

Certified Translation of a Polish Document  
into English



Gas Transmission Operator  
GAZ-SYSTEM S.A.

## **Tariff No. 9 for Gaseous Fuels Transmission Services**

Warsaw, January 2015.

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**1. GENERAL PROVISIONS**

1.1. The Tariff No. 9 for gaseous fuels transmission services is developed by the energy company - Gas Transmission Operator GAZ-SYSTEM S.A. headquartered in Warsaw, hereinafter referred to as the "TSO", based on the following legislation:

1.1.1. Regulation No. 715/2009 of the European Parliament and of the Council (EC) of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005 (OJ EU L. 2009.211.36),

1.1.2. Act of 10 April 1997 - the Energy Law (Journal of Laws of 2012, Item 1059, as amended),

1.1.3. 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 2012, Item 1190, as amended),

1.1.4. Regulation of the Minister of Economy of 28 June 2013 on detailed terms for determination and calculation of tariffs and billing in trade in gaseous fuels (Journal of Laws of 2013, Item 820),

1.1.5. Regulation of the Minister of Economy of 2 July 2010 on detailed terms of operation of the gas system (Journal of Laws of 2014, No 1059),

1.1.6. Regulation of the Council of Ministers of 19 September 2007 on manner and method of imposing reductions on natural gas collection (Journal of Laws No. 178, Item 1252).

1.2. The Tariff includes:

1.2.1. transmission fee rates,

1.2.2. manner of determination of fees for connection to the network,

1.2.3. discounts for failure to meet system user service quality standards,

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- 1.2.4. manner of determination of fees for failure to meet:
    - 1.2.4.1. quality standards of provided gaseous fuels transmission services,
    - 1.2.4.2. gaseous fuels quality parameters;
  - 1.2.5. manner of determination of charges for exceedance of the contracted capacity (throughput) and for illegal gas take *[collection]*,
  - 1.2.6. fee rates or manner of determination of fees for additional services provided upon request,
  - 1.2.7. fee rates for renewal of supply of gaseous fuels, if suspended for reasons referred to in Article 6b of the Act specified in para. 1.1.2,
  - 1.2.8. manner of determination of transmission fees for services provided under short-term contracts,
  - 1.2.9. manner of determination of transmission fees for interruptible services,
  - 1.2.10. manner of determination of transmission fees for reverse flow services.
- 1.3. The GRP, fees and the Tariff fee rates do not include the value added tax (VAT). The VAT is calculated in accordance with the applicable tax laws.
  - 1.4. The readings of the measurement system facilities are determined within an accuracy of one cubic metre (m<sup>3</sup>), and the amounts of contracted capacity (throughput) are determined within an accuracy of one kilowatt-hour (kWh/h).
  - 1.5. The reference, as applied in the Tariff, to the “amount of gaseous fuel” means the reference to the amount of gaseous fuel, expressed in kWh, unless explicitly provided otherwise. “Volume of gaseous fuel” is expressed in cubic metres (m<sup>3</sup>) in normal conditions.

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## 2. DEFINITIONS

- 2.1. Gas Reference Price (GRP) - the weighted average purchase price of gaseous fuel for the TSO, expressed in PLN/kWh, published on the TSO's website, and determined in accordance with the methodology set out in the TNC.
- 2.2. Gross Calorific Value (GCV) - the amount of heat released as a result of complete combustion in air of a specific volume of gaseous fuel determined in accordance with the methodology set out in the TNC.
- 2.3. Gas Day - the period of time defined pursuant to the TNC.
- 2.4. Physical Entry Point - the place of the delivery of gaseous fuel with specified physical location, including interconnection physical entry points at the point of interconnection with a distribution system or a storage facility or Point of Interconnection (PWP).
- 2.5. Physical Exit Point - The place of the off-take of gaseous fuel with specified physical location, including interconnection physical exit points at the point of interconnection with a distribution system or a storage facility also for own purposes of the UGS.
- 2.6. TNC - the Transmission Network Code established in accordance with the provisions of Art. 9g of the Act referred to in para. 1.1.2 of the Tariff, and accepted by the President of the Energy Regulatory Office.
- 2.7. TGPS TNC - the Polish Section Transmission Network Code of the Yamal-Europe Transit Gas Pipeline System established in accordance with the provisions of Art. 9 g of the Act referred to in para. 1.1.2 of the Tariff, and accepted by the President of the Energy Regulatory Office.
- 2.8. Kilowatt hour (kWh) – a settlement unit applied to express the amount of energy contained in the transmitted gaseous fuel, determined in compliance with para. 3.4 of the TNC.
- 2.9. Maximum registered capacity – a maximum hourly amount of gaseous fuel delivered to a physical exit point.

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- 2.10. Cubic meter of gas under standard conditions ( $m^3$ ) - a unit of account, corresponding to the amount of gaseous fuel contained in a volume of  $1 m^3$  at a pressure of 101.325 kPa and at temperature of  $0^\circ C$ .
- 2.11. Gas Month - the period of time defined pursuant to the TNC.
- 2.12. Interconnection physical entry point - an entry point to the transmission system at interconnections with storage facilities or distribution system, as defined in the TNC.
- 2.13. Interconnection physical exit point - an exit point to the transmission system at interconnections with storage facilities or distribution system, as defined in the TNC.
- 2.14. 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.
- 2.15. Contracted 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.
- 2.16. The contracted capacity (throughput) available as interruptible services - the contracted capacity (throughput) as specified in the capacity allocation (PP), which may be reduced by the TSO under the terms and conditions specified in the TNC and the Tariff.
- 2.17. Unit Odourisation Station - an odourisation station at an exit point of the transmission network.
- 2.18. Central Odourisation Station - an odourisation station as part of the transmission network, providing odourisation for more than one exit point of the transmission network.
- 2.19. Distribution Area - an area as defined in the TNC.

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- 2.20. 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 Act referred to in para 1.1.2, designated as an Operator by virtue of a decision of the President of ERO.
- 2.21. 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 Act referred to in para 1.1.2, designated as an Operator by virtue of a decision of the President of ERO.
- 2.22. Interoperating System Operator (ISO) - the Distribution System Operator, the Storage System Operator or an operator of a transmission system interoperating with the TSO's transmission system.
- 2.23. UGS - a storage facility as defined in the TNC. Physical exit points as part of the underground gas storage facilities, where gas is collected for storage facilities' own needs, are not the UGS.
- 2.24. Point of Interconnection (PWP)– the point of exit which includes all physical points at the point of connection of the transmission system and the Yamal-Europe Transit Gas Pipeline System.
- 2.25. Capacity Allocation (PP) - a part of the transmission contract that specifies the capacity (contracted capacity) the Network User is eligible to at the specified physical entry point or physical exit point.
- 2.26. Connection - a section of the transmission network from the supply gas piping to the stop fittings downstream the gas station, used to connect:
  - 2.26.1. the gas installation in the area or of the facility of the entity connected to the transmission network, or
  - 2.26.2. the networks of energy companies operating in the business of gas transmission or distribution.
- 2.27. Gas Year - the period of time defined pursuant to the TNC.

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- 2.28. Transmission Network - a high-pressure gas network excluding upstream and direct gas pipelines, for the operation of which the TSO is responsible.
- 2.29. Distribution System – the distribution network and interconnected equipment and installations which co-function with the network.
- 2.30. Transmission System – the transmission network and interconnected equipment and installations which co-function with the network.
- 2.31. Measurement System Facilities - gas meters and other measuring instruments or measuring-billing systems, and connections between them, used to measure volumes of gas collected or supplied to the network, and for billing.
- 2.32. Transmission Contract - a gas transmission contract concluded between the TSO and the Network User, including the interoperator transmission contract (ITC).
- 2.33. Transmission Services - services provided by the TSO consisting in granting the right to use the transmission system, i.e. awarding contracted capacity and in transport of gas by means of the transmission network.
- 2.34. Virtual Reverse Flow Services – the services provided by the TSO which involve the contractual transmission of gaseous fuels into a direction reverse to a physical flow of gaseous fuels.
- 2.35. Network User - a natural or legal person, or an organizational unit without legal personality but with legal capacity, which acquired the right to the capacity (contracted capacity) of the transmission system under a transmission contract executed with the TSO and the capacity allocation (PP), in particular a distribution system operator providing distribution services in the distribution area or a storage facility operator.
- 2.36. System User – an entity using the transmission system under a transmission system being either a Shipper or a Network User.



