

**RWE**

**Equal Treatment  
Programme**

**RWE Gas Storage CZ, s.r.o.**

## Purpose

The purpose of the Equal Treatment Programme is to ensure equal and non-discriminatory position of all gas market participants that use or wish to use the services of the Company.

The Equal Treatment Programme is a set of measures ensuring elimination of discriminatory behaviour by the Company towards gas market participants that are not members of the RWE Group. At the same time, the Equal Treatment Programme defines the rights and obligations of the Company's and RWE Group's employees as well as rules concerning the implementation of the programme, compliance reviews and the role of the Equal Treatment Officer. The Equal Treatment Programme also determines particular obligations of employees required for meeting its determined objectives.

## Measures to eliminate discriminatory behaviour towards other gas market participants, rights and obligations of the company's employees

In compliance with Article 15 of Directive 2009/73/EC concerning common rules for the internal market in natural gas (hereinafter referred to as the "Gas Directive") and with the provisions of Section 60a, Article 3 of Act No. 458/2000 on business conditions and public administration in the energy sector, as amended (hereinafter referred to as the "Energy Act"), RWE Gas Storage CZ, s.r.o., (hereinafter referred to as the "Company"), as a Gas Storage System Operator, has adopted this Equal Treatment Programme.

### Unbundling of the gas storage system operator and the Company's organizational structure and management model

RWE Gas Storage CZ, s.r.o., as a 100% subsidiary of GBV Zweiunddreißigste Gesellschaft für Beteiligungsverwaltung mbH, is a member of the RWE Group, is independent of other parts of the vertically integrated gas undertaking - the RWE Group - that perform activities related to the generation of and trading in gas in terms of its legal form, organisation and decision-making. Persons responsible for the management of the gas storage system operator may not participate, directly or indirectly, in organisational structures of other RWE Group's companies which are holders of the gas or electricity generation or trade licence. The statutory body or a manager of the Company may not be a natural person, that is, at the same time, a member of the statutory body, the statutory body, a holder of a power of procuration or a manager of any holder of a licence for gas generation or electricity generation or trade. The statutory body or managers of the Company shall not accept any remuneration or other consideration from any holder of licence for gas generation or electricity generation or trade.

The Company shall dispose of and actually disposes of 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 RWE Group's companies that are holders of gas or electricity generation or trade licence. These RWE Group's companies shall and do not grant any instructions to the Company regarding the standard operation and maintenance of the gas storage facilities, and shall not in any other way intervene in the decision-making on the construction or modernization of their parts provided that such decision does not go beyond the approved financial plan.

## Rules for publishing information regarding the gas storage facility's operation

As a gas storage system operator, the Company receives a lot of information in connection with the nature of its business activities. The non-discriminatory and equal provision of such information to other gas market participants is a necessary condition for securing efficient competition on this market. The Company is, therefore, obliged to provide information about the gas storage operation which is not protected as a trade secret that is necessary for efficient competition and efficient functioning of the gas market. The Company is further obliged to ensure that information about the Company's activities that could directly or indirectly bring competitive advantage to gas market participants is not provided in a discriminatory way. This shall not affect the obligation to ensure the protection of facts having the nature of commercially sensitive information that the Company receives when performing its business activities. For the purpose of determining and fulfilling the rules set out in the Programme, two categories of information and their handling are defined.

Published Information shall be deemed any information publicly accessible to all gas market participants and any persons interested in such information. The disclosure of such information is ensured in particular through the Company's website. Information that the Company is obliged to disclose based on rules laid down by legislation in force shall belong to this category as well. This includes but is not limited to operating information about gas storage facilities such as available storage capacity, change in gas stock levels, expected adjustments of storage capacities, planned shutdowns and maintenance periods with an impact on gas injection or withdrawal.

Protected Information shall be deemed any information in any format whatsoever that has the character of a trade secret or any other information protected by law or any information of commercial, technical or financial nature obtained in the course of activities of a licence holder not within the public domain. Protected information includes, for example, identification data of storing parties, about their financial eligibility, bank account details, acquired capacity volume, current levels of stored gas or records, timesheets, statistics „mapping the behaviour" of storing entities. Protected Information does not include any information processed to disallow its matching, in independent format or in conjunction with other information, to a specific storing entity and not capable of putting any storing entity at an advantage (aggregated information). The statutory body or an employee of the Company shall not disclose, provide or make available any such information to any third party with the following exceptions:

- A contracting party, in particular the Company's Customer, gives a written consent to the Company to provide or disclose the given Protected Information to a third party;
- The Protected Information has become a part of public domain;
- Provision of the Protected Information is required by law.

