Trading Rules for the Organised Trading Facility of Towarowa Giełda Energii S.A.

Consolidated text adopted by resolution of the Management Board of Towarowa Giełda Energii S.A. No. 104/33/25 of July 2, 2025 including amendments adopted by the Supervisory Board of Towarowa Giełda Energii S.A. by Resolution: No. 160/33/IX/25 of June 18, 2025.

The amendments come into force on July 25, 2025.

General provisions

§1

1. The present Rules determine the rules of trading on the OTF operated by Towarowa Giełda Energii S.A. in respect of forward contracts:
   a) the underlying instrument of which is a property right to certificates of origin for electricity generated in renewable energy sources, such property right being a financial instrument, and
   b) the underlying instrument of which is electricity or gas with physical delivery, such electricity or gas not being a financial instrument and being subject to wholesale trading.
2. The trade on the OTF shall concern financial instruments admitted to exchange trading in accordance with the present Rules.
3. The Exchange, as the operator of the Regulated Market, shall operate the OTF on the basis of an authorisation from the Polish Financial Supervision Authority.

§2

Wherever used in these Rules, the following terms shall have the following meaning:

1) Market Maker – means an entity which is an OTF Member and is obliged to place, on a continuous basis and according to the agreed terms, under a dedicated agreement with the Exchange, buy and sell orders in respect of instruments for its own account, as part of its activity, in order to support the liquidity of a given instrument;

1a) TGE MIFID 2 Application - means an auxiliary application used by TGE to support processes related to the fulfilment of the requirements of the MIFIR Regulation (i.e. Regulation (EU) No. 600/2014 of the European Parliament and of the Council of May 15, 2014 on markets in financial instruments and amending Regulation (EU) No. 648/2012) imposed on a trading company, with regard to flagging reported transactions;

2) OTF Member – means an entity that has the status of an OTF Member in accordance with these Rules;

3) Directive 2002/65/EC – means Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/95/EC and Directive 2011/61/EU;

4) investment firm – means the entity referred to in Article 3(33) of the Act on Trading in Financial Instruments;

5) Exchange (TGE) – means Towarowa Giełda Energii S.A. having its registered office in Warsaw;

6) gas – means gaseous fuels as referred to in Article 3(3)(a) of the Energy Law Act;

7) algorithmic trading for financial instruments – means the purchase or sale of financial instruments by means of a computer algorithm automatically determining individual parameters of purchase or sale orders for such instruments, including the moment

the order is placed, its validity period, price or number of instruments being the subject of the order or the order management method after its placement, without or with limited human intervention within the meaning of Article 18 of Regulation 2017/565, provided that the application of automatic systems used exclusively for redirecting orders between trading systems for financial instruments, processing of orders without determining any transaction parameters, order confirmation or post-transaction processing of executed trades is not considered algorithmic trading;

8) algorithmic trading for energy products - means trading in wholesale energy products involving high-frequency trading where a computer algorithm automatically determines individual parameters of orders such as the conditions under which an order can be triggered, the timing of execution, the price or quantity of the instruments to be traded, or the handling of the order after its placement, with limited or no human intervention; the term does not include any system that is only used for the purpose of routing orders to one or more organised trading platforms, or for order processing without setting any trade parameters, or for confirmation of orders or post-trade processing of concluded trades.

9) Shipper Code – means the code used for the identification of a Shipper;

10) forward contract – means an agreement concluded on the markets operated within the OTF, which obliges the seller to deliver, and the buyer to accept, on a specified date and at a specified price, the object of the contract according to the type of instrument concerned;

11) PFSA – means the Polish Financial Supervision Authority;

12) instrument – means a forward contract entered into on an OTF which gives rise to rights or obligations, and the underlying instrument of which is:

a) a property right to certificates of origin for energy produced from renewable energy sources, being a financial instrument or

b) electricity or gas with physical delivery, which is not a financial instrument and which is subject to wholesale trading;

13) underlying instrument – means property rights to certificates of origin for energy produced in renewable energy sources, or electricity or gas;

14) financial instrument – means a financial instrument within the meaning of the Act on Trading in Financial Instruments;

15) credit institution – means the institution within the meaning of Art. 4(1)(17) of the Banking Law Act of 29 August 1997;

16) TNCg – means the Gas Transmission Network Code prepared by Gas Transmission Operator GAZ-SYSTEM S.A. having its registered office in Warsaw, in accordance with Article 9 g) of the Energy Law Act;

17) Clearing House – means the Warsaw Commodity Clearing House which operates a settlement and clearing house and, at the same time, acts the central clearing party;

18) USE unit – means the object of the balancing market operated by Polskie Sieci Elektroenergetyczne S.A., within the meaning of the Balancing Terms and Conditions, which enables the nomination of electricity sale contracts concerning transactions concluded on the Exchange;

19) lot – means the minimum quantity that may be subject of an Order, as established by the Exchange Management Board for each instrument of a given kind;

20) sanction list(s) – means a list (or lists) of persons, entities and countries that are subject to restrictive measures (sanctions), issued by the state, authorised organisations or authorities, and binding in the territory of Poland;

21) TGE broker – means a person employed by an OTF Member or being a member of its management bodies who fulfils the relevant requirements and is authorised to carry out the activities specified in the OTF Rules;

22) nomination – means a nomination as defined in the TNCg.

23) market operator (Exchange) – means the regulated market operator in accordance with Directive 2014/65/EU;

24) Electricity Transmission System Operator or TSOe – means PSE S.A. having its registered office in Konstancin-Jeziorna;

25) Gas Transmission System Operator or TSOg – means Gas Transmission Operator GAZ-SYSTEM S.A. having its registered office in Warsaw,

26) OTF - means the Organised Trading Facility referred to in Article 3(10b) of the Act on Trading in Financial Instruments, operated by Towarowa Giełda Energii S.A.

27) President of the Energy Regulatory Office – means the central governmental agency concerned with fuel and energy economy in Poland;

28) wholesale energy product – means the product referred to in Article 2(4) of Regulation (EU) 1227/2011 of the European Parliament and of the Council of 25 October 2011;

29) energy company – means the entity referred to in Article 3(12) of the Energy Law Act;

30) DAM&IDM or Day-Ahead Market and Intraday Market – means the electricity Day-Ahead Market and Intraday Market operated by the Exchange;

31) DAM&IDMg or Gas Day-Ahead Market and Intraday Market – means the gas Day-Ahead Market and Intraday Market operated by the Exchange;

32) Rules – means these Rules;

33) Register – means the Certificate of Origin Register (including the records of the related property rights) within the meaning of the RES Act;

34) Regulation 1227/2011 – means Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency;

35) Regulation 2017/584 – means Commission Delegated Regulation (EU) 2017/584 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying organisational requirements of trading venues;

36) Regulation 2017/566 – means Commission Delegated Regulation (EU) of 18 May 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards for the ratio of unexecuted orders to transactions in order to prevent disorderly trading conditions;

37) Regulation 2017/589 – means Commission Delegated Regulation (EU) of 19 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the organisational requirements of investment firms engaged in algorithmic trading;

38) Regulation 2017/583 – means Commission Delegated Regulation (EU) 2017/583 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of bonds, structured finance products, emission allowances and derivatives;

39) Regulation 2017/565 – means Commission Delegated Regulation (EU) of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive;

40) Regulation 2017/574 – means Commission Delegated Regulation (EU) 2017/574 of 7 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the level of accuracy of business clocks;

41) Regulation 596/2014 – means Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC;

42) EFM – means the Electricity Forwards Market;

43) GFM – means the Gas Forwards Market;

44) PRFM – means the Property Rights Forward Market for financial instruments, the underlying instrument of which are property rights arising from Certificates of Origin for electricity generated from renewable energy sources;

45) Regulated Market – means a regulated market within the meaning of the Act on Trading in Financial Instruments;

46) IT system of the exchange – means the electronic communications system, including all relevant hardware and software, and specifically the dedicated computer application that facilitates the trading on the OTF;

47) Certificates of Origin – means certificates of origin within the meaning of the RES Act;

48) commodity market – means the exchange market for commodities defined in accordance with Article 2(2) of the Act on Commodity Exchanges, operated by TGE in accordance with the Trading Rules for the Commodity Market of Towarowa Giełda Energii S.A.;

49) transaction – means an agreement concluded by OTF Members on the OTF in accordance with these Rules, which gives rise to rights and obligations to deliver or accept the object of such contract;

50) exchange transaction - means a transaction made on the OTF, unless these Rules provide otherwise;

51) clearing participant – means the entity that has entered into membership agreement with the Clearing House providing for the clearing of the contracts entered into on the OTF;

52) Act on Trading in Financial Instruments – means the act of 29 July 2005 on trading in financial instruments ("*ustawa o obrocie instrumentami finansowymi*") (Dz.U.2005.183.1538, as amended);

53) Act on Commodity Exchanges – means the Act of 26 October 2000 on commodity exchanges ("*ustawa o giełdach towarowych*") (Dz.U.2000.103.1099, as amended);

54) Act on Renewable Energy Sources/RES Act – means the act of 20 February 2015 on renewable energy sources ("*ustawa o odnawialnych źródłach energii*");

55) Energy Law Act – means the Energy Law Act of 10 April 1997 ("*Prawo energetyczne*") (Dz.U.2018.755, as amended);

56) BT&C – means the Balancing Terms and Conditions drafted by Polskie Sieci Elektroenergetyczne Spółka Akcyjna with its registered office in Konstancin-Jeziorna;

57) order – means a bid to buy or an offer to sell submitted by an OTF Member;

58) Shipper – means a Shipper as defined in the TNCg;

Chapter I. Conditions and procedure for admission of instruments to trading

§3

The trade on the OTF operated by Towarowa Giełda Energii S.A. shall concern instruments admitted to trading on the OTF.

§4

1. The trade in instruments of a given type shall take place on dedicated markets established by the Exchange and approved by the Supervisory Board of the Exchange by way of an amendment of these Rules.
2. The admission of a specific instrument to trading shall take place upon the entry into force of the amendment to the Rules as referred to in sub-paragraph 1 above, unless the Rules provide for an alternative admission procedure.

§5

The trade in the instruments shall take place on the following dedicated markets making part of the OTF:

a) Electricity Forwards Market (EFM)

b) Gas Forwards Market (GFM)

c) Property Rights Forward Market (PRFM)

§6

As part of the Register, the Exchange shall maintain the Certificates of Origin Register and the register of the related property rights, according to the principles set forth in the RES Act and in the dedicated Register Rules defined by Towarowa Giełda Energii S.A.

Chapter II. Methods of determination of quality requirements and standards for instruments and quality control

§7

The Exchange Management Board may establish, by way of a resolution, the quality requirements and standards applicable to the instruments admitted to trading on the OTF, and the methods of quality control, taking into account the relevant regulations concerning the application of quality standards in trade.

Chapter III. Rules for introducing, suspending and delisting instruments traded on the OTF

§8

1. The instruments traded on the OTF shall be introduced to trade by the Exchange Management Board, unless these Rules provide for an alternative procedure for the introduction of the instruments traded on the OTF to trading.