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**3. GENERAL TERMS AND CONDITIONS FOR PROVISION OF TRANSMISSION SERVICES**

3.1. Manner of Provision of Services and Billing

3.1.1. The TSO provides transmission services under the contract concluded with a Network User and including the capacity allocation (PP).

3.1.2. The gaseous fuel is transmitted by means of two natural gas transmission systems respectively for:

3.1.2.1 Group E high-methane natural gas (GZ-50),

3.1.2.2 Group L, sub-group Lw low-methane natural gas (GZ-41.5).

3.2. In the high-methane natural gas transmission system there are:

3.2.1. physical entry point to the transmission systems, including the interconnection physical entry points with the distribution system or Point of Interconnection – Ewe,

3.2.2. interconnection physical entry points with storage facilities (UGS) - UGS Ewe,

3.2.3. physical exit points from the transmission system, including the interconnection physical exit points with the distribution systems – Ewy,

3.2.4. interconnection physical exit points with storage facilities (UGS) - UGS Ewy.

3.3. In the low-methane natural gas transmission system there are:

3.3.1. physical entry point to the transmission systems, including the interconnection physical entry points with the distribution systems – Lwe,

3.3.2. physical exit points from the transmission system, including the interconnection physical exit points with the distribution systems – Lwy.

3.4. The quality standards for transmission services and Network User services are defined in the TNC and in the Regulation referred to in para. 1.1.5.

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- 3.5. The TSO bills for the transmission services provided in monthly billing periods corresponding to gas months, and for short-term services provided for a period of one gas day - corresponding to one gas day, and for within-day services provided from a specific hour until the end of the Gas Day – during these hours.
- 3.6. In the event of irregularities in operation of the measurement system facilities or acceptance of false readings of the measurement system facilities resulting in overstatement or understatement of receivables for transmission services provided, the TSO adjusts the invoices issued for previous periods.
- 3.7. Correction of invoices referred to in para. 3.6 in the event of:
- 3.7.1. overestimating amounts due – covers the whole billing period or the period in which such irregularities or errors occur,
  - 3.7.2. underestimating amounts due – covers the last billing period.
- 3.8. Unless the contract provides otherwise, in the event for reasons beyond the Network User's control a damage to the measurement system facilities resulted in failure to register the volume of gas transmitted during the billing period, in order to determine the amount of the gaseous fuel constituting the grounds to calculate the fee for the services of transmission of gaseous fuel is as follows:
- 3.8.1. the volume of gaseous fuel measured by the measurement system facilities in the corresponding billing period, taking into account the nature of collection, seasonality and other documented circumstances affecting the volume of gaseous fuel transmitted and heat of combustion determined in accordance with the TNC,
  - 3.8.2. in the event the volume cannot be determined in accordance with para. 3.8.1, the amount is determined based on the product of the number of hours during the billing period and the contracted capacity specified in the capacity allocation (PP).

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#### 4. NETWORK USER BILLING

##### 4.1. Billing for Provision of Transmission Services

4.1.1. The fee for provision of transmission services at the physical entry points to the transmission system, including the interconnection physical entry points with storage facilities, is comprised of the fixed fee based on the contracted capacity (throughput).

4.1.2. No fees are charged for provision of transmission services at the physical entry points with the distribution system.

4.1.3. The fee for provision of transmission services at physical exit points from transmission system, including the interconnection physical exit points with the distribution systems, is comprised of:

4.1.3.1. the fixed fee based on the contracted capacity (throughput),

4.1.3.2. the variable fee based on the amount of gas collected at the physical exit point,

4.1.4. The fee for provision of transmission services at the interconnection physical exit point with the storage facilities (UGS) is a fixed fee based on the contracted capacity (throughput).

4.1.5. The fee for provision of transmission services at the physical entry point with the transmission system, excluding interconnection physical entry points with storage facilities (UGS), is determined according to the formula:

$$O_{WE} = S_{FPWE} * M_p * T/100$$

where:

**O<sub>WE</sub>** - the fee for provision of transmission services [PLN],

**S<sub>FPWE</sub>** - the fixed fee rate per hour of the billing period [gr/(kWh/h)],

**M<sub>p</sub>** - the contracted capacity (throughput) at the physical entry point [kWh/h],

**T** - the number of hours during the billing period [h].

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4.1.6. The fee for provision of transmission services at the physical exit point with the transmission system, including at the interconnection physical exit points with the distribution system, excluding the interconnection physical exit points with the storage facilities (UGS), is determined according to the formula:

$$O_{WY} = (S_{FPWY} * M_p * T + S_{zg} * Q)/100$$

where:

- O<sub>WY</sub>** - the fee for provision of transmission services [PLN],
- S<sub>FPWY</sub>** - the fixed fee rate per hour of the billing period [gr/(kWh/h) per hour],
- M<sub>p</sub>** - the contracted capacity (throughput) at the physical exit point [kWh/h],
- T** - the number of hours during the billing period [h],
- S<sub>zg</sub>** - the variable fee rate for gas collected at the physical exit point [gr/kWh],
- Q** - the amount of gas collected determined in compliance with the TNC [kWh].

4.1.7. The fee for provision of transmission services at the interconnection physical entry point with the storage facilities (UGS) is determined according to the formula:

$$O_{WE PMG} = S_{WEPMG} * M_p * T/100$$

where:

- O<sub>WE PMG</sub>** - the fee for provision of transmission services [PLN],
- S<sub>WEPMG</sub>** - the fixed fee rate per hour of the billing period [gr/(kWh/h) per hour],
- M<sub>p</sub>** - the contracted capacity (throughput) at the interconnection physical entry point [kWh/h],
- T** - the number of hours during the billing period [h].

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4.1.8. The fee for the provision of transmission services at the interconnection physical exit point with the storage facilities (UGS) is determined according to the formula:

$$O_{WY\ PMG} = S_{WY\ PMG} * M_p * T/100$$

where:

- O<sub>WY PMG</sub>** - the fee for provision of transmission services [PLN],
- S<sub>WY PMG</sub>** - the fixed fee rate per hour of the billing period [gr/(kWh/h) per hour],
- M<sub>p</sub>** - the contracted capacity (throughput) at the interconnection physical exit point [kWh/h],
- T** - the number of hours during the billing period [h].

4.1.9. The fee for provision of transmission services is charged to the Network User for the whole billing period, regardless of the amount of gas collected and the contracted capacity (throughput) actually used.

4.1.10. The contracted capacity (throughput) which is the basis for determination of the fixed fee is made available to the Network Users as the following products:

- 4.1.10.1. annual products,
- 4.1.10.2. quarterly or monthly products,
- 4.1.10.3. a given gas day (daily products),
- 4.1.10.4. from a specific hour until the end of a gas day (within-day).

4.1.11. The contracted capacity (throughput), referred to in para. 4.1.10.1, for a given physical entry or exit point, is determined in the capacity allocation (PP) and is valid throughout the gas year at the same amount for all months of the gas year. The change of the contracted capacity (throughput) determined within the capacity allocation (PP) is effected in compliance with the rules specified in TNC.

