



# ELENGY CODE OF CONDUCT

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*English version for courtesy only - French version will always prevail.*

## I. Introduction

### I.1. Purpose of the Code of Conduct

As part of the ENGIE Group, Elengy develops, operates and maintains LNG terminals.

Its work involves:

- designing, building and maintaining LNG terminals while always ensuring the highest standards in industrial safety;
- operating LNG terminals and marketing services provided by these facilities in line with relevant regulations (including an LNG transshipment service in Montoir-de-Bretagne LNG terminal on behalf of its subsidiary Elengy Hub & Expertise (EHE) <sup>1</sup> and three LNG tanker-truck loading stations) ;
- developing LNG terminals to meet the needs of users and help open up the European natural gas market.

Elengy has two terminals for receiving liquefied natural gas (LNG), in Montoir-de-Bretagne and in Fos-Tonkin, and provides a number of technical and commercial services for the Fos Cavaou terminal on behalf of its subsidiary Fosmax LNG.

Elengy has operated the Fos Cavaou LNG terminal since it came on stream in April 2010.

This Code of Conduct is designed to provide those working at Elengy – including employees, those on assignment, temporary workers and service providers – with rules to be applied in all dealings with Customers with respect to:

- safeguarding commercially sensitive information, i.e. information whose disclosure might undermine fair competition;
- full disclosure of information about the services offered;
- non-discriminatory treatment of Customers.

### I.2. Relevant legislation

The regulatory framework governing Elengy's activities is as follows:

- European Directive No. 2009/73/EC of 13 July 2009 concerning common rules for the internal market in natural gas, transposed into French law by Ordinance No. 2011-504 of 9 May 2011 codifying the legislative part of the Energy Code;
- Regulation 715/2009 of 13 July 2009 on conditions for access to the natural gas transmission networks;
- The French Energy Code;
- Decree No. 2005-1616 of 20 December 2005 relating to tariff-setting rules for the use of liquefied natural gas facilities and the Order of 20 October 2009 approving the tariffs for the use of liquefied natural gas terminals;
- Decree No. 2004-250 of 19 March 2004 on the authorisation to supply gas;
- Decree No. 2004-251 of 19 March 2004 on public service obligations in the gas sector;
- Decree No. 2004-183 of 18 February 2004 relating to the confidentiality of information held by operators making use of structures for the transmission, distribution and storage of natural gas or of liquefied natural gas facilities.

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<sup>1</sup> CRE Deliberation (French Energy Regulatory Commission) of 23 May 2013

Access to LNG terminals and use of LNG Truck Loading and LNG Transshipment services are governed by contracts drawn up between the Customer and Elengy/EHE.

Furthermore, pursuant to Decree No. 2004-555 of 15 June 2004 and Article L 453-4 of the Energy Code, the technical requirements applying to LNG terminals have been published.

### **I.3. Undertakings**

Elengy undertakes, in accordance with legal provisions, to deal with Customers in a transparent and non-discriminatory way and to safeguard commercially sensitive information. Complying with these undertakings is a key challenge for Elengy, to ensure its Customers recognise that the company operates in line with the rules of free and fair competition. It is therefore a requirement that benefits both Customers and Elengy.

Elengy employees must help to meet these undertakings through effective application of the rules set out in the Code of Conduct, which are a translation within the company of mandatory legal provisions.

Managers are responsible for monitoring this application by staff.

In addition, the Compliance Officer provides Senior Management with an assurance that operations related to the marketing of LNG terminal access services are carried out in compliance with relevant regulations and the provisions of this Code of Conduct.

To this end, the Compliance Officer:

- informs managers of new provisions to ensure that these are passed on to employees and implemented;
- ensures that new employees are informed of these provisions and that they are properly applied;
- monitors developments to ensure that the Code is updated where necessary.

As with every infringement of Elengy rules, non-compliance with the Code of Conduct may render the perpetrator liable to disciplinary action in line with the regulations applying to Elengy, in particular Article 6 of the staff service regulations in the electricity and gas industries (*Statut National du personnel des Industries Électriques et Gazières*).

### **I.4. Contracting with service providers**

This Code applies to any Elengy service providers who are required to know information about Customers in order to properly carry out the tasks entrusted to them.

Service providers must carry out their tasks in accordance with the legal rules on third-party access to liquefied natural gas facilities (cf. I.2). Each service provider is responsible for the proper application of these rules by its personnel.