2. The listing of subsequent series of instruments shall be subject to the procedure set out in §10.1 of these Rules.

3. The Exchange Management Board may withhold the introduction of instruments to trading on the OTF, or may withhold the commencement of trading in such instruments on the OTF for up to 10 days, if the security of trading on the OTF so requires, or the interest of the OTF Members is at risk, or at the request of the competent supervisory authority, in accordance with the applicable legal regulations.

§9

1. In situations provided for in these Rules, the Exchange Management Board may suspend or delist individual instruments traded on the OTF.

2. At the request of the competent supervisory authority, the Exchange Management Board shall, in accordance with the applicable legal regulations, suspend trading in instruments traded on the OTF or exclude the instruments listed on the OTF indicated by that supervisory authority from trading, if the trading in such instruments is carried out in circumstances indicating that the proper functioning of the OTF or the security of trading on that OTF may be at risk, or the interests of trading participants may be compromised.

3. The Exchange Management Board may decide to suspend or exclude instruments traded on the OTF, if such instruments no longer meet the conditions prevailing on the OTF or if the proper functioning of trading so requires. The Exchange Management Board shall inform the competent supervisory authority, in accordance with the applicable provisions of law, of any decision to suspend or delist instruments traded on the OTF and shall make such information public.

4. The Exchange Management Board may decide to suspend or exclude instruments traded on the OTF if no transactions have been made in relation to products traded with respect to such instruments for the last 3 months.

5. When suspending or delisting instruments Traded on the OTF, the Exchange Management Board shall, accordingly, suspend or delist the related derivative instruments where this is necessary to achieve the objectives of the suspension or delisting of the underlying instrument.

§10

1. The decision on the listing subsequent series of instruments and the definition of the trading and execution timeframe for individual types of forward contracts, hereinafter “the Quotation and Execution Calendar” shall be made by the Exchange Management Board, or an employee of the Exchange authorised by the Management Board.

2. The decision referred to in sub-paragraph 1 above, should be made public not later than 14 days before the date of the first quotation.

3. The Exchange Management Board, or an employee of the Exchange authorised by the Management Board, guided by trading safety considerations or the interest of trading participants, may introduce changes to the Quotation and Execution Calendar

by way of a decision. The decision on the subject matter should be made public not later than 14 days before the date of the first change taking effect.

Chapter IV. Physical delivery resulting from the performance of a transaction

§11

1. The Exchange shall organize the trade in instruments and, in this regard, enable the Exchange Members admitted to operate on the OTF to enter into transactions on the OTF and ensure efficient and secure execution of such transactions. The Clearing House shall be the party responsible for clearing and settlement of transactions.
2. The Exchange shall not be responsible for the physical delivery or off-take of electricity or gas in the performance of the transactions entered into on the OTF. In particular, the Exchange shall not be responsible for any damage suffered as a result of a failure to deliver electricity or gas in the quantities resulting from the transactions entered into on the OTF, for or physical defects of the gas being the object of such transactions.
3. The Exchange shall not be responsible for the delivery of any Property Right that was acquired in the course of trading on the PRFM by the OTF Member. The delivery of the property right shall be the responsibility of the Clearing House.
4. The OTF Member shall bear risk of restrictions on gas of electricity deliveries contracted on the OTF in connection with failures or congestion of the transmission system and shall not be entitled to claim any damages from the Exchange.
5. The Exchange shall not be liable to OTF Members or third parties for any damage resulting from a non-performance or physical ill-performance of the delivery or off-take (in full or in part) of Gas or electricity contracted on the OTF, what is the subject of transmission agreement between OTF Members and TSOe or TSOg.
6. In cases when these Rules allow the notification of transactions in electricity for physical execution to the Electricity Transmission System Operator, by the means of USE Units of another OTF Member, the OTF Member that shares its USE Units and the OTF Member that uses such USE Units shall be jointly and severally responsible for securing the necessary electricity transmission capacity and the performance of the transactions entered into on the OTF.
7. In cases when these Rules allow the notification of transactions in gas for physical execution to the Gas Transmission System Operator, by the means of a Shipper Code shared by another OTF Member, the OTF Member that shares its Shipper Code and the OTF Member that uses such Shipper Code shall be jointly and severally responsible for the performance of the concluded transactions. The OTF Member sharing its Shipper Code shall be responsible for securing the necessary gas transmission capacity required for the execution of the transactions entered into on the OTF.

Chapter V. Notification of transactions made on the OTF to the Electricity Transmission System Operator

§12

1. The transactions made on the OTF and concerning electricity shall be notified to the Electricity Transmission System Operator for physical execution in accordance with the BT&C.

2. For the purposes of the notification of electricity purchase or sale transactions for physical execution to the Electricity Transmission System Operator, the OTF Exchange Member may use the following USE Units:

   a) a USE Unit obtained from the Electricity Transmission System Operator; or

   b) a USE Unit shared by another energy company, in accordance with the principles set forth in these Rules.

3. For the purposes of the notification of electricity purchase or sale transactions to the Electricity Transmission System Operator for physical execution, the OTF Member may, subject to sub-paragraph 4 below, use USE Units (hereinafter "the Shared USE Units") shared by another Energy Company (hereinafter "the Sharing Party").

4. The use of Shared USE Units by the OTF Member shall require an approval of the Exchange Management Board, or of an employee of the Exchange authorised by the Exchange Management Board, granted on request of the interested OTF Member. Together with the request, the applicant shall present a declaration by the Sharing Party confirming the sharing of the Shared USE Units with the applicant, in the form specified by the Exchange. When granting the approval for the use of the Shared USE Units, the Exchange Management Board, or the employee of the Exchange authorised by the Exchange Management Board, shall specify the date by when the OTF Member may use such units. The provisions of § 17 and § 18 shall apply, as appropriate, to the request for approval for the use of Shared USE Units.

5. Upon becoming aware of any reason that prevents a given OTF Member from using Shared USE Units, the Exchange Management Board, or the employee of the Exchange authorised by the Exchange Management Board, shall revoke the decision approving the use of such Shared USE Units.

Chapter VI. Notification of transactions made on the OTF to the Gas Transmission System Operator

§13

1. Transactions made on the OTF and concerning gas shall be notified to the Gas Transmission System Operator for physical execution in accordance with the TNCg.

2. For the purposes of the notification of gas purchase or sale transactions for physical execution to the Gas Transmission System Operator, the OTF Member may use the following Shipper Code:

   a) a Shipper Code obtained from the Gas Transmission System Operator; or

b) a Shipper Code shared by another Shipper in accordance with the principles set forth in these Rules.

3. For the purposes of the notification of gas purchase or sale transactions to the Gas Transmission System Operator for physical execution, the OTF Member may, subject to sub-paragraph 4, use a Shipper Code (hereinafter "the Shared Shipper Code") shared by another Shipper (hereinafter "the Sharing Shipper").

4. The use of Shared Shipper Code by the OTF Member shall require an approval of the Exchange Management Board, or of an employee of the Exchange authorised by the Exchange Management Board, granted on request of the interested OTF Member. Together with the request, the applicant shall present a statement by the Sharing Shipper confirming the sharing of the Shared Shipper Code with the applicant, in the form specified by the Exchange. When granting the approval for the use of the Shared Shipper Code, the Exchange Management Board, or the employee of the Exchange authorised by the Exchange Management Board, shall specify the date by when the OTF Member may use such code. The provisions of § 17 and § 18 shall apply, as appropriate, to the request for approval for the use of a Shared Shipper Code.

5. Upon becoming aware of any reason that prevents a given OTF Member from using Shared Shipper Code, the Exchange Management Board, or the employee of the Exchange authorised by the Exchange Management Board, shall revoke the decision approving the use of such Shared Shipper Code.

Chapter VII. OTF Members

§14

Only entities that entered into a membership agreement with the Exchange in respect of the OTF and have been admitted to operation on the market by the Exchange Management Board may be a party to transactions entered into on the OTF.

Section 1. Granting the OTF Member status

§15

1. The following entities may become the OTF Members:
   a) investment firms;
   b) foreign investment firms;
   c) credit institutions;
   d) other entities being legal persons, which have equity of at least PLN 400,000 and meet other requirements set forth in the relevant legal regulations.

2. The entities referred to in sub-paragraph 1 should provide assurance of correct and safe participation in trading. The assessment shall be based on the documents attached to the Application for membership in the OTF, subject to §17.2.

3. The Exchange Board may, in exceptional cases, waive the requirement for the level of equity capital set out in sub-paragraph 1(d) above, provided that the safety of trading is not compromised. The Management Board, in waving the requirement referred to in the previous sentence, shall also take into account the role of the entity in question on the market as well as the opinion of the Clearing House.

§16

1. The submission of the application by the an entity interested in becoming the OTF member, as referred to in sub-paragraph 3 below, shall be deemed to be an offer to enter into an OTF membership agreement with the Exchange.
2. The execution of the OTF membership agreement with the Exchange shall take place upon the adoption of a resolution of the Exchange Management Board granting the OTF Member's status.
3. The Exchange Management Board shall define the conditions to be fulfilled by the application for the execution of an OTF membership agreement with the Exchange, as well as the documents and information to be provided by the applicant.
4. In the event that the application for the execution of an OTF membership agreement with the Exchange and the related documents and information are presented in a language other than Polish language, the Exchange Management Board shall determine the scope of the translation of the said documents into Polish language.
5. The Exchange Management Board shall take a decision on granting of the status of an OTF Member taking into consideration the information provided in the application.
6. The Exchange Management Board shall take the decision on granting of the status of an OTF Member within 30 days of the date of submission of a complete application.

§17

1. The entity applying for the status of an OTF Member, as well as the OTF Members, shall be required to promptly advise the Exchange of any changes to the information contained in the application for membership in the OTF.
2. With a view to ensuring the security of trading on the OTF, the Exchange Management Board shall have the right to request, from time to time, any additional information from the OTF Member, beyond the scope covered by the application.

§18

The Exchange Management Board may impose specific disclosure obligations on the OTF Members in relation to their participation in the OTF, and in particular may request the OTF Member to present its periodic financial statements to the Exchange.

§19

1. The Exchange Management Board shall pass a resolution refusing the membership in the OTF when the applicant does not conform to formal requirements, or according to the assessment of the Exchange Management Board it does not warrant adequate

performance of the obligations of an OTF Member. A resolution of the Exchange Management Board refusing the membership in the OTF shall be duly substantiated.

2. In order to ensure the security of exchange trading, the Exchange Management Board shall have the right to refuse granting the status of an OTF Mmeber if the applicant or its beneficial owner, within the meaning of the Act on Anti-Money Laundering and Counteracting Terrorism Financing of 1 March 2018, are on the sanction list referred to in §2(19) of these Rules, or on any other sanction list.

§20

1. The decision of the Exchange Management Board refusing the membership in the OTF may be appealed against to the Exchange Supervisory Board within 20 days of the receipt of the notification on the decision of the Exchange Management Board.

2. A repeated application for membership in the OTF may be submitted no earlier than after removing the circumstance on the basis of which the membership in the OTF was refused by the Exchange Management Board or the Exchange Supervisory Board.

