

**GAS TRANSMISSION CAPACITY FROM ROMANIA TO HUNGARY
AND FROM HUNGARY TO AUSTRIA**

RULEBOOK - BINDING OPEN SEASON PROCEDURE
Preliminary version

INVITATION TO BID



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1. Introduction

GAS CONNECT AUSTRIA GmbH, (hereinafter referred to as “GCA”) is a gas transmission system operator on the territory of Austria (Market Area East).

FGSZ Natural Gas Transmission Private Company Limited by Shares (hereinafter referred to as “FGSZ”) is a gas transmission system operator on the territory of Hungary

S.N.T.G.N TRANSGAZ S.A., (hereinafter referred to as “TRANSGAZ”) is a gas transmission system operator on the territory of Romania.

GCA, FGSZ and TRANSGAZ (hereinafter referred to as “TSOs”) are conducting a joint procedure known as binding Open Season regarding firm natural gas transmission services on the following interconnection points:

- IP1: Csanádpalota (EIC 21Z000000000236Q):
from Romania to Hungary and from Hungary to Romania at the interconnection point
- IP2: Mosonmagyaróvár (EIC 21Z000000000003C):
from Hungary to Austria at the interconnection point

Capacity will be allocated as yearly capacity products on a firm basis¹ via bundled allocation procedure at each IP in the offered directions (1 October-1 October) at Csanádpalota (RO>HU) / (HU>RO) and at Mosonmagyaróvár (HU>AT) starting with 1 October 2022 until 1 October 2037². The method applied for capacity allocation was determined based on the results of the market survey on capacity allocation concepts.

All interested Applicants shall be aware and agree that all Bids received in the present binding Open Season shall be considered as legally binding and all winning Bids build the basis for the allocation of capacities pursuant to Article 4.3. “Capacity allocation concept”.

The TSOs do not offer 10% of the incremental capacity within the binding Open Season Procedure, which would be eventually reserved for short-term capacity booking and would allocate this capacity on a non-discriminatory basis according to EU regulation 459/2017/EU.

The TSOs have assessed non-binding market demand and included the relevant infrastructure projects in their national network development plans ([Romanian NDP](#), [Hungarian NDP](#), [Austrian NDP](#)).

¹ For exact definitions of “firm” reference is made to annexes 3, 4 and 8.

² The allocation of 1.75 bcm/y at IP1 (RO>HU) which will be available from gas year 2019/2020 will be offered in regular CAM yearly capacity auctions taking place according to the applicable auction calendar from 2019 onwards. For gas year 2022/2023 onwards availability is subject to the results of the OS procedure. Interruptible capacity at IP2 (HU>AT) is offered already. Allocation of the before mentioned capacities will take place on the Regional Booking Platform.

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Based on these considerations, the TSOs hereby officially announce the invitation to bid for the Binding Open Season procedure.

2. Definitions

Unless the context requires otherwise, words and expressions used in this document shall have the meanings stated below:

"Applicant" shall mean a network user as defined in the EU Regulation 715/2009 who submits an application to the TSOs to participate in the binding Open Season Procedure.

"Bid" shall mean the Bidder's offer for a binding commitment to book capacities.

"Bidder" shall mean an Applicant whose application has been accepted by GCA, FGSZ and TRANSGAZ, as relevant, under the Rules of this binding Open Season Procedure and who submits a Bid with the necessary annexes to the TSOs under the Rules of this binding Open Season Procedure.

"Indicative Reserve Price P_o (in EUR)" shall mean the sum of the related entry and exit fees at IP 1 and/or IP2 applicable at the capacity allocation procedure. The fees payable to the TSOs shall be settled in the national currencies under the relevant contracts between the Bidder and the TSO as annexed hereto.

"Interconnection Point 1" shall mean the physical connection of the Romanian national gas transmission system and the Hungarian national transmission system near Csanádpalota at the Romanian-Hungarian state border. The EIC of IP1 is 21Z000000000236Q.

"Interconnection Point 2" shall mean the physical connection of the Hungarian national gas transmission system and the Austrian national transmission system near Mosonmagyaróvár at the Hungarian-Austrian state border. The EIC of IP2 is 21Z000000000003C.

"Gas Day" shall mean the period from 5:00 to 5:00 UTC the following day for winter time and from 4:00 to 4:00 UTC the following day when daylight saving is applied.

"Binding Open Season Procedure" shall mean the procedure through which GCA, FGSZ and TRANSGAZ allocate the Offered Capacity of IP1 and IP2 to Bidders on a binding basis.

"Offered Capacity" shall mean the highest offer level, expressed in energy unit allocable per hour on IP1 in direction from Romania to Hungary as well as in direction from Hungary to Romania, and IP2 in direction from Hungary to Austria within the scope of the Binding Open Season Procedure, starting from the Target Commercial Operation Date minus 10% of the highest offer level, expressed in energy unit per hour, which is reserved for potential short term capacity booking.

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"Project" shall mean the necessary evaluation, design development, construction, installation, financing, insuring, ownership, operation, repair, replacement, refurbishment, maintenance, expansion, and extension (including laterals) on the transmission network of GCA, FGSZ and TRANSGAZ necessary to make the Offered Capacity available. TSOs shall publish aligned and up-to-date information concerning the progress of the project on their websites.

"Successful Bidder" shall mean those Bidders that receive a full or partial acceptance of the Bid. pursuant to Article 4.3.

"Target Commercial Operation Date" shall be 1st of October 2022.

"Yearly Standard Capacity Product" shall mean a capacity product, which may be applied for, in a given amount, by a network user for all Gas Days in a particular gas year starting on the 1st of October of a calendar year and ending on the 1st of October the following calendar year.

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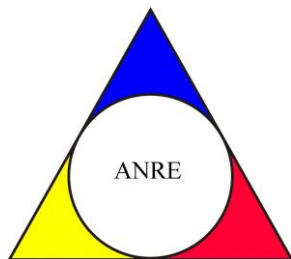
3. Binding Open Season Procedure

A Binding Open Season Procedure is conducted by the involved TSOs in order to determine the binding market interest for natural gas transmission capacities established by the projects at IP1 and IP2.

