month "m" [PLN],~~

~~Pzo – revenues achieved by the TSO in connection with the balancing activities, in accordance with the execution calculated for the gas month "m" [PLN],~~

~~W – the quantity of gaseous fuel transported in the gas month "m" through the entry/exit points to/from the transmission system, excluding virtual points [MWh],~~

~~Korekta – a change in the amount of the difference between costs and revenues achieved in previous settlement periods, arose in the event of necessity to adjust costs / revenues incurred / achieved in connection with the launch of compulsory reserves in previous settlement periods in order to achieve cost-neutral TSO.~~

~~21.4.10.3 The following cost and revenue categories will be included in the calculation of SNF_{ZO} if they occur on gas days when compulsory stock is mobilised:~~

~~21.4.10.3.1 costs and revenues of the TSO on account of settlements in respect of commercial imbalance, incurred by individual Shippers,~~

~~21.4.10.3.2 costs and revenues of the TSO on account of settlements for withdrawn and delivered compulsory stock,~~

~~21.4.10.3.3 costs of access to trading facilities where the TSO purchases/sells natural gas for the purpose of balancing the physical transmission system,~~

~~21.4.10.3.4 transaction costs related to gas trading on the regulated market for the purposes of balancing activities,~~

~~21.4.10.3.5 financing costs in respect of transaction margins required for balancing activities,~~

~~21.4.10.3.6 costs of salaries of personnel carrying out activities related to the balancing of the transmission system,~~

~~21.4.10.3.7~~ 21.4.1.1.1 ~~revenue from the charges referred to in point 16.8, point 19.10 and in point 19.11.8.~~

21.5 An emergency situation in an installation of the Shipper's Customer or supplier or in an interoperating system.

21.5.1 In the event of an emergency situation that has occurred at a facility of the Shipper's Customer or supplier or in an interoperating system, which could lead to restrictions in the delivery of natural gas for transmission, or its off-take, the party to the transmission contract that is the first to become aware of such fact, shall immediately inform the other party thereof. The Shipper shall immediately advise the TSO of the expected duration and scope of restrictions.

21.5.2 The respective services of the parties authorised to act as contacts in case of an emergency situation shall be indicated in the transmission contract.

21.6 Cooperation between the Shipper and the TSO in the event of a threat to energy security

21.6.1 The Shipper and Obligated Entity shall prepare operating procedures in the event of the occurrence of disruptions in the supply of natural gas and, in particular, in the event of the unexpected increase in consumption of natural gas by Customers, the occurrence of disruptions in the deliveries of natural gas

and the occurrence of an emergency situation in an installation belonging to the Shipper's Customer or supplier. The procedures and their updates shall be immediately agreed and presented to the TSO, and in any case not later than within fourteen (14) days of (i) in case of the Shipper, the date of the transmission contract (ii) in case of an Obligated Entity, the date of the determination of the level of compulsory stocks by the President of ERO, or fourteen (14) days of the day of updating the procedure.

21.6.2 In case of any disruption in the supply of natural gas to the transmission system or in the event of the unexpected increase in the consumption of natural gas by the Customers of the Shipper or the Obligated Entity, the Shipper or the Obligated Entity, as appropriate, shall take measures to counteract such threat, including specifically the measures described in the operating procedures referred to in point 21.6.1. Furthermore, the Shippers engaged in business activity in respect of natural gas supply shall immediately inform the TSO of the potential occurrence of a threat to energy security in a specific area of the country, or a threat to the safety of people or a risk of significant material losses.

21.6.3 Once all the measures have been taken with a view to satisfying the demand of their Customers for natural gas, the Shipper or the Obligated Entity shall inform the TSO of the circumstances referred to in point 21.6.2 and the measures taken in order to ensure the security of natural gas supply to its Customers, or the inability to ensure such security, sufficiently early for any measures aimed at ensuring the security of supply of natural gas to the Customers and proper operation of the transmission system to be taken.

21.6.4 After receiving the notification referred to in point 21.6.3 or in the event of a sudden, unexpected damage or destruction of equipment, facilities or networks resulting in an interruption in their use or the loss of their characteristics, which presents a threat to the security of the transmission system operation, the TSO shall undertake the necessary measures in order to ensure or restore proper functioning of such system, including in particular the measures described in point 21.2.

