

REGASIFICATION CAPACITY TRANSACTIONS

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1) EXCHANGE OF REGASIFICATION CAPACITY BETWEEN USERS

1.1) Purpose of capacity exchange

Before the start of and during each Thermal Year, GNL Italia Users may exchange the Constrained Slots they own having entered into the Regasification Agreement.

Capacity exchanges between Users are the simultaneous sale and purchase of Constrained Slots between two Terminal Users.

1.2) Capacity exchange process

To ensure acceptance, interested parties must ensure that their regasification capacity exchange acceptance requests for Constrained Slots reach GNL Italia indicatively by the 9th working day¹ before the beginning of the month of the capacity exchange;

In the exchange acceptance request, the parties must acknowledge that the validity of the transaction is subject to GNL Italia's express acceptance thereof. The capacity exchange request is irrevocable and shall constitute an addendum to the Regasification Agreement containing the commitments of the exchange, once GNL Italia has accepted it.

Exchanges shall not be however accepted if:

- User requests are received after the deadline indicated and/or contain conflicting information and/or are incomplete;
- both requests from the Users have not been received;
- the Users do not own the Constrained slots to be exchanged as part of the Regasification Agreements(s) indicated in the request;
- at the date of submission of the request, the Users have not paid the fees due for current Regasification Agreements, for amounts invoiced and due above the value of the bank guarantee (set out in paragraph 1 of the "Financial Guarantees and insurance" chapter) issued to cover obligations related to the aforementioned current Regasification Agreements;
- as of the exchange date the Users do not have the guarantees specified in Chapter 7 to cover the obligations arising from provision of the Regasification Service

The procedures for submitting capacity exchange requests are published on GNL Italia's website.

1.3) Confirmation of acceptance of the exchange

By the working day following the deadline for submission of requests, GNL Italia shall communicate:

- the acceptance of the exchanges by returning copies of the exchange requests to the requesting parties, duly countersigned for acceptance;
- the rejection of the exchanges.

¹ The date is published in the Allocation Schedule on GNL Italia's website

It is agreed that Users must however pay the fees for the Constrained Slots to be exchanged, including those for the transport capacity as set out in Chapter 10(4.2), and comply with the conditions set out in the Regasification Code.

2) REGASIFICATION CAPACITY EXCHANGES WITH GNL ITALIA

The exchange of capacity with GNL Italia means the transfer and simultaneous acquisition of a Constrained Slot between a Terminal User and GNL Italia.

The Constrained Slots not allocated during the Thermal Year may be exchanged between GNL Italia and the Users.

Requests to exchange regasification capacity with GNL Italia must be presented indicatively by the 11th working day before the beginning of the month in which the capacity exchange is to take place². GNL Italia will accept or reject such exchanges indicatively by the 9th working day³ before the beginning of month in which the capacity exchange is to take place.

Capacity exchange requests shall not be accepted under any circumstances if:

- requests are received after the specified deadlines and/or are incomplete;
- the User does not own the Constrained Slot to be exchanged as part of the Regasification Agreement(s) indicated in the request;
- at the date of filing of the request, the Users have not paid the fees due in relation to existing Regasification Agreements, for amounts invoiced and due in excess of the value of the bank guarantee (set out in paragraph 1 of the "Financial Guarantees and insurance" chapter) issued to cover obligations related to the aforementioned existing Regasification Agreements;
- users that as of the exchange date do not have the guarantees set out in Chapter 7 to cover obligations arising from provision of the regasification service, also including the amount owed for the capacity exchange as reported below;
- the Constrained Slot related to the User's exchange request, is already allocated as a result of the allocation processes referred to in Chapter 5, paragraph 3.2.

Following the capacity allocation process for the Thermal Year already commenced, referred to in Chapter 5, paragraph 3.2, GNL Italia notifies the User of the acceptance or rejection of the exchange request.

If the capacity exchange request is accepted, the User is required to pay a fee applied to the LNG volumes of the Constrained Slot subject of the exchange and differentiated depending on the month of the Thermal Year in which the exchange is carried out.

² The date is published in the Allocation Schedule on GNL Italia's website

³ The date is published in the Allocation Schedule on GNL Italia's website

GNL Italia determines the abovementioned fee on the basis of criteria communicated to the Authority and publishes it on its website at least two working days before the deadline for submitting the exchange request⁴.

In case of two or more capacity exchange requests received by GNL Italia for the same Constrained Slot, the Operator accepts the first request submitted in chronological order.

The procedures for submitting capacity exchange requests are published on GNL Italia's website.

3) RELEASES OF REGASIFICATION CAPACITY TO GNL ITALIA (ART. 8.2 OF THE TIRG)

3.1) Purpose of capacity releases

Before the start of and during each Thermal Year, Users may make available to GNL Italia for allocation to third parties, within the allocation processes set out in Chapter 5, the regasification capacity which they own, identified by:

Slots (number of Slots/year) for the offer within the capacity allocation process at the beginning of the Thermal Year as set out in Chapter 5(2)

- a) Slots (number of Slots/period) i.e. Slots already linked to calendar dates (Constrained Slots) for the offer within the capacity allocation process for Thermal Year already commenced as set out in Chapter 5(3);
- b) Spot berthings for the offer within the spot capacity allocation as set out in Chapter 5(4)

A User's release of a Slot to GNL Italia for allocation to third parties also involves the User releasing the calendar dates linked with that Slot.

