

ΑΠΟΦΑΣΗ ΡΑΕ ΥΠ' ΑΡΙΘ. 789/2021

Έγκριση Πρόσκλησης Εκδήλωσης Ενδιαφέροντος για τη συμμετοχή στη δέσμευση δυναμικότητας στο προτεινόμενο έργο Ανεξάρτητο Σύστημα Φυσικού Αερίου της εταιρείας ΔΙΩΡΥΓΑ GAS Α.Ε., σύμφωνα με την παράγραφο 6 του άρθρου 36 της Οδηγίας 2009/73/ΕΚ

Η Ρυθμιστική Αρχή Ενέργειας

Κατά την τακτική συνεδρίασή της, στην έδρα της, την **21^η Οκτωβρίου 2021**, και

Λαμβάνοντας υπόψη:

1. Τις διατάξεις του ν. 4001/2011 «*Για τη λειτουργία Ενεργειακών Αγορών Ηλεκτρισμού και Φυσικού Αερίου, για Έρευνα, Παραγωγή και δίκτυα μεταφοράς Υδρογονανθράκων και άλλες ρυθμίσεις*» (ΦΕΚ Α' 179/22.08.2011), όπως ισχύει, και ιδίως του άρθρου 76 αυτού.
2. Τις διατάξεις της Οδηγίας 2009/73/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 13^{ης} Ιουλίου 2009 «*σχετικά με τους κοινούς κανόνες για την εσωτερική αγορά φυσικού αερίου και την κατάρτιση της οδηγίας 2003/55/ΕΚ*», όπως τροποποιήθηκε με την Οδηγία (ΕΕ) 2019/692 και ισχύει (εφεξής «Οδηγία»), και ιδίως του άρθρου 36 αυτής.
3. Τις διατάξεις του Κανονισμού (ΕΚ) αριθ. 715/2009 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 13^{ης} Ιουλίου 2009 σχετικά με τους όρους πρόσβασης στα δίκτυα.
4. Τις διατάξεις της υπ' αριθμ. 178065 Απόφασης του Υπουργού Περιβάλλοντος, Ενέργειας και Κλιματικής Αλλαγής με θέμα «*Κανονισμός Αδειών Φυσικού Αερίου*» (ΦΕΚ Β' 3430/17.08.2018).
5. Τη σύσταση των Ευρωπαϊκών Ρυθμιστών για τον Ηλεκτρισμό και το Φυσικό Αέριο με τίτλο «*ERGEG Guidelines for Good Practice on Open Season Procedures (GGPOS)*» σχετικά με τη διεξαγωγή Ανοιχτής Διαδικασίας για τη δέσμευση δυναμικότητας σε νέες υποδομές (Ref: C06-GWG-29-05c, May 2007).

6. Την υπ' αριθμ. 1321/2018 Απόφαση της ΡΑΕ με θέμα «Χορήγηση Άδειας ΑΣΦΑ στην εταιρεία «ΔΙΩΡΥΓΑ GAS ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ ΦΥΣΙΚΟΥ ΑΕΡΙΟΥ»» και την υπ' αριθμ. 386/2021 Απόφαση της ΡΑΕ με θέμα «Προκαταρκτική εξέταση της μεταβολής της Άδειας Ανεξάρτητου Συστήματος Φυσικού Αερίου (ΑΣΦΑ) της εταιρείας "ΔΙΩΡΥΓΑ GAS ΜΟΝΟΠΡΟΣΩΠΗ ΑΝΩΝΥΜΗ ΕΤΑΙΡΕΙΑ ΦΥΣΙΚΟΥ ΑΕΡΙΟΥ" με διακριτικό τίτλο "ΔΙΩΡΥΓΑ GAS Α.Ε." λόγω επικείμενης μεταβολής της μετοχικής σύνθεσης και των τεχνικών χαρακτηριστικών της αδειοδοτούμενης δραστηριότητας ΑΣΦΑ».
7. Το υπ' αριθμ. πρωτ. 8/16.07.2021 (ΡΑΕ Ι-306647/19.07.2021) έγγραφο της εταιρείας με την επωνυμία ΔΙΩΡΥΓΑ GAS Α.Ε. με τίτλο «Αίτηση Εξαίρεσης από τις διατάξεις των άρθρων 32, 33 και 41 (6, (8) και (10) της Οδηγίας 2009/73/ΕC».
8. Την υπ' αριθμ. πρωτ. 700/2021 Απόφαση της ΡΑΕ με θέμα «Έγκριση κατευθυντηρίων γραμμών για τη διαχείριση και κατανομή δυναμικότητας στο Ανεξάρτητο Σύστημα Φυσικού Αερίου της εταιρείας ΔΙΩΡΥΓΑ GAS Α.Ε., σύμφωνα με την παράγραφο 6 του άρθρου 36 της Οδηγίας 2009/73/ΕC».
9. Το υπ' αριθμ. πρωτ. 12/07.10.2021 (ΡΑΕ Ι-310839/07.10.2021) έγγραφο της εταιρείας ΔΙΩΡΥΓΑ GAS Α.Ε. με τίτλο «Υποβολή Πρόσκλησης Εκδήλωσης Ενδιαφέροντος για τη δέσμευση δυναμικότητας στο ΑΣΦΑ Διώρυγα Gas».

