

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 1 of 8
---------------------------------	--	-------------

AMENDMENT
TO THE TRANSMISSION NETWORK CODE (TNC)
OF THE GAS TRANSMISSION OPERATOR GAZ-SYSTEM S.A.

1. In point 1.1 part I of the TNC the definition of Contracted capacity shall receive the following wording: “The maximum hourly quantity of gaseous fuel under normal conditions, expressed in capacity units (m³) of gas, which can be admitted for transmission at the entry point or off-taken from the transmission system at an exit point.”
2. Point 1.2.2 part I of the TNC shall receive the following wording: “Any reference to a “quantity of gaseous fuel” in this TNC means a reference to such “quantity of gaseous fuel,” expressed in kWh, unless specifically indicated otherwise. “The “volume of gaseous fuel” shall be expressed in cubic metres (m³) under normal conditions.”
3. Point 3.3.1 part I of the TNC shall receive the following wording: “Measurement of pressure, quantities, volume and quality parameters of the gaseous fuel transported are taken for the purpose of billing for the transmission services.”
4. Point 3.3.2 part I of the TNC shall receive the following wording:

“3.3.2 The following values are specified, respectively, at the entry points and exit points:

 - 3.3.2.1 the hourly quantity of gaseous fuel expressed in units of volume and energy,
 - 3.3.2.2 the daily quantity of gaseous fuel,
 - 3.3.2.3 the monthly quantity of gaseous fuel expressed in units of volume and energy,
 - 3.3.2.4 the maximum hourly quantity of gaseous fuel expressed in units of volume in a given gas day or gas month, determined as the complete part of the value recorded in a given hour, disregarding the fractional part,
 - 3.3.2.5 the minimum pressure in a given gas day or gas month,
 - 3.3.2.6 the gross calorific value.”
5. Point 3.3.6 shall receive the following wording: “The gross calorific value of the gaseous fuel constituting the basis for determining the quantity of the gaseous

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 2 of 8
---------------------------------	--	-------------

fuel and for billing purposes for balancing as well as determining the quality of the gaseous fuel:"

6. Point 3.3.8 shall receive the following wording:

“3.3.8 Quantities of gaseous fuel expressed in units of energy is determined in the following manner:

3.3.8.1 the hourly volume of gaseous fuel, expressed in energy units, delivered by the Shipper for transmission at the entry point and off-taken at the exit point will be determined as the product of the volume of gaseous fuel measured at the relevant entry point or exit point and the gross calorific value designated for the relevant entry or exit point, pursuant to the provisions of point 3.3.5 and point 3.3.6, for the same hour,

3.3.8.2 the daily quantity of gaseous fuel expressed in units of energy is determined as the total of the hourly quantities of gaseous fuel, determined pursuant to point 3.3.8.1,

3.3.8.3 the monthly quantity of gaseous fuel expressed in units of energy is determined as the total of the hourly quantities of gaseous fuel, determined pursuant to point 3.3.8.2.

7. Point 5.3.15.8 part I of the TNC shall receive the following wording: “the nature of delivering and off-taking, including minimum and maximum hourly quantities of gaseous fuel expressed in units of volume (m³), and the hourly and annual quantities of gaseous fuel (kWh).
8. Point 6.1.1.6 part I of the TNC shall be added in the following wording: “In the event of several exit points supplying one distribution zone, the Shipper will order contracted capacity at all points constituting the group of points and published on the website www.gaz-system.pl supplying this zone. There will be one subscription fee charged for the entire group of exit points starting from the day the code of the TSO No. 6 has entered into force.”
9. Point 6.1.4.1.2 part I of the TNC shall receive the following wording: “fitting the entry and exit points will enable measurement and recording of the quantity of gaseous fuel transmitted, expressed in units of volume,”
10. In point 6.7.5 the last sentence shall receive the following wording: “The grounds for determining the fixed fee is the contracted capacity specified as the maximum hourly quantity in the nomination approved by the TSO, mentioned in point 6.7.8.2, divided by the gross calorific value specified as the maximum monthly average gross calorific value for the relevant point in the previous gas year and published on the website of the TSO.”

