

# CODE OF CONDUCT

## I. Introduction

- I.1. Purpose of the Code of Conduct
- I.2. Relevant legislation
- I.3. Undertakings
- I.4. Contracting with service providers

## II. Rules of conduct

- II.1. Safeguarding commercially sensitive information (CSI)
- II.2. Full disclosure
- II.3. Non-discrimination in dealings with Customers

## III. Appendix – Definitions

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

## I. Introduction

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

Fosmax LNG is a wholly-owned subsidiary of Elengy (itself a wholly-owned subsidiary of GRTgaz). Fosmax LNG is the owner and commercial operator of the Fos-Cavaou Liquefied Natural Gas Terminal (the "Terminal"). Its mission is to develop the Terminal to help meet the growing need for LNG on the European market.

This Code of Conduct is designed to provide those working at Fosmax LNG (its staff) 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 Fosmax LNG'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 authorization 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.

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 by Elengy, the company to which Fosmax LNG has entrusted operation and maintenance of the Terminal facilities.

Within the above framework, Fosmax LNG as an LNG terminal operator offers access to its facilities.

Access to the Terminal takes place under the terms and conditions set out in the Terminal Access Contract between the Customer and Fosmax LNG.

The Terminal also offers logistics services which take place under contracts between the Customer and Fosmax LNG.

## I.3. Undertakings

Fosmax LNG 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 Fosmax LNG, 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 Fosmax LNG.

Fosmax LNG 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 Fosmax LNG's Management with an assurance that operations related to the marketing of 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 Fosmax LNG's 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 Fosmax LNG rules, non-compliance with the Code of Conduct may render the perpetrator liable to disciplinary action in line with the regulations applying to the company to which he/she belongs, in particular Article 6 of the staff service regulations in the electricity and gas industries (*Statut National du personnel des Industries Électriques et Gazières*) for employees covered by this legislation.

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

This Code applies to any Fosmax LNG 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.

## **II. Rules of conduct**

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

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

To ensure the confidentiality of CSI, Fosmax LNG's Management has introduced a set of internal data privacy rules.

These rules apply to all staff present within Fosmax LNG. 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;

- Fosmax LNG applies non-discriminatory treatment rules and confidentiality for all services in any case.

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 authorized by the law.

In particular:

- upon being hired, every employee shall be informed of the existence of CSI connected with Fosmax LNG’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 Fosmax LNG 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 Fosmax LNG.

## II.2. Full disclosure

To ensure transparent Terminal access conditions, Fosmax LNG makes available both commercial and technical information relating to its facilities and the market on the Fosmax LNG 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 the Terminal (updated at least once a day), overall capacity and used capacity;
- Terms and conditions governing access to the Terminal:
  - purpose and length of contract;
  - available services;
- Terminal access information:
  - tariff (pricing breakdown and monetary value of tariff terms);
  - access conditions: tanker schedule, ship approval procedure, type of gas unloaded;
  - secondary market information (transfer of rights and requirements);
- Information on maintenance operations liable to affect technical availability of facilities.
- Information linked to logistics services like reloading, transshipment, cooling down and registration services.

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

A policy of non-discrimination underpins all relations between Fosmax LNG employees and Customers.

This implies:

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

### III. Appendix – Definitions

- **Customer**

Any individual or organisation with which Fosmax LNG exchanges information on available Terminal access services, under a Terminal Access Contract or as a prospective Customer.

- **Terminal Access Contract**

Contract in which Fosmax LNG 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.