Σκέφτηκε ως εξής:

Επειδή, η Αρχή με το υπ' αριθμ. 6 σχετικό, έχει χορηγήσει άδεια ΑΣΦΑ στην εταιρεία ΔΙΩΡΥΓΑ GAS Α.Ε. σύμφωνα με τον Κανονισμό Αδειών Φυσικού Αερίου (σχετικό 4), για την ανάπτυξη ανεξάρτητου συστήματος που αφορά σε πλατφόρμα πρόσδεσης και εκφόρτωσης, πλωτή αποθηκευτική δεξαμενή Υγροποιημένου Φυσικού Αερίου (ΥΦΑ) χωρητικότητας 170.000-210.000 m³ ΥΦΑ, μονάδα επαναεριοποίησης δυναμικότητας 132.000 MWh ανά ημέρα, χερσαίο αγωγό μεταφοράς φυσικού αερίου και σημείο διασύνδεσης με το ΕΣΦΑ πλησίον των Σημείων Εξόδου του ΕΣΦΑ «ΜΟΤΟΡ ΟΪΛ» και «ΜΟΤΟΡ ΟΪΛ II».

Επειδή, με το υπ' αριθμ. 7 σχετικό, η εταιρεία ΔΙΩΡΥΓΑ GAS Α.Ε. υπέβαλε στη Ρυθμιστική Αρχή Ενέργειας αίτηση για την εξαίρεση της προτεινόμενης νέας υποδομής φυσικού αερίου από την εφαρμογή των διατάξεων της Οδηγίας (σχετικό 2) που αφορούν στην πρόσβαση τρίτων και στον ορισμό τιμολογίων (άρθρα 32, 33 και άρθρο 41 παράγραφοι 6, 8 και 10).

Επειδή, η αίτηση εξαίρεσης εξετάζεται σύμφωνα με τις διατάξεις της παραγράφου 2 του άρθρου 76 του ν. 4001/2011. Ειδικότερα, προβλέπεται η χορήγηση απαλλαγής, με απόφαση της ΡΑΕ, από την υποχρέωση πρόσβασης σε ΑΣΦΑ σύμφωνα με τη διαδικασία και τις προϋποθέσεις που προβλέπονται στις διατάξεις του άρθρου 36 της Οδηγίας.

Επειδή, τα κριτήρια που εξετάζει η Ρυθμιστική Αρχή για τη χορήγηση εξαίρεσης αφορούν ιδίως στην επίδραση της προτεινόμενης επένδυσης ως προς την ενίσχυση του ανταγωνισμού για την προμήθεια αερίου, την ασφάλεια εφοδιασμού και την αποτελεσματική λειτουργία της εσωτερικής αγοράς φυσικού αερίου και της λειτουργίας του ΕΣΦΑ, αλλά και στο ύψος του επενδυτικού κινδύνου του έργου, σύμφωνα με την παράγραφο 1 του άρθρου 36 της Οδηγίας.

Επειδή, σύμφωνα με την παράγραφο 6 του άρθρου 36 της Οδηγίας, «Πριν από τη χορήγηση εξαίρεσης, η ρυθμιστική αρχή αποφασίζει τους κανόνες και τους μηχανισμούς για τη διαχείριση και την κατανομή δυναμικού. Σύμφωνα με τους κανόνες αυτούς πρέπει να απαιτείται να καλούνται όλοι οι δυνητικοί χρήστες της υποδομής να εκδηλώσουν ενδιαφέρον για μίσθωση δυναμικού, προτού γίνει η κατανομή του δυναμικού στην υποδομή ακόμη και για ίδια χρήση» (εφεξής «Market Test»).

Επειδή, σύμφωνα με την παράγραφο 6 του άρθρου 36 της Οδηγίας «Κατά την αξιολόγηση της Αίτησης Εξαίρεσης κατά τα κριτήρια της παραγράφου 1 στοιχεία α), β) και ε) του άρθρου 6 της Οδηγίας η Ρυθμιστική Αρχή λαμβάνει υπόψη τα αποτελέσματα της εν λόγω διαδικασίας κατανομής δυναμικού». Επομένως, το σχετικό πλαίσιο επιβάλλει την ολοκλήρωση της διαδικασίας Market Test προκειμένου τα αποτελέσματα αυτής να ληφθούν υπόψη από τη Ρυθμιστική Αρχή κατά την αξιολόγηση της αίτησης εξαίρεσης.

Επειδή, σύμφωνα και με το σχετικό 5, η βέλτιστη πρακτική για τη διεξαγωγή Market Test προκειμένου για την στάθμιση τυχόν επενδυτικού ενδιαφέροντος, προβλέπει δύο στάδια προσφορών, ένα μη δεσμευτικό που αφορά στην εκδήλωση ενδιαφέροντος και ένα δεσμευτικό.

Επειδή, με την υπ' αριθμ. 700/2021 Απόφαση της ΡΑΕ (σχετικό 8) η Ρυθμιστική Αρχή Ενέργειας ενέκρινε τις Κατευθυντήριες Γραμμές που αφορούν στον τρόπο διεξαγωγής του πρώτου σταδίου της διαδικασίας για τη δέσμευση δυναμικότητας στο ΑΣΦΑ της ΔΙΩΡΥΓΑ GAS Α.Ε σύμφωνα με την παράγραφο 6 του άρθρου 36 της Οδηγίας.

