

# Prequalification Rules for Participation in Tenders for SSBO Products and Terms of Use for the Bidding Platform of Trading Hub Europe GmbH

(hereinafter referred to as “SSBO Prequalification Rules”)

The Prequalification Rules set out herein apply to all Bidders wishing to participate in tenders for “Strategic Storage-Based Options”-type products (hereinafter referred to as “SSBO Products”) of the Market Area Manager **Trading Hub Europe GmbH** (hereinafter referred to as “MAM”) and to the use of the Bidding Platform required for said purpose

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## Preamble

Section 35a of the German Energy Industry Act (*Gesetz über die Elektrizitäts- und Gasversorgung – EnWG*) requires the MAM to cooperate in ensuring security of supply and to take further measures, especially with a view to achieving certain storage levels at the gas storage facilities located in its market area.

Section 35b (1) of the German Energy Industry Act requires the operators of gas storage facilities to ensure more closely defined storage levels in the period from 1 October of a calendar year to 1 February of the following year by means of appropriate contractual arrangements. Pursuant to Section 35c (1) of the German Energy Industry Act ("Stage 1"), the MAM shall, following the approval of the Federal Ministry of Economics and Climate Protection (BMWK) and in agreement with the Federal Network Agency (BNetzA), procure strategic options for the provision of gas as appropriate to ensure that the gas storage levels pursuant to Section 35b are achieved in market-based, transparent and non-discriminatory public tender procedures in order to ensure security of supply. If the gas volumes injected by the users of a gas storage facility and tenders pursuant to section 35c(1) are not sufficient to achieve the storage levels pursuant to section 35b, the MAM may conduct additional tenders pursuant to section 35c(2) ("Stage 2").

Against this background, the MAM enters into contracts for SSBO products. Any Balancing Group Manager in the Trading Hub Europe Market Area (hereinafter referred to as "Bidder") wishing to participate in the MAM's tender for SSBO Products is required to complete a prequalification procedure. This document describes the details of said prequalification procedure, including the required prequalification application documents.

## **§ 1 General Information on the Prequalification Procedure for Being Admitted as a Bidder**

(1) The successful completion of the prequalification procedure set out herein is a prerequisite for participating in the MAM's tenders for SSBO Products. By completing and signing the admission form, the applicant agrees to these SSBO Prequalification Rules.

- (2) Any Bidder may participate in the MAM's prequalification procedure and submit an application for admission (Annex 1). Companies wishing to use the Bidding Platform<sup>1</sup> have to be registered as a Balancing Group Manager.
- (3) Bidders are not permitted to participate in the prequalification procedure as a bidding consortium.
- (4) In the course of the prequalification procedure, the Bidder shall demonstrate that it is able to meet the MAM's requirements for the provision of storage volumes and the withdrawal from storage of such volumes when a call order is issued (hereinafter: "Qualification"). In order to demonstrate its Qualification, the Bidder shall collect and submit to the MAM all the documents and evidence laid down in section 3 hereinbelow. All documents submitted must be either original documents or certified copies. Non-certified copies of original documents will not be taken into account by the MAM. The Bidder must use any forms made available by the MAM and complete such forms using permanent ink or any other medium that is fit for archiving. No amendments and/or additions of any type may be made to the forms provided by the MAM, and any Bidder submitting such forms with amendments and/or additions will be excluded from the prequalification procedure.
- (5) No official documents submitted may have been issued more than three months prior to submission. Any evidence and/or documents not written in English or German must be translated into English or German by a translator officially authorised by national authorities to prepare certified translations, and submitted alongside such translation. Any verification documents issued in other countries must at least be equivalent to the corresponding German documents required. The Bidder shall bear the risks associated with any translation errors.
- (6) The Bidder is responsible for the completeness and correctness of any and all information, documents and evidence submitted. The MAM reserves the right to require the Bidder to submit additional documents and evidence where necessary, in particular where necessary in order to ensure security of supply.
- (7) If the Bidder submitting the application is a natural person the application must be signed. If the Bidder submitting the application is a legal person the

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<sup>1</sup> So-called: Balancing Services Portal (<https://www.tradinghub.eu/en-gb/Portals/BSP>)

application must be signed either by a single person that is authorised to represent the entity individually, or by a group of persons authorised to act jointly on behalf of said entity; verification of the acting person's power of agency must be submitted. The application for admission is a legally binding undertaking.