3.1. Purpose of the binding Open Season Procedure

The main objective of the binding Open Season Procedure is to assess the market interest in natural gas transmission capacity on the basis of the received binding bids of the Bidders.

3.2. Regulatory involvement



The content of this document has been agreed upon by the Romanian National Authority for Energy Regulation (ANRE), the Hungarian Energy and Public Utility Regulatory Authority (MEKH) and Energie-Control Austria für die Regulierung der Elektrizitäts- und Erdgaswirtschaft (E-Control).

3.3. Information Provision

The TSOs have taken all reasonable steps to ensure that the information regarding the Binding Open Season was correct at the time of publication. The TSOs cannot be held responsible for any misinterpretation or usage of the data contained in this document and they accept no liability of any kind for acts, consequences, losses, et cetera, arising from the information or from inaccuracy, incompleteness, or omissions in the contents of this publication.

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3.4. Binding Open Season Procedure Overview

Activities 2017

All deadlines are to be understood as 23:59 CET of the respective day.

Milestone	Date
Announcement of the Binding Open Season Procedure	29.05.17
Customer Registration	29.05.17 – 23.06.17
Confirmation Customer Registration (TSOs)	by 30.06.17
Bid submission window I: Submission of Bids	03.07.17 – 28.07.17
Economic Test I	31.07.17 – 14.08.17
TSOs to publish aggregated allocation results	17.08.17
<i>In case of <u>positive</u> Economic Test I:</i>	
TSO to send acceptance of Bids in form of contract duly signed by TSO to Successful Bidders and inform Bidders about aggregate allocation	by 17.08.17
Successful Bidders to return countersigned contract to TSO	by 30.08.17
<i>In case of <u>negative</u> Economic Test I:</i>	
Bid submission window II: TSOs to submit updated requirements to Bidders	by 24.08.17
Bid submission window II: Bidders may submit updated Bids to TSOs	25.08.17 – 22.09.17
Economic Test II	25.09.17 – 06.10.17
TSOs to publish aggregated allocation results	13.10.17
<i>In case of <u>negative</u> Economic Test II:</i>	
TSO to inform Bidders about terminated Open Season procedure	by 13.10.17
<i>In case of <u>positive</u> Economic Test II:</i>	
TSOs to send acceptance of Bids in form of contract duly signed by TSO to Successful Bidders	by 13.10.17
Successful Bidders to return countersigned contract to TSO	by 27.10.17

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Activities 2018

All deadlines are to be understood as 23:59 CET of the respective day.

Milestone	Date
Bidders' latest execution date of step back right from contracts concluded upon positive Economic Test I or II	01.10.2018
<i>In case of step back right not being executed:</i>	
Successful completion of the Open Season procedure (concluded contracts remain in place, TSOs to inform Successful Bidders)	by 02.10.2018
<i>In case of step back right being executed:</i>	
TSOs to inform Bidders that a further Economic test needs to be performed	02.10.18
Economic Test III	03.10.18 – 17.10.18
TSOs to publish aggregated allocation results	22.10.18
<i>In case of positive Economic Test III:</i>	
Successful completion of the OS procedure (concluded contracts remain in place, TSOs to inform Successful Bidders)	by 22.10.18
<i>In case of negative Economic Test III:</i>	
Bid submission window III: TSOs to submit requirements to Bidders	by 24.10.18
Bid submission window III: Bidders may submit new additional) Bids for the remaining available capacity to TSOs	25.10.18 – 16.11.18
Economic Test IV	19.11.18 - 30.11.18
TSOs to publish aggregated allocation results	03.12.18
<i>In case of positive Economic Test IV:</i>	
Successful completion of the OS procedure (contracts concluded before 1.10.2018 remain in place, TSOs to inform Successful Bidders), TSOs to send acceptance of Bids in form of contract duly signed by TSO to Successful Bidders	by 03.12.18
Successful Bidders to return signed contract to TSO	by 14.12.18
<i>In case of negative Economic Test IV:</i>	
TSO to inform Bidders about terminated OS procedure and termination of the contracts	by 03.12.18

3.5. Registration

Customer Registration process

Applicants that are interested in participating in the binding Open Season Procedure should proceed as follows, taking into account the detailed timetable provided in Article 3.4.

To initiate the Registration Process Applicants have to fill in the Registration form (Annex 1) duly signed by authorized person(s) within their organization and submit it to each TSO and pay the Participation Fee of gross EUR 2,000 per IP. The payment of the Participation Fee by 23.06.2017 is a precondition for the Applicant to participate in the Binding Open Season Procedure. The Participation Fee applies for the participation for incremental capacity at each IP. The Applicant shall pay half of the Participation Fee to each TSO at the relevant IP (i.e. EUR 1,000 per TSO). The Participation Fee shall be paid to the following bank accounts stating the reference "Participation Fee Open Season":

Gas Connect Austria GmbH:

Account keeping financial institution: UniCredit Bank Austria AG

IBAN: AT03 1200 0506 6003 2300

Bank Identifier Code (BIC): BKAUATWW

For FGSZ Zrt.:

Account keeping financial institution: OTP Bank Plc.

Bank account number: HU21 1176 3945 0141 8888 0000 0000

SWIFT code: OTPVHUHB

For SNTGN TRANSGAZ S.A.:

Account keeping financial institution: BRD – Groupe Societe Generale, MEDIAS Branch, 1 Mihai Eminescu street, Medias, Romania

Bank account number: RO19 BRDE 330S V829 1259 3300

SWIFT code: BRDEROBUXXX

By 30.06.2017 the TSOs will confirm the successful registration only if the Applicant registers with both TSOs at the relevant IP and the Participation Fee is duly paid to both TSOs. Please note that applications and payments received after 23.06.2017 23:59 CET cannot be considered. The Participation Fee shall not be reimbursed for any reason.

Bid submission window

Submit the Bid form by registered post or courier (original) duly signed by authorized person(s) within your organization to all of the relevant Parties at IP1 (Transgaz and FGSZ) and/or IP2 (FGSZ and GCA), as relevant, in the Bid submission windows specified in Article 3.4. Parties' addresses are listed in Article 7 (Notices).