§21

1. The OTF Member shall be obliged to authorize at least one person to carry out the following activities:

   a) receiving all communications released by the Exchange, including, in particular, those concerning the orders of the OTF Member, transactions entered into by the OTF Member, session results and invoices,

   b) reporting all identified irregularities concerning transactions, within the time frame set forth by the Exchange;

   c) represent the OTF Member vis-a-vis the authorities of the Exchange in respect of matters other than specified above.

2. The person authorized to carry out the above-mentioned activities may represent only one OTF Member.

Section 2. Authorisation to operate on the OTF markets

§22

1. The entity which has been granted the status of an OTF Member by the Exchange Management Board may apply for admission to operate on selected markets operated within the OTF by submitting the application referred to in §28.2.

2. The Management Board of TGE shall take a decision on the admission of the OTF Member to operation on the relevant market, provided that the entity enjoying the status of an OTF Member fulfils the conditions for admission to operate on the market, as specified in §23, as well as the conditions for admission to operate on the markets selected by the OTF Member in accordance with §25, §26, §27.

§23

1. Entities that enjoy the status of an OTF Member and fulfil the following conditions may be admitted to operate on a market making part of the OTF:

    a) fulfil, as appropriate, the requirements in respect of clearing and settlement of transactions entered into on individual markets, as set forth in the applicable legal regulations, or regulations established by the Exchange or by the Clearing House,

    b) indicate the market in which they wish to participate, in accordance with §5,

    c) undertake to conform to the regulations being in force on the OTF,

    d) authorise at least one person with appropriate knowledge and experience to represent the OTF Member in transactions on the OTF,

    e) present an authorisation of the competent supervisory authority for the performance of brokerage activity, or another document confirming the applicant's right to carry out brokerage activity within the scope required for the operation on the OTF, in each case certified as true to the original, or a declaration that the undertaken activity is not subject to such authorisation.

    f) have the basic organizational and technical resources, as defined in the relevant regulation of the Exchange concerning the detailed terms and conditions of access to the IT systems of TGE,

    g) provide an assurance of adequate performance of OTF Member's obligations.

2. An applicant must not be admitted to operate on a market making part of the OTF if the applicant or its beneficial owner are on a sanction list, or when the admission of the applicant would lead to a violation of such a sanction list

3. In order to ensure the security of exchange trading, the Exchange Management Board may adopt a resolution to refuse admission to operate on a market making part of the OTF if the applicant or its beneficial owner are on a sanction list other than the one specified in §2 sub-paragraph 19 of these Rules.

§24

1. As a precondition to starting trading on the OTF, the OTF Member shall secure the capability for accurate clearing and settlement of transactions.

2. The Exchange Management Board may define in detail how the OTF Members' capability for the clearing of transactions is to be demonstrated.

§25

The Exchange Management Board shall admit the applicant to operate on the Commodity Forward Market with electricity delivery (CFME), provided that the applicant meets the conditions specified in §23 and:

a) holds an appropriate licence obtained from the President of the Energy Regulatory Office, if required under the Energy Law Act,

b) has been admitted to operation and has the capability to place orders and enter into transactions on the Day-Ahead and Intraday Market operated as part of the Commodity Market by Towarowa Giełda Energii S.A.,

c) has USE Units to be used for the notification of electricity purchase or sale transactions for physical execution to the Electricity Transmission System Operator, in accordance with §12.2,

d) fulfils the requirements applicable to a wholesale electricity market participant and the requirements for a wholesale market participants, and has submitted a declaration to TGE to this effect.

§26

The Exchange Management Board shall admit the applicant to operate on the (GFM), provided that the applicant meets the conditions specified in §23 and:

a) holds an appropriate licence obtained from the President of the Energy Regulatory Office, if required under the Energy Law Act,

b) has been admitted to operation and has the capability to place orders and enter into transactions on the Day-Ahead and Intraday Market for gas, with regard to the instruments relevant to the object of trading, operated as part of the Commodity Market by Towarowa Giełda Energii S.A.,

c) has a Shipper Code to be used for the notification of gas purchase or sale transactions for physical execution to the Gas Transmission System Operator, in accordance with §13.2,

d) fulfils the requirements applicable to a wholesale gas market participant and the requirements for a wholesale market participants, and has submitted a declaration to TGE to this effect.

§27

The Exchange Management Board shall admit the applicant to operate on the Property Rights Forward Instruments Market (PRFM), provided that the applicant meets the conditions set out in §23 and:

a) has been admitted to operation and has the capability to place and enter into transactions on the Property Rights Market operated as part of the Commodity Market by Towarowa Giełda Energii S.A.,

b) has the capability of clearing transactions concerning property rights to certificates of origin, in the Certificate of Origin Register,

c) has a Legal Entity Identifier (LEI code) received from an authorised issuer.

§28

1. The admission of an OTF Member to the operation on dedicated markets making part of the OTF shall take at the time indicated by the Exchange Management Board in the resolution on the admission to operation on a given market.

2. The Exchange Management Board shall determine conditions to be met by the application for admission to operation on the OTF markets.

3. In case when the application for admission to operation on the Market and supporting documents and information are submitted in a language other than Polish language, the Exchange Management Board shall determine the scope of the translation of the said documents into Polish language.

4. The Exchange Management Board shall take their decision by virtue of a resolution on the admission to the operation on the Market taking into consideration the information provided in the application.

5. The Exchange Management Board shall take the decision on the admission to operate on the Market within 30 days of the submission of a complete application.

§29

1. The OTF Member shall be obliged to notify the Exchange forthwith about any changes to the data contained in the application for the admission to the operation on the OTF markets.

2. With a view to ensuring the security of trading on the OTF, the Exchange Management Board shall have the right to request the OTF Member, from time to time, to present any additional information, beyond the scope covered by the application referred to in §28.2.

§30

The OTF Member declaring the use of its proprietary software to connect to the IT system of the exchange shall be obliged to participate in systems compliance tests to be carried out on a date set by the Exchange, and following the tests the Exchange shall take decision as to the possibility to use the OTF Member's proprietary software being the subject of the tests.

§31

1. The OTF Member shall be represented in transactions by a TGE broker authorised to enter into transactions on behalf of the OTF Member.

2. The TGE broker referred to in sub-paragraph 1 should fulfil the conditions set forth in §34.

§32

The Exchange Management Board shall pass a resolution refusing the admission to operate on the OTF markets when the applicant does not fulfil formal or technical requirements for the admission, or, according to the assessment of the Exchange Management Board, it does not provide the assurance of adequate performance of the obligations of an entity admitted to operation on the OTF markets, or fails to meet the requirements concerning the clearing or settlement of transactions entered into on the OTF, or the situation referred to in § 23 sub-paragraph 2 exists.

§33

1. The decision of the Exchange Management Board refusing the admission to operate on the OTF markets may be appealed against to the Exchange Supervisory Board

within 20 days of the receipt of the notification on the decision of the Exchange Management Board.

2. A repeated application for admission to operation on the OTF markets may be submitted no earlier than after removing the circumstance on the basis of which the admission to operation on the OTF was refused by the Exchange Management Board or the Exchange Supervisory Board.

Section 3. TGE broker

§34

1. A TGE broker representing an OTF Member in transactions on the OTF should meet the following conditions:
   a) be employed by the OTF Member or be a member of its management bodies,
   b) have appropriate qualifications and experience to ensure efficient and secure participation in trading on the OTF and compliance with the principles of fair trading,
   c) undergo training on the regulations being in force on the markets operated by the Exchange, specifically the regulations governing order placement, execution of transactions, order and transaction cancellation and practical operation of IT systems, organised by the Exchange and concluded with a positive exam result.
2. The OTF Member shall be required to verify the professional qualifications and experience of brokers, applying the following assessment criteria to ensure their efficient and safe participation in the trading on the OTF:
   a) knowledge of regulations, procedures and recommendations related to the organisation of trading on the OTF, including the procedures and recommendations concerning market abuse prevention and compliance with the trading transparency rules,
   b) knowledge of internal procedures of the OTF Member related to the principles for the submission of orders to the OTF,
   c) hands-on knowledge of the principles for the submission of orders to the OTF,
   d) knowledge of the policy of use of the kill functionality.
3. The OTF Member shall be obliged to present a declaration confirming that the TGE broker has adequate professional qualifications and experience at a sufficient level to ensure compliance with the principles of fair and secure trading.
4. At the request of TGE, the OTF Member shall be obliged to provide evidence of the verification referred to in sub-paragraph 2 hereof.
5. The Exchange Management Board shall establish specific rules for the delivery of the training referred to in sub-paragraph 1(c) hereof by TGE.

§35

1. Each TGE broker may represent only one OTF Member.

2. The TGE broker may represent only one entity admitted to the markets operated by the Exchange.

3. The OTF Member shall be fully responsible for the activity of the TGE broker related to the performance of his or her obligations concerning trading on the OTF.

4. Where an OTF Member acts both on its own account and on the account of other entities, the broker representing such Member may conclude transactions on its behalf only for one of the accounts indicated.

5. If the OTF Member acts for the benefit of entities belonging to the same capital group within the meaning of Art. 3.1.44 of the Accounting Act of 29 September 1994 (i.e. Dz.U.2019, items 351, 1495, 1571, 1655, 1680), the OTF Member belongs to, such OFT Member should have procedures in place to ensure that the broker representing that Member in transactions for the benefit of affiliated entities acts only on the basis of orders from those entities.

6. The Exchange considers the TGE broker to be a staff member employed by the OTF Member in a key staff position within the meaning of Regulation 2017/548.

7. The TGE broker shall be responsible, in particular, for the submission of orders to the OTF according to the regulations being in force on the OTF. The submission of an order shall be deemed to include specifically its verification and authorisation according to the by-laws of the OTF Member in a manner that allows the OTF Member to assign the order to a given person representing the OTF Member in transactions.

§36

1. The OTF Member shall be required to designate at least one supervisor, referred to as the "supervising broker", and notify such person to TGE.

2. Only a TGE broker who fulfils the requirements described in §34 may be a supervising broker.

3. The supervising broker shall be specifically responsible for:

   a) keeping the list of TGE brokers representing the OTF Member,

   b) verifying the qualifications and experience of the TGE brokers according to the criteria set out in § 34.2,

   c) supervising TGE brokers,

   d) overseeing the compliance with the regulatory requirements in the submission of orders,

   e) acting as the first contact person for the authorised employees of the Exchange for matters related to the operation on the OTF.

4. The OTF Member shall be obliged to ensure that authorised Exchange staff members my establish contact by telephone with a supervising broker or, in his or her absence, with another person specified in §31.

Section 4. Obligations of the OTF Member

§37

1. The OTF Member shall be obliged to conduct its activity in accordance with generally applicable market practices, regulations being in force on the OTF, as well as the principles of due diligence, loyalty and impartiality towards the participants of the OTF trading venue, and with due regard to the principles of the security of trading. Specifically, the OTF Member shall be obliged to:

   a) provide its customers in due time with information about all activities being conducted on their behalf in the course of trading on the OTF;

   b) refrain from entering into any transactions on the OTF on its own account on preferential terms with respect to comparable transactions performed on the customer's account,

   c) refrain from taking any action and, specifically, placing any orders that are intended to create an environment where the market price, order distribution, or trading volume do not reflect the actual market situation.