- (8) The Bidder may submit its application documents by fax in advance, provided that the original documents are received by the MAM within seven (7) business days<sup>2</sup> of the receipt of the faxed documents. In such case the application is deemed to have been submitted on the day when the faxed documents have been received. However, if the original documents are not received by the MAM within seven (7) business days of the receipt of the faxed documents, the application will be considered to be incomplete and, if the Bidder had already been rated as prequalified based on any documents previously submitted by fax, and included in the Bidders List, the Bidder will be reclassified as not prequalified. Documents may not be transmitted electronically (by email etc.).
- (9) Any and all costs and expenses for the preparation and submission of the documents required for prequalification shall be borne by the Bidder. This also applies with respect to any translation costs. Upon completion of the prequalification procedure the documents submitted by the Bidder will not be returned to the Bidder; any documents which are no longer required will be destroyed. Any documents, forms, etc. made available by the MAM remain the property of the MAM.
- (10) Any queries the Bidder may have in connection with the prequalification procedure must be addressed to the contact details of the MAM's Customer and Contract Management department provided on the website<sup>3</sup>.
- (11) The Bidder is responsible for providing a correct and valid email address at which it can receive emails at any point in time.

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<sup>2</sup> For the purpose of these SSBO Prequalification Rules, "business day" means any day between and including Monday to Friday, with the exception of public holidays and the 24th and 31st of December; in this context any public holiday observed in any German federal state is regarded as a public holiday.

<sup>3</sup> [www.tradinghub.eu](http://www.tradinghub.eu)

## **§ 2 Review of Application Documents and Result of Prequalification**

- (1) The MAM will start reviewing the application documents as soon as it has received from the Bidder all documents and evidence required, and if such documents are complete, in the required form and in compliance with these SSBO Prequalification Rules. The prequalification application is deemed to be complete if all the documents and evidence listed below have been submitted in the form as required under these SSBO Prequalification Rules. Any prequalification application which is incomplete, not in the required form or not in compliance with these SSBO Prequalification Rules will not be processed. All documents and evidence submitted by the Bidder will be reviewed by the MAM within 15 business days following receipt of a complete application, subject to any queries the MAM might have. The Bidder is not entitled to participate in the review of the documents.
- (2) The MAM will verify the Bidder's Qualification solely on the basis of the documents and evidence submitted by the Bidder, unless any circumstances or information known to the MAM (as, in particular, the credit rating of a credit rating agency) give rise to any doubt as to the Bidder's Qualification. In determining whether the Bidder is suitable and has the reliability required for ensuring the safe, secure and reliable provision of storage volumes and the withdrawal from storage of such volumes when a call order is issued, the MAM shall exercise its discretion in a way which is non-discriminatory and free from abuse.
- (3) Upon completion of its review of the documents and evidence submitted, the MAM will notify the Bidder of its decision as to the Bidder's prequalification application.
- (4) The Bidder will be informed about the outcome of the review in writing or by email. Any Bidder whose prequalification application has been successful will receive from the MAM the login details required for access to the MAM's Bidding Platform

## **§ 3 General Data and Documentation**

The Bidder shall submit the following documents concerning its business and/or itself:

- Up-to-date excerpt from the commercial register (*Handelsregister*),
- Fully completed application for admission as a Bidder (Appendix 1).

