

Eustream's position on the comments from RWE Supply & Trading (hereinafter referred to as "RWE") dated June 21, 2024

To begin, it is necessary to state that the subject of the proposed change to the Operational Order is the modification of the current method of applying the price for access to the transmission network and gas transmission at all points of the transmission network. Henceforth, the price should be determined according to the regulatory decision of the URSO valid during the period for which the transmission capacity was allocated (i.e., not according to the URSO decision valid at the time of the respective transmission capacity allocation).

Eustream thoroughly analysed the comments raised by RWE and did not accept any of the comments, thus not incorporating them into the proposal of the Operational Order for the following reasons:

- The objection regarding the inadmissible retroactive effect is unfounded. It is important to emphasize that the new tariff (based on the new price decision) is not to be invoiced retroactively (into the past), but always pro futuro – from the effective date of the new price decision.
- The principle of the "floating" Operational Order (the principle by which changes to the Operational Order are also applied to existing contractual relationships) has long been included in the Operational Order and is not the subject of the current change.
- The objection that the Operational Order, as part of the framework contract, cannot be changed other than by written amendments is also unfounded. The principle of the "floating" Operational Order is included in framework contracts concluded after September 30, 2015. According to the framework contract, the Operational Order takes precedence over the contract itself, meaning the rules stated in the Operational Order are applied preferentially.
- The contested principle of price application derives from the (already issued) price decision of URSO, and therefore this change to the Operational Order is merely an alignment of conditions with the new price decision.
- With its proposed changes to the Operational Order, Eustream is only transposing and aligning its Operational Order with the (already issued) price decisions of URSO. Eustream is thus proceeding in accordance with its legal obligation as a network operator under § 15 par. 6 of Act no. 250/2012 Coll. on regulation in network industries as amended.