An advance copy by e-mail to sales.transmission@gasconnect.at, openseason@fgsz.hu and openseason@transgaz.ro is recommended.

By submitting the registration form and the Bids, the Applicant/Bidder agrees, accepts and acknowledges the present Open Season Rulebook as well as the contractual terms and conditions of the TSOs contained in the Annexes. Successful Bidders are obliged to duly sign and return to the TSOs the relevant contracts as contained in the Annexes. The allocated capacities stated in these contracts shall be subject and limited to the predefined conditionalities expressed by the Bidder in the Bid form (Annex 2).

This Open Season Rulebook has a binding nature for Applicants/Bidders and TSOs.

3.6. Data Protection and Privacy

The TSOs acknowledge that any data, information or notification to be prepared by Applicants and Bidders to the binding Open Season Procedure that will be handed over shall be considered as confidential. The TSOs declare that such confidential information shall only be used in connection with the evaluation of the binding Open Season Procedure and shall not be disclosed to any third Party without written consent of the relevant Applicant / Bidder.

The obligation of non-disclosure shall not apply to information which:

- a) is in the public domain, or – due to a reason other than the act or omission of the receiving party – subsequently becomes publicly known, or
- b) was provably in the possession of the receiving party prior to disclosure by the relevant Applicant/Bidder, or
- c) the receiving party acquired from a third party who is not under a confidentiality obligation vis-à-vis the party concerned by such information, or
- d) is to be made public or disclosed pursuant to the law, stock exchange regulation or authority order, to the extent such disclosure is legally required or
- e) is communicated to the relevant regulatory authorities for the purpose of evaluating the Project.

The eventual termination of the binding Open Season Procedure or the project, for whatever reason, shall not affect the confidentiality obligation, which shall expire 3 years from the date of termination.

4. Allocation of Capacities

The TSOs offer to sell the following transmission capacities:

4.1. Offered Capacity Products and Tariffs

Flow Direction Romania → Hungary and Hungary → Austria				
TSO	Transgaz	FGSZ		GCA
Yearly Standard Capacity Product on a firm basis	Yes	Yes	Yes	Yes
Number of Offered Gas Years	15	15	15	15
First Availability	1 October 2022	1 October 2022	1 October 2022	1 October 2022
Network Point Name	Csanádpalota	Csanádpalota	Mosonmagyaróvár	Mosonmagyaróvár
Entry/Exit	Exit	Entry	Exit	Entry
EIC	21Z000000000236Q	21Z000000000236Q	21Z000000000003C	21Z000000000003C
Flow Direction	Romania→Hungary	Romania→Hungary	Hungary →Austria	Hungary→Austria
Minimum Bookable Capacity Unit	1 kWh/h/year	1 kWh/h/year	1 kWh/h/year	1 kWh/h/year
Reserve Price and supplement	a. 22.45 RON/kWh/h/year + 22.67 RON [Reference Price + fixed supplement] (15.873120RON/kWh/h/year) ^{3,4}	b. 1,483.63 HUF/kWh/h/year ⁵	c. 631.25 +786.52 ^{6,7} [Floating reserve price + supplement] HUF/kWh/h/year ⁸	d. 0.77 + 3.31 [Floating reserve price + fixed supplement] ^{9,10} EUR/kWh/h/year
Applied exchange rate for indicative Reserve Price P _o (in EUR)	4.49 Lei/EUR ¹¹	310 HUF/EUR	310 HUF/EUR	N/A
Indicative Reserve Price P _o (in EUR)	8.3211 EUR/kWh/h/year (IP1, a+b)		(IP2, c+d)	
Price Evolution After Capacity Allocation ¹²	<ul style="list-style-type: none"> Reserve price: Floating Potential premium: fixed Volume-based tariff upon the usage of the capacity: yes 	<ul style="list-style-type: none"> Reserve price: Floating Potential premium: fixed Volume-based tariff upon the usage of the capacity: no 	<ul style="list-style-type: none"> Reserve price: Floating Potential premium: floating Volume-based tariff upon the usage of the capacity: yes 	<ul style="list-style-type: none"> Reserve price: Floating¹³ with fixed supplement¹⁴ Potential surcharge: fixed Volume-based tariff upon the usage of the capacity: no
Volume based tariff			30.92 ¹⁵ +61.63 (regulated volume-based tariff + supplement) HUF/MWh	
Offered incremental Capacity (kWh/h/year)	IP Csanádpalota (RO→HU)		IP Mosonmagyaróvár (HU→AT)	
Gas year 2022/2023	4 648 063		5 740 470	
Gas year 2023/2024	4 648 063		5 740 470	
Gas year 2024/2025	4 648 063		5 740 470	
Gas year 2025/2026	4 648 063		5 740 470	
Gas year 2026/2027	4 648 063		5 740 470	
Gas year 2027/2028	4 648 063		5 740 470	
Gas year 2028/2029	4 648 063		5 740 470	
Gas year 2029/2030	4 648 063		5 740 470	
Gas year 2030/2031	4 648 063		5 740 470	
Gas year 2031/2032	4 648 063		5 740 470	
Gas year 2032/2033	4 648 063		5 740 470	
Gas year 2033/2034	4 648 063		5 740 470	
Gas year 2034/2035	4 648 063		5 740 470	

³ The value in brackets represents the capacity reservation tariff approved by ANRE Order no. 39/10.08.2016 (<http://www.transgaz.ro/en/node/1923>). For the value of the reference price and the fixed supplement please revert to art. 4.2.2, Economic viability @ Transgaz SA.

⁴ Tariff RON/MWh/h (15°C/15°C) approved by ANRE for 2016-2017 is 1.81RONi/MWh/h for one year contracts. Tariff [Lei/kWh/h] (0°C/25°C) = Tariff Lei/MWh/h (15°C/15°C) * 0.9486 / 0.9476 / 1000 = 0.001812 Lei/kWh/h for one year contracts. based on the following formula and according to SR ISO 13443/2000: V(0°C) = V(15°C) * 0.9476 and PCS(25°C/0°C) = PCS(15°C/15°C) / 0.9486. Tariff Yearly [Lei/kWh/year] (0°C/25°C) = Tariff [Lei/kWh/h] (0°C/25°C) * 24 h * no. days of year = 15.873120 Lei/kWh/year for one year contracts. This tariffs are already published on TRANSGAZ web page, for Csanádpalota (interconnection point).