#### § 4 Proof of Qualification

- (1) In order to prove its Qualification, the Bidder shall meet the following requirements and submit the relevant supporting documents:
- (2) In order to prove its technical and operational Qualification, the Bidder shall demonstrate, at the request of the MAM, that it is in a position to ensure a safe, secure and reliable injection and withdrawal of gas. In particular, the Bidder shall provide proof that it has in place the required computer systems and that an appropriate level of availability is maintained. For this purpose, the Bidder shall provide a central point of contact (German or English-speaking contact person) available on a 24/7 basis in compliance with statutory working time regulations with overall responsibility for the coordination and use of the storage volumes called by the MAM. Any and all costs incurred in connection with the installation and proper operation of the required computer systems shall be borne by the Bidder.
- (3) The Bidder shall ensure that it is capable of establishing an AS2 communications connection with the MAM's production system which enables the Bidder to communicate with the MAM in the MAM-specific REQUEST data format `edig@s` (hereinafter referred to as "MAM REQUEST") and to respond to any SSBO Product call orders issued by the MAM in the MAM-specific REQRES data format (hereinafter referred to as "MAM REQRES ") by sending a corresponding confirmation message to the MAM without undue delay (AS2 Live Connection).
- (4) To prove the availability of a proper communications connection, the Bidder shall participate in a communications test to be carried out between the Bidder and the MAM:
  - (a) For the purpose of carrying out such a communication test a communications connection between the Bidder's system and the MAM's test system (Test Connection) is required. Upon receiving the Bidder's application documents, provided they are complete and in the

required form as provided in section 2 above, the MAM shall therefore send an AS2 Connection Template to the Bidder without undue delay, which the Bidder shall complete and return to the MAM together with the digital certificate<sup>4</sup> required for setting up the communications connection. Within ten (10) business days after receiving the duly completed Connection Template and the certificate the MAM shall establish a Test Connection. The MAM shall then test the Bidder's communications capability by issuing a series of simulated SSBO call orders via the Test Connection. As a general rule, the communications test comprises ten (10) test call orders in the course of which the Bidder shall prove that it is capable of responding to a simulated SSBO call order issued by the MAM in MAM REQUEST format by sending a corresponding confirmation message in the applicable MAM REQRES format to the MAM without undue delay. The MAM may allow the Bidder to complete less than ten (10) test call orders if and where the availability of a proper communications connection has already been proven to the satisfaction of the MAM by a smaller number of test call orders. If and where the MAM has reasonable grounds for doubting that the Bidder's Test Connection is capable of ensuring proper communications, the MAM shall have the right to require the Bidder to complete more than ten (10) test call orders.

- (b) Upon successful completion of the communications test via the Test Connection the MAM shall establish a Live Connection with the Bidder's system within a period of ten (10) business days. The Bidder's communications capability shall then also be tested via the Live Connection. For this purpose, the MAM will send simulated SSBO call orders for a quantity of 0 (zero) megawatt to the Bidder in MAM REQUEST format. The communications test via the Live Connection shall be deemed to have been successfully completed where in a series of ten (10) test call orders the Bidder has been able to prove that it is capable

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<sup>4</sup> The details relating to the certificate to be submitted will be communicated to the Bidder together with the Connection Template to be completed by the Bidder.



of sending a confirmation message in MAM REQRES format to the MAM without undue delay after receiving a corresponding MAM REQUEST message from the MAM. The MAM may allow the Bidder to complete less than 10 test call orders if and where the availability of a proper communications connection has already been proven to the satisfaction of the MAM by a smaller number of test call orders. If and where the MAM has reasonable grounds for doubting that the Bidder's Live Connection is capable of ensuring proper communications, the MAM shall have the right to require the Bidder to complete more than ten (10) test call orders.

Since there is an implementation period, the communications test via the Live Connection must usually be completed at least ten (10) business days prior to the start of any tender for an SSBO Product for which the Bidder wishes to submit bids. The MAM is currently working on creating the technical prerequisites for carrying out communications tests. Therefore, until further notice, the aforementioned deadlines are waived in favour of the Bidder, provided that the Bidder performs the communications test without undue delay upon request by the MAM. The MAM and the Bidder shall cooperate to enable the Bidder to successfully complete the communications test by no later than the beginning of the contract period agreed with the Bidder.

