

# **APPENDIX C TARIFF AND FEE SCHEDULE CENTRAL EUROPEAN GAS HUB AG**

Version 1.8  
CEGH AB B-VHP

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CONVENIENCE TRANSLATION

## 1. HUB FEES AND TARIFFS FOR HUB SERVICES

### 1.1 Subject Matter

This tariff and fee schedule for Hub Services includes the tariffs, fees, charges and rates for the Hub Services provided by the Hub Operator to the Customer. The Hub Fees and Tariffs can be subject to indexation. The Hub Fees are adjusted in accordance with Article 1.3 hereunder. The Hub Operator regularly publishes its current Tariff and Fee Schedule for the Hub Services on its website. This Tariff and Fee Schedule is an integral part of the CEGH Membership Agreement. All tariffs, fees, charges and rates are listed in Euro.

### 1.2 Taxes, Duties or Other Levies

All Hub Tariffs and Fees to be charged under these Terms are specified herein exclusive of any taxes, customs, duties or other levies of a similar nature. The Hub Operator is entitled to add to the Hub Tariffs and Fees all such taxes, customs, duties or levies of a similar nature, which any authority lawfully imposes on the Hub Services, however subject to the Customer's right to verify, at its own expense, by means of a certified auditor's statement that such taxes, customs, duties or levies of a similar nature have been duly paid.

### 1.3 Indexation of Hub Fees

#### 1.3.1 Indexation, Indices

Current Hub Fees can be subject to recalculation according to the following **indexation formula**:

$$X_n = X * (L_n / L_0)$$

**Provided that:**

- Recalculation date: The applicable Hub Fees can be recalculated as of February 1st of each year.
- Reference Period: The reference period for the prices and indices used in this formula shall be the period of twelve (12) Months immediately preceding each recalculation date.
- $L_n$  = The Austrian Consumer Price Index (Total Index), as published on the website of Statistik Austria (<http://www.statistik.at>).
- $L_0$  = start value of VPI 2010 (consumer price index 2010) which is equal to 100.0.
- $X$  = The value of each Hub Fee prior to indexation.
- $X_n$  = The value of each Hub Fee after indexation.

#### 1.3.2 Discontinuation or Change of Indices

If at any time the basis for determining the indices according to Article 1.3.1 is discontinued or changed, the Hub Operator shall, upon request notified by one of the Parties, adjust such indices or replace them by a substitute index or substitute indices, so that the same economic effect to the greatest possible extent is achieved.

### 1.4 Calculations

All calculations made with respect to Hub Tariffs and Fees shall be made in three (3) decimal places. Any amounts payable hereunder shall be rounded up to two (2) decimal places.

## 2. INVOICING AND PAYMENT

### 2.1 Payment Procedure

The Hub Operator invoices the Hub Services provided under the CEGH Terms for payment. The invoice is sent by the Hub Operator to the Customer by post and/or other electronic means not later than the fifth (5th) Business Day of the Month following the Month in which the Hub Services have been rendered. If the Hub Operator needs information from the Customer, e.g. with regard to customs and value added tax, in order to issue the invoices, the Customer shall make this information available to the Hub Operator within five (5) Business Days upon receipt of the Hub Operator's request.

### 2.2 Due Date

For each Month the Customer shall pay the relevant invoice, in EUR free of any Customer's bank charges on or before the fifteenth (15th) day of the Month following the Month in which the Hub Services have been rendered ("Due Date") to an account specified by the Hub Operator in the relevant invoice. In case the Hub Operator has not sent the relevant invoice after the fifth (5th) Business Day of a Month to the Customer, the Due Date of payment shall be postponed by the same number of days as the invoice is delayed.

### 2.3 Business Day

If the date calculated according to Article 2.2 is not a Business Day, then the Business Day immediately following such date shall be the Due Date.

### 2.4 Value Added Tax (VAT)

Without prejudice to Article 1.2 hereunder, if the Reverse Charge System of the European Union is applicable, the Customer shall provide to the Hub Operator its VAT number in writing during the registration process. Each Customer must provide the Hub Operator with a certificate of the competent authority of his country of residence (the place where the Customer has established his business), or of the branch under which the Customer is registered and to which the Hub Services are provided, and of its status as a taxable person for VAT purposes.

If the Customer does not provide the Hub Operator a VAT number or provides an incorrect one, the Hub Operator has to charge the applicable value added tax.

### 2.5 Interest on Payment Delays

If the Customer fails to pay to the Hub Operator by the Due Date any amount due, interest shall be paid by the Customer for the period starting from and including the Due Date and ending on but excluding the value date of the payment, on the basis of the statutory interest rate pursuant to Article 456 of the Austrian Business Code ("*Unternehmensgesetzbuch*").

### 2.6 Final Invoice

Any invoice not disputed within four (4) weeks following the Due Date shall be considered as final between the Parties.

### 2.7 Termination Due To Non-Payment

Regardless of the provisions of Article 2.5 hereunder, the Hub Operator will give notice to the Customer if the Customer fails to make payment in due time. The Customer will then be given an additional period of ten (10) Business Days in order to effect payment. If the Customer fails to effect

payment within this additional period of ten (10) Business Days, the Hub Operator shall be entitled to terminate the Membership Agreement with immediate effect.

For the avoidance of doubt, payment obligations of the Customer accrued until effectiveness of the termination of the Membership shall remain payable irrespective of the termination.

### **3. REGISTRATION FEE**

Any new Customer has to pay a one - off registration fee of 1,000.00 EUR (evaluation of financial reliability and credit limit of a new applicant).

### **4. TITLE TRANSFER SERVICE FEE**

#### **4.1 Flat Title Transfer Service Fee**

A flat Title Transfer Service Fee of 1,000.00 EUR for all trading activities at the VTP for every month of Title Transfer Service activities of the Customer shall be charged in accordance with these rules.

This fee of EUR 1,000.00 includes Title Transfer Service Fees for a volume of up to and including 21,900.00 MWh in the relevant month.

#### **4.2 Variable Title Transfer Service Fee**

A volume digressive variable Title Transfer Service Fee will be applied stepwise to the total aggregated volume handled by each Customer during a 12 months period independent of the number of Hub Transactions.

For the first 10,000,000 MWh of total aggregated volume during a full 12 month period a variable Title Transfer Service Fee of 0.010 EUR/MWh shall be charged.

Notwithstanding the Title Transfer Service Fees for the first 10,000,000 MWh, a Title Transfer Service Fee of 0.005 EUR/MWh shall be charged for the total aggregated volumes exceeding 10,000,000 MWh during a full 12 month period.

#### **4.3 Title Transfer Service Fees resulting out of Gas Exchange Trades at the VTP**

For Energy which has been transacted by a Gas Exchange Transaction and is re-transacted bilaterally by a Customer, the standard Title Transfer Service Fees in accordance with Article 4.2 hereunder shall be applied for this re-trade.

## 5. APPLICATION OF CEGH TERMS

This Tariff and Fee Schedule forms an integral part of the CEGH Terms and unless otherwise provided for herein, the provisions of the CEGH Terms shall apply. In particular, also Article 12 (Dispute Resolution) shall apply as if expressly set out in the body of this Appendix.

CONVENIENCE TRANSLATION