### **I.5. Relations with GRTgaz**

Elengy became a GRTgaz subsidiary on 27<sup>th</sup> of September 2017.

In order to respect GRTgaz's commitments, the governance of Elengy is transferred to GRTgaz. However, none of GRTgaz's executive officers or GRTgaz's employees can be appointed as member of Elengy's board. In addition, none of GRTgaz's executive officer can, in the performance of its duties in GRTgaz, take decisions that will interfere in GRTgaz daily operational management regarding user Elengy.

Elengy is part of vertically integrated company (VIC) , therefore rules of Code of conduct regarding the VIC entities shall apply.

## II. Rules of conduct

**The rules of conduct aim to safeguard the confidentiality of commercially sensitive information and to provide Customers with transparent information and non-discriminatory treatment, while complying with confidentiality rules.**

### II.1. Safeguarding commercially sensitive information (CSI)

To ensure the confidentiality of CSI, Elengy's CEO has introduced a set of internal data privacy rules as part of its management system.

These rules are to be applied by all Elengy employees.

They feature:

- a definition of CSI, as contained in Decree No.2004-183 of 18 February 2004;
- a list of measures used to protect information and details of how these should be implemented;
- the approach to safeguarding CSI;
- related monitoring provisions and the disciplinary sanctions that apply in the event of CSI disclosure.

They also state, by way of reminder, that Article L111-82 of the Energy Code provides for a criminal penalty (fine of €15,000) in the event of "*disclosure to any person outside the operator using (...) liquefied natural gas facilities of any of the information referred to in Article L. 111-77 by a person who has received it, either by status or profession or due to a post or a temporary assignment*", outside the circumstances of information disclosure authorised by the law.

In particular:

- on taking up their job, every employee shall be informed of the existence of CSI connected with Elengy's activities and shall be taken through the data privacy rules;
- any employee handling CSI as part of their job shall receive a letter from management explaining the level of confidentiality required for such information;
- any employee having handled CSI as part of their job and who is leaving Elengy shall receive a letter reminding them of the need to preserve that confidentiality. In situations entailing a risk, special measures may be implemented (e.g. transitional period during which the employee will no longer handle CSI);
- the traceability of the system shall be ensured by management within Elengy.

### II.2. Full disclosure

Elengy provides clear information to the market and all LNG terminal Customers via its website, which was set up and is regularly updated by the company.

The website contains the following information:

- Overview of key relevant regulations (available for download);
- Procedures for reserving and allocating terminal access capacities (Allocation Rules);

- Available capacity at terminals (updated at least once a day), overall capacity and used capacity;
- Terms and conditions governing access to LNG terminals:
  - purpose and length of contract;
  - available services;
- Terminal access information:
  - tariff (pricing breakdown and monetary value of tariff terms);
  - access conditions: specifications of port facilities, tanker schedule, ship approval procedure for each terminal, type of gas unloaded;
  - secondary market information (transfer of rights and requirements);
- Information on maintenance operations liable to affect availability of facilities;
- Information about non-regulated services such as LNG Transshipment and LNG Truck Loading services.

### II.3. Non-discrimination in dealings with Customers

A policy of non-discrimination underpins all relations between Elengy and Customers of its LNG terminal access services.

This implies:

- handling all requests made by Customers to Elengy in the same way;
- publishing any information not deemed commercially sensitive on the Elengy website for the benefit of all Customers;
- equal treatment in providing access to LNG terminals;
- equal treatment in invoicing for services provided;
- equal treatment in managing contracts and applying contract terms and conditions.

## III. Definitions

- **Customer**

Any individual or organisation with which Elengy exchanges information on available LNG terminal access services, under a Terminal Access Contract or as a prospective Customer, or under a LNG Truck Loading Contract or a LNG Transshipment Contract.

- **LNG Terminal Access Contract**

Contract in which Elengy undertakes to receive vessels sent by the Customer alongside the terminal berth, receive LNG cargoes, store the quantities of LNG unloaded, regasify these quantities, transfer them over the network and potentially allow the Customer to exchange the quantities of LNG stored.

- **LNG Truck Loading Contract**

Contract in which a Customer wishes to subscribe to the Truck Loading service and/or the Tank Containers Cooling Down service.

- **LNG Transshipment Contract**

Contract that allows Customers to transfer a cargo between two ships, or to divide a cargo into several smaller batches.