

GSA LLC

(Hereinafter referred to as “the Company”)

The Non-Discriminatory Program (NDP)

Moscow, 29 June 2021

Version: 7.0

**Table of contents:**

- 1) Legal basis**
- 2) Company business organization**
- 3) Confidential and economically-sensitive information (CESI)**
- 4) Compliance Officer**
- 5) Transparency**
- 6) Final provisions**

## **1. Legal basis**

### **Directive 2009/73/EC**

According to item (d) of the clause 2 of the article 15 the Storage System Operator (hereinafter referred to as the SSO) shall establish a compliance program, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored. The compliance program shall set out the specific obligations of employees to meet those objectives.

### **Gaswirtschaftsgesetz 2011 (Austrian Natural Gas Act 2011) (hereinafter referred to as the GWG)**

According to the paragraphs 1 and 2 of the article 107 the SSO has to be unbundled from Vertically Integrated Gas Company (hereinafter referred to as the “VIGC”), responsible persons have to act independently of VIGC at their own responsibility, the NDP has to be implemented, the Compliance Officer has to be announced, confidential and economically-sensitive information cannot be transferred to the third parties (paragraph 11 GWG), business dispatching has to be organized.

According to paragraph 1 the article 104 the SSO has to provide the transparent and effective possibility for its clients to market the storage capacities.

### **Instruction of EU №715/2009**

According to the article 19 the SSO shall always disclose the information in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis. And also has to provide the unrestricted access to the following data: all offered services, bundled and unbundled, storage capacities, working gas volume, injection and withdrawal capacities, the capacities availability periods, general terms and conditions of storage agreements, daily information of injections/withdrawals, products price information, maintenance plan.

## **2. Company business organization**

### **2.1. Unbundling of the Company**

Since November 2014 the Company has become independent of other parts of the VIGC that perform activities related to the gas trading in terms of its legal form, organization and decision-making.

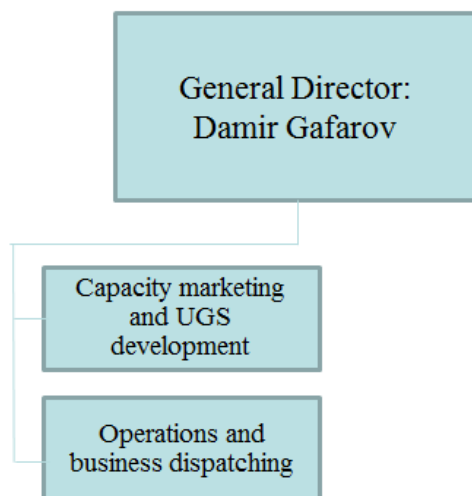
Persons responsible for the management of the Company do not participate, directly or indirectly, in organizational structures of VIGC.

The Company has real decision-making rights in regard to the assets needed for the operation, maintenance and development of the gas storage facilities whose exercise is independent of the VIGC.

### **2.2 Company's organizational structure**

#### **Company management**

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The General Director of the Company is fully independent of the VIGC and takes the commercial and investment decisions at his own risk and responsibility.

All the employees of the Company act independently and responsibly.

Business Dispatching has been organized in the Company as the separate function.

## 2.3 The dispatching and technical operations services provided by the third parties

### Dispatching and technical operator

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Dispatching  
astora GmbH & Co. KG.

Technical operator of  
UGS:  
RAG

#### 2.3.1 Dispatching

- Dispatching services are provided by astora GmbH & Co. KG. (Hereinafter referred to as “astora”) in virtue of Agreement about the performance of Dispatching Services in Support of the operation of the Storage Facility Haidach;
- astora’s employees working directly with the Company are informed about maintenance of confidentiality regarding CESI.

#### 2.3.2 Technical Operator

- Technical operator of UGS Haidach is Rohöl-Aufsuchungs Aktiengesellschaft (hereinafter referred to as RAG);
- the Company is accurately controlling the information transfer to RAG. RAG is supposed to receive only aggregated data about the injections and withdrawals;
- RAG’s employees working directly with the Company are informed about maintenance of confidentiality regarding CESI.

