

General Terms and Conditions

for the tender for the purpose of covering
the grid losses for the year 2012

of Amprion GmbH

1. Introduction

The Energy Industry Act (Energiewirtschaftsgesetz) and Electricity Grid Access Ordinance (Netzzugangsverordnung Strom) oblige the grid system operators to procure energy required for the compensation of grid losses in a transparent, market-oriented and non discriminating manner.

The german regulator (Bundesnetzagentur) has fixed the details of the tendering process and the determination method for grid losses on October 21st, 2008 within the published specification BK6-08-006. Therefore binding guidelines exist for the tendering process.

To procure the long-term component a tender procedure as well as a procurement which is independently carried out by the Transmission System Operator (TSO) at a Power Exchange is allowed.

These general terms and conditions apply to the amount of loss energy of Amprion GmbH for the year 2012 (long term component) which will be procured by a tender procedure.

Subsequently the basic conditions of the tender procedure as well as the tendered products and the prerequisites for participating in the call for tender process are explained.

N.B.: The German documents – especially the electricity supply contract – are the legally binding documents. The English documents and the English website are provided for convenience of reading only.

2. Products

For those parts of the loss energy of Amprion for the year 2012 (long term component) which will be procured by a tender procedure Amprion will provide information about the tender dates on the website http://www.amprion.net/gridlosses_2012.

The acceptance of a tender will take place on a working day which is a trading day of the EEX.

The type of tendered products (lots) and the amount of energy will be published on the aforementioned website for each tender date. Each lot is structured as a hourly profile (MW in integers). This profile can be downloaded on the website as an Excel-file for each tender date.

3. Submitting Tenders

Tenders can be submitted within 24 hours before the deadline (11 a.m. on day d-1 until 11 a.m. on day d).

Tenders shall be submitted using the Excel-file "Tender-Grid-Losses" which is specific to each tender date. This Excel-File will be provided on the following website three weeks before the beginning of the submission period for each tender date at the latest.

http://www.amprion.net/gridlosses_2012.

Tenders can be submitted for one lot, several lots or all lots. All bids have to be submitted in one Excel-file. Each bid and/or the bid file must contain the following unambiguous data:

- Contact information (including fax number and e-mail address)
- EIC-Code of the valid balancing group in the Amprion control area
- Period of supply
- Number of tender date ("PART")
- Version number of the Excel-file ("Tender-Grid-Losses")
- For each bid, the respective price which the auction participant is prepared to pay in EUR/MWh (2 decimals, decimal comma). The offer includes all additional costs of the participant and is submitted excl. VAT.

Tenders have to be submitted in writing. The electronic transmission (by e-mail or ISDN-FTP) and subsequent confirmation by fax is requested.

Electronic submission

Send the Excel-file, saved under the correct file name (explanation see Excel-file), by e-mail or ISDN-FTP in due time. In case of successful transmission the participant receives an electronic confirmation of his offer by e-mail. It is requested to send a stamped and signed version of this file to Amprion by fax. If several bid files are submitted, only the bid file submitted last, with the highest version number is valid.

The **offer submission** must have been received at the tender day not later than 11 a.m. at the following address:

Amprion GmbH
Systemdienstleistung und Systembilanzierung
Von-Werth-Str. 274
D – 50259 Pulheim
Germany

Fax: +49/2234/85-3300
e-mail: frontoffice@amprion.net

The tender must be complete, i.e. all required details must be entered. The participant is responsible for the accuracy and completeness of his / her details. Incomplete offers or offers not arrived in due time are considered as invalid.

The auction coordinator does not guarantee faultless data transmission.

Since all lots of each tender date are identical in structure and size, the lots will be awarded starting with the lowest price. It is not possible to combine lots.

The participant agrees that on submission of his bid he fully accepts the according general terms and conditions "Allgemeine Bedingungen für die Ausschreibung von Verlustenergie für das Jahr 2012" and the electricity supply contract (Stromliefervertrag, only in German language) published on the website.

There will be no reimbursement of any costs caused by tender preparation.

4. Awarding

4.1 Criteria for acceptance of offers

Based on all submitted offers for each tender date, Amprion will accept the offer to supply the loss energy, taking into account economic considerations with the aim of achieving the lowest total costs. The awarding is done in a non discriminating manner. For this purpose, the lowest energy rate offered by the participant is crucial. In the case that several participants have submitted a tender with an identical energy rate for the final lot, Amprion accepts the tender of the offer that was received at first.

According to the specification of the Bundesnetzagentur concerning the details of the tendering process and the determination method for grid losses (BK6-08-006, 21/10/2008) Amprion is entitled to fix a notarially certified upper limit for the price.

4.2 Binding period

The decision of the awarding shall be made not later than 12 a.m. (noon) at the tender day. Afterwards the participants are informed by e-mail. The binding period of the participant for any tenders submitted shall end once Amprion has informed the participant of the decision.

4.3 Notification of having been awarded

Immediately when a tender has been accepted by Amprion the rules according to the electricity supply contract (Muster Stromliefervertrag, German version downloadable at http://www.amprion.net/gridlosses_2012) apply for the consequences in case of violation of the contract.

After the awarding procedure the participant receives an information about the acceptance of a tender. Only for the accepted offers the participant receives a confirmation by fax.

4.4 Conclusion of contract

The electricity supply contract on the loss energy shall be concluded with the corresponding participant near-time after the tender has been awarded (confirmation by fax) and will be confirmed in writing up to 15/12/2011. The participant agrees that on submission of his bid he fully accepts the according general terms and conditions and the electricity supply contract published on the website. **The electricity supply contract exists only in German language.**

5. Terms and Conditions

A prerequisite for participating in the call for tender process is the existence of a valid balancing group or subgroup of the participant in the Amprion control area.

Insofar the participant is not a balance responsible entity himself the participant has to bring forward a document in which the balance responsible entity obligates himself to the full extent towards the participant to handle the delivery of the loss energy to Amprion via his balancing group. The delivery has to be carried out according to the balancing group contract concluded between the balance responsible entity and Amprion.

The place of delivery of the supply shall be the Amprion control area. The delivery must take place into a balancing group named by Amprion.

6. Billing

Amprion prepares monthly a credit note once supply has taken place. Details on this are fixed in the electricity supply contract.

7. Securities / Liability

Amprion reserves the right to further stipulate its entitlements in the case of non-performance of the supply obligation in the electricity supply contract.

8. Adjustment of the tendering procedure

Amprion reserves the right to adjust the general terms and conditions for tendering procedures at future tender dates especially in case of changed legal requirements, official measurements or regulations of the energy regulator.

9. Contact Details

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