⁵ Indicative tariff as of 1 January 2017, subject to amendment by MEKH.

⁶ The supplement is showed in 2017 price level. For GY 2022/23 it is considered as 826.64 HUF/kWh/h/y.

⁷ Subject to MEKH approval

⁸ Indicative tariff as of 1 January 2017, subject to amendment by MEKH. For additional explanations regarding the calculation and evolution of the reserve price and the supplement, refer to "Economic Viability @ FGSZ Ltd." in Article 4.2. The supplement may change according to the booked capacities.

⁹ Based on the tariffs included in the current version of the Gas System Charges Ordinance: https://www.e-control.at/documents/20903/388512/GSNE-VO_2013_konsolidierte_Fassung_1-1-2017_FINAL.pdf/ae0088a6-fa95-928b-be00-a4252d359ece

¹⁰ The supplement contains the cost of providing the sufficient pressure conditions on the HU-AT border. FGSZ and GCA are investigating in close co-operation with the relevant national regulatory authorities whether there is a practical, economical feasible and legally tenable alternative.

¹¹ Estimated exchange rate by National Commission for Prognosis available for 2017.

¹² Tariff forecasts pursuant to the tariff network code will be delivered once applicable.

¹³ The tariff methodology for TSOs in the Austrian Market Area East can be accessed on the homepage of the Austrian Regulator E-Control: https://www.e-control.at/documents/20903/388512/Method+2017-2020+Fernleitungsnetzbetreiber+Gas_TSO_20161212.pdf/e5fa1729-efc0-ab06-06a3-2dd7088ed7c8

¹⁴ For additional explanations regarding the evolution of the reserve price supplement with capacity bookings beyond considered threshold, refer to "Economic Viability @ Gas Connect Austria" in Article 4.2 and note that value may also change, e.g. depending on revision of technical scope of the project.

¹⁵ Indicative tariff as of 1 January 2017, subject to amendment by MEKH. The volume fee shall be payable after the daily allocated energy (MWh).

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Gas year 2035/2036	4 648 063	5 740 470
Gas year 2036/2037	4 648 063	5 740 470

Flow Direction Hungary → Romania		
TSO	FGSZ	Transgaz
Yearly Standard Capacity Product on a firm basis	Yes	Yes
Number of Offered Gas Years	15	15
First Availability	1 October 2022	1 October 2022
Network Point Name	Csanádpalota	Csanádpalota
Entry/Exit	Exit	Entry
EIC	21Z000000000236Q	21Z000000000236Q
Flow Direction	Hungary → Romania	Hungary → Romania
Minimum Bookable Capacity Unit	1 kWh/h/year	1 kWh/h/year
Reserve Price	e. 631.25 ¹⁶ HUF/kWh/h/year (floating)	f. . 22.89 RON/kWh/h/year + 23.12 RON/kWh/h/year [Reference price + fixed supplement] (16.135920 RON/kWh/h/year) ^{17/18}
Applied exchange rate for indicative Reserve Price P _o (in EUR)	310 HUF/EUR	4.49 RON/EUR ¹⁹
Indicative Reserve Price P _o (in EUR)	5.63 EUR/kWh/h/year	
Price Evolution After Capacity Allocation	<ul style="list-style-type: none"> • Reserve price: floating • Potential premium: not applied • Volume-based tariff upon the usage of the capacity: Yes²⁰ 	<ul style="list-style-type: none"> • Reserve price: Floating • Potential premium: fixed • Volume-based tariff upon the usage of the capacity: no
Offered Capacity (kWh/h/year)	IP Csanádpalota (HU→RO)	
Gas year 2022/2023	3 149 722	
Gas year 2023/2024	3 149 722	
Gas year 2024/2025	3 149 722	
Gas year 2025/2026	3 149 722	
Gas year 2026/2027	3 149 722	
Gas year 2027/2028	3 149 722	
Gas year 2028/2029	3 149 722	
Gas year 2029/2030	3 149 722	
Gas year 2030/2031	4 828 354	
Gas year 2031/2032	4 828 354	
Gas year 2032/2033	4 828 354	
Gas year 2033/2034	4 828 354	
Gas year 2034/2035	4 828 354	
Gas year 2035/2036	4 828 354	
Gas year 2036/2037	4 828 354	

¹⁶ Indicative tariff as of 1 January 2017, subject to amendment by MEKH.

¹⁷ The value in brackets represents the capacity reservation tariff approved by ANRE Order no. 39/10.08.2016 (<http://www.transgaz.ro/en/node/1923>). For the value of the reference price and the fixed supplement please revert to art. 4.2.2, Economic viability @Transgaz SA.

¹⁸ Tariff RON/MWh/h (15°C/15°C) approved by ANRE for 2016-2017 is 1.84 Lei/MWh/h for one year contracts. Tariff [Lei/kWh/h] (0°C/25°C) = Tariff Lei/MWh/h (15°C/15°C) * 0.9486 / 0.9476 / 1000 = 0.001842 Lei/kWh/h for one year contracts based on the following formula and according to SR ISO 13443/2000: $V(0^\circ\text{C}) = V(15^\circ\text{C}) * 0.9476$ și $PCS(25^\circ\text{C}/0^\circ\text{C}) = PCS(15^\circ\text{C}/15^\circ\text{C}) / 0.9486$. Tariff annual [Lei/kWh/year] (0°C/25°C) = Tariff [Lei/kWh/h] (0°C/25°C) * 24 h * no. days of year = 16.135920 Lei/kWh/year for one year contracts. This tariffs are already published on TRANSGAZ web page, for CSANÁDPALOTA (interconnection point).

¹⁹ Estimated exchange rate by National Commission for Prognosis available for 2017.