If the Bidder fails to successfully complete the communications test with the MAM even after repeated attempts, the MAM may block the relevant Bidder from participating in further tenders for SSBO Products until the communications test has been successfully completed.

- (5) The Bidder shall meet the following financial capability requirements
- (a) The Bidder shall have sufficient creditworthiness. Sufficient creditworthiness of the Bidder will be refutably assumed if the Bidder has a long-term rating from the credit rating agency
- Standard & Poors, and the minimum rating shall be BBB-,
  - Fitch, and the minimum rating shall be BBB-,
  - Moody's, and the minimum rating shall be Baa3, or

- Creditreform (creditworthiness index 2.0) risk class I or II (according to Creditreform Rating-Map Germany in the currently valid version).
- (b) Sufficient creditworthiness shall be deemed to have been disproved if the Bidder also has a credit rating from another of the aforementioned credit rating agencies or from another recognised rating agency which is lower than the aforementioned credit ratings, or is not at least equivalent to any of the aforementioned ratings.
- (c) If the Bidder's creditworthiness cannot be assumed on the basis of an existing credit rating in accordance with the above rules, the MAM may allow the Bidder to prove its sufficient creditworthiness by way of other reasonable evidence of creditworthiness.
- (d) If the Bidder's creditworthiness cannot be assumed in accordance with the above rules in paragraph (5) lit. (a) to (c), the MAM may allow the Bidder to prove its sufficient creditworthiness by way of suitable corporate sureties by the parent company, which shall have a sufficient long-term rating according to paragraph (5) lit. (a). However, beyond this, the Bidder will not have the option of providing a security.
- (e) At the MAM's request, the Bidder shall specify which credit rating agencies have rated the Bidder and disclose the relevant credit ratings.

## **§ 5 Changes with Respect to Prequalification Requirements**

- (1) By submitting its application for prequalification, the Bidder undertakes to notify the MAM in writing, without it being necessary for the MAM to request such notification, in the event of any significant change affecting the information and/or documents submitted for the purpose of the Bidder's application, and to do so without undue delay. Within 15 business days<sup>5</sup> following the receipt of any change notification, the MAM shall verify whether the Prequalified Bidder continues to meet the prequalification requirements set out in section 4 above. For the duration of such review, the MAM is entitled to exclude the Prequalified

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<sup>5</sup> For the purpose of the Prequalification Rules set out herein, "business day" means any day between and including Monday to Friday, with the exception of public holidays and the 24th and 31st of December; in this context any public holiday observed in any German federal state is regarded as a public holiday.

Bidder temporarily from any tenders for SSBO Products taking place during this period.

- (2) If the MAM reaches the conclusion that following a change in any of the circumstances which are relevant for prequalification the Prequalified Bidder no longer meets the SSBO prequalification requirements, the Bidder's Prequalified status may be revoked and the Bidder will be excluded from the Bidding Platform for SSBO Products. Especially in cases of a subsequent deterioration in financial situation pursuant to section 4 (4) hereinabove, the MAM may also ask the Bidder to provide a security in accordance with section 6 hereinbelow. If the Prequalified Bidder continues to meet the prequalification requirements, it will retain its status as a Prequalified Bidder. The Prequalified Bidder will be notified thereof in writing or by email.

## **§ 6 Revocation of Qualified Status for Good Cause**

- (1) The MAM is entitled to immediately revoke any Qualified Bidder's Qualified status according to these SSBO Prequalification Rules and to immediately remove such Prequalified Bidder at any time for good cause. Without limitation, any of the following circumstances, whether separately or concurrently, are deemed to constitute good cause for such action:
  - (a) The Bidder no longer meets the prequalification requirements according to these SSBO Prequalification Rules set out herein
  - (b) The MAM has obtained reliable information that the Bidder will no longer comply with the prequalification requirements set out herein in the imminent future.
  - (c) The Bidder's multiple or serious non-performance or defective performance under an SSBO Product Agreement of an obligation that can no longer be performed (fixed date performance obligation, e.g. the obligation to inject gas into or withdraw gas from storage at a specific point in time for a specific period).
  - (d) Enforcement measures have been initiated against the Bidder for monetary claims (Sections 803 - 882a of the German Code of Civil Procedure (ZPO))