§38

Prior to being admitted to operation, the Exchange Member shall be required to establish policies concerning the purchase and sale of the instruments traded on the OTF by members of its management bodies or by its employees whose responsibilities include activities related to trading on the OTF, and shall ensure the compliance with such policies.

§39

Prior to being admitted to operation, the OTF Member shall implement procedures for protection of confidential and proprietary information related to transactions made on the OTF, and shall ensure the compliance with such policies.

§40

The Exchange Management Board shall indicate the minimum content of the regulations indicated in §38 and §39.

§41

1. The OTF Member shall be obliged to fulfil the organisational and technical criteria set out in the applicable detailed conditions of access to the IT systems of TGE.

2. The OTF Member shall ensure that its systems used to record reportable events conform to the accuracy level appropriate for each type of undertaken trading activities in accordance with the requirements set out in Table 2 of the Annex to the Commission Delegated Regulation (EU) 2017/574 of 7 June 2016.

§42

1. The OTF Member shall operate on the OTF with integrity and in a manner that is conducive to efficient and secure functioning of the Market, as well as to appropriate protection of interests of all other OTF Members.

2. Any attempts to artificially rise or reduce the price of the forward contracts in any manner, in particular through the circulation or contributing to the circulation of rumours or false information that may affect transactions or the price of the forward contracts traded on the OTF, shall be prohibited. In particular, it shall be prohibited to carry out any activities constituting market manipulation within the meaning of Regulation 1227/2011 or Regulation 596/2014.

3. The OTF Member shall refrain from trading, directly or indirectly, in forward contracts in case of possessing any confidential information that may affect the development of the prices in the OTF. Specifically, the OTF Member must not use or disclose any confidential information concerning instruments within the meaning of the Act on Trading in Financial Instruments. The Exchange shall oversee the compliance by the OTF Members with the fair trading principles referred to in this paragraph. The Exchange Management Board shall establish the detailed principles of market supervision indicating the principles for the identification and prevention of any actions aimed at market manipulation and misuse of confidential information on the OTF, the scope of supervision, the organisational unit of the Exchange responsible for market supervision and its authority in this regard.

§43

1. The Exchange may hold an audit of the activities of the OTF Member at its registered office, in another place of operation, or remotely, within the scope related to trading on the OTF and the rules of access to the IT systems of the exchange. The Exchange Management Board, or an employee authorised to do so by the Exchange Management Board, shall notify the competent supervisory authority about any material irregularity identified during the audit of the activities of the OTF Member.

2. The Exchange Management Board shall establish detailed principles for the audit of the activities of OTF Members.

§44

The Exchange Management Board may introduce, from time to time, specific disclosure obligations with respect to the OTF Members concerned with their trading in instruments on the OTF, and, specifically, related to any events that may influence the development of forward contract prices.

Section 5. Market Maker

§45

1. The OTF Member may, pursuant to a separate agreement entered into with the Exchange, undertake to continuously place buy and sell orders for instruments on a

continuous basis, on its own behalf and account, in order to maintain the liquidity of trading in a given instrument (the Market Maker) subject to sub-paragraphs 2.

2. The participation in the OTF in the capacity of a market maker is permitted only in the absence of close links with the Exchange within the meaning of Directive 2014/65/EU Article 4(1)(35).

3. An OTF Member that, using algorithmic trading for financial instruments, submits buy or sell orders on its own account for at least one financial instrument, in the manner specified in Article 1 of Commission Delegated Regulation (EU) 2017/578 (market maker's strategy) shall enter into the agreement referred to in sub-paragraph 1 with the Exchange.

4. The agreement for the performance of the Market Maker function should set forth the principles of its operation, including specifically:

   a) information on the instrument or instruments covered by the agreement,

   b) minimum volume of the orders placed,

   c) maximum price spread between the buy and sell orders,

   d) time when the orders are to be placed.

5. The Exchange may enter into agreements with multiple Market Makers operating on a single market.

6. The entity acting as the Market Maker shall not place any orders that result in a transaction where the Market Maker would simultaneously be the selling and the buying party.

7. The Exchange shall have the right to terminate the agreement when:

   a) the Market Maker infringes regulations being in force on the market, or the provisions of the agreement,

   b) such termination is necessary due to security of trading considerations or the interest of other market participants.

8. The Exchange Management Board shall define the detailed rules for the operation of market makers and market making incentive schemes.

9. Any amendments to the provisions on detailed rules of operation of market makers and relevant incentive schemes shall be communicated to trading participants at least one month before they become effective.

10. The Exchange shall make public the information on the execution, suspension and termination of each market making agreement, and shall notify the same to the PFSA.

11. The Exchange shall maintain a list of market makers together with an indication of the market maker's incentive scheme in which the market maker participates, and shall make such information public.

Section 6. Suspension of the operation of the OTF Member and revocation of the decision on the admission of the OTF Member to operation on the OTF markets

§46

1. The Exchange Management Board may suspend the operation of the OTF Member on individual markets, for a definite period which cannot be longer than 6 months, if it determines that the OTF Member:

    a) defaults on the timely discharge of its obligations arising under Transactions entered into on the OTF, or on the payment of the fees it is obliged to pay in accordance with the provisions of these Rules, or

    b) violates the regulations being in force on the OTF, including the terms of use of the IT systems of the exchange, or

    c) with its actions, may lead to disorderly market or pose a threat to the security of trading on the OTF, including the case when the OTF Member of its beneficial owner are on the sanction list referred to in § 23 sub-paragraph 2 or 3.

2. Prior to taking the decision referred to in sub-paragraph 1 above, the Exchange Management Board shall inform the OTF Member of the circumstances warranting the suspension and shall call on the OTF Member to remove such circumstances setting an appropriate time limit for doing so.

3. The time limit referred to in sub-paragraph 2 shall not be shorter than 14 days of the receipt by the OTF Member of the notice from the Exchange Management Board, unless the actions of the OTF Member leads to disorderly market or presents such a threat to the security of trading on the OTF that should be immediately removed.

4. When the time limit referred to in sub-paragraph 2 lapses without effect, the Exchange Management Board may take the decision to suspend the operation of the OTF Member on individual OTF markets.

5. In particularly justified cases, and specifically when the circumstances suggest that the continued operation of the OTF Member on the OTF may result in a material damage for the participants of trading, and in the case referred to in § 23 sub-paragraphs 2 or 3, the procedure described in sub-paragraph 2 – 4 shall not apply.

6. The Exchange Management Board shall notify the OTF Member about taking the decision on the suspension of its operation on the individual OTF markets and set the date by which the OTF Member is obliged to remove the reasons for the suspension.

7. The suspension shall become effective upon the adoption of the relevant resolution by the Exchange Management Board, unless the Exchange Management Board indicates a different date. During the period of suspension of the OTF Member, the Exchange shall not accept the Orders placed by such Member, and the previously placed Orders shall be removed from the IT system of the exchange. During the suspension period for the OTF Member, the Exchange shall have the right to place orders on its behalf in accordance with the principles set forth in § 62.

8. The OTF Member shall have the right to appeal against the decision of the Exchange Management Board on suspension, such appeal to be lodged with the Exchange Supervisory Board within 3 days of the date of delivery of the suspension notice to the OTF Member.

9. The lodging of the appeal referred to in sub-paragraph 8 shall not postpone the enforcement of the decision of the Exchange Management Board on the suspension of the operation of the OTF Member on the individual OTF markets.

10. The appeal referred to in sub-paragraph 8 above, should be considered by the Exchange Supervisory Board within 14 days of being received, unless additional activities are required for taking the decision concerning the subject matter, including specifically the presentation of documents or obtaining further clarifications.

§47

On demand of the Clearing House, the Exchange may suspend the possibility for the OTF Member to place orders for a period indicated in such demand.

§48

1. The Exchange Management Board shall revoke the resolution on the admission of the OTF Member to operation on selected markets operated as part of the OTF, or the resolution granting the status of an OTF Member, in case when the OTF Member:

   a) grossly violates the provisions of the regulations being in force on the OTF, including the terms of use of the IT system of the exchange on the OTF, or

   b) no longer fulfils the requirements for obtaining the status of an OTF Member or the admission to the operation on the market; or

   c) fails to remove the reasons for suspension by the date referred to in §46(6).

2. The Exchange Management Board shall immediately notify the OTF Member about the revocation of the resolution on the admission to the operation on the individual OTF markets, or the revocation of the resolution granting the status of an OTF Member. As of the effective date of the revocation of the resolution on the admission to the operation on the OTF markets, or the revocation of the resolution granting the status of an OTF Member, the Exchange shall not accept any orders placed by such OTF Member, and any outstanding orders shall be deleted.

3. If the OTF Member is not authorised to operate on the OTF markets, or the OTF Member or its beneficial owner are on the sanction lists referred to in § 2 sub-paragraph 19 hereof, or on other sanction list, the Exchange Management Board may revoke the resolution granting the status of an OTF Member.

4. The OTF Member may appeal against the decision on the revocation of the resolution on the admission to operate on the OTF markets, or against the decision on the revocation of the resolution assigning the status of an OTF Member, and such appeal shall be lodged with the Exchange Supervisory Board within 14 days of the receipt of the relevant notice. The Exchange Supervisory Board shall take a decision concerning the subject matter within two months of the date of lodging of the appeal.

5. In case when the Exchange Supervisory Board revokes the resolution of the Exchange Management Board referred to in §46(7) and §48(1), the OTF Member may start operating on the OTF as of the following day after the date of the decision of the Exchange Supervisory Board.

§49

1. The OTF Member shall have the right to submit a declaration on the termination of its membership in the OTF and withdrawing from the operation on the OTF markets at any time and without being required to state the reasons for such termination.
2. The submission by the OTF Member of the declaration referred to in sub-paragraph 1 above shall not relieve such OTF Member from its obligations resulting from the operation on the OTF and, specifically, from the payment of the exchange fees it is obliged to pay in accordance with these Rules.
3. The OTF membership shall cease on the date indicated in the resolution of the Exchange Management Board on the revocation of the status of an OTF Member. Information on the termination of OTF membership shall be made public.

Chapter VIII. Trading in instruments

Section 1. General

§50

1. The trading on the OTF shall take place during market sessions held at the seat of the Exchange, from Monday to Friday.
2. The trading on individual markets may be conducted in the single price system, continuous trading system or under an auction system.
3. The Exchange Management Board shall determine the trading hours for individual markets. The Exchange Management Board shall have the right to restrict, suspend, postpone or terminate trading on individual markets, including the cancellation of the session on given day, if it recognizes that such actions are advisable in consideration of the interest of OTF Members, security of trading or conformity with the principles of fair trading on the Market.
4. The Exchange Management Board shall have the right to:
   a) cancel sessions or resulting transaction prices, when it recognizes that such measures are advisable because of the interest of OTF Members, security of trading or conformity with the principles of fair trading on the market,
   b) adjust the resulting daily clearing price when it recognises that, due to insufficient liquidity, such measures are advisable because of the interest of OTF Members, security of trading or conformity with the principles of fair trading.
5. The Exchange Management Board or an employee of the Exchange authorised by the Management Board shall have the right to suspend trading on individual markets in

all or specific instrument of a given type, for a period which cannot be longer than until the end of the current session, and such suspension shall be immediately notified to OTF Members and the PFSA together with the underlying reasons.