²⁰ Indicative tariff as of 1 January 2017, subject to amendment by MEKH, current value is 30.92 HUF/MWh. The volume fee shall be payable after the daily allocated energy (MWh).

4.2. Determination of Economic Viability

In this section, the process of Economics Tests and Bid submission windows and the conditions for a positive Economic Test to determine the economic viability for each individual TSO are described. The information provided should give insight into the aggregate booking level that has to be achieved in order to render the Projects for each TSO successful.

4.2.1 Process of Economic Tests and Bid submission windows

Bid submission window I

Bids to be submitted by registered post or courier (original) duly signed until 28 July 2017, 23:59 CET.

Economic Test I

After the conclusion of the Economic Test I TSOs shall inform Bidders about the individual and aggregated allocation results by 17.08.2017. In case the Economic Test I is positive the relevant TSO(s) shall send acceptance of the Bids in form of contract(s) duly signed by TSO in duplicate, with registered mail or courier to the Successful Bidders by 17.08.2017.

The successful Bidders are obliged to duly sign and return to the respective TSO one original version of the received Contract with registered mail or courier by 30.08.2017; the omission to do so shall - due to the fact that the Contract has already been entered into at the moment the TSO has duly mailed the signed originals - not impact its validity.

Bid submission window II

In case the Economic Test I is negative, the TSOs shall offer Bidders to submit Bids based on an updated price-quantity relationship, communicated to all Bidders. Bidders may participate in the Bid submission window II on a voluntary basis. A Bid submitted by a Bidder in the Bid submission window II as outlined in Article 3.4 shall replace the previously submitted Bid. If no updated Bid is submitted by a Bidder, the respective original Bid remains valid for the Economic Test II.

Economic Test II

After Bids have been received in the course of the Bid submission window II, the Economic Test II will be performed. TSOs shall inform Bidders about the individual and aggregated allocation results by 13.10.2017. In case the Economic Test II is positive the relevant TSO(s) shall send acceptance of the Bids in form of contract(s) duly signed by TSO in duplicate, with registered mail or courier to the Successful Bidders by 13.10.2017.

The Successful Bidders are obliged to duly sign and return to the respective TSO one original version of the received contract with registered mail or courier by 27.10.2017; the omission to do so shall - due to the fact that the Contract has already been entered into at the moment the TSO has duly mailed the signed originals - not impact its validity.

In case the Economic Test II is negative, the TSO shall inform Bidders via registered mail about the termination of the Open Season procedure by 13.10.2017.

Termination by Bidder through step back right

Successful Bidders shall be entitled to step back from their concluded contracts upon a positive Economic Test I or II by 23:59 CET 01.10.2018, without the obligation to give reasons for this decision. In such a case, the Bidder shall pay a termination fee (i.e. penalty fee) being a fixed rate of the value of its Bid within 15 days of the termination notification of the contracts. The value of its Bid shall be calculated by multiplying the Reserve Price and the supplement as stipulated in this Binding Open Season Procedure plus a premium/surcharge, as applicable, as a result of a binding Open Season Procedure, with the capacity that was allocated to the Bidder. The fixed rate for Transgaz shall be 0.033%, and for FGSZ and GCA 0.033% of the respective value of the individual Bid.

In case all Bidders whose offers were considered in the positive Economic Test, relinquish their step back right before the deadline of 01.10.2018, TSOs shall proceed with the execution of the Project without delay and publish the successful completion of the Open Season procedure.

Economic Test III

In case one or more Successful Bidder(s) make use of their right to step back from concluded contracts upon a positive Economic Test I or II and this release of previously allocated capacity leads to a negative Economic Test (Economic Test III), another Bid submission window is offered. TSOs shall inform Bidders by 24.10.2018.

Bid submission window III

TSOs shall offer Bidders to submit Bids based on a required price-quantity relationship. Bidders may participate in the Bid submission window III on a voluntary basis. In this Bid submission window III only the released and remaining available (i.e. not allocated) capacity shall be offered by the TSOs to all Bidders, including unsuccessful Bidders from previous Bid submission windows, except those who have exercised their step back right. The amount of capacity offered in the Bid submission window III shall be published by TSOs for each IP.

Successful Bidders who did not exercise their step back right retain the capacity allocated to them..

Economic Test IV

After new Bids have been received in the course of the Bid submission window III, a final Economic Test will be performed (Economic Test IV).

TSOs shall inform all Bidders about the individual and aggregated allocation results by 03.12.2018.

If the Economic Test IV is positive, the relevant TSO(s) shall send acceptance of new Bids in form of contract(s) duly signed by TSO in duplicate with registered mail or courier to the Successful Bidders by 03.12.2018. The Successful Bidders are obliged to duly sign and return to the TSO one original version

of the received contract with registered mail or courier by 14.12.2018; the omission to do so shall - due to the fact that the Contract has already been entered into at the moment the TSO has duly mailed the signed originals - not impact its validity.

In case the Economic Test IV is negative, the TSOs shall inform the Bidders by 03.12.2018 via registered mail about the termination of the Open Season procedure and the termination of the contracts. In such case, no penalties, damages or termination fee is to be paid by the Bidders who did not step back from their contracts.

4.2.2 Conditions for a positive Economic Test

Condition for a positive Economic Test: $PV_{UC} \geq f * PV_{AR}$

- **PV_{UC}** ... value of binding commitments of network users (unknown before the capacity allocation)
- **PV_{AR}** ... value of the estimated increase in the allowed revenue²¹ of the TSO associated with the incremental capacity
- **f** ... f-factor

That means that the Economic Tests of a specific TSO will be positive if the value of binding commitments of network users is equal to or higher than the estimated increase in the allowed revenue of the TSO associated with the specific incremental capacity.

The Economic Tests are based on the allocation results pursuant to Article 4.3. which shall be subject and limited to the predefined conditionalities (Article 4.3. 2d) expressed by the Bidders in the Bid Form. The Economic Test for one IP is successful only in case the Economic Tests of both TSOs on both sides of the IP were successful.