Επειδή, οι εν λόγω Κατευθυντήριες Γραμμές προβλέπουν τη σύνταξη από την εταιρεία ΔΙΩΡΥΓΑ GAS Α.Ε Πρόσκλησης Εκδήλωσης Ενδιαφέροντος (Expression of Interest phase Notice ή EoI Phase Notice), για τη συμμετοχή ενδιαφερομένων, αρχικά μέσω μη δεσμευτικών προσφορών, στη δέσμευση δυναμικότητας στη νέα υποδομή και την υποβολή αυτής προς έγκριση από τη ΡΑΕ.

Επειδή, με το υπ' αριθμ. σχετικό 9 η εταιρεία ΔΙΩΡΥΓΑ GAS Α.Ε υπέβαλε στη ΡΑΕ την πρότασή της σχετικά με την Πρόσκληση Εκδήλωσης Ενδιαφέροντος μέσω υποβολής μη δεσμευτικών προσφορών, για τη δέσμευση δυναμικότητας στο ΑΣΦΑ Διώρυγα Gas και εκδήλωσης ενδιαφέροντος για χρήση των υπηρεσιών που προτίθεται να παρέχει ο Διαχειριστής του ΑΣΦΑ.

Επειδή, η Ρυθμιστική Αρχή Ενέργειας ήλεγξε τη συμβατότητα και την πληρότητα της προτεινόμενης από την ΔΙΩΡΥΓΑ GAS Α.Ε Πρόσκλησης Εκδήλωσης Ενδιαφέροντος με τα

οριζόμενα στις εγκεκριμένες Κατευθυντήριες Γραμμές (σχετικό 8) και κατέληξε ότι η Πρόσκληση Εκδήλωσης Ενδιαφέροντος είναι σύμφωνη με όσα προβλέπονται στην υπ' αριθμ. 700/2021 Απόφαση ΡΑΕ για τις Κατευθυντήριες Γραμμές.

Για τους παραπάνω λόγους

Αποφασίζει

Την έγκριση της Πρόσκλησης Εκδήλωσης Ενδιαφέροντος για τη συμμετοχή στη δέσμευση δυναμικότητας για το Ανεξάρτητο Σύστημα Φυσικού Αερίου της εταιρείας ΔΙΩΡΥΓΑ GAS Α.Ε. σύμφωνα με το Παράρτημα, το οποίο αποτελεί αναπόσπαστο τμήμα της παρούσας Απόφασης.

Αθήνα, 21.10.2021
Ο Πρόεδρος της ΡΑΕ

Αναπλ. Καθ. Αθανάσιος Δαγούμας

ΠΑΡΑΡΤΗΜΑ

**«Dioriga Independent Natural Gas System (Dioriga FSRU)
MARKET TEST
EXPRESSION OF INTEREST PHASE NOTICE
(October 2021)**

**In accordance with the "Guidelines for management and allocation of capacity on
the
Dioriga Independent Natural Gas System(Dioriga FSRU)
according to paragraph 6 of article 36 of Directive 2009/73/EC"**

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1. Introduction

Dioriga Gas S.A. ("**Dioriga Gas**") is a company incorporated under Greek Law with the scope to own and operate natural gas infrastructure. Dioriga Gas develops the Independent Natural Gas System (INGS), "Dioriga Floating Storage Regasification Unit" ("**the Project**").

On July 16th, 2021, Dioriga Gas applied to the National Regulatory Authority for Energy of Greece ("**the Authority**") for an exemption under art. 36 of Directive 2009/73/EC ("**the Directive**"). Dioriga Gas formally requested an exemption for a period of 25 years, under arts. 32, 33 and 41(6), (8) and (10) of Directive 2009/73/EC ("**the Directive**") from:

- Regulated tariffs on the services provided by the Project according to Section 3.2.1.
- Third party access on booking Capacity to the Project.

As required by the Directive (par. 6 of Article 36), Dioriga Gas will perform the EoI phase of the Market Test prior to the Binding phase in order to compile the market's interest into reserving Capacity and other Services in the Project. The EoI phase of the market test, shall commence on the 22nd of October 2021. The minimum total duration of the EoI phase has been set to 45 days, as explicitly described in section 6.4.

The principles for capacity allocation to the Project and the main elements of the Market Test process are provided in the "Guidelines for management and allocation of capacity on the 'Dioriga' Independent Natural Gas System (Dioriga FSRU) according to paragraph 6 of article 36 of the Directive 2009/73/EC" ("**the Guidelines**"), under Decision of the Authority No. 700/2021.

According to the Guidelines, Dioriga Gas shall perform the Market Test in two phases, as described below:

- a. The Expression of Interest Phase ("**the EoI Phase**")** in which all potential Users are invited to express their interest in reserving Capacity in the Project by submitting the set of documents described in section 6 below.
- b. The Bidding Phase**, in which EoI Participants will be asked to submit binding requests for Capacity in the Project in accordance with the Bidding Phase Guidelines, to be approved by the Authority following the conclusion of the EoI Phase. Dioriga Gas will conduct the Capacity allocation and reservation procedure in the Project, in accordance with the Bidding Phase Guidelines.