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- 4.1.12. The capacity referred to in para. 4.1.10.2 is determined in the capacity allocation (PP) and is valid for the entire duration of the capacity allocation (PP) in the same amount.
- 4.1.13. The contracted capacity (throughput) referred to in para. 4.1.10.3 is determined in the capacity allocation (PP) or in the nomination accepted by the TSO and is valid to all hours of the gas day in the same amount.
- 4.1.14. The contracted capacity (throughput) referred to in para. 4.1.10.4 is determined in the capacity allocation (PP) or in the nomination accepted by the TSO, and it corresponds to the excessive contracted capacity (throughput) allocated to the Network User is valid in the same amount until the end of a gas day.
- 4.1.15. In the event of the TSO's consent to the increase of the contracted capacity (throughput) during the gas year at the physical entry point or at the physical exit point (apart from entry and exit points for which capacity is allocated through an auction procedure), where the Network User is provided with transmission services, and the increase of the contracted capacity (throughput) concerns the period until the end of the capacity allocation (PP), the gas year or a longer period, this increase is billed upon the basis of the fees applied to settle the current contracted capacity (throughput).
- 4.1.16. The TSO conducts settlements with the Network User which, in compliance with the TNC, has acquired the right to the contracted capacity (throughput), through assuming the rights and obligations of the former Network user, in particular as a result of a change of a seller or a sale of contracted capacity, according to the rates which apply to the products acquired by the Network User which sells them.
- 4.1.17. The TSO may indicate the physical entry point to the transmission systems, for which, due to technical limitations, the contracted capacity (throughput) may be different in different months of the gas year. The TSO publishes a list of these points on its website.
- 4.1.18. The volume of the contracted capacity (throughput) should be within the range of the measurement system facilities and throughput of the technological devices installed at the physical entry or exit point.  
The measurement extent of the measurement system facilities and contracted capacity of technological equipment are determined in energy units, in accordance with the TNC.

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- 4.1.19. In the event of reduction, suspension or interruption in capability of supply or collection of gas at the physical entry or exit point for reasons beyond the TSO's control, the Network User is obliged to pay the fixed fee (at the physical entry and exit points) in the same amount as if there was no reduction, suspension or interruption in the use of allocated contracted capacity (throughput) for the entire duration of such reduction, suspension or interruption, and pay a variable fee (at the physical exit points).
- 4.1.20. In the event the Network User exceeds, without the consent of the TSO, the volume of the contracted capacity (throughput) at the physical exit point from the transmission system or at the interconnection exit point with the storage facilities (UGS), an extra fee is charged amounting to the product of the maximum capacity recorded by the measurement system facilities over the contracted capacity (throughput), the number of hours during the billing period and three times the rate of the fixed fee for transmission services, referred to in para. 4.2.1.
- 4.1.21. In the event Network User exceeds, without the consent of the TSO, the volume of the contracted capacity (throughput) at the physical exit point with the transmission system, where the transmission services are provided based on two (or more) capacity allocations (PP) or on the accepted nomination as referred to in para. 4.1.10.3 or 4.1.10.4, for the same Network User, an extra fee is charged amounting to the product of the maximum capacity recorded by the measurement system facilities over the sum of contracted capacities (throughput) based on the capacity allocations (PP), the number of hours during the billing period and three times the rate of the fixed fee for transmission services, referred to in para. 4.2.1.
- 4.1.22. Fees for exceeding the contracted capacity (throughput) at the interconnection physical exit points with the distribution systems are charged if the sum of contracted capacities (throughput) at all the interconnection physical exit points included in a given group of interconnection physical exit points is smaller than the sum of the amount of gas collected within a given hour at all the interconnection physical exit points included in a given group of points.

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- 4.1.23. In the event of exceedance of the volume of the contracted capacity (throughput), at physical exit points as a result of:
- 4.1.23.1. a failure of or damage to the distribution network caused by actions of a third party,
  - 4.1.23.2. works conducted by the Distribution System Operator [DSO] within the distribution network, whose date has been previously agreed by the TSO and DSO, in compliance with para. 4.1.25,
  - 4.1.23.3. evidenced force majeure event,
- fees for exceedance of the contracted capacity (throughput) are not collected.
- 4.1.24. If the exceedance of the contracted capacity (throughput), referred to in para. 4.1.23.1, is a consequence of a failure or damage of the distribution network, it is to be documented with:
- 4.1.24.1. a copy of the TSO's dispatcher services' confirmation of the e-mail notification of the failure, within the timeframe specified in TNC,
  - 4.1.24.2. the failure report signed by the perpetrator of the failure and the services present on the site,
  - 4.1.24.3. the declaration of the DSO that the earthworks had been neither commissioned nor executed in the name of the DSO,
  - 4.1.24.4. a copy of the land survey plat, confirmed by a competent local land records office, with the pipeline and place of failure marked by the DSO.
- 4.1.25. The TSO may give consent to exceedance of the volume of the contracted capacity (throughput) at a given physical exit point within the capacity allocation (PP), for a certain time, in the following cases:



- 4.1.25.1. conduct of connection or maintenance and repair works by the Interoperating System Operator, subject to prior arrangement with the TSO of:
- 4.1.25.1.1. start and finish dates of the works,
  - 4.1.25.1.2. the measurement system facilities at which the exceedance is to take place,
  - 4.1.25.1.3. the volume of the exceedance;
- 4.1.25.2. conduct of connection or maintenance and repair works by the TSO involving the transmission network resulting in actual reduction of the contracted capacity (throughput), in the event an increase in gas collection at another physical exit point can compensate such reductions.
- 4.1.26. In the event the Network User fails to adapt to the reductions imposed by the TSO in relation to the on-going connection or maintenance and repair works, an additional fee is charged amounting to the product of the maximum collection recorded by the measurement system facilities over the maximum capacity collection based on the reduction, the duration of the reduction and three times the rate of the fixed fee for the transmission services, referred to in para. 4.2.1.
- 4.1.27. Fees for the exceedance of capacity are not charged if the Network User is not notified of reductions imposed by the TSO, referred to in para. 4.1.26.
- 4.1.28. If, at a specific physical exit point, the transmission services are provided in favour of a few Network Users, the maximum capacity registered by the measurement system facilities, referred to in para. 4.1.20, para. 4.1.21, para. 4.1.26, is allocated in accordance with the TNC.
- 4.1.29. In the event the Network User exceeds, without the consent of the TSO, the volume of the contracted capacity (throughput) at the physical exit point, where the transmission services are provided in a favour of a few Network Users, an extra fee is charged amounting to the product of the maximum capacity recorded by the measurement system facilities over the sum of contracted capacities (throughput) based on the capacity allocations (PP), the number of hours during the billing period and three times the rate of the fixed fee for transmission services, referred to in para. 4.2.1.
- 4.1.30. For the Network User, that is assigned a contracted capacity (throughput) in the capacity allocation (PP) at several physical entry points or several physical exit points, the fixed fees for services provided are billed based on the contractual capacity (throughput) defined separately for each of these points in the capacity allocation (PP).

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- 4.1.31. For the Network User, who is assigned a contracted capacity (throughput) in the capacity allocation (PP) at a given physical entry point or a physical exit point and the allocation becomes valid during the billing period, the fixed fees for transmission services provided are billed in the amount proportionate to the time of validity of this capacity allocation (PP) during the billing period.
- 4.1.32. In the event the fixed fee rates change during the billing period, the fee is billed in the amount proportionate to the number of days of validity of the previous rates and new rates.
- 4.1.33. In the event the variable fee rate changes during the billing period, the fee is billed in the amount proportionate to the amount of gas collected during the validity of the previous rates and new rates.
- 4.1.34. Fees are not charged for the provided transmission services in favour of ISO in the event of emergency or conducting maintenance works at the ISO network.

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## 4.2. RATES OF TRANSMISSION FEES

4.2.1. The transmission services fee rates (transmission fees) are presented in the table below:

Physical entry points / physical exit points	Fee rates	
	Fixed fee rate [gr/(kWh/h) per hour]	Variable fee rate [gr/kWh]
For high-methane natural gas users (GZ 50)		
<b>Ewe</b>	0.2998	none
<b>Ewy</b>	0.1664	0.0974
<b>UGS Ewe</b>	0.0600	none
<b>UGS Ewy</b>	0.0333	none
For low-methane natural gas users (GZ 41.5)		
<b>Lwe</b>	0.1603	none
<b>Lwy</b>	0.1373	0.0659

4.2.2. The fee rates are completed with the value added tax (VAT) in the amount based on the applicable tax law.

4.2.3. The fee rates presented in table in para. 4.2.1 for points located within the interconnection between the systems, i.e. at the connection points with the transmission systems of other countries and at the connection point with the Yamal-Europe Transit Gas Pipeline System, are minimum rates in the event of offering contracted capacity (throughput) at these points through an auction procedure.