6. The supervisor of a given trading session may suspend trading on individual markets in all or specific instruments of a given type for a period which cannot be longer than until the end of the current session. The suspension shall be immediately notified to OTF Members and the PFSA together with the underlying reason.

7. In particular cases when it is impossible to remove the reason for the suspension, as referred to in sub-paragraph 5 and/or 6, until the end of the current session, the Exchange Management Board may suspend trading in instruments of a given kind for a period longer than one session. The information on the suspension of trading and the expected time of its resumption shall be immediately communicated to OTF Members and the PFSA.

8. The Exchange Management Board may exclude instruments from the trading:

    a) if they no longer meet the conditions for the admission to trading on the OTF; or

    b) if it recognizes that such exclusion is required due to the interest of the OTF Members or the security of trading; or

    c) on request of the Polish Financial Supervision Authority.

9. Detailed principles for restricting, suspending, delaying or terminating quotations are defined in the Trading Terms.

§51

1. The quotations of individual types of instruments shall take place in accordance with the schedule specified in the relevant Trading Terms.

2. The Exchange Management Board shall have the right to change the quotation times established in the above-mentioned schedule, provided that the Exchange shall be required each time to notify OTF Members and the PFSA about such change with a reasonable notice.

§52

1. The transactions on the OTF shall be formed in Polish zlotys.

2. The price for a forward contract of a given type shall be determined and published exclusive of the VAT.

§53

1. Restrictions on price limit variations in orders (static spread) and on transaction price variations (dynamic spread) shall apply with respect to individual markets on the OTF.

2. When the restrictions on the transaction price variations is exceeded, this shall lead to the suspension of quotations for a given instrument and commencement of the market balancing phase for that instrument.

3. The balancing may be introduced as a result of exceeding the restriction on the limits applicable to transaction prices, as defined in accordance with §76 hereof.

§54

1. The OTF Member shall be obliged to use appropriate organizational and technical resources to control of volume and accuracy of the Orders being placed on the OTF.

2. The OTF Member shall be obliged to screen the Orders and Transactions it enters into for potential manipulation of the price of the forward contract concerned, and to take necessary actions to prevent the occurrence of any events that could constitute such manipulation.

3. The Exchange shall monitor on an ongoing basis the orders placed and transactions entered into by OTF Members in order to identify any violations of regulations prevailing on the OTF, violations of trading rules, cases justifying the suspicion of market manipulation or insider dealing, as well as any disruptions in the functioning of the IT system of the exchange.

4. In case when the Exchange recognises that the Orders placed, transactions concluded or any other actions taken by the OTF Member suggest an attempted or actual manipulation, the Exchange Management Board, or an employee authorised by the Exchange Management Board, shall send an appropriate notification to the PFSA in case of financial instruments, or to the ERO and PFSA in case of wholesale energy products.

5. The Exchange shall inform the PFSA about all orders placed and transactions entered into, as well as about any disruptions in the operation of the IT system of the exchange.

Section 2. Transactions concluded on the OTF

§55

1. The transaction on the OTF represents a sales contract entered into between OTF Members.

2. The execution of a transaction entered into on the OTF takes form of a physical delivery of the object of the contract.

§56

Transactions shall be entered into during a session.

§57

The object of a transaction on the OTF consists of a lot of the instrument of a given type, or its multiple.

§58

Transactions shall be formed on the basis of orders the acceptance of which has been confirmed by the Exchange.

§59

1. In order to ensure the security of clearing, the Clearing House may establish market exposure limits with respect to open positions of each OTF Member and daily transaction limits. In order to ensure the security of trading, the Exchange shall have the right to set a limit for the Order size.

2. The market exposure limit represents the maximum value of the positions opened by one OTF Member.

3. The order volume limit defines the maximum number of instruments in one order.

4. The daily transaction limit defines the maximum value of liabilities the OTF Member may incur in respect of the clearing of existing and newly opened positions on the markets operated as part of the OTF.

§60

1. The Exchange shall calculate the ratio of non-executed orders to the number of transactions at the end of each trading session in accordance with the principles and methods set out in Article 3 of Regulation 2017/566.

2. By the end of each calendar year, the Exchange Management Board or an employee of the Exchange authorised by the Management Board shall approve and notify trading participants of the maximum values of the ratios referred to in sub-paragraph 1 which will be in force at the Exchange in the following calendar year, subject to sub-paragraph 3. The determination and publication of the maximum levels of the ratios for the first time for given instruments may take place after the end of the observation period in which the Exchange has determined that trading in a given instrument has reached an appropriate level. The observation period shall not exceed 6 months.

3. In justified cases, the Exchange Management Board or an employee of the Exchange authorised by the Management Board may change the maximum values of the indices referred to in sub-paragraph 1 during a given calendar year, provided that information about such changes should be disclosed to trading participants at least 3 months before they become effective.

4. When the maximum values of the indices referred to in sub-paragraph 1 are exceeded, this may lead in the OTF Member concerned being obliged to pay an additional fee, pursuant to the principles set forth in these Rules.

Section 3. Orders

§61

The OTF Member may place orders on its own behalf for its own account, or for the account of a client, where the entities referred to in §15(1)(d) may conclude transactions only for their own account or for the account of affiliated entities belonging to the same group, within the meaning of Article3(1)(44) of the Accounting Act of 29 September 1994 (for consolidated text see Dz.U.2019, items 351, 1495, 1571, 1655, 1680).

§62

1. In extraordinary situations the Exchange shall have the right to place orders on behalf of the OTF Member when the execution of such orders leads to the reduction of its obligations. This shall primarily refer to situations when:

   a) the market exposure limit specified in § 59(2) or the daily transaction limit specified in § 59(4) is exceeded by the OTF Member, and this poses a threat to the security of trading and clearing, or

   b) the OTF Member or a Sharing Party that is not an OTF Member, as referred to in § 12 is excluded from the Balancing Market in accordance the BT&C, or the risk of such exclusion exists according to information received from the TSOe, or

   c) the OTF Member or a Sharing Shipper that is not an OTF Member, as referred to in § 13 no longer fulfils the requirements for the submission of nominations in accordance with the TNCg, which enable the execution of transactions entered into on the OTF,

   d) the OTF Member no longer fulfils the conditions for admission to the operation on the OTF, or

   e) when so instructed by the Clearing House in order to ensure the security of clearing and settlements, and to protect the interest of the OTF Members, in accordance with the provisions of the Regulations of the House.

2. The Exchange may place an order on behalf of an OTF Member outside the markets discerned within the OTF only in the situation referred to in sub-paragraph 1 to a dedicated commodity market operated by the Exchange, in accordance with the following principles:

   a) on the Day-Ahead Market and Intraday Market in the event of a reduction in the obligations contracted as part of the EFM,

   b) on the Day-Ahead and Intraday Market for gas in the event of a reduction of the obligations contracted as part of the GFM,

   c) on the Property Rights Market in the event of a reduction of the obligations contracted as part of the PRFM.

§63

1. The OTF Member shall be responsible for the correctness of its orders.
2. The Exchange shall only accept the orders from OTF Members admitted to the operation on individual markets, subject to §62(1).
3. Subject to §88sub-paragraph 2, in the auction system, the Exchange shall accept orders exclusively from OTF Members other than the auction originator (hereinafter referred to as the "Auction Participants"). Orders on behalf of an OTF Member that is the auction originator (hereinafter referred to as the "Originator") shall be placed by the Exchange in accordance with the detailed terms and conditions specified by the OTF Member in its application. The Originator's orders shall be subject to execution in accordance with the principles set forth in §82(3) and (4) and in §86(2).
4. Orders may be submitted exclusively by a TGE Broker authorised by the OTF Member concerned.
5. OTF Members shall place orders exclusively by electronic means using the IT systems specified by the Exchange Management Board.
6. OTF Members may modify and cancel the orders placed by them on the OTF.
7. Detailed principles for modification and cancellation of orders shall be set out by the Exchange Management Board in the applicable Trading Terms.
8. Orders may be modified or removed by the OTF Members to the extent of their volume which has not been executed yet.
9. Each order placed by the OTF Member shall specify in particular:
   a) designation (ID code) of the instrument of a given type being the object of the order,
   b) type of order (buy or sell),
   c) trading account the order relates to,
   d) price limit for the instrument, or instruction for execution of the order without a price limit,
   e) number of lots of the instrument being the object of the sell or buy order,
   f) designation (ID) of the OTF Member issuing the order,
   g) validity term,
   h) conditions for the execution of the order,
   i) date and hour of order issuance,
   j) order number.
10. Orders that are placed using algorithmic trading for financial instruments or algorithmic trading for energy products shall indicate the relevant algorithm.
11. The Exchange Management Board may specify further details to be included in an order.

12. The detailed parameters to be included in the order shall be specified in the relevant Trading Terms.

13. On each trading day before the beginning of trading, Orders shall be validated with respect to the volume level and the applicable restrictions on price limit variation in orders. An order that does not conform to at least one of the requirements concerning restrictions shall be deleted by the Exchange.

§64

During the trading session, the OTF Member may operate its own kill functionality, within the meaning of Regulation 2017/584, to orders placed on the market. By activating this function, all market orders of the OTF Member shall be automatically deactivated.

§64a

The Exchange Management Board or an employee of the Exchange authorised by the Management Board shall have the right to block the placement of orders and to remove non-executed orders if their submission or execution would:

- pose a threat to the security of trading on the OTF, including when it would result in a breach of the sanction lists referred to in §2(19) of these Rules or other sanction lists, or a breach of other conditions/requirements necessary to become an OTF Member or to be admitted to the operation on individual markets operated within the OTF, or,
- in the event that the clearing of the transaction is not possible.

§65

1. In case of orders placed with the use of an algorithmic trading for financial instruments, the OTF Member shall be additionally obliged to:

   a) inform the Exchange of the intention to use algorithmic trading in the activity carried out on the OTF,

   b) develop, implement and apply the policies and procedures, control measures and mechanisms laid down in Articles 1 to 18 of Regulation 2017/589,

   c) test the algorithms used, according to the scope and conditions set out by the Exchange, in order to avoid the possibility of contributing to disorderly market conditions,

   d) appoint a supervising broker responsible on the part of the OTF Member for supervising the submission to the OTF, modification and cancellation of orders placed using algorithmic trading,

   e) inform the PFSA and the competent supervisory authority having the jurisdiction over its registered office about the fact that algorithmic trading is used in the activity conducted on the OTF, as well as about ceasing to use algorithmic trading in the activity conducted on the OTF.