Through the EoI Notice, Dioriga Gas is initiating the EoI Phase of the Market Test. Through the EoI phase, Dioriga Gas will:

- Canvass the intentions of any party in reserving any of the Project's Services.
- Collect data and information useful to the Authority to assess the criteria set out in art. 36.1 of the Directive.

Capacity and all relevant Services will be allocated in accordance with the Bidding Phase Guidelines, following completion of the Bidding Phase in accordance with Art. 3.5. of the Guidelines. Shareholders of the Project shall participate in the Expression of Interest phase of the market test under the same terms and conditions applicable to other potential network users, as set out in the Expression of Interest Notice.

The participation in such EoI Phase does not constitute a commitment by the EoI Participant to buy Capacity in the Project, and Dioriga Gas, by conducting such EoI Phase,

does not commit to actually invest in and realize the Project. Finally, it is again mentioned, that the participation in the EoI phase is a prerequisite for interested Stakeholders to participate in the Bidding Phase of the Market test.

Concerning the Bidding phase, potential shippers will be requested to apply and subscribe for their preferred services and products in the Dioriga-FSRU, in accordance with the Bidding-phase guidelines.

Dioriga Gas will respect the confidentiality of any information received from the applicants. Nonwithstanding the above, Dioriga Gas will release to the Authority all details relevant to the Market Test EoI Phase results. In addition, Dioriga Gas will disclose to the Authority any information and/or data requested by the Authority to complete the assessment of the exemption application submitted by Dioriga Gas.

Summarizing, the purpose of this EoI Notice is to provide general information on the Project and the projected available services to the EoI Participants and to set out the conditions for registration and participation in the EoI Phase.

2. Definitions

This EoI Notice uses the definitions of Art.1 of the Guidelines. In addition, terms are defined either directly in the EoI Notice, or herein below:

Credit Rating shall mean a credit rating attributed to the EoI Participant, provided by a primary international rating agency, at least equivalent to Baa3 (as per Moody's Investor Services rating rank) or BBB- (as per Standard & Poor's Corporation rating rank);

Expression of Interest Deadline or EoI Deadline shall mean 10th of December 2021, by which the Expression of Interest Form (EoI Form) in Exhibit II shall be submitted to be considered valid;

Expression of Interest Notice or EoI Notice shall mean this notice;

FSRU shall mean the LNG floating storage and regasification unit, to be located approximately 5km SW of the settlement of Agioi Theodoroi, near the Corinth Canal, in Central Greece. The FSRU is an integral part of the Project;

EoI Notice Form or Form shall mean the attached in Exhibit II form to be filled by any party interested in participating in the EoI phase;

LNG shall mean the liquefied natural gas;

Product(s) or Service(s) shall mean the products/services offered by Dioriga Gas that are available for reservation on behalf of any interested party;

Sponsor(s) shall mean the shareholders of Dioriga Gas S.A.;

TSO shall mean Transmission System Operator;

User (or Users) shall mean a Stakeholder that reserves Capacity in the Project, in the Bidding Phase.

3. Technical Description of the Project

The Project includes the construction of an FSRU (Floating Storage Regasification Unit) jetty in Ag. Theodoroi in Corinth, Greece. The new anchorage will be built in a position south of the existing refinery of MOH and at least 300m from the refinery. The FSRU docking position will be 150m from the coastline, at depths of up to 25m (MSL).

More specifically, the new facility is located:

- at a distance of about 1.5km W of the existing MOH port facilities and at a distance of about 5km east of the Isthmus of Corinth
- at a distance of about 5km SW of the settlement of Ag. Theodoroi
- at a distance of about 4.5km north of the designated Aquaculture Zone (West Saronic Bay - No. A7 Government Gazette 2505B/4-11-2011).



Figure 1 Dioriga FSRU Location

The Project comprises of:

- An FSRU which will serve for the reception, storage and regasification of Liquefied Natural Gas (LNG) that will be transported to the floating unit from LNG-Carriers (LNGC) of maximum capacity of 266,000 m³ LNG. LNGC shall be moored side by side to the FSRU in order to transfer LNG (Ship to Ship) via flexible hoses to FSRU storage tanks.
- A jetty/trestle, including a central platform, breasting and mooring dolphins for the permanent berthing of the FSRU. In the jetty, Ship to Shore gas loading arm(s), a jetty-borne gas pipeline (20 inch) and other auxiliary systems shall be installed that will serve the safe transfer of NG to onshore installations.
- Onshore Installations include a High-Pressure NG pipeline (20 inch) and a Metering Station for the conveyance of the exported NG to the National Natural Gas Transmission System (NNGTS).

The foreseen jetty infrastructure works include the following:

- A Utility platform of typical dimensions 15m x 20m

- Four (4) breasting dolphins of typical dimensions 7m x 15m. On these dolphins, there will be positioned marine fenders to absorb the berthing energy and movements of the ship in service.
- Six (6) mooring dolphins, of typical dimensions 10m x 10m in symmetrical layout of three (3) on each side and at a distance of 0m and 50m behind the berthing line. Quick Release Mooring Hooks (QRMH) will be placed on each dolphin.
- Access corridor to the coast of about 130 m long on which the gas pipelines will be heading towards the coast.

The FSRU infrastructure will have a storage capacity of 170,000 to 210,000 m^3 LNG and a nominal regasification capacity of 132,000 MWh/day .