21.6.5 If, in the judgement of the TSO, the measures referred to above would not restore national fuel security in respect of natural gas, the TSO, of its own initiative or on the grounds of information obtained from the Shipper or the Obligated Entity, shall report to the competent minister for energy on the necessity of introducing restrictions in natural gas off-take in accordance with the relevant gas limitation schemes.

21.6.6 During the period of restrictions in natural gas off-take introduced by the Council of Ministers in accordance with the provisions of the Stockpiling Act, the TSO shall:

21.6.6.1 perform the duties connected with the introduction of restrictions by defining and announcing the degrees of supply rationing, according to the gas limitation scheme,

21.6.6.2 coordinate the actions of energy companies engaged in business activity in respect of trade and supply of natural gas, DSOs, SSOs, LNG system operators in order to ensure the security of the transmission system and the implementation of the restrictions in natural gas off-take,

21.6.6.3 have at its disposal the entire capacity and volume of natural gas storage facilities and natural gas liquefaction facilities connected to the transmission system, and mobilise the compulsory stocks of natural gas,

21.7 Preparation and implementation of the gas limitation scheme.

21.7.1 Gas limitation schemes shall specify the maximum hourly and daily quantities of natural gas off-take by particular Customers connected to the transmission system, for each level of supply rationing.

21.7.2 The Customers off-taking natural gas from the transmission system that are subject to limitations in natural gas off-take, according to the ~~§4 of the Regulation on Curtailment Measures~~Stockpiling Act, shall inform the TSO by 31 July each year, of the minimum quantity of natural gas the off-take of which does not constitute a threat to the safety of people and does not result in damage or destruction of any process facilities and corresponds to the maximum allowable off-take of natural gas under the 10th degree of supply rationing, determined pursuant to the provisions of the Regulation on the introduction of natural gas off-take restrictions.

21.7.3 With respect to the Customer who failed to provide the information referred to in point 21.7.2, and who was off-taking natural gas in the period from 1 July of the preceding year to 30 June of the year in which the gas limitation scheme is drawn up, the quantity of natural gas referred to in point 21.7.2 shall be determined as the minimum hourly and daily offtake of natural gas recorded during that period, excluding days for which the daily offtake at the exit point from the gas system amounted to 0 kWh/day.

~~21.7.3~~21.7.4 The TSO may verify the information provided by the Customers concerning the minimum hourly and daily quantity of natural gas ~~the~~ off-taken by the Customer at a given exit point from the transmission system, ~~of~~ which does not constitute a threat to the safety of people ~~and~~ or the damage or destruction of process facilities, in terms of compliance with the conditions stipulated in the Regulation on the introduction of natural gas off-take restrictions.

~~21.7.4 The minimum hourly quantities of natural gas the off-take of which does not result in a threat to the safety of people and which does not result in damage or destruction to the process facilities, as specified during the verification, shall be introduced to the gas limitation scheme as corresponding to the 10th degree of supply rationing.~~

21.7.5 After the gas limitation scheme has been approved by the President of ERO, the TSO shall inform the Customers referred to in point 21.7.2 of the respective maximum quantities of natural gas off-take under each degree of supply rationing that was established for them in the approved gas limitation scheme.

21.7.6 The maximum quantities of natural gas off-take under the specific degrees of supply rationing, as established in the approved gas limitation schemes shall become an integral part of the transmission contract.

21.7.7 The Customers referred to in point 21.7.2 shall observe the restrictions of the natural gas off-take putting a limitation on the maximum hourly and daily quantity of natural gas to be off-taken pursuant to the announcements of the TSO published in the manner and under the principles specified in the Stockpiling Act.

21.7.8 DSOs or the companies fulfilling the function of operators, at the request of the TSO, shall provide the TSO with data for the daily quantity of natural gas off-take by Customers covered by the gas limitation schemes by the tenth (10th) day of every month for the previous month.

21.7.9 DSOs and the companies fulfilling the function of operators shall submit gas limitation schemes to the TSO within fifteen (15) days of their approval by the President of ERO.