3.2) Procedure for release of the regasification capacity set out in Article 8.2 of the TIRG

Interested Users must send their capacity release requests to GNL Italia as set out in paragraph 3.1, according to the timing and procedures published on GNL Italia's website.

Requests to release regasification capacity shall not be accepted under any circumstances if:

- requests are received after the specified deadlines and/or are incomplete;
- the requesting User does not own the capacity in question in relation to the Regasification Agreement(s) indicated in the request.

⁴ The date is published on GNL Italia website within the Allocation calendar section

GNL Italia will make available for assignment to third parties the regasification capacity being released within the capacity allocation processes set out in Chapter 5. Pursuant to Article 5(12) of the TIRG the allocation of available capacity at the Panigaglia Terminal takes precedence over the capacity made available by Users pursuant to this paragraph.

Users may revoke their capacity release requests sent to GNL Italia, according to the procedures published on GNL Italia's website, until the 3rd working day before the deadline for submitting the allocation request within the allocation processes at the beginning of the Thermal Year or after the Thermal Year already commenced or spot as set out in Chapter 5 as indicated by GNL Italia in the Allocation Schedule or by the deadline for submitting the spot capacity allocation request beyond the deadlines. GNL Italia shall communicate to the User by the next working day the request to relinquish the calendar dates linked with the regasification capacity being revoked of the request for release.

It is agreed that the capacity released and allocated to a third party pursuant to Chapter 5 cannot be revoked.

Within two working days after the submission of the request, GNL Italia shall notify the requesting User of whether the release request has been accepted or rejected.

If GNL Italia accepts the release, the User can indicate the minimum sale fee for the capacity being released, in accordance with the procedures made available on the GNL Italia website; it is agreed that, if the User does not indicate the minimum sale fee, such fee shall be zero.

The regasification capacity being released that is not allocated within the allocation processes set out in Chapter 5 becomes available to the User that released it, except for the regasification capacity released in month M for the same month M or M+1 that is not allocated within the spot capacity allocation process set out in Chapter 5(4). It is agreed that in such cases, the User must pay the fees for the capacity made available and not allocated within the spot capacity allocation process as set out in Chapter 5(4), including those for the transport capacity as set out in Chapter 10(4.2).

Users that have released regasification capacity must however pay the fee for the capacity being released and, if the capacity is allocated to third parties within the allocation processes set out in Chapter 5, will receive the proceeds of the sale from GNL Italia only in case the same capacity is actually used and within the limits of the fee owed by the same User for the capacity released, pursuant to Article 14, paragraph 5 of the TIRG.

4) TRANSFERS OF REGASIFICATION CAPACITY FROM USERS TO THIRD PARTIES

4.1) Purpose of capacity transfers

Before the start of and during each Thermal Year, GNL Italia Users may transfer the regasification capacity they own pursuant to having entered into the Regasification Agreement.

Transfer of the capacity of Users means the transfer to third parties (Buying User) of regasification capacity, identified by:

- a) Slots (number of Slots/year) for capacity transfers at the beginning of the Thermal Year;
- b) Slots (number of Slots/period), i.e. the Slots already linked to calendar dates (Constrained Slots) for capacity transfers for the Thermal Year already commenced;
- c) Spot berthings for spot capacity transfers.

4.2) Capacity transfer procedure

Interested parties must send their transfer requests to GNL Italia by the 9th working day before the beginning of the month in which the transfer is to take place, according to the procedures published on GNL Italia's website.

For the transfer to be valid, the Buying User must have the access requirements set out in Chapter 5(1).

In the transfer request, the parties acknowledge that its validity is subject to express acceptance by GNL Italia that will check the adequacy of the access requirements to the Regasification Service of the buying party, as set out in Chapter 5(1).

The capacity transfer request is irrevocable and, once accepted by GNL Italia, shall constitute an addendum to the Regasification Agreement containing the commitments to be exchanged.

Transfers will however not be accepted if:

- the request from the Users is received after the deadline indicated and/or is incomplete;
- the documentation that the Buying User must provide, as defined in this paragraph, does not arrive;
- the Selling Users do not own the capacity to be transferred as indicated in the transfer request submitted;
- at the date of filing of the request, the Users have not paid the fees due in relation to current Regasification Agreements, for amounts invoiced and due in excess of the value of the guarantee (set out in paragraph 1 of the "Financial Guarantees and insurance" chapter) issued to cover obligations related to provision of the Regasification Service.

4.3) Confirmation of acceptance of the capacity transfer

By the working day following the deadline for the submission of applications, GNL Italia shall communicate:

- acceptance of the transfer by returning copies of the transfer requests to the requesting parties, duly countersigned for acceptance;
- rejection of the transfer.

4.4) Ownership of the regasification capacity to be transferred

As a result of acceptance of the sale by GNL Italia, the ownership of the regasification capacity shall be transferred from the Selling User to the Buying User that therefore must pay the fees for the capacity to be exchanged, the capacity charge for the transport capacity as set out in Chapter 10(4.2) and must comply with the conditions set out in the Regasification Code.

The regasification capacity allocated pursuant to this paragraph is considered subscribed by the Buying User under the Regasification Agreement.

If the exchange is not accepted for one of the reasons set out in paragraph 1.2 above, the Selling User will retain ownership of the capacity to be exchanged and be bound by the corresponding obligations.

Transfer requests submitted by the requesting party and accepted by GNL Italia shall amend and supplement the Regasification Agreement of the requesting party.