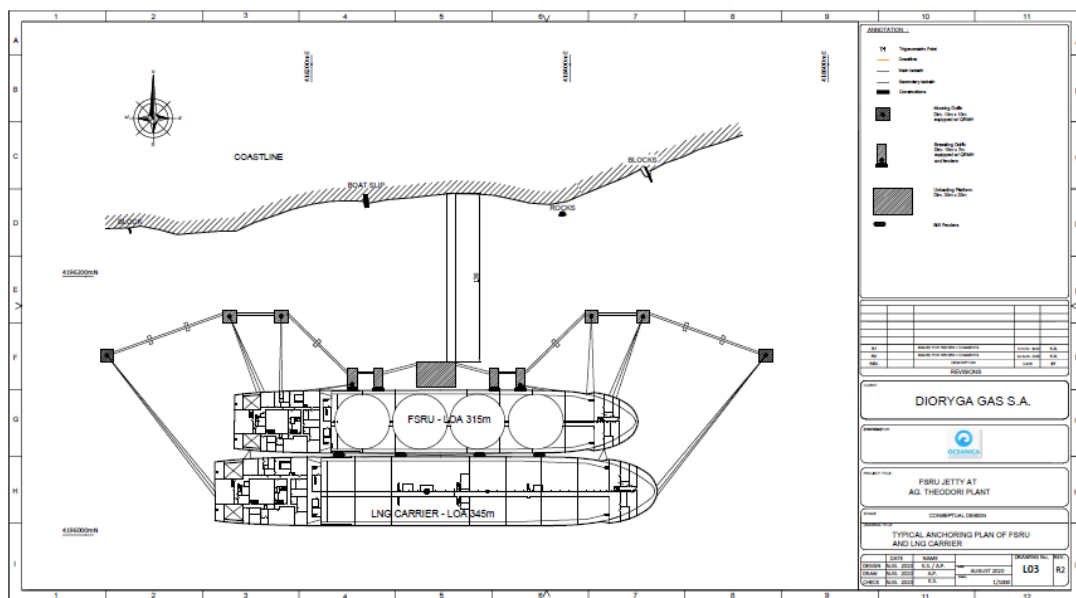


Figure 2 Anchoring FSRU and LNG Carrier on Jetty

The LNG delivered and stored at the FSRU shall be regasified and transmitted to the downstream natural gas system (NNGTS or other) at the flow rate requested by the Users, meeting the specifications of the respective downstream natural gas system (quality, pressure, temperature, etc.).

The Project will be connected to the NNGTS through an M/R station that will be developed and operated by DESFA. This new M/R Station will be located near the existing M/R Stations for the supply of MOH refinery and the Korinthos Power S.A. Power Plant, in the area of Agioi Theodoroi in Corinthia.

4. Project Status and Timeline

Dioriga Gas has been working towards the development of the technical and commercial aspects of the Project, formally since 2016. Currently the Project is at a relatively mature level and Dioriga Gas is working towards the finalization of the commercial design.

On 20 December 2018, with its Decision No. 1321/2018, RAE granted to Dioriga Gas S.A. a license for an Independent Natural Gas System (INGS License). The license is provided according to the provisions of Greek Energy Law (Articles 2 and 74) and the Regulation for Natural Gas Licenses (FEK B' 3430/17.08.2018). The license was granted in response to the relevant application submitted by Dioriga Gas S.A. submitted to RAE on 14 March 2017.

On 20 June 2019, Dioriga Gas S.A. submitted to DESFA S.A. a request for Advanced Reservation of Capacity at a new exit point to be constructed by DESFA at the vicinity of the Project. A Project Evaluation Study, carried out by DESFA, was concluded in August 2020.

The Project was included by DESFA in the 2021-2030 Ten Year Network Development plan as approved by RAE on 8 January 2021 (GG B' 1392/8.4.2021). Dioriga Gas is currently working thoroughly on preparing the relevant documentation for Installation license, including:

- Environmental terms
- Topographic study
- Opinion of services or bodies if required in the specific area or for specific activity
- Right to access to shore
- Right to access to seabed and sea area
- Safety study SEVESO III
- Installation Act
- Architecture study

In February 2021, Dioriga Gas submitted to RAE an application for amendment of its INGS License regarding technical characteristics and shareholding structure. On 29 April 2021, with its Decision No. 386/2021, RAE granted Dioriga Gas to proceed with the submitted amendments. The amended INGS License, submitted by Dioriga Gas to RAE on 16 July 2021, is currently awaiting for approval by RAE.

On June 16th 2021 the Advanced Reservation of Capacity Agreement (ARCA) for the construction of the connections between the Project and the National Natural Gas Transmission System (NNGTS) was co-signed by Dioriga Gas and DESFA.

Dioriga Gas S.A. has initiated its Front-End Engineering Design (FEED) which is expected to be concluded by Q4-2021 and aims to obtain all required licenses by Q2-2022 as shown in the Figure 3.

The construction of the Project is expected to begin in Q3 of 2022 and the Commissioning Operation Date is planned for Q4 of 2023.