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 3 of 8
---------------------------------	--	-------------

11. Point 6.12.3.3.1 shall receive the following wording: “if for technical reasons it is not possible for the contract with the Shipper (current seller and new seller) to be executed at the same time, the transmission contract concluded by the TSO with the current seller is subject to change by reducing the contracted capacity at the exit point in which the gaseous fuel is supplied to the ISO's network for the purpose of its distribution to the Customer, the seller effecting the change, by the quantity specified in the contract concluded with the Shipper (new seller or Customer), however, no more than the contracted capacity specified in the contract concluded by the Shipper (the distribution shipper - ZUD) with the ISO and the value of the contracted capacity specified in the transmission contract concluded with the Shipper (current seller) for that exit point. The amendment to the transmission contract needs to be approved by the TSO and the Shipper by signing an annexe, within a term of fourteen (14) days. The provisions of point 7.1.2 part I of the TNC are not applicable;”
12. Point 9.1.2.1 part I of the TNC shall receive the following wording: “preliminary invoice – issued by the TSO for the transmission service in the given gas month, based on (i) the monthly quantities of the gaseous fuel expressed in units of volume (m³) specified pursuant to the quantity of the gaseous fuel in the approved annual nomination (kWh) divided by the gross calorific value expressed as the maximum monthly average gross calorific value for the relevant points in the previous gas year and published on the website of the TSO and (ii) the contracted capacity,”
13. Point 9.2.1 part I of the TNC shall receive the following wording: “The TSO will raise a preliminary invoice by the fourteenth (14th) day of the gas month. The level of the preliminary invoice is calculated as the sum of 100% of the fixed charge calculated on the basis of the applicable contracted capacity and 50% of the variable charge for the transmission service that is defined pursuant to the provisions of point 9.1.2.1.”
14. Point 9.2.2 part I of the TNC shall receive the following wording: “A billing report containing the monthly quantities of gaseous fuel expressed in units of volume (m³) assigned to the Shipper at the exit points is prepared and agreed by the fifth (5th) working day of the following gas month. In the event that the Shipper fails to authorise its representatives to agree the report or its representatives unreasonably refuse to agree the report, it will be signed unilaterally by the TSO. If the parties fail to agree the report mentioned above, the Shipper is entitled to file a claim.”
15. In point 9.2.3 part I of the TNC the last sentence shall receive the following wording: “An agreed billing report for the exit point containing the monthly

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 4 of 8
---------------------------------	--	-------------

quantities of gaseous fuel expressed in units of volume (m³) will constitute an annexe to the basic invoice.”

16. Point 1.2.3 part II of the TNC shall receive the following wording: Any reference to a “quantity of gaseous fuel” in this TNC means a reference to such “quantity of gaseous fuel” expressed in kWh, unless specifically indicated otherwise. The “volume of gaseous fuel” is expressed in cubic metres under normal conditions.
17. Point 2.2.2 part II of the TNC shall receive the following wording: “Monthly quantities of gaseous fuel specified in the annual nominations and re-nominations cannot exceed the maximum amounts determined as the product of the number of days in a given month and the multiple of twenty-four of the binding contracted capacity for a relevant point, agreed pursuant to the provisions of part I of the TNC, multiplied by the gross calorific value specified as the maximum monthly average gross calorific value for that relevant point in the previous gas year and published on the website of the TSO.”
18. Point 2.3.2 part II of the TNC shall receive the following wording: “The hourly amounts of the gaseous fuel specified in the weekly nominations and re-nominations cannot exceed the maximum quantities determined as the multiple of twenty-four of the binding contracted capacity for a relevant point, multiplied the gross calorific value specified as the maximum monthly average gross calorific value for the relevant point in the previous gas year and published on the website of the TSO. The nominations and re-nominations should take into account the transition from summer time to winter time and from winter time to summer time. In this case, the gas day will be appropriately longer or shorter by one hour, and the daily quantities of gaseous fuel cannot exceed the multiple of twenty-four or twenty-five of the binding contracted capacity for a relevant point.”
19. After point 2.3.16 part II of the TNC, point 2.3.16.1 shall be added in the following wording: “If the above quantities specified in the gas transmission contact have been expressed in units of volume (m³), they are subject to conversion with the use of the maximum monthly average gross calorific value published on the website of the TSO.”
20. Point 3.2.1 part II of the TNC shall receive the following wording: “in the event when at a relevant entry or exit point, respectively, gaseous fuel is delivered for transmission or off-taken by one Shipper only, the total quantity of gaseous fuel expressed in units of volume (m³) and energy (kWh) and the maximum hourly quantity of gaseous fuel expressed in units of volume (m³) determined based on the measurement results for a relevant point will be allocated to that Shipper.”