After each concluded Economic Test, TSOs shall publish aggregated allocation results on their respective project websites. This shall include:

- capacity to be allocated per IP, TSO, year and direction based on the Bids and related conditionalities expressed by the Bidders, being subject to a positive Economic Test for the IP and the successful completion of the OS procedure and
- the degree to which the individual Economic Tests of the TSOs per IP and direction are positive.

²¹ For further details on capital cost estimates and their underlying technical project planning please refer to the respective national network development plans of the TSOs.

Economic Viability @ Gas Connect Austria GmbH.

The Economic Tests I - IV for incremental capacity at the entry point Mosonmagyaróvár are based on the following parameters:

- $PV_{AR} = 156,325,000$ EUR
- $f = 0.75$
- $PV_{UC} \geq 117,243,750$ EUR

That means that an Economic Test will be positive if the value of binding commitments of network users is equal to or higher than 117,243,750²² EUR.

As the allocation of all incremental capacity at the reference price (i.e. 0.77 €/kWh/h/y) would not generate sufficient revenues for a positive Economic Test outcome, a supplement²³ (i.e. 3.31 €/kWh/h/y) is applied for the allocation of the incremental capacity. The supplement has been calculated based on the assumption of 1,913,490 kWh/h/y minimum booked incremental capacity for 15 years in a row. This means that any level of booked capacity exceeding this threshold will result in a decrease of the supplement. For example, a booking level twice as high as the above mentioned (i.e. 3,826,980 kWh/h/y for 15 years in a row) would reduce the supplement to 1.27 €/kWh/h/y).

Economic Viability @ FGSZ Ltd.²⁴

The Economic Tests I - IV for incremental capacity at the entry point Csanádpalota and at the exit point Mosonmagyaróvár are based on the following parameters:

- $PV_{AR} = 142,735,000,000$ HUF
- $f = 0,873$
- $PV_{UC} \geq 124,607,700,000$ HUF

That means that an Economic Test will be positive if the present value of binding commitments of network users is equal to or higher than 124,607,700,000 HUF.²⁵

As the allocation of all incremental capacity at the reference prices would not generate sufficient revenues for a positive Economic Test outcome, a supplement (i.e. from GY 2022/23 826.64 HUF/kWh/h/year) is applied for the allocation of the incremental capacity. The supplement has been calculated based on the assumption of 70% of minimum booked incremental capacity for 15 years in a row for both IPs. This means that any level of booked capacity exceeding this threshold will result in a decrease of the supplement. The supplement should not be less than zero. Those capacities which

²² PV_{AR} for GCA is a non-discounted value, therefore no discount rate has to be applied for respective Bids

²³ Being the mandatory minimum premium according to current version of the Gas System Charges Ordinance: https://www.e-control.at/documents/20903/388512/GSNE-VO_2013_konsolidierte_Fassung_1-1-2017_FINAL.pdf/ae0088a6-fa95-928b-be00-a4252d359ece

²⁴ Exact data to be published at a later stage.

²⁵ PV_{AR} for FGSZ is a discounted value, therefore a nominal annual discount rate of 8.69% has to be applied for respective Bids

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were not taken into consideration when calculating the supplement (for instance capacity bookings after this Open Season procedure), are going to be used to reduce the supplement.

Regarding the calculation of the reserve prices and the supplement:

With regards to the TAR NC²⁶ the reserve prices shall equal with the relevant tariffs in force. The reserve prices are floating therefore to get a solid tariff design the potential change of the tariffs modify the supplement, however the sum of the reserve prices and the supplement is fixed and escalated. For calculation purposes escalation is considered from 2017 to 2022 1%, after that 3%.

Capacity fee = (Reserve price + supplement) * escalation.

From the gas year of 2022/23 the calculation of the escalation is going to be revised and taken into account the relevant gas year's consumer price index which published by the Magyar Nemzeti Bank (National Bank of Hungary)²⁷. The rest of the technical capacity, which would be sold as short-term capacity at both IP stated in Article 1, is going to affect only the supplement. The supplement should not be less than zero. Those capacities which were not taken into consideration when calculating the supplement (for instance capacity bookings after this Open Season procedure), are going to be used to reduce the supplement.

The volume-based tariff supplement is subject of regular revision, which consists of the analysis of the natural gas price and the relevant component of the volume-based tariff.

Economic Viability @ SNTGN Transgaz SA.

In the context of this Economic Test, incremental capacity means the aggregated value of requested capacity exceeding the level of 2,120,142 kWh/h/year at entry/exit point Csanadpalota, capacity level ensured by implementing the BRUA, phase I project

The Economic Test is based on the following parameters:

- $PV_{AR} = 1,982,090.280$ RON (equivalent of 441,445,497 EUR)²⁸
- $f = 0.75$
- $PV_{UC} \geq 1,486,567,710$ RON (equivalent of 331,084,122 EUR)

That means that an Economic Test will be positive if the present value of binding commitments of network users related to the incremental capacity is equal to or higher than 1,486,567,710 RON (equivalent of 331,084,122 EUR)

As the allocation of all incremental capacity at the reference price (i.e. 22.45* Lei/kWh/h/y for exit point equivalent of 5 €/kWh/h/y, respectively 22.89** Lei/kWh/h/y for entry point equivalent of 5.1 €/kWh/h/y) would not generate sufficient revenues for a positive Economic Test outcome, a supplement is applied

²⁶ COMMISSION REGULATION (EU) 2017/460 of 16 March 2017 establishing a network code on harmonised transmission tariff structures for gas

²⁷ <http://www.mnb.hu/en/publications/reports/inflation-report>

²⁸ PV_{AR} for Transgaz is a non-discounted value, therefore no discount rate has to be applied for respective Bids

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(22.67 RON/kWh/h/year, the equivalent of 5.05 €/kWh/h/year for the exit point and 23.12 RON/kWh/h/year, the equivalent of 5.15 €/kWh/h/year for the entry point, respectively). The supplement, determined as percentage of the reference price, has been calculated based on a scenario where the capacity allocated further to the results of the Open Season procedure is 70% of the total capacity offered for 15 consecutive years on the RO – HU flow direction and 0% of the total capacity offered on the HU – RO flow direction. This indicates that any amount of reserved capacity exceeding such threshold would generate a decrease of the supplement. As an example, a 100% capacity reservation for 15 consecutive years on the RO-HU flow direction and 0 % reservation on the HU-RO flow direction would result in a decrease of the supplement at 9.20 RON/kWh/h/year (the equivalent of 2.05 €/kWh/h/year) for the exit point and at 9.38 RON/kWh/h/year (the equivalent of 2.09 €/kWh/h/year) for the entry point, respectively.