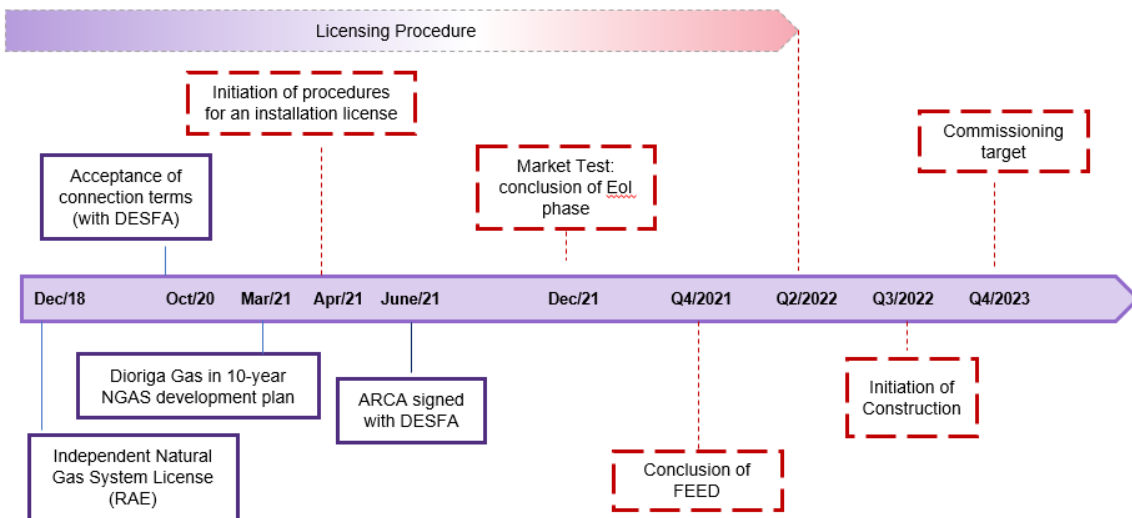


Figure 3 Indicative High-Level Project Timeline. The timeline shows indicative timestamps for the conclusion of selected milestones. Several other parallel actions (not shown) are also anticipated.

5. Offered Services and Tariff Determination Principles

Products have been purposely conceived so as to accommodate demand for typical LNG services (e.g., bundled slots) and in addition ensure flexibility through the provision of additional regassification capacity and/or storage as well as a variety of short-term services.

In addition to LNG regassification services as outlined above, Dioriga shall be offering a wide range of small-scale LNG (ssLNG) services purposely designed to serve its Users in addressing evolving market requirements due to the European and national decarbonisation commitments and also the EU Smart Mobility Strategy which aims to expand the usage of lower carbon fuels to road and sea transport. The ssLNG services of Dioriga can well contribute in this direction. The Dioriga Gas FSRU will provide a number of products/services as shown below.

- **Product A (Bundled Service)**

The Bundled Service includes berthing, unloading, temporary storage, and uniform send-out/regasification of LNG into the NNGTS with a maximum of 20 days of storage (subject to Terminal Inter-Customer Agreement).

Contract Duration: equal or greater than one year and up to 25 years

Short Term Offerings (Spot): Non-allocated slots may be provided on a cargo-by-cargo basis. Temporary storage duration shall be of a maximum of 20 days (subject to Terminal Inter-Customer Agreement). Actual allocating mechanism shall be defined by Dioriga Gas S.A. in the Dioriga FSRU Code of Operations to be prepared at least 1 year prior to commercial operation. The Dioriga FSRU Code shall be placed into public consultation.

- **Product B (Unbundled Services)**

The Unbundled Services include access to additional regasification capacity or additional storage in the FSRU tanks.

Contract Duration: equal or greater than one year and up to 25 years

Short Term Offerings: Non-allocated regasification capacity and temporary storage may be offered for short term (multiples of a day). Actual allocating mechanism shall be defined in the Dioriga FSRU Code of Operations. Minimum subscription for regasification capacity or storage shall be equal to 1 day.

- **Product C (small scale LNG services-ssLNG)**

Dioriga shall be providing at least two types of services under this Product.

- **LNG Bulk-breaking Service**

The service includes berthing of a small-scale vessel alongside the FSRU with a maximum 18 hours slot for reloading operations. Envisaged maximum cargo size: 10,000 m³.

Contract Duration equal or greater than one year and up to 25 years

- **LNG Bunkering Service**

The service includes berthing of a small-scale vessel/bunkering barge along-side FSRU with a maximum 12 hours slot for reloading operations. Maximum cargo size: 5,000 m³.

Contract Duration: equal or greater than one year and up to 25 years

Short Term Offerings: Non-allocated products of this type shall be offered on a short-term basis. Actual allocating mechanism shall be defined in the Dioriga FSRU Code of Operations.

- **Product D (TLT)**

The Truck loading Service includes loading LNG into LNG trucks capable of carrying LNG via road to the end-customers. Each truck is expected to carry nearly 274 MWh of LNG.

Contract Duration: equal or greater than one year and up to 25 years

Short Term Offerings: Non-allocated products of this type shall be offered on a short-term basis. Actual allocating mechanism shall be defined in the Dioriga FSRU Code of Operations.

Tariff calculation principles and methodology will be defined by the Bidding Phase Guidelines. However, it is currently envisaged that the tariffs will be set in order to secure the Project's financial viability and Sponsors' targeted profitability. Tariffs applied to users will be cost reflective and non-discriminatory.