- (e) An application is made for the initiation of insolvency proceedings or similar proceedings against the Bidder's assets.
  - (f) The Bidder or any person acting on behalf of the Bidder engages in a proven misconduct which raises doubt as to the Bidder's reliability.
  - (f) An enforceable judgment is rendered against the Bidder or any person acting on behalf of the Bidder that raises doubt as to the person's professional reliability.
  - (g) Submission of forged or otherwise incorrect documents and/or information in the course of the prequalification procedure.
  - (h) The Bidder, its employees, agents or management shall be declared sanctioned persons in accordance with the laws and regulations on compliance with sanctions and shall be placed on sanction lists.
  - (i) There are grounds for exclusion against the Bidder in accordance with section 142 (2) in conjunction with sections 123, 124 of the Act against Restraints of Competition (GWB).
- (2) Revocation shall be in writing or by facsimile.

## **§ 7 Modification of the SSBO Prequalification Rules**

- (1) The MAM reserves the right to modify the SSBO Prequalification Rules for Participation in Tenders for SSBO Products at any time provided that it does so based on appropriate, non-discriminatory and transparent considerations, in particular in cases of an amendment of regulatory or legislative requirements and to update or amend the user eligibility requirements and the modalities of the contractual relationship. In such case, the MAM is entitled to require any Bidder who has already been qualified as a Prequalified Bidder to complete a new prequalification procedure according to the modified provisions.
- (2) If the MAM does not require the Bidder to complete a new prequalification procedure according to the modified provisions, the MAM will inform the Bidder in writing or by e-mail about the amendment of the SSBO Prequalification Rules, requesting the Bidder to express its consent with the amended SSBO Prequalification Rules within two (2) weeks.

- (3) If the MAM requests the Bidder to complete a new prequalification procedure in accordance with paragraph (1) or if the Bidder does not express its consent as requested in accordance with the preceding paragraph, the MAM shall be entitled to immediately revoke any existing prequalification of the Bidder and to immediately exclude such Bidder from tenders for SSBO Products. In any such case, any SSBO Product Agreements which are already concluded at this point in time shall be subject to the SSBO Prequalification Rules in its version valid at the time of the conclusion of the relevant SSBO Product Agreement, as far as such System SSBO Product Agreement refers to the SSBO Prequalification Rules.

## **§ 8 Validity of Prequalification**

These SSBO Prequalification Rules, including without limitation the admission and access to the Bidding Platform for SSBO Products, shall apply for an indefinite period of time. The Bidder may terminate its use of the Portal at any time with one month's written notice. Any such termination shall be without prejudice to the contracts concluded between the MAM and the Bidder in respect of individual SSBO Products.

## **§ 9 General Information on Access to, and Use of, the Bidding Platform**

Use of the Bidding Platform by the Bidder shall be governed by sections 10 to 12 of the Supplementary Terms and Conditions of TRADING HUB EUROPE GmbH governing Portal Use (hereinafter "Portal Terms and Conditions"). Said Portal Terms and Conditions are available to the Bidder on the MAM website. The Bidder will have agreed to said Terms and Conditions as part of its admission as Balancing Group Manager.

## **§ 10 User accounts**

- (1) Following successful admission by the MAM, the Bidder can apply to register users with the MAM who will be granted access to the Bidding Platform. To do so, the Bidder shall properly complete and sign the corresponding "Registration of

User(s) for the Balancing Services Portal" form and send it to the MAM. The form is available on the MAM website.