The "inside information" pursuant to Regulation 1227/2011/EU on wholesale energy market integrity and transparency (REMIT) shall not be included in the Protected Information. Such inside information must be published according to this Regulation. It includes, inter alia, decision of the Company on developing a new gas storage facility. Publishing inside information is governed by the applicable REMIT guideline.

## Ensuring confidentiality regarding the Protected Information within the Company

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 regarding the Protected Information. The duty not to disclose the Protected Information is enshrined in confidentiality agreements concluded within labour-law contractual relations. Based on these confidentiality agreements, the Company's employees, statutory body and members of the Supervisory Board are obliged to maintain confidentiality about all facts identified as sensitive information they become aware of when performing their duties. The sensitive information includes also the Protected Information. The obligation to maintain confidentiality regarding confidential information in labour-law relations shall last during and after the termination of the employment. The breach of this obligation may be qualified as a gross violation of employee obligations and give the Company the right to claim damages.

The Company also ensures the maintenance of confidentiality regarding the Protected Information in contracts with external suppliers of products and services. Contracts with these suppliers therefore contain confidentiality provisions as regards confidential information. The confidential information includes the Protected Information. The external suppliers are obliged to ensure that their employees and members of their statutory and supervisory bodies who receive the Protected Information maintain confidentiality regarding any such Protected Information and do not disclose it to third parties unless stipulated otherwise in the relevant contract. The duty to maintain confidentiality shall last during and after the termination of the contractual relation until the Protected Information becomes a part of public domain.

Furthermore, the Company shall ensure the maintenance of confidentiality within the RWE Group. Especially in relation to any company belonging to the RWE Group, the Company must act so as not to discriminate against individual Customers or putting members of the RWE Group at an advantage. Information available to the Company concerning the activities associated with storing of gas cannot be passed on to any RWE Group's company before it is provided to all market participants. Based to the above, these basic rules and specific follow-up measures shall be determined for the Company employees and the employees of the RWE Group:

- Ban on the provision of the Protected Information to third parties, including employees of the RWE Group, except provision to Authorized Persons in order to allow these Authorized Persons to provide a service or other support to the Company; however, only to the necessary extent, subject to compliance with the confidentiality duty by the Authorized Person and processed with a priority so as to disallow its matching, independently or in conjunction with other information, to a specific storing entity(ies).
- Ban on discrimination as concerns the duty to enable third party access to gas storage facilities ("TPA") in line with Directive 2009/73/EC concerning common rules for the internal market in natural gas and with Act No. 458/2000 Coll., the Energy Act;
- Securing the protection of the Protected Information;
- Ban on demanding or making use of the Protected Information by the RWE Group employees.

## Rights and obligations of the Company's employees

### Prohibition for employees to provide the Protected Information to third parties

Information that the Company has received from Customers in connection with the operation of gas storage facilities may have commercial significance for those RWE Group's companies that use the Company's services. It is possible that this information is already protected from disclosure by the confidentiality obligation arising from the standard gas storage contract or other storage-related regulations applicable to the Company and its Customers. In addition to this customer-specific information relating to the provision of services by the Company, information relating to the operation of storage facilities may also have commercial significance. It is therefore essential that customer-specific information or information about the operation of storage facilities having the nature of the Protected Information is not disclosed to other gas traders and in particular is not disclosed, directly or indirectly, to a RWE Group's company unless it is operational information that is disclosed to all gas market participants simultaneously or save for cases referred to under D.2.3.

### Protected Information disclosure procedure

The Company's employees are obliged to ensure that the Protected Information is disclosed to the RWE Group's company and other market participants simultaneously so as not to give the RWE Group's company any unfair commercial advantage. In compliance with transparency requirements, employees must ensure that all Customers are treated on a non-discriminatory basis and according to the same rules when providing operational information concerning the Company's activities. If any Protected Information

is to be disclosed, the responsible employees must ensure that all market participants are provided this information simultaneously, on the Internet in both Czech and English.

