



## **Appendix GTC 2:**

### **§ 18 Low Pressure Connection Ordinance (Niederdruckanschlussverordnung / NDAV)**

## Liability for malfunctions of the Connection Usage

(1) To the extent the network operator is liable due to contract, connection usage relation or tortious acts for damages suffered by the shipper due to interruptions or irregularities of the connection usage and default of the company or its vicarious agents or servants is required

1. regarding financial loss willful misconduct or gross negligence shall be assumed subject to refutation,
2. regarding damages to property willful misconduct or negligence shall be assumed subject to refutation.

In case of financial loss pursuant to sentence 1 number 1 liability due to other negligence shall be excluded.

(2) Liability of the network operator for damages to property towards its connection users caused neither by willful misconduct nor gross negligence shall be respectively limited to 5.000 Euro. Liability for damages to property not caused by willful misconduct shall per damaging event be limited to

1. 2,5 million Euro in case of up to 25.000 connection users connected to its own network;
2. 10 million Euro in case of 25.001 to 100.000 connection users connected to its own network;
3. 20 million Euro in case of 100.001 to 200.000 connection users connected to its own network;
4. 30 million Euro in case of 200.001 to one million connection users connected to its own network;
5. 40 million Euro in case of more than one million connection users connected to its own network.

Damages of connection users connected to mid and high pressure shall be implied in the aforementioned limits.

(3) Paragraph 1 and 2 shall also apply to connection users' claims in tort against third-party network operators in terms of § 3 number 27 Energy Industrial Act. Liability of third-party network operators in terms of § 3 number 27 Energy Industrial Act shall totalling be limited per damaging event to three times the maximum amounts it is liable towards its own connection users in accordance to paragraph 2 sentence 2. If the third-party network operator has no own connection users connected to its network in terms of this Ordinance, the liability shall totalling be limited to € 200 million. Damage claims of costumers who are not covered by this Ordinance and which are claimed against the third party due to tort may be regarded for the maximum amounts pursuant to sentences 2 and 3 if case by case these claims are limited in accordance with paragraph 2 sentence 1. At request the net-

work operator shall be obliged to inform its connection users about the facts related to the damaging caused by a third-party network operators in terms of § 3 number 27 Energy Industrial Act to the extent the facts are known to it or can be cleared up by it using reasonable effort and its knowledge is necessary to claim for damages.

- (4) Liability for financial loss of the network operator to whose network the connection user is connected, or of a third-party network operator to whom the connection user claims for damages, caused by gross negligence shall be respectively limited towards its connection users to 5.000 Euro and per damaging event to 20% of the maximum amounts listed under paragraph 2 sentence 2 and paragraph 3 sentence 2 and 3. Paragraph 2 sentence 3 and paragraph 3 sentence 1, 4 and 5 shall apply accordingly.
- (5) If the sum of individual damage claims exceeds the respective limit, the damage claim shall be proportionately reduced in relation of the sum of all damage claims to the respective limit. If costumers who are not covered by this Ordinance are regarded for the maximum amounts in accordance with paragraph 2 sentence 2 or paragraph 3 sentence 4 in connection with paragraph 4 respectively, such customer shall be regarded with respect to the reduction in accordance with sentence 1. In case of claims pursuant to paragraph 3 the quota of damaging claims may not exceed the quota of customers of the third-party network operator.
- (6) Claims for damages below 30 Euro neither caused by willful misconduct nor by gross negligence shall be precluded.
- (7) The aggrieved connection user shall inform the network operator or if it is certain the company liable to pay compensation about the damage.

This document is a convenience translation of the German original. In case of discrepancy between the English and the German versions, the German version shall prevail.