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 5 of 8
---------------------------------	--	-------------

21. Point 3.2.2 part II of the TNC shall receive the following wording: “in the event when at a relevant entry point or exit point, respectively, gaseous fuel is delivered for transmission or off-taken by only one Shipper that concluded at least two gas transmission contracts encompassing this point with the TSO, the quantity of gaseous fuel expressed in units of volume (m³) and energy (kWh) and the maximum hourly quantity of gaseous fuel expressed in units of volume determined based on the results of measurements for a relevant point will be allocated proportionally to the approved nominations for relevant gas transmission contracts concluded with the Shipper, unless the Shipper specified another method of allocation, which after acceptance by the TSO will be binding for a relevant point.”
22. Point 3.2.8 part II of the TNC shall receive the following wording: “The method of allocation fixed in accordance with the provisions of point 3.2.5 and point 3.2.7 should enable total division of the quantity of the gaseous fuel expressed in units of volume (m³) and energy (kWh) delivered for transmission or off-taken from the transmission system in relevant gas days and specify the maximum hourly quantity of gaseous fuel expressed in units of volume for given Shippers at that relevant point. The contract referred to in point 3.2.5 and the principles specified in accordance with point 3.2.7, should specify the method of allocation in the case of failure to keep the quality parameters of the gaseous fuel specified in the TNC or the pressure of supply specified on the website www.gaz-system.pl with the Shipper being a user of a relevant point.”
23. Point 3.2.9 part II of the TNC shall receive the following wording: “If the method of allocation has not been agreed pursuant to point 3.2.3 or point 3.2.5 and point 3.2.7 and if the provisions of point 3.2.10 or point 3.2.11 will not be applicable, the quantities or volumes of gaseous fuel delivered for transmission or off-taken at relevant entry or exit points will be allocated to relevant Shippers proportionally to the approved nominations.”
24. Point 3.2.12 part II of the TNC shall receive the following wording: In the case when the agreement referred to in point 3.2.5 failed to be concluded between all Shippers using a relevant point and the cases specified in point 3.2.7 have not taken place, the quantities or volumes of gaseous fuel delivered for transmission or off-taken at relevant entry or exit points will be allocated jointly to all Shippers that are parties to the contract; and the Shipper not being a party to the contract, proportionally to the amount of approved nominations for the Shippers being parties to the contract and approved nominations for the Shippers not being parties to the contract. The allocation of quantities of gaseous fuel delivered for transmission or off-taken at relevant entry or exit points for the Shippers being parties to the contract mentioned in point 3.2.5, will take place pursuant to the conditions of this contract.”

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 6 of 8
---------------------------------	--	-------------