## **Provision of services to the Company by the RWE Group (Authorized Persons)**

An exception from the general rule prohibiting the provision of the Protected Information to third parties is the disclosure of such information to Authorized Persons, i.e. companies of the RWE Group and their employees who provide services or support to the Company. Such Authorized Persons may obtain the Protected Information only provided that they require it to provide the contracted services or other support to the Company and only to the necessary extent and subject to the confidentiality duty by the Authorized Persons and processed with a priority so as to disallow its matching, independently or in conjunction with other information, with a specific storing entity/ies. The Authorized Persons are obliged to get acquainted with the rules of this Programme, which is available on the Company's website, and to follow them. Measures aimed at protecting the Protected Information specified under D 2.2.1. and 2.2.2. shall be applied in an analogous way. The list below contains examples of the services that RWE Group's companies, acting as the Authorized Persons, may provide to the Company:

- Human resources;
- Taxation;
- Finance;
- Accounting;
- Risk management and insurance;
- Information systems;
- Relations with investors;
- Corporate matters;
- Mediation services;
- Property and facility management, operation, maintenance and development; dispatching services;
- Health, safety and environment (including occupational diseases).

## **Ensuring non-discrimination in providing third party access**

The Company's employees must deal with Customers' requirements for services in a fair and non-discriminatory way, not favouring the RWE Group's companies that could obtain an unfair commercial advantage. If there is an objective and justifiable reason for treating a storing entity, including a RWE Group's company differently, it is necessary to discuss the steps with the Equal Treatment Officer and to record any deviations in writing for future reference and justify it.

The above ban on discrimination applies to buying and selling of services, pricing, access to exclusive services and customer service, including the promptness of the provision of individual services and their efficiency.

## **Measures to protect the Protected Information**

In its premises, the Company is situated in separate offices with restricted access. In shared areas and in areas accessible to visitors or other persons who are not the Company's employees, all employees must observe the following rules:

- 1) Exercise utmost care and not leave documents or media on shared fax machines, photocopiers or tables and flip charts in meeting rooms.
- 2) Never discuss the Protected Information in shared areas such as the canteen, car park, vending areas, washrooms or any other common areas.

## **Use of email, IT systems and shared disk drives**

Employees are obliged to verify the correctness of email addresses in order to prevent the Protected Information from being sent to a wrong recipient and in particular to a recipient from a RWE Group's

company. Special attention shall be paid to sending mass emails that are also addressed to the Company's employees as well as employees of other RWE Group's companies so as not to disseminate the Protected Information without authorization.

If it is not possible to communicate or distribute information without disclosing the Protected Information, the circulation of media containing such information shall be restricted to ensure that the information is not passed, directly or indirectly, to any of the RWE Group's companies or its employees that are not Authorized Persons.

Any written documents containing the Protected Information must be designated as such on their cover page.

Access rights in main information systems (SAP in particular) and access rights to shared disk drives/files are set so as not to favour any traders (particularly RWE Group traders) over others. For this reason, transactions in the SAP system posing a risk in terms of separation of the Company's access rights have been identified. At the same time, a list of active access authorizations to transactions is maintained.

## Management and Control of compliance with the Equal Treatment Programme

In order to ensure implementation of the Programme and verify its fulfilment by the Company, the function of the Equal Treatment Officer has been established. The Equal Treatment Officer provides consulting for all employees regarding the Equal Treatment Programme. Notwithstanding any activities in this respect of the Equal Treatment Officer, it is the responsibility of each employee or a member of the statutory body to act in accordance with this Programme. The Equal Treatment Officer shall produce and present to the Company's statutory body a report covering the previous year detailing the measures taken to implement the Programme, and it shall send this report to the Energy Regulatory Office (ERÚ) and the Ministry of Industry and Trade (MPO) by 30 April of the following calendar year and at the same time it shall arrange for publication thereof on the Company's website.

### Status of the Equal Treatment Officer

All steps have been taken to ensure that the Equal Treatment Officer can perform his work independently. In particular, the Equal Treatment Officer has sufficient powers as well as adequate financial and organizational conditions enabling him or her, inter alia, to propose measures ensuring implementation of the Programme's rules and to require cooperation from others when verifying and ensuring compliance with the Programme. The Equal Treatment Officer is not a part of the Company's organizational structure and has no labour-law relation with the Company. The Equal Treatment Officer performs his or her obligations on the basis of a commercial-law relation. Furthermore, remuneration of the Equal Treatment Officer is not based on any performance evaluation by the Company's managing directors as this provides the maximum possible independence to the Equal Treatment Officer when performing his duties. The Company is obliged to consult the Equal Treatment Officer about any key decision relating to its legal form, organisation and decision-making powers, in order to maintain independence of any other parts of the vertically integrated gas undertaking - RWE Group - that performs activities related to generation of or trade in gas.