21.8 Verification of the capability of delivering the compulsory stocks of natural gas to the gas system.

21.8.1 An Obligated Entity which maintains a compulsory stock in a storage facility connected to the transmission system in the territory of the Republic of Poland shall provide the following information to the TSO:

21.8.1.1 details of the storage facility where the compulsory stocks of natural gas are to be held, specifying:

21.8.1.1.1 name and identification number of the exit point from the storage facility,

21.8.1.1.2 quantities of natural gas constituting compulsory stocks held in each storage facility,

21.8.1.1.3 available withdrawal capacity the Obligated Entity is eligible to on a firm basis at a given storage facility in case of the mobilisation of the compulsory stock.

21.8.2 The Obligated Entity holding a compulsory stock outside the territory of the Republic of Poland or the entity which has been commissioned to maintain the compulsory stock outside the territory of the Republic of Poland shall inform the TSO about:

21.8.2.1.1 technical parameters of storage facilities and gas networks to which these installations are connected, and shall present documents enabling the verification of these parameters – with regard to the compulsory stocks outside the territory of the Republic of Poland,

21.8.2.1.2 agreements for the provision of natural gas storage services and contracts for the provision of firm transmission services and under any conditions, on the basis of which it is possible to deliver the compulsory stock of natural gas to $FPWE_{OSP}$ or PWP or distribution network – with regard to the compulsory stock outside the territory of the Republic of Poland.

21.8.3 The Obligated Entity or the entity which has been commissioned to maintain the compulsory stock outside the territory of the Republic of Poland shall use the transmission capacity reserved for the purposes of delivering the entire compulsory stock of natural gas held outside the territory of the Republic of Poland to the transmission network exclusively for these purposes.

21.8.4 In the case referred to in point 21.8.3, the TSO shall determine the amount of capacity to be reserved at $FPWE_{OSP}$ or PWP exclusively for the purposes of compulsory stocks on the basis of data on the quantity of compulsory stocks and forty (40) days being the period during which the entire compulsory stock should be delivered to the transmission network.

21.8.5 The TSO shall notify the President of the ERO of the fact that the transmission capacity reserved for the purposes of delivering the entire compulsory stock of natural gas held outside the territory of the Republic of Poland to the transmission or distribution network is used for other needs, i. e. in case when the daily quantity of natural gas allocated to a given Shipper at a given $FPWE_{OSP}$ or PWP is greater than the sum of capacity allocated in all the hours of a given gas day less the capacity reserved for the purposes of delivering the

entire volume of the compulsory stock of natural gas maintained outside the territory of the Republic of Poland.

21.8.6 The notification referred to in point 21.8.5 shall be made by the TSO within seven (7) days of the date of becoming aware of this fact, i. e. from the date on which the final data concerning the provision of transmission services at a given $FWPE_{OSP}$ have been established in the Commercial Transmission Report (HRP).

21.8.7 Entities that begin imports of natural gas, and for whom the level of the compulsory stocks is determined under the procedure of Article 25 item 5 of the Stockpiling Act, shall inform the TSO of:

21.8.7.1 details of the storage facility where the compulsory stocks of natural gas are to be held, specifying:

21.8.7.1.1 name and identification number of the exit point from the storage facility,

21.8.7.1.2 quantities of natural gas constituting compulsory stocks held in each storage facility,

21.8.7.1.3 available withdrawal capacity the Obligated Entity is eligible to on a firm basis at a given storage facility in case of the mobilisation of the compulsory stock.

21.8.8 The TSO shall advise the entity that provides the information referred to in point 21.8.1 or point 21.8.7 whether the technical parameters of a storage facility ensure the capabilities for delivering the compulsory stocks of natural gas to the transmission system within a period that does not exceed forty (40) days, and such response shall be given within fourteen (14) days of the date of receiving the relevant information.

21.8.9 In the event when it is determined that the technical parameters of storage facilities do not ensure the capabilities for delivering the compulsory stocks of natural gas to the transmission system within a period that does not exceed forty (40) days, the TSO shall also notify this fact to the President of ERO, such notification to be made within seven (7) days of discovering the above situation.

21.9 In the event of an emergency situation or maintenance work within the network of an ISO, the transmission service for the benefit of the ISO is settled according to the rules set out in Tariff.

21.10 In case of the occurrence of an emergency situation in the IES, the TSO may adjust accordingly the deadlines resulting from the TNC and the method of information exchange with System Users. The TSO shall advise the System Users of the occurrence of an emergency situation in the IES and the undertaken remedies.