*15,873120 Lei/kWh/h/y (presented in the table in Article 4.1) represents the Capacity booking tariff in the exit direction calculated under the current circumstances where the revenue approved by ANRE Order no. 39/10.08.2016 is 60% recovered by the application of the capacity booking tariff and 40% by the application of the commodity tariff.

ANRE Order no 10/2017 provides for the annual increase by 5% of the share related to the recovery of the approved revenue by the application of the capacity booking tariff up to the level of 85%. Such order also provides for the transmission system operator to publish information used for determining the approved revenue and the regulated tariffs in force. Such information is posted onto http://new.transgaz.ro/sites/default/files/Downloads/anexa_3_2016-2017_ordin_10-2017_final_english_0.pdf.

As such, the resulting tariff is 22.45 RON/kWh/h/y, representing the capacity booking tariff in the exit direction calculated under the circumstances where the revenue approved by ANRE Order no. 39/10.08.2016 is recovered 85% by the application of the capacity booking tariff and 15% by the application of the commodity tariff.

**The clarifications above are also valid for the 22,89 RONi/kWh/y tariff, representing the capacity booking tariff for the entry direction.

The value of commitments resulting from the Binding Open Season procedure is determined by applying the reserve price to the entire capacity allocated to the Successful Bidders.

4.3. Capacity Allocation Concept

Prior to the binding Open Season a market consultation on “Capacity Allocation Concepts in the RO-HU-AT Open Season Procedure” was held from 08th February 2016 – 24th February 2016. Based on the responses received in the consultation the following method (Method 3) is applied in the Binding Open Season:

Basic Capacity Allocation Principles

- IP1 and IP2 are allocated separately in each offered gas year.
- The Applicants are allowed to submit for capacity on offer per Bid submission window maximum 1 Bid per gas year and per IP, i.e. it is not permitted to submit multiple (alternative) bids by a single Applicant for the same gas year and IP.
- IP1 and IP2 are jointly evaluated from a willingness-to-pay point of view in order to resolve any eventual congestion of the Open Season.
- Capacities are allocated at the reserve price in case of no overbooking.
- In Bid submission window II, all Bidders will have the possibility to indicate a higher willingness-to-pay upon the proposal of the TSOs.
- In Bid submission window III Bidders, including unsuccessful Bidders from previous Bid submission windows, except those who have exercised their step back right, have the possibility to submit an additional/new Bid for the remaining available (i.e. not allocated) capacity upon the proposal of the TSOs.

Capacity allocation methodology

1. The Bid submission windows are the time periods specified in Article 3.4. The capacity on offer in the Bid submission windows I and II is indicated in Article 4.1. In Bid submission windows III only released and remaining available capacity shall be offered by the TSOs.
 - a. Bids submitted outside of the specified time periods shall not be evaluated.
 - b. Bids must comply with formal requirements as specified below.
2. The Bidder shall indicate in its Bid according to the Bid form (Annex 2):
 - a. The relevant capacity quantity it intends to book expressed in kWh/h/year,
 - i. Bids containing capacity quantities higher than the offered capacity shall be refused.
 - b. The relevant interconnection point(s),
 - c. The relevant gas year(s),
 - d. Predefined conditionality, if any, i.e.
 - i. whether the Bidder accepts any partial fulfilment to its Bid in case not the entire amount of capacity applied for could be allocated to the Bidder related to the required quantity (“fill or kill principle”) and/ or
 - ii. whether the Bids are linked over both IPs and/or
 - iii. whether the Bids are linked across a given number of years and/or whether the Bid is conditional on the allocation of a minimum amount of capacity.

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- e. In general in each Bid submission window only one Bid may be submitted per gas year per IP by a Bidder. Bids containing more than 1 (one) capacity quantity request for the same gas year and IP shall be refused. During the Bid submission window III, Bidders who did not exercise their step back right may submit a new Bid for the released and remaining available capacity on offer.
3. The willingness to pay is established as the sum of the monetary value of the Bidder's Bid for every specified gas year including both interconnection points and flow directions. The determination of the Bidder's willingness to pay in the Bid submission window III will only be based on the Bids submitted in the Bid submission window III.
 4. Bids are evaluated as follows:
 - a. The willingness to pay of all Bidders shall be ranked in descending order, i.e. starting from the highest Bidder's willingness to pay.
 - b. Higher willingness to pay shall have precedence over lower willingness-to-pay.
 - c. In case of no overbooking at any of the IPs or across any of the gas years occur, all capacities shall be allocated at the reserve price.
 - d. In the case of overbooking at any of the IPs and gas years, the following allocation methodology shall apply:
 - i. The capacity request indicating the highest willingness-to-pay shall be allocated first.
 - ii. The remaining unallocated capacity shall be allocated by taking the second, third, fourth, etc. highest willingness to pay, subject to the available capacity after each allocation step, and subject to the indicated conditionality by the Bidder.
 - iii. In case there are equal willingness-to-pay values by different Bidders, and these affect the same IP and the same gas year, such bids shall be allocated pro rata.
 - iv. Capacities shall be allocated according to their respective willingness-to-pay value, taking into account the conditionalities indicated.

Confirmation by TSO

Subject to the allocation of the submitted Bids taking into account the indicated predefined conditionalities, the TSOs shall perform an Economic Test according to the Article 3.4. After the conclusion of any Economic Test TSOs shall inform Bidders about the allocation results (see Article 4.2.1).