2. In case of orders placed on the Electricity or Gas Forwards Market with the use of algorithmic trading for energy products, the OTF Member shall be obliged to perform the activities specified in sub-paragraphs 1(a) - 1(d) inclusive.

3. The OTF Member shall be obliged to conduct algorithm tests in the cases specified in Article 6(1) of Regulation 2017/589 and in Article 10(1) of Regulation 2017/584.

4. Along with the information referred to in sub-paragraph 1(a), the OTF Member shall submit a declaration that the algorithms used have been tested, and a description of the mechanisms used for such tests. The OTF Member shall submit the declaration together with the description referred to in the first sentence, also in the event that the OTF Member starts using a new algorithm or in case of a material change in the algorithm.

5. The Exchange shall maintain a register of algorithms used by a given OTF Member.

6. An OTF Member using algorithmic trading for financial instruments shall establish and maintain an automated surveillance system as referred to in Article 13 of Commission Delegated Regulation (EU) 2017/589 which effectively monitors all orders and transactions of the OTF Member to verify whether such orders or transactions may result in market manipulation.

Section 4. Exercise of discretion

§66

1. The instruments traded on the OTF shall be subject to discretion.
2. The discretion shall be exercised with respect to each instrument individually.
3. The discretion shall apply, at the same time, to buy and sell order placed for a given instrument.
4. The discretion shall apply in the continuous trading system, the single-price auction system and the auction system.
5. In the auction system, the discretion shall concern exclusively orders placed by Auction Participants and shall not apply to the orders of the Originator.
6. In the auction system, the discretion for a given instrument shall be introduced, if the it has been introduced with respect to the instrument with a corresponding delivery period traded in the continuous trading system.

§67

1. The discretion shall consist in the possibility of introducing a limit of the maximum volume (number of lots) in a single order that may be placed on the market for a given instrument.
2. The Exchange may elect to combine instruments into groups and to apply a single limit for such group, as referred to in §70(3), in the exercise of discretion.

§68

1. For the purposes of introducing a limit on the volume (number of lots) in a single order for each instrument or group of instruments, as applicable, a reference period

shall be defined, which shall correspond to the previous calendar year, subject to sub-paragraphs 5, 7 and 8 below.

2. After the end of the current reference period and within 15 business days, the Exchange shall determine the following parameters of the reference period:

   a) average daily volume of concluded transactions;

   b) average daily volume of non-executed buy orders;

   c) average daily volume of non-executed sell orders;

   d) average number of contracts (number of lots) per transaction.

3. The parameters of the reference period shall be established on the basis of the volume of concluded transactions and non-executed buy and sell orders for the entire reference period.

4. Upon the end of each calendar quarter, the Exchange shall compare the values of the parameters set out in sub-paragraph 2 with the corresponding parameters calculated for the last four calendar quarters.

5. In case of material changes to the parameters set out in sub-paragraph 2 with respect to the ones calculated as described in sub-paragraph 4, the Exchange may change the reference period and define it as the period covering the last 4 full calendar quarters. The reference period in the following calendar year shall be calculated according to sub-paragraph 1, subject to the possible change provided for herein.

6. A change of parameters and the reference period shall be approved by the Exchange Management Board or an employee of the Exchange authorised by the Management Board, and made public no later than 15 business days after the last day of the quarter for which calculations were made, in accordance with sub-paragraph 4.

7. Until the decision referred to in sub-paragraph 6 above is taken by the Exchange Management Board or an employee of the Exchange authorised by the Management Board, the existing values of the parameters specified in sub-paragraph 2 shall apply.

8. When trading in new instruments starts, until the parameters for the first reference period within the meaning of sub-paragraphs 1–3 are determined, the parameters for the reference period referred to in sub-paragraphs 2(a)–(c) shall be deemed to be zero, and the parameter for the reference period referred to in sub-paragraph 2(d) shall be determined by the Exchange Management Board or an employee of the Exchange authorised by the Management Board. During the period described in the preceding sentence, sub-paragraphs 4 and 5 shall apply mutatis mutandis.

§69

1. Once the discretion starts to apply, each day upon the closing of the market session, the analysis covering the following parameters shall be carried out for each of the instruments:

   a) volume of transactions concluded during the session;

   b) volume of non-executed buy orders for the session;

   c) volume of non-executed sell orders for the session.

2. The parameters set out in sub-paragraph 1 shall be compared to the parameters for the reference period, as defined in §68.
3. The limitations resulting from the exercise of discretion with respect to an instrument traded on the OTF may be introduced after the following conditions are fulfilled:
   a) the volume of transactions concluded during the session is lower than or equal to the average daily volume of transactions concluded in the reference period and the volume of non-executed buy orders for the session is higher than or equal to the average daily volume of non-executed buy orders in the reference period; or
   b) the volume of transactions concluded during the session is lower than or equal to the average daily volume of transactions concluded in the reference period and the volume of non-executed sell orders for the session is higher than or equal to the average daily volume of non-executed sell orders in the reference period.

§70

1. The limitations resulting from the exercise of discretion shall be introduced if, for two consecutive session days, the analysis referred to in §69 demonstrates that the conditions set out in §69(3) are fulfilled.
2. Once the condition set out in sub-paragraph 1 above has been met, the Exchange shall take the decision to introduce the limit on the order volume (number of lots) with respect to a given instrument being subject to discretion, starting from the next market session.
3. The introduction of the limitation resulting from the exercise of discretion shall mean that the Exchange does not accept any order for a volume exceeding the maximum order volume limit set by the Exchange with respect to such instrument.

§71

1. The limitations resulting from the exercise of discretion shall be disabled if, for two consecutive session days following their introduction, the analysis referred to in §69 demonstrates that the conditions set out in §69(3) are not fulfilled.
2. Once the condition set out in sub-paragraph 1 above has been met, the Exchange shall take the decision to disable the exercise of discretion with respect to a given instrument, starting from the next market session.
3. The disabling of the exercise of discretion shall mean that the limitation on the order volume (number of lots) for a given instrument is removed.

§72

1. Relying on historical data, the Exchange Management Board or an employee of the Exchange authorised by the Management Board, striving to improve trading liquidity and having in mind the need to facilitate access to the forward market for small-scale entities and to increase the number of concluded transactions, shall define the limits for the maximum order volume (number of lots) for an instrument or group of instruments being subject to the exercise of discretion, and shall make such information public not later than by the date indicated in § 68(6).

2. The limit of the maximum volume (number of lots) in an order may not be higher than the average number of contracts in a transaction for a given instrument or group of instruments, as applicable, which was determined in accordance with §68, subject to sub-paragraph 5 and the requirement that the limit of the maximum volume in orders may not be lower than the minimum limit determined by the Exchange Management Board. The Management Board shall determine the value of the minimum limit and, for instruments or groups of instruments, the maximum volume limits in orders.

3. The decisions to introduce or disable the limitations resulting from the exercise of discretion shall be made, from time to time, by the Exchange. The decision to introduce or disable the limitations resulting from the exercise of discretion shall be made public prior to the beginning of the session from which it takes effect.

4. The limitations resulting from the exercise of discretion for instruments being subject thereto may be repeatedly introduced and disabled the Exchange during a given year.

5. The Exchange Management Board or an employee of the Exchange authorised by the Management Board may modify the parameters for the exercise of discretion in extraordinary situations, in order to ensure the security and liquidity of trading. Such information shall be immediately communicated to the public.

Section 5. Restrictions on price limit variations in orders and restrictions on transaction price variations

§73

1. Mechanisms to manage volatility shall be in effect on the OTF.

2. In order to manage price volatility on the markets referred to in § 5 of these Rules, the Exchange Management Board or an employee of the Exchange authorised by the Management Board shall set restrictions on price limit variations in orders and restrictions on transaction price variations.

3. In justified cases, upon request of the OTF Member, the Exchange Management Board or an employee of the Exchange authorised by the Management Board may, for a specified period of time, change a restriction on price limit variations in orders or a restriction on transaction price variations.

4. The Exchange Management Board may abolish or modify the restrictions on price limit variations in orders or the restrictions on transaction price variations with respect to specific instruments, or establish their value in accordance with alternative principles, having regard to interest of OTF Members or the need to ensure secure trading.

§74

1. The determination of the restrictions on the transaction price variations and the price limit variations in orders for a specific instrument shall be based on the reference price.

2. The reference price for an instrument may be its last determined daily clearing price, the price of the last transaction made in the continuous trading phase or the price of the last transaction made in the balancing phase for that instrument, in accordance with the principles established by the Exchange.

3. In case when it is not possible to determine the reference price in accordance with the preceding sub-paragraph the Exchange shall establish a theoretical reference price in accordance with the principles defined by the Exchange Management Board.

§75

1. During continuous trading and during the balancing phase, restrictions on the price limit variations in orders shall apply on the OTF, subject to §73(4).

2. The price limit in the order for a given instrument must not:

   a) be higher than the maximum level of restriction determined on the basis of the reference price; or

   b) be lower than the minimum level of restriction determined on the basis of the reference price.

3. The Exchange Management Board or an employee of the Exchange authorised by the Management Board shall determine the level of the restrictions on price limit variations in orders, which shall be made public on the website of the Exchange.

4. Market orders shall be validated for the applicable restrictions on price limit variations in orders. Orders with a price limit exceeding the applicable restrictions on price limits shall not be accepted on the market, or shall be removed from the market, pursuant to §63(4).

§76

1. Restrictions on transaction price variation shall apply during the market session, both during the continuous trading phase and the balancing phase.

2. The Exchange Management Board shall determine the level of the restrictions on the transaction price variations, which shall be made public on the website of the Exchange.

3. The transaction price for a given instrument must not be:

   a) higher than the maximum level of restriction determined on the basis of the reference price; or

   b) lower than the minimum level of restriction determined on the basis of the reference price.

4. If an order has been introduced in the continuous trading phase and would result in a transaction with a price exceeding the restrictions referred to in sub-paragraph 2:

   a) such order shall be removed from the market,

b) the quotations for a given instrument shall be suspended and the market balancing shall begin.

5. The price at which the market is in balance shall be established under the single auction price system.

§77

1. If the single price determined in the course of balancing exceeds the restrictions on price variations, the Exchange may resume trading by setting a new reference price after adjusting the restrictions on price variations, or extend the balancing phase.

2. The Exchange reserves the right to consult with representatives of selected OTF Members in order to confirm that the resulting transaction price is market-driven. The Exchange shall publish a list of OTF Members that may be covered by such consultation on its public website.

Section 6. Prevention of disorderly trading conditions

§78

The Exchange shall provide contingency functionalities, such as:

a) kill functionality,

b) removal of orders at the request of the OTF Member,

c) cancellation of transactions,

d) removal of the orders of the OTF Member following a suspension.

§79

1. The Exchange may remove not executed Orders placed on the Market by the OTF Member in order to prevent disorderly market subject the provisions hereof this clause, which are consistent with the wording of Article 18 of Regulation 2017/584.

2. The event referred to in sub-paragraph 1 above may occur in the following circumstances:

a) at the request of the OTF Member if the OTF Member has no technical capacity to remove its orders;

b) when the order book contains erroneously duplicated orders;

c) as a result of the suspension on the initiative of the Exchange or a competent authority.