## 4.3. Technological Start-Up

4.3.1. Ordering contracted capacity (throughput) during the technological start-up of a customer.

4.3.1.1. A Network User may apply to the TSO for special terms of the contracted capacity (throughput) for a period not longer than 2 months for a new or upgraded physical exit point (FPWY), at which the customer collects gas in order to engage in the business of manufacture (excluding an Interoperating System Operator), or in the event a new network-Interoperating System Operator's network exit point is connected, at which a new end customer is connected in order to engage in the business of manufacture and who orders the contracted capacity, at the level determined in para. 2.5 of Annex to the Regulation referred to in para 1.1.5.

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- 4.3.1.2. Following the award of the TSO's consent referred to in para. 4.3.1.1, a Network User orders the contracted capacity subject to possible changes in accordance with the rules set out in the TNC, while making an order for a capacity during the technological start-up.
- 4.3.2. Ordering contracted capacity (throughput) during the technological start-up of a storage facility.
- 4.3.2.1. A Storage System Operator may apply to the TSO for special terms of the contracted capacity allocation for a period not longer than 2 months for a new or upgraded  $MFPWY_{OSM}$  and  $MFPWE_{OSM}$ , at which the Storage System Operator collects gas from a storage facility and delivers gas to a storage facility in order to engage in the business of commencing and testing of storage facilities, or in the event new  $MFPWY_{osm}$  and  $MFPWE_{osm}$  are connected.
- 4.3.2.2. Following the award of the TSO's consent referred to in para. 4.3.2.1, the Storage System Operator applies for a capacity allocation (PP), subject to possible changes in accordance with the rules set out in the TNC, while making a determination of the capacity allocation (PP) during the technological start-up.
- 4.3.3. During the technological start-up referred to in para. 4.3.1 and para. 4.3.2, the Network User makes a payment of:
- 4.3.3.1. the fixed fee based on the maximum recorded capacity during the gas month, but not lower than the contracted capacity (throughput) determined within the capacity allocation (PP) and according to a relevant fixed fee rate.
- 4.3.3.2. the variable fee based on the measured amount of gaseous fuel transmitted and on the appropriate variable fee rate.
- 4.3.4. If a Network User realizes, during the technological start-up, the contracted capacity lower than that determined within the capacity allocation (PP), it is obliged to pay:
- 4.3.4.1. the fixed fee calculated based on the contracted capacity (throughput) within the capacity allocation (PP) and according to a relevant fixed fee rate.
- 4.3.4.2. the variable fee calculated based on the measured amount of gaseous fuel transmitted and on the appropriate variable fee rate.

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- 4.3.5. In the event of exceedance of the maximum contracted capacity (throughput) allocated by the TSO for the period of technological start-up, the Network User makes a payment to the TSO of an additional fee by way of exceedance of the maximum contracted capacity (throughput), during the technological start-up, calculated in accordance with the rules of charging for exceedance of the contracted capacity (throughput), referred to in para. 4.1.21.
- 4.3.6. The billing period is a gas month.
- 4.3.7. In particularly justified cases arising out of the need for a long-term technological start-up, the TSO and the Network User may agree that the rules for billing for the contracted capacity (throughput) during the technological start-up are valid for more than two (2) months, but not longer than six (6) gas months, subject to the provisions of para. 4.3.8.
- 4.3.8. In particularly justified cases arising out of the need for a long-term technological start-up of a storage facility, the TSO and the Interoperating System Operator may agree that the rules for billing for the contracted capacity (throughput) during the technological start-up are valid for more than two (2) months, but not longer than twelve (12) gas months.

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## 5. DISCOUNTS

### 5.1. Discounts for Failure to Meet System User Service Quality Standards.

5.1.1. The TSO's failure to meet the service quality standards entitle a System User to receive discounts determined in accordance with § 41.1 of the Regulation referred to in para. 1.1.4, in the following amounts:

Discount	PLN
a) for refusing to provide a System User, at its request, with information on the expected date of resumption of gas transmission interrupted due to failure of the transmission network	73.00
b) for failing to accept a notification concerning a failure or disruption in the transmission of gaseous fuel	73.00
c) for unreasonable delay in removing a failure which has occurred in the transmission network and removing disruptions in the transmission of gaseous fuel	243.34
d) for failing to inform a System User, by individual written notifications to be provided by fax or e-mail, at the address indicated by a System User, at least fourteen days in advance, of the dates and times of scheduled interruptions in the gaseous fuel transmission to the physical exit point	365.01
e) for failing to inform Network Users supplied from the transmission network a week in advance, in the form of press or Internet advertisements, radio or television communiques, in another manner accepted at a specific area, or by individual written notifications of to be provided in writing, by telephone, or by any other means of telecommunications, of a scheduled change of pressure below the minimum contracted pressure and other parameters of gaseous fuel affecting the network interoperation	121.67
f) for refusing to undertake appropriate chargeable works in the transmission network	121.67

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in order to enable safe conduct by a System User, or another entity, of any works in the area of the network	
g) for failing to provide a System User at its request with information on the rules of billing and on current tariffs	73.00
h) for extending a fourteen-day timeframe to review an application or complaint concerning the billing rules and grant a response, for each day of delay; in the event of an application or complaint which require inspection or measurements, a fourteen-day timeframe is counted from the date of completion of such inspection or measurement	14.60
i) for extending a fourteen-day timeframe to check accuracy of the measurement system operation, owned by an energy company, for each of delay	14.60
j) for extending a seven-day timeframe to provide measurement input owned by an energy company, for the purpose of laboratory tests, from the date of filing this request by a customer, for each day of delay	14.60
k) for preventing from performing additional expertise of the already tested measurement system	243.34
l) for failing to issue by an energy company which conducts business activity in the field of transmission of gaseous fuels, upon completion of its transmission, and in the event of exchange of measurement system when transmitting the fuel, at the request of a System User, a document containing the system identification data, or for failing to provide measurement data as at the date of completion the transmission of the fuel or disassembly of the measurement system	18.25

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5.1.2. A System User receives discounts for the TSO's failure to meet the System User service quality standards subject to a written request. The TSO is obliged to consider the request within 14 days from the date of its filing.

5.2. Discounts for Reduction in Contracted Capacity (Throughput)

5.2.1. In the event of interruptions or disruptions in the supply or collection of gas at the physical entry points or physical exit points due to:

5.2.1.1 scheduled repair and maintenance works, scheduled connection works or works related to the change of the type of gas supplied conducted by the TSO,

5.2.1.2. such reasons beyond the Network User's control as: failure, explosion, fire, threat of such events or in the event of the need to remove their effects,

the fixed transmission services fee is reduced proportionately to the size of the actual contracted capacity (throughput) reduction and the duration of such interruptions or disruptions.

5.2.2. In the event of reduction of the contracted capacity (throughput) by the TSO at a physical exit point for reasons other than those mentioned in para. 5.2.1, and in particular because of the temporary decrease of the network pressure below the value determined in accordance with the TNC, for a period longer than 60 minutes - the TSO awards a Network User a discount on the transmission services fixed fee proportionately to the size and duration of that reduction.

5.2.3. The discount referred to in para. 5.2.2 does not apply in particular in the event:

5.2.3.1. the pressure decrease is caused by the Network User as a result of exceeding thereby the contracted capacity (throughput) at physical exit point,

5.2.3.2. a Network User does not keep the gas quality parameters at a physical entry point,

5.2.3.3. a Network User does not keep the minimum supply pressures at the physical entry points determined in accordance with the TNC.