- (2) The Bidder undertakes to assign a user account only to those persons who are authorised to represent the Bidder vis-à-vis the MAM as part of tenders for SSBO Products and SSBO Product Agreements.
- (3) Login details must not be passed to others. If another, previously unnamed user is to replace the previous authorised user, the MAM shall be informed immediately and a new user authorisation must be issued. Upon notification by the Bidder, the MAM will deactivate the user account of the previous user.
- (4) The MAM may block a user's access temporarily or permanently if there is concrete evidence suggesting that the user is violating or has violated these SSBO Prequalification Rules or applicable law in connection with the use of the Bidding Platform or if there is concrete evidence suggesting that the user is not reliable or if the MAM has another justified interest in blocking the user. When deciding whether or not to block a user, the MAM will give due consideration to the legitimate interests of the Bidder concerned.
- (5) The Bidder shall be liable for all activities performed under its user accounts. The forgoing shall not apply if the Bidder is not responsible for the misuse of its user accounts because it has not breached its obligation to exercise due diligence.

## **§ 11 Assignment**

- (1) Neither the MAM nor the Bidder (hereinafter individually referred to as "Party" or collectively as the "Parties") shall transfer any rights and/or obligations hereunder, whether in whole or in part, to any third party unless the other Party hereto has given its prior consent to such transfer. Consent may only be withheld for good cause.
- (2) Any transfer to an affiliated company within the meaning of Section 15 of the German Stock Corporation Act (AktG) shall not require prior consent but shall be notified to the other Party in writing.

- (3) No right or obligation under any SSBO Product Agreement may be transferred to any entity that has not successfully completed the prequalification process as required under the Prequalification Rules.

## **§ 12 Data Protection**

As part of its commitment to quality, the MAM undertakes to handle all personal data of the user in a responsible manner. The MAM will collect, process and use the personal data provided by the user only to the extent permitted by law for the purpose of granting admission to, and/or use of, the Bidding Platform. The MAM will only process or use of the data provided by the user for other purposes where the user has given its express consent or if the MAM is legally obliged to do so. Further information on data protection is contained in the MAM's data protection declaration (provided on its website).

## **§ 13 Confidentiality**

- (1) The Parties shall treat as confidential and not disclose or make available to third parties any and all information which they obtain in connection with the admission and which has been designated as confidential (hereinafter referred to as "Confidential Information") subject to the provisions in the following paragraph, unless the other Party has given its prior written consent. The Parties undertake to use such Confidential Information exclusively for the purpose of executing the respective contract.
- (2) Each Party shall have the right to disclose Confidential Information received from the other Party without the latter's written approval
  - (a) to an affiliated company, provided that the latter is under a similar obligation of confidentiality
  - (b) to its shareholders, agents, advisors, banks and insurance companies, if and to the extent that disclosure is necessary for the proper performance of the contractual obligations, and such persons or companies have themselves

previously undertaken to keep the information confidential or are bound by a professional obligation of confidentiality, or

- (c) to the extent that such Confidential Information is already legitimately known to the receiving Party at the time of receipt from the disclosing Party or is already in the public domain or becomes available to the public other than by act or omission of the receiving Party or is required to be disclosed by a Party pursuant to a provision of law or a court or administrative order or a request by the regulatory authority.
- (3) The obligation to maintain confidentiality shall expire two (2) years after receipt of the Confidential Information if no admission is granted under these SSBO Prequalification Rules. The documents shall then be destroyed. Otherwise, the confidentiality obligations shall also apply to the Confidential Information received as part of the admission.

## **§ 14 Liability**

- (1) The MAM shall only be liable hereunder in the event of a breach of a material obligation, the breach of which either places at risk the achievement of the SSBO Prequalification Rules' purpose and/or the fulfilment of which is a prerequisite for the proper performance of the Prequalification Rules, and on the fulfilment of which the Bidder regularly relies and may rely (hereinafter referred to as "Cardinal Obligation"). Moreover, liability hereunder shall be limited to the foreseeable damage, which is typical of these SSBO Prequalification Rules.
- (2) The MAM shall not be liable if the circumstances giving rise to a claim against the MAM
  - (a) are based on an unusual and unforeseeable event over which the MAM has no control and the consequences of which could not have been avoided despite the exercise of due care, or
  - (b) were brought about by the MAM complying with a legal obligation.
- (3) Moreover, the MAM shall not be liable for failures or disruptions in the technical infrastructure outside the MAM's sphere of responsibility (force majeure).