6. Participation in the Eol Phase

6.1 Eligibility

In the Eol Phase all potential users, including shippers, DESFA and other TSOs and/or infrastructure operators, are invited to express their interest, pursuant to the Guidelines for management and allocation of capacity on the “Dioriga” Independent Natural Gas System, in contracting capacity in the Project and are asked to submit data and information in order for the Authority to assess the criteria set out in Article 36 (1) of the Directive.

The Eol Phase neither binds Eol Participants to book the capacity for which they have expressed their interest in, nor does it bind DIORIGA GAS to offer such capacity. However, participation in the Eol Phase is a prerequisite for subsequent participation in the Bidding Phase. This restriction may only be waived prior to the Binding phase if Dioriga Gas finds it suitable, but only under RAE’s approval.

6.2 Application Procedure

Entities interested in this Eol Phase are requested to deliver the attached Exhibit II Form, duly completed and signed, together with the following mandatory supporting documentation, by no later than the Expression of Interest Deadline, by courier or registered mail, to the address of Dioriga Gas, specified in paragraph 6.2.2 of this Eol Notice.

The mandatory supporting documents required to be attached along with the Eol Participant’s Form are:

- Declaration that no person employed at senior management level in the Eol Participant’s company or representing that company has been convicted for being a member of a criminal organization or has been convicted for fraud, corruption or money laundering;
- Declaration that the Eol Participant is not bankrupt or is under a procedure of any form of insolvency;
- Attested affidavit by the legal representative or the authorized representative of the Eol Participant;
- Certified copy of a certificate of current corporate registration issued no more than 3 months prior to the Eol Deadline;
- Audited financial statements of the three most recent completed financial years of the Eol Participant (or the shareholders of that Eol Participant if such audited financial statements cannot be produced for the last three financial years);
- Credit Rating/evidence of creditworthiness as defined in section 2. If the Eol Participant has no Credit Rating or does not have the minimum credit rating, it shall indicate how it intends to prove comparable creditworthiness (such as through Parent/Sovereign/State Guarantee, letter of Credit or other);

All documents are to be in English and duly signed by an authorized representative of the Eol Participant. Proof of power to sign shall be included in the documentation.

Within 5 (five) Days from the Eol Deadline, Dioriga Gas will deliver to the Authority the report summarizing the results of the Eol Phase in accordance with art. 7 of the Guidelines.

Dioriga Gas shall communicate to each Participant, the expressions of interest submitted by product in an aggregate form. This communication shall take place at the latest within 10 (ten) business days from the EoI Deadline.

6.2.1 Requests for Clarifications

Within and not later than 2 weeks from the publication of this EoI Notice, requests for clarification exclusively regarding the participation to the EoI Phase, can be addressed to the following email address:

info@dioriga.gr

6.2.2 Submission of Applications

All documents and declarations to be submitted to Dioriga Gas under this Market Test shall be made to the following email address:

info@dioriga.gr

6.3 Exclusion Criteria

An EoI Participant may be excluded from the Market Test if one or more of the following occurs:

- i. Part of the requested documentation is missing or incomplete or not signed by an authorized signatory or delivered after the EoI deadline;
- ii. Mandatory documentation has not been received in its proper form by Dioriga Gas on time or at all;
- iii. The authorized signatory has been convicted for being a member of a criminal organization or has been convicted for fraud, corruption or money laundering.
- iv. The company has been declared bankrupt or is under a procedure of any form of insolvency.

6.4 EoI Timeline

Table 1: Indicative Timeline of the Expression of Interest phase

Stage	Deadline
Start of EoI Phase	October 22 nd , 2021
Deadline of Request for Clarifications	November 5 th , 2021
Expression of Interest Deadline	December 10 th , 2021
Summary of results evaluation by Dioriga Gas to Authorities (In accordance with Article 7 of the Guidelines)	December 15 th , 2021
Dioriga Gas informs participants	December 24 th , 2021

6.5 Participation Fee

No participation fee is required for the EoI phase of the market test.

7. Confidentiality

Dioriga Gas on one side, and each EoI Participant on the other (for the purposes of this EoI Notice jointly referred to as "**the Parties**") shall treat confidentially all documents and information that they obtain or exchange from each other in connection with this Market Test (hereinafter, "**the Confidential Information**") and, unless otherwise stated herein, shall not disclose such Confidential Information or make it accessible to third parties without the prior written consent of the Party affected. The Parties undertake to use the confidential Information obtained exclusively for the purposes of the Market Test, in accordance with the principles contained in the EoI Notice.

Either Party shall be entitled to disclose without the written consent of the other Party any Confidential Information obtained from the other Party:

- i. to the Authority or any other competent authority for the purposes of the evaluation of the Dioriga Gas exemption application;
- ii. to its representatives, consultants, banks and insurers if and to the extent that disclosure is needed for proper performance of its obligations under this Market Test;
- iii. to the extent that the confidential information was legitimately known to the Party receiving the information at the time it:
 - a. was obtained from the other Party, or
 - b. was already in the public domain or becomes publicly available other than through an act or omission of the receiving Party, or

- c. must be disclosed by a Party due to a statutory provision or a court or official order or a request of the regulatory authorities; in any such case, the disclosing Party shall inform the other Party thereof without undue delay.

The confidentiality obligations of the Parties shall commence upon receipt by Dioriga Gas of the EoI documentation and for 3 years after the completion of the Market Test.