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5.2.4. The discount referred to in para. 5.2.1 and 5.2.2 does not apply in the event:

5.2.4.1. a Network User is afforded a possibility to collect gas at another physical exit point as agreed with the TSO, or

5.2.4.2. no actual reduction in the supply of gas to the customer occurs.

5.2.5. The TSO awards or refuses to award a discount referred to in para. 5.2.2. within 14 days of a written request filed by a Network User.

5.3. Discounts for Failure to Meet Quality Parameters

5.3.1. For the purpose to determine discounts, the following gross calorific values  $H_{SN}$  transmitted in the transmission system are determined:

5.3.1.1. for the E group high-methane natural gas system:

not less than  $H_{SNmin} = 38.0 \text{ MJ/m}^3$  (10.556 kWh/m<sup>3</sup>),

5.3.1.2. for the Lw sub-group low-methane natural gas system:

not less than  $H_{SNmin} = 30.0 \text{ MJ/m}^3$  (8.333 kWh/m<sup>3</sup>).

5.3.2. The actual gross calorific value ( $H_{ZW}$ ) is determined in compliance with the TNC.

5.3.3. In the event of collecting at the physical exit point, from the transmission system with gross calorific value ( $H_{ZW}$ ) below  $H_{SNmingr}$  which for specific systems:

$H_{SNmingr}$	34 MJ/m <sup>3</sup> (9.444 kWh/m <sup>3</sup> ) for the E group high-methane natural gas system
$H_{SNmingr}$	30 MJ/m <sup>3</sup> (8.333 kWh/m <sup>3</sup> ) for the Lw sub-group low-methane natural gas system

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the TSO will award to a Network User the following discount to be determined in compliance with the formula:

$$B_{NCWgr} = I_{GI} * 2 * CRG * (1 - H_{ZW} / H_{SNmin})$$

where:

$B_{NCWgr}$  - Discount for an off-spec gross calorific value at a physical exit point from the transmission system [PLN]

$I_{GI}$  - Actual quantity of gaseous fuel with off-spec gross calorific value that is delivered at a physical entry point or off-taken at a physical exit point from the transmission system [kWh]

$CRG$  - Gas Reference Price [PLN/kWh]

$H_{ZW}$  - Actual gross calorific value of the gaseous fuel delivered at a physical entry point or off-taken at a physical exit point [kWh/m<sup>3</sup>]

$H_{SNmin}$  - Minimum gross calorific value [kWh/m<sup>3</sup>]

5.3.4. If the TSO delivers, without a consent of a Network User, to the physical exit point, from the transmission system, the E group gaseous fuel with gross calorific value equal or higher than  $H_{SNmingr} = 9.444$  kWh/m<sup>3</sup>, but lower than  $H_{SNmin} = 10.556$  kWh/m<sup>3</sup>, the TSO will award to a Network User a discount to be determined according to the following formula:

$$B_{NCW} = I_{GI} * CRG * (1 - H_{ZW} / H_{SNmin})$$

where:

$B_{NCW}$  - Discount for an off-spec gross calorific value at the physical exit point from the transmission system [PLN]

$I_{GI}$  - Actual quantity of gaseous fuel with off-spec gross calorific value that is delivered at a physical exit point from the transmission system [kWh]

$CRG$  - Gas Reference Price [PLN/kWh]

$H_{ZW}$  - Actual gross calorific value of the gaseous fuel off-taken at a physical exit point [kWh/m<sup>3</sup>]

$H_{SNmin}$  - Minimum gross calorific value referred to in para. 5.3.1 [kWh/m<sup>3</sup>]

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5.3.5. If a Network User grants its written consent to accept gaseous fuel with a reduced gross calorific, a Network User is entitled to a 50% discount for the accepted amount of gaseous fuel, referred to in para. 5.3.4.

5.3.6. If gaseous fuel accepted at the physical exit point does satisfy the quality parameters specified in the following table, a Network User is awarded the following discount.

Value characterising quality of gaseous fuel	Measurement unit	Highest acceptable value $X_{SjNmax}$
Content of hydrogen sulphide*	mg/m <sup>3</sup>	7.0
Content of mercury pairs*	µg/m <sup>3</sup>	30.0
Content of sulphur total*	mg/m <sup>3</sup>	40.0

\*Values in table are indicated for normal conditions

5.3.7. If the TSO delivers, at the physical exit point, gaseous fuel which does not satisfy at least one of the quality standards referred to in para. 5.3.6, the TSO will award to a Network User a discount, for each of the exceeded parameters referred to in para. 5.3.6, to be determined according to the following formula:

$$B_{NSjW} = I_{GI} * 2 * CRG * (X_{SjW} - X_{SjNmax}) / X_{SjNmax}$$

where:

$B_{NSjW}$  - Discount for exceeding the given quality parameter at the physical exit point from the transmission system

$I_{GI}$  - Actual quantity of gaseous fuel with off-spec gross calorific value that is off-taken at a physical exit point from the transmission system [kWh]

CRG - Gas Reference Price [PLN/kWh]

$X_{SjNmax}$  -The highest acceptable value of a given quality parameter referred to in para. 5.3.6 [mg/m<sup>3</sup> or µg/m<sup>3</sup>]

$X_{SjW}$  -The actual value of a specific quality parameter of the gaseous fuel off-taken at a physical exit point from the transmission system [mg/m<sup>3</sup> or µg/m<sup>3</sup>]

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- 5.3.8. The TSO will award to a Network User a discount to be calculated in compliance with the formula referred to in para. 5.3.7 with regard to each of the quality parameters referred to in para. 5.3.6. The discount is to be determined separately for each of the failed quality parameters.
- 5.3.9. The TSO will ensure an appropriate water dew point for gaseous fuel collected at a physical exit point from the transmission system, in compliance with the following requirements:
- 5.3.9.1. the maximum acceptable value of the water dew point ( $X_{STNmax}$ ) for 5.5 Mpa, from 1 April to 30 September, is +3.7°C (276.85 K),
- 5.3.9.2. the maximum acceptable value of the water dew point ( $X_{STNmax}$ ) for 5.5 Mpa, from 1 October to 31 March, is -5°C (268.15 K).
- 5.3.10. If the TSO delivers, at the physical exit point, from the transmission system, gaseous fuel which does not satisfy the quality parameters referred to in para. 5.3.9, the TSO will award to a Network User a discount, to be determined according to the following formula:

$$B_{NSTW} = I_{GI} * 0.1 * CRG * (X_{STW} - X_{STNmax}) / X_{STNmax}$$

where:

- $B_{NSTW}$  - Discount for exceeding the given quality parameter of the water dew point parameter [PLN]
- $I_{GI}$  - Actual quantity of gaseous fuel with off-spec water dew point parameter that is delivered at a physical exit point from the transmission system [kWh]
- CRG - Gas Reference Price [PLN/kWh]
- $X_{STNmax}$  - The highest acceptable value of a water dew point temperature [K]
- $X_{STW}$  - The actual value of the water dew point temperature [K] of the gaseous fuel delivered at a physical entry exit

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- 5.3.11. When calculating the water dew point temperature for various pressures, the tables referred to in Annex A to the Polish Standard PN-C-04752 will apply.
- 5.3.12. In the event of complaints concerning the quality of the transmitted gaseous fuel, the Network User or the TSO may request that its quality test be conducted by an independent research laboratory which holds a certification accreditation obtained in compliance with applicable regulations. If the gaseous fuel is confirmed as compliant with the parameters referred to in para. 5.3.1, 5.3.6 or 5.3.9, the costs of these tests will be covered by an entity which requested to conduct the tests; otherwise, the test costs will be covered by the other party.
- 5.3.13. In the event of a possibility to transmit gaseous fuel with insufficient quality, the party will promptly notify the other party of a possibility that this situation can occur.
- 5.3.14. If, at a specific point, transmission contracts are performed for more than one Network User, the discounts, referred to in para. 5.3, are awarded to Network Users proportionally to the billing allocation for each of them at a specific point.