- (4) The aforementioned limitations of liability as set out in paragraphs (1) to (3) above shall not apply in the case of
  - (a) damage due to intent or gross negligence,
  - (b) personal injury (injury to life, body, health), as well as
  - (c) the assumption of guarantees.
- (5) The foregoing shall be without prejudice to liability under mandatory statutory provisions (including without limitation the Product Liability Act).

### **§ 15 Applicable law, place of jurisdiction, final provisions**

- (1) These SSBO Prequalification Rules are available in the German and English languages. In the event of any discrepancy between the German-language and the English-language versions, the German-language version shall prevail.
- (2) These SSBO Prequalification Rules shall be governed by, and construed and interpreted in accordance with, the law of the Federal Republic of Germany to the exclusion of the UN Convention on the International Sale of Goods (CISG).
- (3) The place of jurisdiction for all disputes between the MAM and the Bidder arising from these SSBO Prequalification Rules shall be Düsseldorf/Germany, insofar as such an agreement on the place of jurisdiction is permissible.
- (4) There are no verbal collateral agreements in addition to these SSBO Prequalification Rules.
- (5) If any provision of these SSBO Prequalification Rules is or becomes invalid or unenforceable, the remaining provisions shall remain in full force and effect. Instead of such invalid or unenforceable provision, a new valid provision coming as close as reasonably possible to the purpose of the invalid provision shall be deemed to have been agreed. In the event of any loopholes or gaps herein, a provision shall be deemed to have been agreed which corresponds to what would have been agreed in accordance with the purpose of these Prequalification Rules had the Parties considered the matter.

## Appendix 1

### Application for Admission as a Bidder to Tenders for SSBO Products by Trading Hub Europe GmbH

**Trading Hub Europe GmbH**

Anna-Louisa-Karsch-Str. 2

10178 Berlin

Phone: +49 (0) 30 364 289 400

Fax: +49 (0) 30 364 289 420

**Bidder:**

Name/full company name including legal form:

Street/street No:

Postcode and city/town:

Country:

Telephone/fax:

Website/email:

Object of business:

DVGW code in the capacity as Balancing Group Manager:

**Dispatching Contact:**

Contact person for operational handling of SSBO Product call orders (24/7):

Telephone (24/7):

Fax:

Email:

**Bidder's Valid Balancing Group Contract of the "FZK" type with access to the VTP:**

Balancing group number for high CV gas (if Bidder wishes to bid for high CV gas products):

Balancing group number for low CV gas (if Bidder wishes to bid for low CV gas products):

**Legally binding declaration:**

The Bidder hereby affirms:

- that all information provided in this application and all documents submitted in connection therewith are true and correct, and that they reflect the current situation of the business and the current business practices as applied in said business;
- that it accepts the Prequalification Rules for Participation in tenders for SSBO Products and the Terms of Use for the Bidding Platform of Trading Hub Europe GmbH & Co. KG as amended;
- that it has the technical capability to establish an AS2 communication link with the MAM and provides the resources to successfully complete a communications test once the link can be established by the MAM;
- that no application has been made for the initiation of insolvency proceedings against the Bidder's assets;
- that the Bidder, its employees, agents and management are not a sanctioned person under sanctions compliance laws and regulations and are therefore not on any sanctions lists;
- that there are no grounds for exclusion against the Bidder by analogous application of Section 142 (2) in conjunction with Sections 123, 124 of the Act against Restraints of Competition (GWB);
- that it is in a position to ensure a safe, secure and reliable injection into and withdrawal from gas storage facilities to be detailed in SSBO Product tenders.

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Place, date

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Bidders' signature / company seal