8. Suspension and Termination of the Market Test Procedure

Dioriga Gas shall have the right to suspend and/or terminate the Market Test at any time, by giving notice to the EoI Participants and to the Authority, as the case may be, by courier or registered mail. In case of suspension, notice of cessation of the suspension must be given in the same forms.

9. Liability

No Party shall be liable to the other Parties for any damage arising out of or in connection with this EoI Phase unless such damage is the result of a wilful act or omission, or arises from the gross negligence, of the Party concerned.

10. Assignment

The EoI Participant shall have the right to assign to third parties any of its rights or obligations in connection with the EoI phase of the Market Test, whether in whole or in part.

Attachments

Exhibit I: Guidelines

Exhibit II: EoI Form

EXHIBIT II

[To be reproduced on the EoI Participant letterhead]

Dioriga Gas - MARKET TEST PROCEDURE EXPRESSION OF INTEREST FORM

for Reservation of Services in the Dioriga Independent Natural Gas System

(Dioriga FSRU - LNG Terminal) (hereinafter the "Project")

The undersigned, resident in in his/her capacity as legal representative of, with registered office in, (hereinafter, the "**EoI Participant**"), hereby declares that the EoI Participant:

- a) intends to participate in the Dioriga Gas - Market Test Procedure and is interested in

reserving any of the offered Services in the Project as per the INTEREST DECLARATION set out here forth;

- b) understands that any request for reservation of Services, must have a starting date no later than three (3) years after the Commercial Operation Date;
- c) accepts, approves and adheres, in its entirety, to the Expression of Interest Notice ("**Eol Notice**"); and
- d) complies without reservations with the provisions of article 6 ("Participation in the Eol phase") of the Eol Notice and, for the purposes of article 6 thereof authorizes, to the extent necessary, Dioriga Gas to apply to the competent authorities to obtain any information they consider necessary for such purposes.

Accordingly, the Eol Participant encloses herewith:

- I. Documentation proving his/her capacity as legal representative of the Eol Participant;
- II. Documents and declarations as per article 6 of the Eol Notice.

Unless otherwise defined herein, capitalized terms shall have the meaning given to them in the Eol Notice.

INTEREST DECLARATION

The undersigned hereby declares to be interested in reserving firm Capacity and other offered Services on a long-term basis through the Project. Interest in reserving Natural gas or LNG Volumes in the Project are to be expressed as defined per each Service. Any expressed interest for any of the offered Services must refer to an initiation date, before January 2nd, 2027.

The assumed “**Commercial Operation Date**” will be within Q4 2023. Services are reserved for the User and shall be paid for whether User uses them or not. However, Dioriga Gas will develop appropriate provisions under the Network Code, in order for Users to be able to trade reserved Services in the secondary market.

Interest for "Product A"

Would you be interested in reserving bundled services on a firm basis in the Dioriga FSRU with a duration of minimum one (1) and up to twenty-five (25) years?

(Please, fill in the provided fields, and/or use the free-text field)

Bundled Service [kWh/day] :

Duration [years]:

Initiation Date [month/year]:

e.g. years 2025 to 2030: capacity1 , years 2030 to 2032: capacity2, , year 2033: capacity3, etc

Free Text:

Interest for "Product B"

Would you be interested in reserving unbundled services in the Dioriga FSRU with a duration of minimum one (1) and up to twenty-five (25) years?

(Please, fill in the provided fields, and/or use the free-text field)

Additional Regasification Capacity [kWh/day]:

Duration [years]:

Initiation Date:

Free Text:

*e.g. years 2025 to 2030:
additional regasification capacity 5.000.000 kWh/d
during months July – Sept*

Additional Storage Capacity [kWh/day]:

Duration [years]:

Initiation Date [month/year]:

Free Text:

Interest for "Product C"

Would you be interested in reserving small-scale LNG services in the Dioriga FSRU with a duration of minimum one (1) and up to twenty-five (25) years?

(Please, fill in the provided fields, and/or use the free-text field)

LNG Bulk-Breaking (max 10,000 m3 LNG per cargo)

Number of Cargoes per year:

Duration [years]:

Initiation Date [month/year]:

Free Text:

*e.g. years 2024 to 2026: 30 Cargoes per year
years 2025 to 2030: 50 Cargoes per year*

LNG Bunkering (max 5,000 m3 LNG per cargo)

Number of Cargoes per year:

Duration [years]:

Initiation Date [month/year]:

Free Text:

Interest for "Product D"

Would you be interested in reserving Truck-Loading services in the Dioriga FSRU with a duration of minimum one (1) and up to twenty-five (25) years?

(Please, fill in the provided fields, and/or use the free-text field)

(approx. 280 MWh per Truck)

Number of Truck Loadings per year:

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Duration [years]:

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Initiation Date [month/year]:

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e.g. years 2024 to 2026: 100 trucks per year
years 2025 to 2030: 200 trucks per year

Free Text:

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The submission of this expression of Interest shall neither commit the EoI Participant to submit abinding offer nor commit Dioriga Gas to invest in, or realize the Project.

[Place], [Date]

[Name and Position]

Contacts references of the Eol Participant Company and contact data:

Contact person:

Company:

Address:

Phone:

Fax:

Email:

SPECIFIC APPROVAL OF CLAUSES of general rules

The Eol Participant hereby expressly approves the Eol Notice content and procedure with relevant attachments.

[Place], [Date]

[Name and Position]

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