25. Point 3.2.13 part II of the TNC shall receive the following wording: “the situation when the agreement mentioned in 3.2.3 or point 3.2.5 was not concluded or the provisions of point 3.2.10 or 3.2.11 are not applicable, the maximum hourly quantities of gaseous fuel expressed in units of volume in a given gas month at relevant entry and exit points will be specified for relevant Shippers based on the total maximum hourly quantities of gaseous fuel delivered for transmission or off-taken from the transmission system at a relevant point proportionally to the approved nominations binding on the day in which the greatest total hourly volume of natural gas expressed in units of volume delivered for transmission or off-taken from the transmission system at a given point took place.
26. A new point 3.2.18 shall be added in the following wording:
- 3.2.18 The entity performing the allocation will divide between the Shippers:
- 3.2.18.1 the hourly quantities of gaseous fuel expressed in units of energy (kWh),
- 3.2.18.2 the monthly quantities of gaseous fuel expressed in units of volume (m³) whereas these quantities will be established in the same proportion as the total daily quantities of gaseous fuel expressed in units of energy (kWh) in a given gas month,
- 3.2.18.3 the maximum hourly quantities of gaseous fuel.
27. The coefficient referred to in point 3.4.1.7 and 3.4.1.8 part II of the TNC assumes the value of 15,000 m³/h.
28. Point 3.4.3.5 part II of the TNC shall receive the following wording: “The Gas Reference Price (GRF) will constitute the weighted average price at which the TSO purchased the gaseous fuel in the preceding gas month and is determined for the quantity expressed in kWh. If the sales price of gaseous fuel, as specified in the seller's tariff approved by the President of the Energy Regulatory Office, or the purchase price, in the case of not using tariffs approved by the President of ERO, would be determined for quantities expressed in units of volume (m³), it will be calculated in consideration of the coefficient corresponding to the gross calorific value, as defined in such tariff, and in case when the gross calorific value is not defined in the tariff, at the monthly average gross calorific value, as determined by the TSO at the point where the gaseous fuel is purchased. The TSO defines and published the GRP on its website by the twentieth (20) day of each month. The GRF defined in this will be binding in the next gas month. If no gaseous fuel was purchased in a given month, the previous GRP is applicable.
29. Point 5.9.3 part II of the TNC shall be repealed.

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 7 of 8
---------------------------------	--	-------------

30. A new point 5.9.3 shall be added in part II of the TNC in the following wording: "By the fifth working day of the month following the billing month, "A" reports are prepared containing the monthly quantities of gaseous fuel transmitted to the exit points, expressed in units of volume."
31. A new point 5.9.4 shall be added in part II of the TNC after point 5.9.3 in the following wording: "By the fifteenth day of the month following the billing month, "B" reports are prepared containing the maximum hourly amounts of gaseous fuel transmitted in a given gas month to the exit points, expressed in units of volume."
32. A new point 5.9.5 shall be added in part II of the TNC after point 5.9.4 in the following wording: "By the third working day of the month following the billing month, "C" reports are drawn up constituting the grounds for determination of allocations at exit points, containing the monthly quantities of gaseous fuel and the maximum hourly quantities of gaseous fuel, expressed in units of volume, and the hourly quantities of gaseous fuel, expressed in units of energy."
33. Point 5.11.7 part II of the TNC shall receive the following wording: "The TSO conveys to the Shipper, by the twelfth (12) day of the following month, billing information about the total monthly quantities of gaseous fuel expressed in units of volume (m³) of transmitted and off-taken gaseous fuel and the monthly average gross calorific value of gaseous fuel for relevant entry and exit points between which a given transmission contract is being performed in a given gas month."
34. Point 5.11.8.8 part II of the TNC shall receive the following wording: "The maximum hourly quantity of gaseous fuel expressed in units of volume off-taken by the Shipper and performed in a given month at relevant exit points for which a relevant transmission contact is being executed along with information on possible contracted capacity overruns."
35. Point 5.11.9.1 shall receive the following wording: "the measurement data containing the daily quantities of gaseous fuel, the expressed in units of volume monthly quantities of transmitted gaseous fuel, pressure, deliveries and the expressed in units of volume maximum recorded hourly off-take of gaseous fuel at that relevant point;"
36. A new point 7.12 in part II of the TNC shall be added in the following wording: "In the capacity offering procedure conducted in the 2012 gas year, constant capacity will be allocated only for the period from 1 January 2013 until 30 September 2013. Services rendered for this period will be calculated as annual services pursuant to the tariff. Applications for a change in the contracted capacity will encompass the gas year starting from 1 January 2013 and ending

Amendment No. 1/2012 0015	Transmission Network Code and General conditions for using the transmission system.	Page 8 of 8
---------------------------------	--	-------------

on 30 September 2013. The provisions of point 6.2.3.2 and point 6.4.2 part I of the TNC in the part concerning offering contracted capacity for a maximum period of 4 years shall not be applicable.”

37. A new point 7.13 shall be added in part II of the TNC with the following wording:
“For July 2012, the fee specified in point 3.5.1, point 3.5.2 and point 4.5 will not be charged.”