3. The Exchange, having regard to the security of trading, may decide to reject the application referred to in sub-paragraph 2(a).

§80

1. In order to prevent disorderly trading conditions, the Exchange may:

   a) impose additional fees on the OTF Member that exceeds the permitted number of transmitted orders per second;

   b) suspend the access of the OTF Member to the Exchange IT system in the event that the parameters determined by the Exchange in accordance with Regulation 2017/584 are exceeded, or at the request of the OTF Member or the PFSA;

   c) cancel transactions in the event of malfunctioning of the mechanisms described in §73(2);

2. If the OTF Member removes the reasons for disorderly trading, the Exchange may discontinue further proceedings.

3. The permitted number of orders to be transmitted per second shall be approved and communicated to trading participants by the Exchange Management Board or an employee of the Exchange authorised by the Management Board.

Section 7. Single–price system

§81

1. Based on the received orders, the Exchange shall determine the single price per the lot of the forward contract of a given type.

2. The Exchange shall determine the single price in such manner so as to achieve the between the demand and supply, in accordance with the following principles applied in the order of priority set out below:

   a) maximizing the trading volume,

   b) minimizing the difference between the cumulative volume in sell orders and in buy orders realisable at a certain price.

3. Orders shall be executed in accordance with the following principles:

   a) sell orders with a price limit below the single price for the instrument shall be executed in full; no sell order placed with a price limit above the single price for such instrument shall be executed,

   b) buy orders with a price limit above the single price for the instrument shall be executed in full; no buy order placed with a price limit below the single price for such instrument shall be executed,

   c) buy and sell orders with a price limit corresponding to the established single price for the instrument may be executed in part, in full, or not executed at all (orders received first will be executed first).

4. Orders may be executed in part, provided that each partial transaction covers at least one lot of the forward contract of a given type.

5. Detailed principles for the determination of the single price and the execution of orders are set out in the applicable Trading Terms.

6. In case when there is no possibility of establishing a single auction price, it shall be determined in the following manner:

   a) in case when there is more than one price that meets the conditions set out in sub-paragraph 2 and when the difference between the aggregate buy volume and the aggregate sell volume is zero, the price shall be determined at random out of the extreme prices that meet the condition set out in sub-paragraph 2.

   b) in case when there is more than one price that meets the conditions referred to in sub-paragraph 2 and when the difference between the aggregate buy volume and the aggregate sell volume has the same sign (plus or minus) for each price, the price shall be determined at such a level so as to be closer to the price for which the difference between the aggregated buy volume and the aggregated sell volume has the opposite sign,

   c) in case when there is more than one price that meets the conditions referred to in sub-paragraph 2 and when the difference between the aggregate buy volume and the aggregate sell volume has different signs (plus or minus) for different prices, the price shall be determined at random out of the extreme prices that meet the conditions referred to in sub-paragraph 2.

Section 8. Continuous trading

§82

1. In the continuous trading system, orders may be modified or removed by OTF to the extent of their volume which has not been executed yet.

2. The transaction price shall be established on the basis of the Orders placed with the most favourable buy and sell price limit that allows the Transaction to be formed.

3. In the continuous trading system, Transactions shall be formed in accordance with the following principles:

   a) first, orders with the highest price limit in case of buy orders, and with the lowest price limit in case of sell orders shall be executed;

   b) Orders with equal price limits shall be executed according to the time of Order acceptance (Orders accepted earlier shall be executed first).

   c) Orders without a price limit shall be executed at the moment of the Order acceptance at the price resulting from the price limit for a matching Order pending execution.

4. Orders may be executed in part, provided that each partial transaction covers at least one lot of the forward contract of a given type.

5. Detailed provisions for concluding transactions in the continuous trading system are set out in the Trading Terms.

Section 9. Auctions

§83

1. Auctions shall be held at the request of the Originator.
2. The request for opening of the auction should specify in particular the following:
   a) proposed date of the auction,
   b) type of auction (sell or buy),
   c) designation (ID code) of the instrument of a given type being the object of the auction,
   d) number of lots of the instrument of a given type the originator intends to sell or buy as a result of the auction (the auction volume),
   e) offered price limit (the price limit constitutes the minimum price in case of a sell auction or the maximum price in case of a buy auction).
3. The minimum auction volume for individual instruments shall be specified in the relevant Trading Terms.
4. The Exchange Management Board may agree to open an auction with a lower auction volume, if it considers that this would not affect the liquidity of transactions.

§84

1. The application for opening of the auction should be submitted in written form not later than 4 (four) business days by 3:00 p.m. before the proposed auction date, in the form specified by the Exchange Management Board, subject to sub-paragraph 3.
2. The Exchange Management Board may refuse to open an auction when the application for opening of the auction does not meet the conditions set forth in these Rules, or when the application concerns forward instruments for which the quotation period expired before the proposed auction opening date, or when the auction, if carried out, could pose a threat to the security of trading, or infringe the interest of OTF Members.
3. In order to secure financial settlements resulting from clearing of the Transactions of a given OTF Member, the auction may be conducted at the request of the Clearing House, submitted in writing on behalf of the OTF Member, not later than two hours before the auction.

§85

1. The auction date shall be announced to OTF Members by the Exchange no later than 2 (two) business days in advance, subject to sub-paragraph 3. The announcement shall specify in particular the following:
   a) auction date,
   b) type of auction, and
   c) object and volume of the auction.

2. Auctions shall be held in the order of the submission of the respective applications to the Exchange.

3. In the case specified in §84(3), the Exchange shall have the right to notify the OTF Members about the auction date on the auction day.

§86

1. In order to enter into transactions in the auction system, Auction Participants shall place, as applicable, buy Orders in case of a sell auction, or sell Orders in case of a buy auction.

2. In the auction system, orders of Auction Participants shall be executed with a price limit:

   a) in case of a sell auction – equal or higher than the price limit in the Originator's order,

   b) in case of a buy auction – equal or lower than the price limit in the Originator's order.

§87

1. No transaction price shall be determined in the auction system.

2. Transactions in the auction system shall be formed at the moment of matching a buy order and a sell order in accordance with the principles set forth in these Rules, and shall be made at the transaction price.

3. The auction shall be unresolved and no transactions shall be concluded when:

   a) the best price limit in the orders of Auction Participants is lower than the price limit specified by the Originator in the application for opening a sell auction; or

   b) the best price limit in the orders of Auction Participants is higher than the price limit specified by the Originator in the application for opening a buy auction.

4. In case when the auction is unresolved, the Exchange announces the price limit indicated in the Originator's Order and the most favourable price limit in the Orders of Auction Participants to the public.

§88

1. The Originator may withdraw the application for opening of the auction no later than 2 business days prior to the auction date. The Originator shall be obliged to inform the Exchange about reasons for its decision. The Originator may change the offered price limit in accordance with the principles set forth in Detailed Trading and Clearing Rules or the applicable Trading Terms. The Exchange Management Board may impose restrictions on the changes of the price limit.

2. In case when the Originator is a brokerage house acting on the client's account, the provision of §63(3) shall not apply to the extent that it prevents such OTF Member from placing orders as an Auction Participant on the account of other customers of such brokerage house or commodity brokerage house.

Section 10. Transaction clearing

§89

1. The Exchange shall entrust the clearing of the transactions to the Clearing House which holds the necessary licences and is authorised to clear such transactions under the applicable legal regulations.
2. OTF Members shall be obliged to comply with the relevant regulations issued by the Clearing House.

Section 11. Cancellation of transactions

§90

1. In justified cases, if warranted by trading security considerations or interest of entities participating in trading, the Management Board or an Exchange staff member authorised by the Management Board and admitted to operate the OTF may cancel a transaction entered into during continuous trading.
2. Such cancellation shall take place on the basis of an application of the OTF Member that placed an erroneous order which resulted in an erroneous transaction.
3. An erroneous transaction may be cancelled if it was entered into pursuant to an order in which the OTF Member entered incorrectly the price limit, volume, type of order or instrument designation (ID), and the other party to the erroneous transaction consents to such cancellation.

§91

1. The Exchange Management Board or an Exchange staff member authorised by the Management Board and admitted to operate the OTF may also cancel a transaction:
   a) when, with respect to transactions entered into during the whole or part of the trading session, TGE obtains (becomes aware of):
      i) a notification from the TSOe on non-acceptance of transactions for physical execution in accordance with the BT&C, or in another situation where transactions may not be notified for physical execution by the TSOe due to a force majeure.
      ii) a notification from the TSOg on non-acceptance of transactions for physical execution in accordance with the TNCg, or in another situation where transactions may not be notified for physical execution by the TSOg due to a force majeure,
   b) when the error in the order of the OTF Member is self-evident – for the cancellation of the erroneous transaction shall take place without the consent of the other party to the transaction.
2. The Exchange Management Board shall specify in the Detailed Cancellation Rules the criteria for assessment of situations when an error in an OTF Member's Order is deemed self-evident.

3. A force majeure within the meaning of sub-paragraph 1 point a) shall mean an event that meets all the following conditions:

   a) constitutes a force majeure within the meaning of the relevant legal regulations,

   b) affects all the parties to the transactions entered into on the OTF and being subject to cancellation, and

   c) cannot be removed within the time frame when the transactions should be notified for physical execution in accordance with the principles set forth by the TSOe in the BT&C or by the TSOg in the TNCg.

§92

1. In order to cancel a transaction, the OTF Member shall submit an application for the cancellation of an erroneous transaction. The application shall not be required in the situation referred to in § 91(1)(a).

2. The application for the cancellation of an erroneous transaction may not be submitted later than within 15 minutes of its conclusion, provided that the time window for the submission of an application ends 5 minutes after the conclusion of trading in the instrument in question. The Exchange Management Board, or an Exchange staff member authorised by the Management Board and admitted to operate the OTF, may suspend trading in the instrument for which the erroneous transaction has been concluded.

3. The OTF Member that was the other party to the transaction referred to in §90(3) shall be obliged to advise the Exchange of its consent to the cancellation of the transaction, its refusal to express such consent, within 15 minutes of the moment of the notification about the application referred to in sub-paragraph 1. The refusal to give the consent for the cancellation of a transaction shall require a justification.

4. In particularly justified cases, the Exchange Management Board or an Exchange staff member authorised by the Management Board and admitted to operate the OTF may extend the time limit for the notification, as stipulated in sub-paragraph 2, to be made by the OTF Member.

5. In the event of the lapse of the time limit referred to in sub-paragraph 2 and the OTF Member's failure to express the consent referred to in §90(3), the Exchange Management Board or an Exchange staff member authorised by the Management Board and admitted to operate the OTF shall take a decision to withhold the consent for the cancellation of the transaction.

6. The Exchange Management Board, or an Exchange staff member authorised by the Management Board and admitted to operate the OTF, may refuse to express the consent for the cancellation of the transaction notwithstanding that the conditions specified in sub-paragraph 1 and sub-paragraph 2 are fulfilled.

7. The transaction that has been cancelled shall be deemed not to have been entered into. The orders that were the basis for the cancelled transaction shall become invalid.