### **3. Confidential and economically-sensitive information (CESI)**

One of the key measures to secure the provision of information in a fair and non-discriminatory way is to determine the conditions for maintaining confidentiality. The duty not to disclose CESI is contained in confidentiality agreements or confidentiality provisions included within labor contracts with Company's employees. Based on these confidentiality provisions or agreements, the Company's employees and executive bodies are obliged to maintain confidentiality about all facts they become aware of when performing their duties.

The Company also ensures the maintenance of confidentiality regarding CESI in contracts with third parties.

Based to the above, these basic rules and specific follow-up measures shall be determined for the Company employees:

- Ban on the provision of CESI to the third parties;
- Ban on discrimination as concerns the duty to enable third party access to gas storage facilities;
- Securing the protection of CESI;

#### **CESI shall contain but shall not be limited to:**

- **Specific client information**

Specific client information is – the name of client, and any contractual and business details of separate clients having their source in the storage agreements and clients business behavior. The contract terms, contract types, chosen products, prices, credit status, information about auctions participation, nominations and stored gas volumes. This type of information is considered CESI according to the NDP if it is linked to the name of the client and can be used to define the client.

- **Information about the storage marketing of the Company**

Information about the storage marketing is the information that can provide the VIGC competitive advantage in the sphere of gas trading. This information is but not limited to: information about the storage auctions, product change, tariff change, or other conditions change, about possible outages of UGS and new products.

- **Information about the planned investments**

Information about the planned investments – this is information about the investments in current or new projects, about the projects termination or closure, which can provide the VIGC competitive advantage in the sphere of gas trading.

- **Any information received by Company, its staff members or third parties, which ownership or transfer can provide the VIGC or third parties competitive advantage in the sphere of gas trading.**

- **Any information which is considered confidential in accordance with local normative acts of the Company.**

#### **4. Compliance Officer**

In order to ensure implementation of the NDP and verify its fulfillment by the Company, the function of a Compliance Officer has been established (hereinafter referred to as the “Compliance Officer”). The Compliance Officer provides consulting for all employees regarding the NDP. Nevertheless, it is the responsibility of each employee to act in accordance with this NDP. The Compliance Officer shall produce and present to the Company’s statutory body a report covering the previous year detailing the measures taken to implement the NDP.

The Compliance Officer of the Company is:

**Andrey Grishin**

[a.grishin@gsa-services.ru](mailto:a.grishin@gsa-services.ru)

+7 (495) 230 31 01 ext.114

In order to ensure implementation and supervision of the NDP the Compliance Officer is obliged to:

- supervise implementation of the NDP;
- verify whether performance of the licensed activity by the Company is in accordance with the NDP;
- monitor legislative and regulatory changes;
- answer employees’ questions regarding the NDP;
- educate employees about the NDP’s principles;
- coordinate communication with Energie-Control Austria (hereinafter referred to as the E-Control) and any other competent bodies, in regard to compliance with the NDP, and submit a report on implementing the NDP.

The Compliance Officer reports directly to the General Director of the Company.



## **5. Transparency**

The Company provides to all the third parties non-discriminatory and equal access to the information about offered storage products, their characteristics, accessibility and price. The information is published on the Company's website.

The Company's website also contains the information of current injections/withdrawals and maintenance plan with indication of capacity decline.

General Terms and Conditions to Access to the Haidach Natural Gas Storage Facility (hereinafter referred to as the GTC) are free to download on the Company's website.

The GTC entitles Company's clients to wholly or partially sublet its Storage Capacities to the third parties.

## **6. Final provisions**

### **6.1. Validity of the NDP**

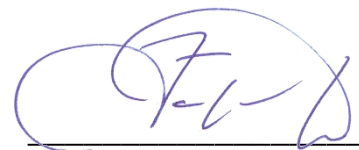
The NDP becomes valid and effective on the day of its publication as an internal guideline of the Company.

### **6.2. Binding nature of the NDP**

The NDP or any modification thereto is binding for all employees of the Company as from the day of its publication on the Company's website.

### **6.3. Amendments to the Compliance Program**

The Compliance Officer shall submit proposals for necessary amendments to the NDP. The Compliance Officer shall ensure that all employees of the Company are informed about any amendments to the NDP without delay.



Damir Gafarov  
General Director  
GSA LLC

Moscow, 29.06.2021