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**6. CHARGES FOR ILLEGAL GASEOUS FUEL COLLECTION**

- 6.1. Illegal gaseous fuel collection is any gaseous fuel collection:
  - 6.1.1. without a contract concluded with the TSO or without a capacity allocation (PP) for a given physical point,
  - 6.1.2. totally or partially bypassing the measurement system facilities,
  - 6.1.3. interfering with the measurement system facilities so as to manipulate the measurements taken by the system.
- 6.2. In the event of illegal gaseous fuel collection referred to in para. 6.1.1, the TSO bills the user with charges amounting to the product of:
  - 6.2.1. three times the GRP effective on the date of confirmation of illegal gaseous fuel collection,
  - 6.2.2. the lump sum amount of energy contained in gaseous fuel amounting to the product of the sum of the capacities of collection devices installed [m<sup>3</sup>/h] and the heat of combustion of 10.972 [kWh/m<sup>3</sup>] for group E high-methane natural gas system (GZ-50) and 9.111 [kWh/m<sup>3</sup>] for group L subgroup Lw low-methane natural gas (Gz-41,5), and the number of hours of the illegal collection.
- 6.3. In the event of illegal gas collection referred to in para. 6.1.2 and 6.1.3, a Network User is billed with charges amounting to the product of:
  - 6.3.1. three times the GRP effective on the date of confirmation of illegal gas collection,
  - 6.3.2. the lump sum amount of energy contained in gaseous fuel determined as the amount of gaseous fuel collected in the corresponding periods prior to or posterior to the illegal gas collection.
- 6.4. In the event referred to in para. 6.1.2 and 6.1.3, whenever the amount of the illegal gaseous fuel collection cannot be determined, a Network User is billed with the charges amounting to the product of:
  - 6.4.1. three times the GRP effective on the date of confirmation of illegal gaseous fuel collection,
  - 6.4.2. the lump sum amount of energy contained in gaseous fuel amounting to the product of the contracted capacity (throughput) and the number of hours of the period during which the illegal gaseous fuel collection is found.

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- 6.5. The lump sum amounts of energy contained in gaseous fuel referred to in para. 6.2.2, para. 6.3.2 and para. 6.4.2 are determined as maximum amounts. Determining the charges, the TSO may apply smaller amounts taking into account the actual capabilities of gas collection of a given entity.
- 6.6. For sealing by the TSO with new wire and lead seals replacing the seals removed or damaged for reasons attributable to the Network User in any part of the measuring device in the gaseous fuel installation or in the measuring device, a charge is billed amounting to 100% of the costs incurred.
- 6.7. For any activities related to installation of a new measuring device to replace the damaged, destroyed or lost device for reasons attributable to the Network User, a charge is billed amounting to the value of a new measuring device valid at the date of its installation and the amount of 100% of the actual costs incurred for installation and replacement.

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**7. BILLING RULES FOR CONNECTION TO TRANSMISSION NETWORK**

- 7.1. The fee for connection to the transmission network [*connection fee*] is set out in the connection contract based on the costs of connection.
- 7.2. The fee for connection to the transmission network amounts to 25% of the actual costs incurred for execution of the connection, subject to the provisions of para. 7.3.
- 7.3. The fee for connection to the transmission network of:
  - 7.3.1. gas sources co-operating with the network,
  - 7.3.2. the networks of energy companies operating in the business of gaseous fuel transmission or distribution,
  - 7.3.3. installations of entities whose activity consists in production, processing, mining or storage of gaseous fuels and condensation or gas-supply of the condensed natural gas,amounts to 100% of the actual costs incurred for execution of the connection.
- 7.4. The connection fee is billed only once. To a request of the entity under connection the TSO may agree to receive the payment of the fee in instalments. The detailed connection fee billing terms and conditions, including related costs and the rules of financial collateral, are set out in connection contracts.
- 7.5. A Network User declaring any intention of changes in collection of gas resulting in a necessity to replace the transmission network elements or to expand the network is considered an entity applying for a connection. Any change referred to above is, in particular, a change of the contracted capacity (throughput) exceeding a current connection capacity, i.e. allowable margin of the devices installed at the gas station.
- 7.6. In the event a connection is replaced or reconstructed to a request by the entity under connection without an increase of the existing connection capacity, a fee is billed amounting to the actual costs incurred in this respect.
- 7.7. In the event a connection is replaced or reconstructed, the network is expanded to a request by the entity under connection with an increase of the connection capacity, a fee is billed amounting to the connection fee.



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- 7.8. For the replacement of the measurement system due to a change of the connection capacity or characteristics of gaseous fuel, conducted at the request of the connected entity, a fee is charged of 25% of expenditures incurred in relation to its purchase and installation. However, if an entity that applies for the replacement of the measurement system deals with the transmission or distribution of gaseous fuels, their production, processing or mining, storage of gaseous fuels and condensation and gas-supply of condensed natural gas, a fee is charged of actual expenditures incurred in relation to its purchase and installation.
- 7.9. In the event of repeated confirmed gas collection in the amount below the minimum hourly amount, as determined in the connection conditions or connection agreement, which constitutes the parameter for selection of the measuring device, any adaptation of the measurement system facilities is performed at the expense of the Network User.
- 7.10. Any expenditures constituting the basis for the connection fee calculations include the costs of the network elements and all activities related to the execution of the connection specified in the connection terms and conditions, and in particular all and any spending on design work and surveying, documentation approvals, location decisions or building permits, construction supervision costs, purchase and construction of the network elements and equipment necessary to execute the connection, owner representation services, construction and assembly works together with necessary tests and fees for purchase of land or land take, including public charges and compensation to landholders.
- 7.11. The fee policy for the connection specified in this Tariff apply to entities applying for connection only if technical and economic conditions for gas transmission are met. The billing rules for connection to the transmission network set out in this Tariff apply to entities for which the network specific connection conditions are approved (including the contracted capacity (throughput) and the annual gas amounts).
- 7.12. The connection fee is determined and billed in accordance with the rules set out in the tariff in force at the date of the connection contract.

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**8. FEES FOR ADDITIONAL SERVICES PROVIDED UPON REQUEST**

8.1. Fees for Gas Odourisation Upon Request

8.1.1. Gaseous fuels transmitted to a physical exit point is not odourised. The TSO may, upon request, provide additional services consisting in gas odourisation.

8.1.2. Odourisation services are chargeable services, and the TSO's remuneration is billed in the form of a fixed and a variable fee.

8.1.3. The scope of services, the parameters of gas odourisation, including the dose of the odourant ordered for individual gas days of the billing period and the method of measurement and billing for services provided, are set out in a separate service contract for gas odourisation concluded between the TSO and a client for odourisation services.

8.1.4. The TSO bills for services of gas odourisation in the periods set out in the service contract for gas odourisation. Unless the service contract for gas odourisation provides otherwise, the billing period is a gas month.

8.1.5. The fixed fee for odourisation services is billed for each gas month of gas odourisation services, regardless of the length of the billing period and for each physical exit point, which is the place of collection of odourised gas from the transmission network.

8.1.6. The standard of the services provided assumes a minimum dose of gas odourisation with an odourant at a physical exit point amounting to 15 mg/m<sup>3</sup>, which is billed by the TSO with the basic variable fee. Gas odourisation is also offered at a higher technically feasible level, for which the TSO charges the additional variable fee. This service is provided upon request.

8.1.7. The variable fee for gas odourisation services is determined for individual gas days of a given billing period based on the volume of gas collected, the dose of the odourant ordered and the basic variable fee, and (optionally) the additional variable fee. The volume of the odourised gas collected at a physical exit point is determined based on the readings of the measurement system facilities.