5. Financial Guarantees

5.1. Applicable Financial Guarantees of SNTGN Transgaz SA

5.1.1. Financial security for the Bid submission

The Bidder shall submit a financial guarantee equal to the termination fee (penalty fee) as set out in Article 4.2.1 above, upon the end of the relevant Bid submission window.

In case of the Bidder's exercise of the step back right by 23:59 CET 01.10.2018, the Bidder shall pay a financial penalty according to the Article 4.2.1. If the Bidder fails to fulfil this obligation, SNTGN Transgaz shall be entitled to draw the financial guarantee of the Bidder subject to the terms of the contracts signed. The security expires 8 weeks after the expiration of the step back right. If Bids are not accepted by the TSO or the Bidder relinquishes its step back right before the deadline of 01.10.2018, the security shall be released by the TSO within 15 days upon request of the Bidder.

The Bidder shall submit the financial guarantee as follows:

- a) As a letter of bank guarantee in Lei or EURO equivalent according to the European Central Bank (ECB) exchange rate on the date the guarantee is issued and/or
- b) As a guaranteed account (collateral deposit) in Lei or EURO equivalent according to the ECB exchange rate on the date the guarantee is issued and/or
- c) As an escrow account in Lei or EURO equivalent according to the ECB exchange rate on the date the guarantee is issued.

Transgaz accepts letters of bank guarantee issued by a bank with a rating from one of the following rating agencies: Standard&Poors, Moody's or Fitch, at least at the level of "investment grade"

5.1.2. Financial security for the transmission service

In this case the provisions of Annex 3 (Framework gas transmission contract) shall apply.

5.2. Applicable Financial Guarantees of FGSZ Zrt.

5.2.1. Financial security for the Bid submission

The Bidder shall submit a financial guarantee equal to the termination fee (penalty fee) as set out in Article 4.2.1 above, upon the end of the relevant Bid submission window.

In case of the Bidder's exercise of the step back right by 23:59 CET 01.10.2018, the Bidder shall pay a financial penalty according to the Article 4.2.1. If the Bidder fails to fulfil this obligation, FGSZ shall be entitled to draw the financial guarantee of the Bidder subject to the terms of the contracts signed. If Bids are not accepted by the TSO or the Bidder relinquishes its step back right before the deadline of 01.10.2018, the security shall be released by the TSO within 15 days upon request of the Bidder.

5.2.2. Financial security for the transmission service

In this case the provisions of the Capacity Booking Contract of FGSZ shall be applied.

5.3. Applicable Financial Guarantees of Gas Connect Austria GmbH

5.3.1. Financial security for the Bid submission

An Applicant not yet registered with GAS CONNECT AUSTRIA GmbH can choose between Easy Access (**no** activation deposit required) and Full Access (activation deposit required)²⁹.

The Bidder does not have to provide financial securities securing the termination fee to GCA at the time of Bid submission, but every Successful Bidder shall provide a financial security equal to the termination fee in form of a bank guarantee or cash deposit to GCA within five (5) working days after receipt of the acceptance of its bid in form of the contract duly signed by GCA. The bank guarantee must correspond to the sample bank guarantee attached hereto as Annex 9 and shall be valid until 8 November 2018.

In case the Successful Bidder exercises its step back right in line with the terms of the capacity contract, it shall pay a termination fee according to the Article 4.2.1. of this Rulebook. If the Successful Bidder fails to fulfil this obligation, GCA shall in addition to any other remedy available be entitled to draw the financial security.

In case the Successful Bidder relinquishes its step back right before the deadline of 01.10.2018, the security shall be released by GCA within 15 days.

5.3.2. Financial security for the transmission service

The financial security outlined in the Frame Capacity Contract of GAS CONNECT AUSTRIA GmbH (hereto attached as Annex 7) apply. The detailed provisions concerning security deposits are described in the current approved General Terms and Conditions for Transmission Network Access of GAS CONNECT AUSTRIA GmbH under Article IV.

6. Miscellaneous

The TSOs reserve the right to ask for supplementary documents from any Applicant, if required.

7. Notices

Unless expressly otherwise provided for in this document, all notices or other communications to be given or made hereunder shall be in writing, shall be addressed for the attention of the person indicated below and shall be delivered personally or sent by prepaid post or by fax. All notices given by fax shall be confirmed in writing delivered or sent as aforesaid. The language of all notices shall be the English language.

²⁹ For a more detailed description please see <http://www.gasconnect.at/en/Fuer-Kunden/Sales-Transmission%20neu/Auktionen>

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Relevant contacts of the TSOs:

a) For GCA:

Address: Floridsdorfer Hauptstrasse 1, 1210 Vienna, Austria

Attention: Aleksandar Savic, Key Account Manager, Sales Transmission

Fax number: +43 1 27500 88291

e-mail: sales.transmission@gasconnect.at

b) For FGSZ:

Address: Tanácsház utca 5, Siófok H-8600, Hungary

Attention: Balázs Tatár, Head of Sales and Customer Support

Fax number: +36-84-505-592

e-mail: openseason@fgsz.hu

c) For TRANSGAZ:

Address: Piața C. I. Moțaș no. 1, 551130 Mediaș, Romania

Attention: Craciun Bucur Neagu, Head of Gas Transmission Contracts Department

Fax number: +40-269-841181

e-mail: openseason@transgaz.ro

All notices shall be effective upon receipt.

8. Annexes

The following Annexes form an integral part of the Open Season Procedure and are published on the TSOs' website:

- Annex 1. (Registration form)
- Annex 2. (Bid form)
- Annex 3. (Framework gas transmission contract of SNTGN Transgaz SA)
- Annex 4. (Capacity Booking Contract of FGSZ Zrt., including the respective general terms and conditions)
- Annex 5. (General Terms and Conditions of Gas Connect Austria GmbH)
- Annex 6. (Letter of payment guarantee form of SNTGN Transgaz SA)
- Annex 7. (Frame Capacity Contract of Gas Connect Austria GmbH)
- Annex 8. (Capacity Contract for capacities allocated in the course of the ROHUAT Open Season of Gas Connect Austria GmbH)
- Annex 9. (Gas Connect Austria GmbH – Model Bank Guarantee Security Deposit regarding Termination Fee)