With respect to the Company's employees and statutory body, the Equal Treatment Officer fulfils a supervising, informative, and consulting function. The Equal Treatment Officer has the right to take part in meetings of the broader management of the Company, consult documents such as the founding documents of the Company, internal guidelines and methodologies as well as all documents and records pertaining to the licensed activity. Members of the Company's bodies and Company's employees are obliged to provide necessary assistance to the Equal Treatment Officer upon its request within reasonable period of time in order to allow him or her to discharge his or her obligations.

The Company shall, at 2-year intervals, ensure that members of the Company's statutory body and all employees of the Company are acquainted with the Programme, as amended, in a training or in another appropriate form. The attendance at Programme trainings is confirmed with signatures of attendees or in

another appropriate way. The Company shall apply the same procedure without undue delay when there is a significant amendment to the Programme or when new employees are hired or new members of the statutory body appointed. Acquainting new employees with the Programme shall be mediated and documented by the Human Resources department of the Company. The Equal Treatment Officer may propose a similar procedure also for regular trainings or acquainting employees and members of the Company's statutory body with significant amendments to the Programme. The Company updates the Programme on a regular basis and it shall ensure that an up-to-date version is sent to Internal Audit & (Cyber-)Security (CHV) of the RWE Group.

If the Equal Treatment Officer discovers a case of significant misconduct or a breach of the Programme's rules constituting discrimination, or increasing the risk of the same, he or she is obliged to immediately inform the Company's statutory body.

## Work of the Equal Treatment Officer

In order to ensure implementation and supervision of the Programme and to fulfil his or her duties, the Equal Treatment Officer is in particular obliged to:

- supervise implementation of the Programme;
- verify whether performance of the licensed activity by the Company is in accordance with the Programme;
- monitor any legislative and regulatory changes regarding the Programme;
- provide consulting in relation to drafting and approving internal guidelines and implementing legal and regulatory changes into these regulations;
- provide an e-learning training to selected employees about the Programme's principles beyond the scope of the training;
- answer employees' questions regarding compliance with the Programme;
- write an annual report about measures adopted to implement the Programme and ensure its publication;
- co-ordinate communication with state authorities, mainly the Energy Regulatory Office and the Ministry of Industry and Trade, in regard to compliance with the Programme, and submit a report on implementing the Programme to them, on or before 30 April of the following calendar year;
- not to disclose information about the announcer or a suspected breach of the Equal Treatment Programme if the announcer requests that'
- at regular intervals, the Equal Treatment Officer carries out random checks of compliance with the Programme.

As a part of implementing and supervising the Programme, the Equal Treatment Officer is further entitled to:

- verify that internal guidelines and processes are in line with the Programme and provide opinions regarding proposed internal guidelines and measures in terms of their compliance with the Programme;
- attend meetings of the Company's broader management (meetings of managing directors and managers);
- consult all documents and records pertaining to the licensed activity;
- refuse any instruction from the Company and/or its statutory body conflicting with his/her powers;
- request any assistance from statutory bodies and employees required in order for him or her to discharge his or her tasks.

## Compliance with the Programme

Any Company employee who suspects any violation of the Programme is obliged to immediately report this incident directly to the Auditor. The information may be furnished anonymously provided that it is sufficiently specific to be verified. If requested, the Auditor shall keep confidential the identity of the author of the information.

Contact details of the Auditor are published at the Company's website. The Auditor shall investigate the matter and determine whether the principles of the Programme were violated. In that case, he/she will discuss suitable remedial measures with the statutory bodies.

## **Conclusion**

### **Effect of the Equal Treatment Programme**

The Equal Treatment Programme enters in force and effect upon publication as an internal guideline of the Company.

### **Binding force of the Equal Treatment Programme**

The Equal Treatment Programme and amendments thereto are binding upon all employees and bodies of the Company upon publication as an internal guideline of the Company at its intranet.

### **Amendments to the Equal Treatment Programme**

The Auditor presents proposals for any necessary amendments to the Programme to the statutory body of the Company. The Company shall ensure that all employees and bodies of the Company are acquainted with the amendment to the Programme promptly.