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8.1.8. The total monthly fee for gas odourisation services for a single physical exit point for collection of the odourised gas is calculated with the formula:

$$O_N = S_s + \sum_{i=1}^n (Q_i * S_{zp} + Q_i * k_i * S_{zd})$$

where:

- O<sub>N</sub>** - the fee for gas odourisation services [PLN],
- S<sub>s</sub>** - the fixed fee rate for gas odourisation services [PLN/month],
- Q<sub>i</sub>** - the volume of odourised gas during individual days of the billing period, featuring the same dose of the odourant [1,000 m<sup>3</sup>],
- S<sub>zp</sub>** - the basic variable fee rate for the assumed dose of the odourant amounting to 15 mg/m<sup>3</sup> [PLN/1,000 m<sup>3</sup>/ per 15 mg/m<sup>3</sup>],
- k<sub>i</sub>** - the additional dose of the odourant in mg/m<sup>3</sup> ordered by the client over the amount of 15 mg/m<sup>3</sup> [mg/m<sup>3</sup>],
- S<sub>zd</sub>** - the additional variable fee rate for each mg of the odourant ordered over the amount of 15 mg/m<sup>3</sup> [PLN/1,000 m<sup>3</sup>/ per 1 mg/m<sup>3</sup>].

8.1.9. Gas odourisation services may be provided by the TSO by means of the technology of unit odourisation stations or central odourisation stations.

8.1.10. The fee rates for gas odourisation for the technology of unit odourisation stations are presented in the table below:

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<b>Fee rates for gas odorisation services provided upon request for technology of unit odorisation stations</b>		
<b>fixed rate [PLN/month]</b>	<b>basic variable rate [PLN/1,000 m<sup>3</sup>/ per 15 mg/m<sup>3</sup>]</b>	<b>additional variable rate [PLN/1,000 m<sup>3</sup>/ per 1 mg/m<sup>3</sup>]</b>
1 178	0.7725	0.0515

The fee rates are completed with the value added tax (VAT) in the amount based on the applicable tax law.

8.1.11. The fee rates for gas odorisation for the technology of central odorisation stations are presented in the table below:

<b>Fee rates for gas odorisation services provided upon request for technology of central odorisation stations</b>		
<b>fixed rate [PLN/month]</b>	<b>basic variable rate [PLN/1,000 m<sup>3</sup>/ per 15 mg/m<sup>3</sup>]</b>	<b>additional variable rate [PLN/1,000 m<sup>3</sup>/ per 1 mg/m<sup>3</sup>]</b>
1 147	0.7725	0.0515

The fee rates are completed with the value added tax (VAT) in the amount based on the applicable tax law.

8.1.12. The fee rates for gas odorisation services apply in the same amount for gaseous fuels of the groups E and Lw.

8.1.13. Billing for gas odorisation services are subject to the provisions of para. 3.6 - 3.8, para. 4.1.30 - 4.1.31.

8.2. Other Fees

8.2.1. The charge of PLN 880 is billed for suspension of gas transmission.

8.2.2. For the activities conducted in relation to the order to suspend gas transmission, in the event the order to suspend is delivered later than 24 hours before the date and time indicated in the order to suspend, the fee of PLN 800 is billed.

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- 8.2.3. For the resumption of gas transmission after suspension of gas transmission, for reasons referred to in Article 6b of the Act, as specified in para. 1.1.2, the fee of PLN 880 is billed.
- 8.2.4. For checking the accuracy of readings of the measurement system facilities upon the System User's request, the fee is billed amounting to 100% of the actual costs incurred. The fee is not billed in the event of irregularities in the measurement system facilities owned by the TSO.
- 8.2.5. For tests conducted upon the System User's request of the quality of gas collected from the transmission system, the fee is billed of 100% of the actual costs incurred. The fee is not billed in the event inconsistencies are found between the parameter readings and the standards set out in the contract and in § 38 of the Regulation referred to in para. 1.1.5.
- 8.2.6. For other services or activities performed upon the System User's request, the fees are set out in a separate contract.

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**9. RULES FOR SHORT-TERM CONTRACTS AND PROVISION OF INTERRUPTIBLE SERVICES**

9.1. Capacity Allocation Conditions for Short-Term Services

9.1.1. In the event there are technical and economic conditions for short-term services, the TSO may provide services for a period of:

9.1.1.1. from a specific hour until the end of a gas day,

9.1.1.2. a single gas day,

9.1.1.3. a single gas month,

9.1.1.4. a single quarter (three gas months),

in compliance with the TNC.

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## 9.2. Fee Rates for Short-Term Services

9.2.1. The fee for provision of short-term services is determined in accordance with the provisions of para. 4.1.5-4.1.8, and in order to determine the fixed fee rates, the fixed fee rate referred to in para. 4.2.1 of this Tariff is multiplied by an appropriate coefficient listed in the table below:

<b>Correction coefficients for fixed fees for short-term services</b>					
TYPE OF SERVICES MONTHS	WITHIN-DAY SERVICE	SINGLE DAY SERVICE	MONTHLY CAPACITY ALLOCATION	QUARTERLY CAPACITY ALLOCATION	
<b>October</b>	The fee for each hour amounts to 1/24 of the fee for provision of transmission services determined like for single day services.	The fee for each single gas day amounts to 1/20 of the fee for provision of transmission services for the relevant calendar month.	1.4	1.5	
<b>November</b>			1.6		
<b>December</b>			1.7		
<b>January</b>			1.6	1.7	1.6
<b>February</b>				1.7	
<b>March</b>				1.6	
<b>April</b>			1.1	1.4	1.1
<b>May</b>				1.3	
<b>June</b>				1.3	
<b>July</b>				1.3	
<b>August</b>				1.3	
<b>September</b>			1.3	1.3	1.1

9.2.2. No capacity allocations (PP) are agreed upon except for the short-term periods indicated in para. 9.2.1.

9.2.3. In relation to the short-term capacity allocations (PP) the variable fee rates referred to in para. 4.2.1 are the same.

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- 9.2.4. In all matters not referred to in para. 9.1 and 9.2 all Network User billing in relation to the capacity allocation (PP) for short-term periods is subject to the provisions of the Tariff.
- 9.3. Fees Calculation Related Rules for Provision of Interruptible Gaseous Fuels Transmission Services
- 9.3.1. In the absence of possibilities to provide uninterruptible services, the TSO may provide interruptible transmission services, which are billed in accordance with the rules set out in para. 9.3 and para. 9.4.
- 9.3.2. The TSO offers interruptible services of transmission of gaseous fuel for annual, quarterly, monthly, daily periods and hours until the end of a gas day. The interruptible services of transmission of gaseous fuels for quarterly, monthly, daily periods and hours until the end of a gas day, are billed in compliance with para. 9.2.1.
- 9.3.3. For interruptible transmission services, the TSO may limit the interruptible contracted capacity (throughput) at a specified physical entry point or a physical exit point, in accordance with the TNC. The maximum length of a single limitation may equal the number of days within the capacity allocation (PP). The lack of limit of the number of gas hours and days during the capacity allocation (PP), on interruptible basis, where the contracted capacity (throughput) may be limited.
- 9.3.4. A Network User is obliged, in accordance with the provisions of para. 9.3.5, to observe the reductions in the interruptible contracted capacity (throughput) imposed by the TSO at a given physical entry point or physical exit point.
- 9.3.5. The reduction of the interruptible contracted capacity (throughput) for a given Network User is imposed down to the level of capacity available thereto at a specific physical entry point or physical exit point.
- 9.3.6. In order to determine whether the reductions of interruptible contracted capacity (throughput) during a specific hour of a gas day have been established, it is accepted that the reduction is effected at the moment TSO provides a Network User



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with information concerning the reduction, in compliance with the TNC, unless the Network User files subsequently re-nomination for amounts lower than resulting from the effected reduction.

9.3.7. When reducing the contracted capacity (throughput), the TSO determines the number of hours during a specific gas day which are to be reduced.