8. The decision on the cancellation of an erroneous transaction shall be immediately announced to the public.

9. The Management Board shall determine the detailed conditions and rules of procedure in case of the submission of a request for the cancellation of an incorrect transaction, the contents of such request and the scope and form of information to be provided by market participants in connection with the cancellation of a transaction.

§93

In case of the cancellation of a transaction in accordance with these Rules, the cancelled transaction must not be a basis for any mutual claims of the parties for damages in this regard, including any claims towards the Exchange in the capacity of a party to such transaction.

Chapter IX. Publication of information

§94

1. Immediately after the closing of the session, an update on the activity of the OTF and the results of the session shall be published by the Exchange on its website, including in particular the following:

   a) forward contract prices,

   b) volume of trade in the instruments.

2. Detailed principles, scope and procedure of the publication of information shall be specified by the Exchange Management Board.

§95

1. The Exchange shall provide the OTF Members with access to market information, at the same time and according to the same principles.

2. Information on the volume, official transaction prices and value of transactions concluded on the market shall be made available to OTF Members as part of their access to the production environment of the IT system of the exchange. The above information may constitute confidential information.

3. OTF Members shall be obliged to inform the Exchange immediately about all the events that could affect the quotations or prices of forward contracts. The above information shall be published by the Exchange on its public website.

4. Detailed principles for making market information available to OTF Members shall be determined by the Exchange Management Board in the relevant Trading Terms.

§96

1. The Exchange shall procure that consistent information on prices and volumes for the financial instruments traded on the OTF is made public, including specifically the following:

   a) the range of bid and ask prices and the level of interest in trading at those prices (pre-trade transparency):

   - each financial instrument traded in the continuous trading system, the total number of orders and the volume they represent, at each price level, for at least the five best bid and offer prices.

   b) information on transactions concluded with respect to financial instruments (post-trade transparency):

   - or instruments – as specified in Article 7(1) to (3) of Regulation 2017/583 (Annex II, Table 2).

2. The information referred to in sub-paragraph 1 shall be made available at a time as close to real time as is technically possible in accordance with Regulation 2017/583.

3. In specific justified cases, when so required by the security of trading or the interest of its participants, the Exchange Management Board may take decision to delay or suspend the disclosure of information, provided that they state the reason for such delay or suspension and, to the extent it is possible, the time when the disclosure of information will be resumed.

Chapter X. Settlement of disputes and disciplinary measures

§97

1. Civil law disputes resulting from transactions entered into on the OTF shall be settled by the Exchange Court which is a permanent arbitration tribunal operating at the Exchange.

2. The competencies of the Exchange Court may include the resolution of other matters to the extent provided for under the Exchange Rules or the Exchange Court Rules.

3. The Exchange Court shall resolve disputes and other matters referred to in sub-paragraphs 1 - 2 also in the period after the termination of the OTF membership.

4. The Exchange Court shall be composed of 6 to 10 arbitrators appointed by the Exchange Supervisory Board for a term in office lasting five years. The arbitrators of the Exchange Court shall be selected from among the persons who possess the necessary knowledge and experience, specifically related to exchange markets, regulated markets, commodity markets and the energy sector.

5. The Exchange Court shall judge in a bench composed of three arbitrators. Each of party shall appoint one arbitrator, and the Chair of the bench shall be appointed by the Chair or Deputy Chair of the Exchange Court. The Chair and Deputy Chair of the

Exchange Court shall be appointed and dismissed by the Exchange Supervisory Board.

6. The judgements of the Exchange Court shall not be appealable.

7. The Exchange Court Rules shall be established by the Exchange Supervisory Board by way of a the resolution.

§98

1. The Exchange shall not be liable to OTF Members or third parties for damages resulting from an infringement of the present Rules, or other regulations being in force on the OTF, by the other OTF Members.

2. In case when the Exchange Management Board becomes aware that an OTF Member infringes the provisions of the regulations being in force on the OTF, or its actions could compromise the security of trading or the interest of its participants, the Exchange Management Board shall have the right to apply the following disciplinary measures with respect to the OTF Member:

   a) issue a warning;

   b) to impose a financial penalty up to the amount of PLN 100,000;

   c) suspend access to the trading venue;

   d) revoke the resolution on granting the status of an OTF Member.

3. A resolution of the Exchange Management Board on the application of a disciplinary measure shall be duly substantiated.

4. The OTF Member shall have the right to appeal against the Exchange Management Board decision imposing the financial penalty to the Exchange Supervisory Board within seven days of the receiving the notification of such decision. The lodging of the appeal shall withhold the enforcement the decision of the Exchange Management Board. The Exchange Supervisory Board should consider the appeal of the OTF Member at its soonest meeting. The resolution of the Exchange Supervisory Board on the subject matter shall be duly substantiated.

Chapter XI. IT systems of the exchange

§99

1. The Exchange may grant the right of access to its IT systems only to authorized personnel of the Exchange, authorized representatives of OTF Members, authorized officers of the Polish Financial Supervisory Authority and the Energy Regulatory Office or authorized personnel of the Clearing House.

2. The Exchange Management Board may approve the access to the IT systems of the exchange by persons other than those specified in sub-paragraph 1 above.

3. The Exchange may refuse access to the IT systems of the exchange when it believes that this could compromise the security of trading or reasonable interest of its participants.

§100

1. The access to the IT systems of the exchange shall be enabled through the assignment of a personal access code to the authorised persons.

2. The right to access to the IT systems of the exchange shall entitle the persons who were assigned the personal access codes have been to use the IT systems of the exchange exclusively to the extent required for the performance of their tasks on the market.

3. The persons who were assigned the personal access codes shall be entitled to use such codes only in such time and place and to such extent, as required for the performance of their tasks in accordance with the trading order for the market.

4. The persons referred to in sub-paragraph 3 above shall be obliged to exercise appropriate care in order to prevent any access to the IT systems of the exchange by unauthorized persons.

§101

1. The OTF Members shall be responsible for proper functioning of their IT systems in the way that enables their correct formation of transactions on the market.

2. The Exchange shall not be responsible for the accuracy of data transferred to the Exchange or by the Exchange by the means of electronic communication, if the error occurred during the transmission outside the communication servers of the Exchange.

§102

The Exchange Management Board may establish detailed conditions for access to the IT systems on the OTF.

§103

1. The OTF Member shall be obliged to provide authorized personnel of the Exchange or persons indicated by the Exchange with access to its connections with the IT systems of the exchange for the purposes of a verification of their proper use.

2. The Exchange Management Board may define detailed principles for carrying out the verification referred to in sub-paragraph 1.

Chapter XII. Fees

§104

1. The OTF Member shall be obliged to pay fees for the benefit of the Exchange in the amounts and within the time frames specified in the Appendix to these Rules.
2. The Exchange Management Board shall have the right to temporarily reduce the fees referred to in sub-paragraph 1 above, or to temporarily waive them, each time advising OTF Members thereof at least seven days in advance.
3. The Exchange Management Board shall have the right to reduce the fees referred to in sub-paragraph 1 above being due from the OTF Members performing the function of the Market Maker. The Exchange Management Board shall establish, by way of resolution, the criteria based on which the reduction of the fees for the OTF Members acting as the Market Maker are to be applied, as well as the payment terms for such fees. The Exchange Management Board shall be obliged to disclose the contents of such resolution to OTF Members 30 days in advance.
4. The Exchange Management Board shall define detailed principles for the calculation and collection of the exchange fees.

Chapter XIII. OTF regulations

§105

1. The Exchange Supervisory Board shall have the right to amend these Rules in full or in part, at any time, provided that such amendments are notified to the OTF Members at least 14 days before becoming effective.
2. The Appendices to these Rules shall constitute an integral part thereof.
3. The Exchange Management Board shall adopt the relevant Trading Terms. The resolutions in this regard, as well as any amendments thereto shall be notified to OTF Members at least 7 days before becoming effective.

Appendix. Exchange fees

1.	**Fixed fees:**	
1.1.	The fee for the application for the OTF membership agreement	PLN 2,000
1.2.	Annual fee for the OTF membership (independent of the fees below)	PLN 2,000
1.3.	Annual fees for the participation in individual markets:	
1.3.1.	Annual fee for participation in the RTPE	PLN 50,000
1.3.2.	Annual fee for participation in the RTPG	PLN 50,000

1.3.3.	Annual fee for participation in the RTPM	PLN 5,000
2.	**Transaction fees:**	
The transaction fees shall be chargeable from each party to a Transaction:		
2.1.	**Transaction fees – RTPE**	
2.1.1.	Exchange service for electricity-based instruments with physical delivery	PLN 0.08 / 1 MWh
2.2.	**Transaction fees – RTPG**	
2.2.1.	Exchange service for gas-based instruments with physical delivery	PLN 0.06 / 1 MWh
2.3.	**Transaction fees – RTPM**	
2.3.1.	Exchange service for forward instruments on Property Rights arising from Certificates of Origin for electricity generated in renewable energy sources	PLN 0.30 / 1 MWh
3.	**Additional fees:**	
3.1.	Fees for the cancellation of an erroneous transaction (chargeable from the OTF Member requesting the cancellation)	
3.1.1.	Fee for the request for the cancellation of an erroneous transaction	PLN 10,000.00
3.1.2.	Fee chargeable from the requesting party in case of the cancellation of the transaction	1% of the value of the cancelled transaction, but in any case not less than PLN 1,000 and not more than PLN 20,000
The fees set forth in section 2 of this Appendix due on the cancelled transactions shall not be chargeable on such transactions.		
3.2.	Fee for exceeding the ratios specified in §60(4)	PLN 500 per session day in which the ratios were exceeded
3.3.	Fee for exceeding the ratios specified in §80(1)	PLN 500 per session day in which the ratios were exceeded
3.4.	Fees for access to production IT systems of the exchange:	Fee per one access
3.4.1.	Annual fee per the User of the IT system of the exchange with the "Trader" access type	PLN 2,000
3.4.2.	Annual fee for additional "Trader" type access to the IT system of the exchange	PLN 2,000
3.4.3.	Annual fee for the user of the IT system of the exchange with the "Observer" access type	PLN 1,500
3.4.4.	Annual fee for technical access to the IT system of the exchange for application connection purposes	PLN 8,000

3.4.5.	Annual fee for additional access to the TGE MIFID 2 Application user site	PLN 1,000

Note:

1) The method and date of payment of the annual fee shall be determined by the Exchange Management Board.

2) The amount of the first annual fee for participation in the markets referred to in section 1.3. of this Appendix due from OTF members that enter into a membership agreement during the calendar year shall be calculated proportionally to the outstanding part of the calendar year, including the month in with the agreement is executed.

3) The annual fee shall not be refunded in case of suspension of the OTF Member's operation on a given market, termination of the membership agreement or revocation of the decision to admit to operation on a given market.

4) The fees set out in the present Appendix are exclusive of the VAT.

5) The detailed principles for charging fees for access to the IT systems of the exchange are set forth in the in the applicable detailed terms and conditions of access to the IT systems of TGE.