22 TRANSITORY, ADAPTING AND FINAL PROVISIONS

22.1 Until the first non-zero value of the TGEglwID index is published, CRG_{Lw} is used instead of $CSRB_{Lw}$ for the purpose of KCK_{Lw} or KCS_{Lw} determination.

22.2 If, within a period of six (6) months of the date of the TNC entry into force, with respect to the existing point groups as of the date (of the TNC entry into force), the DSO does not submit the documents referred to in point ~~3.8.3~~3.8.3 independently for each group of points, the TSO shall close the interconnection physical exit points ($MFPWY_{OSD}$) group for which the DSO has failed to comply with the above requirement.

22.3 The booked capacity also includes the capacity specified in the agreements referred to in point ~~5.3.12~~5.3.12, in force on the date of entry into force of this TNC.

22.4 The provisions of the TNC governing the rules for offering and using conditional firm capacity and conditional interruptible capacity shall come into force after the TSO has published information on its readiness to offer such capacity.

22.5 Until 30 September 2024:

22.5.1 point ~~21.2.6~~21.2.6 shall read as follows: "The obligation to supply natural gas constituting a compulsory stock held outside the territory of the Republic of Poland shall be fulfilled by submitting nominations for $WPWY_{ZO}$ and for the relevant $FPWE_{OSP}$ or PWP, at which the Shipper holds dedicated capacity for compulsory stock purposes, with hourly value corresponding to at least one twelve hundredth (1/1200) share in the compulsory stock. Under the pain of reduction or rejection of nominations for $WPWY_{ZO}$, the Shipper is obliged to submit nominations both in the WPWYZO and in the relevant $FPWE_{OSP}$ or PWP, however, the nomination for $FPWE_{OSP}$ or PWP must be at least equal to the nomination for the $WPWY_{ZO}$. If the nomination for $FPWE_{OSP}$ or PWP is reduced or rejected, including but not limited to the application of the "lesser rule", the nomination for $WPWY_{ZO}$ shall be, respectively, reduced or rejected. In case when the compulsory stock is delivered to the transmission system through the TGPS and PWP, the confirmed nomination at the TGPS Mallnow Entry Point (ID: 870002; EIC code: 21Z0000000000056S), must not be smaller than the confirmed nomination at the PWP, under the pain of recognizing the compulsory stocks as immobilized."

22.5.2 The period within which the total compulsory stock should be delivered to the transmission network, as referred to in points ~~21.8.4~~21.8.4, ~~21.8.8~~21.8.8 and 21.8.9~~21.8.9~~, shall be 50 days.

~~If, within three (3) months from the date of entry into force of the TNC, the Shipper does not present the consent of the DSO referred to in point 8.3.5, the TSO will complete the transmission ability allocation (PZ) of the Shipper at the exit point to the distribution system (PWY_{OSD}) of the given DSO.~~

~~In order to ensure the continuity of the transmission service provided under the capacity allocations (PP) for the gas year 2022/2023 concluded before 01.01.2023, at the physical exit points listed in the list referred to in 7.13.2, from the gas day commencing on 1.01.2023, gas pressure reduction service shall be provided in accordance with the provisions of 7.13.1 - 7.13.3 and 7.13.9 - 7.13.10. The System User may resign from the gaseous fuel pressure reduction service at a given physical exit point from the transmission system by submitting by 31 January 2023 to the TSO a request for cessation of the service of gaseous fuel pressure reduction at a given physical exit point from the transmission system and indicating the date of cessation. With the request for cessation of the gaseous fuel pressure reduction service shall be enclosed the request to change the capacity allocation (PP) for a~~

~~given physical exit point by permanent capacity reduction (contracted capacity) to zero due to the technical impossibility of using the transmission system within the scope of the allocated capacity, as of the gas day indicated in the request for cessation of the reduction service. The TSO will accept the applications submitted and reallocate the capacities in accordance with the provisions of 7.10.4.~~

~~The provisions contained in 22.3shall apply accordingly to the System User who has applied for capacity allocation (PP) under the overnomination procedure in accordance with 7.7 for the physical exit points covered by the application referred to in 7.7.4.~~