9.3.8. In the event the Network User fails to observe the reductions imposed by the TSO, as referred to in para. 9.3.3, despite prior notification in writing, delivered to a Network User by fax or electronic mail, to the number indicated in the contract, of the intention to terminate the capacity allocation (PP) and of setting of an additional 24-hour period to observe the reductions imposed, the TSO has the right to terminate the capacity allocation (PP) with immediate effect in part related to provision of interruptible transmission services.

#### 9.4. Fee Rates for Provision of Interruptible Gaseous Fuels Transmission Services

9.4.1. The fee for the interruptible capacity allocation (PP) is determined in accordance with the provisions of para. 4.1.5 - 4.1.8, is reduced proportionally to the actual reduction of the contracted capacity (throughput) and the number of hours of such reduction. For hours of complete reduction of the interruptible contracted capacity (throughput) the fee is to be adjusted by the D coefficient to be determined in the following manner:

$$D = \frac{T - T_0}{T}$$

where:

T the number of hours during a billing period

T<sub>0</sub> the number of hours of reduction of contracted capacity (throughput) during a billing period

If the coefficient value, determined in compliance with the foregoing formula, is lower than 0.05, it is accepted that its value is 0.05.

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- 9.4.2. The correction coefficient for the rate of the fixed fee for the interruptible capacity allocation (PP) specified in para. 9.4.1, only applies in relation to the contracted interruptible capacity (throughput).
- 9.4.3. For the interruptible capacity allocation (PP), the variable fee is calculated in accordance with the provisions of para. 4.1.6 and para. 4.2.1.
- 9.4.4. In the event the Network User fails to observe the reductions imposed by the TSO, as referred to in para. 9.3.5, the additional fee is billed amounting to the product of the maximum capacity recorded by the measurement system facilities over the capacity subject to no reductions, the amount of hours during the billing period and three times the rate of the fixed fee set out in para. 4.2.1. The provisions of point 4.1.29 are applicable respectively.
- 9.4.5. The fee referred to in para. 9.4.4, is calculated separately for each gas day on which a Network User does not observe the reductions imposed by the TSO.
- 9.4.6. In all matters not referred to in para. 9.3 and 9.4 all Network User billing in relation to the interruptible capacity allocation (PP) is subject to the provisions of the Tariff.
- 9.5. Fee Rates for Provision of Reverse Flow Services
- 9.5.1. The TSO offers virtual gas transmission services.
- 9.5.2. The virtual reverse flow services are provided in relation to a limited number of physical entry and exit points, indicated on the TSO's website ([www.gaz-system.pl](http://www.gaz-system.pl)).
- 9.5.3. The reverse flow services are provided as interruptible transmission services.
- 9.5.4. Unless this paragraph provides otherwise, the virtual reverse flow services are subject to the provisions of para. 9.3 and 9.4 of the Tariff.
- 9.5.5. The fixed fee for the provision of virtual reverse flow services determined in accordance with para. 4.2.1, is corrected in accordance with para. 9.2.1 and 9.4.1, and additionally is multiplied by a coefficient of 0.2.
- 9.5.6. The variable fee for the provision of virtual reverse flow services is not collected.

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**10. BILLING RULES FOR SERVICES PROVIDED BY TSO BY MEANS OF YAMAL-EUROPE TRANSIT GAS PIPELINE SYSTEM**

- 10.1. The TSO provides gas transmission services by means of the Yamal-Europe Transit Gas Pipeline System based on a contract concluded with a client for transmission services referred to in the TGPS TNC.
- 10.2. The quality standards for transmission services and customer service, referred to in the TGPS TNC, are set out in the contract and the TGPS TNC.
- 10.3. The TSO bills for the services provided by means of the Yamal-Europe Transit Gas Pipeline System based on the tariff set out by EuRoPol-GAZ S.A., and accepted by the President of the Energy Regulatory Office, effective during the period of provision of these services.

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## 11. TRANSITIONAL PROVISIONS

11.1. From 1 October 2015, para. 2.4 will state as follows: "Physical Entry Point - the place of the delivery of gaseous fuel with specified physical location, including interconnection physical entry points at the point of interconnection with a distribution system or a storage facility or Point of Interconnection (PWP)".

11.2. From 1 October 2015, para. 2.5 will state as follows: "Physical Exit Point – the place of the off-take of gaseous fuel with specified physical location, including interconnection physical exit points at the point of interconnection with a distribution system or a storage facility also for own purposes of the UGS".

11.3. From 1 October 2015, para 2.12 will state as follows: "Interconnection physical entry point - an entry point to the transmission system at interconnections with storage facilities or distribution system, as defined in the TNC".

11.4. From 1 October 2015, para 2.13 will state as follows: "Interconnection physical exit point – a an exit point to the transmission system at interconnections with storage facilities or distribution system, as defined in the TNC".

11.5. Provisions of para. 2.19 are applicable until 1 October 2015.

11.6. From 1 October 2015, para. 2.35 will state as follows: "Network User - a natural or legal person, or an organizational unit without legal personality but with legal capacity, which acquired the right to the capacity (contracted capacity) of the transmission system under a transmission contract executed with the TSO and the capacity allocation (PP), in particular a distribution system operator providing distribution services in the distribution area or a storage facility operator."

11.7. From 1 October 2015, para 3.2.1 will state as follows: "physical entry point to the transmission systems, including the interconnection physical entry points with the distribution system or Point of Interconnection – Ewe."

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11.8. From 1 October 2015, para. 3.2.3 will state as follows: “physical exit points from the transmission system, including the interconnection physical exit points with the distribution systems – Ewy”.

11.9. From 1 October 2015, para. 3.3.1 will state as follows: “physical entry point to the transmission systems, including the interconnection physical entry points with the distribution systems – Lwe”.

11.10. From 1 October 2015, para. 3.3.2 will state as follows: “physical exit points from the transmission system, including the interconnection physical exit points with the distribution systems – Lwy”.

11.11. From 1 October 2015, para. 4.1.2 will state as follows: “No fees are charged for provision of transmission services at the physical entry points with the distribution system”.

11.12. From 1 October 2015, para. 4.1.3 will state as follows:

“4.1.3. The fee for provision of transmission services at physical exit points from the transmission system, including the interconnection physical exit points with the distribution systems, is comprised of:

4.1.3.1. the fixed fee based on the contracted capacity (throughput),

4.1.3.2. the variable fee based on the amount of gas collected at the physical exit point,”

11.13. From 1 October 2015, para. 4.1.6. will state as follows:

“The fee for provision of transmission services at the physical exit point with the transmission system, including at the interconnection physical exit points with the distribution system, excluding the interconnection physical exit points with the transmission system (UGS), is determined in accordance with the formula:

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$$O_{WY} = (S_{FPWY} * M_p * T + S_{zg} * Q)/100$$

where:

- O<sub>WY</sub>** - the fee for provision of transmission services [PLN],
- S<sub>FPWY</sub>** - the fixed fee rate per hour of the billing period [gr/(kWh/h) per hour],
- M<sub>p</sub>** - the contracted capacity (throughput) at the physical exit point [kWh/h],
- T** - the number of hours during the billing period [h],
- S<sub>zg</sub>** - the variable fee rate for gas collected at the physical exit point [gr/kWh],
- Q** - the amount of gas collected [kWh]”.

11.14. From 1 October 2015, para. 4.1.22 will state as follows: “Fees for exceeding the contracted capacity (throughput) at the interconnection physical exit points with the distribution systems are charged if the sum of contracted capacities (throughput) at all the interconnection physical exit points included in a given group of interconnection physical exit points is smaller than the sum of the amount of gas collected within a given hour at all the interconnection physical exit points included in a given group of points”.

11.15. All the provisions of the Tariff concerning the within-day services (i.e. from a specific hour until the end of a gas day) apply from the moment of offering the services by the TSO, in compliance with the TNC.

=====THE END OF TRANSLATION=====

As a sworn translator of English registered in the Register of Sworn Translators kept by the Ministry of Justice under the file number TP/1569/06, I do hereby certify that the foregoing is a true and accurate translation of the original document presented to me.

Warsaw, 29 December 2014.

Reference file no 2400/2014.