

# Electricity Market Operator (OTE)

Change in the method of invoicing  
from 1 February 2009



# Contents I

## 1. Introduction

## 2. Day-ahead Market

- VAT
  - Definition and Scope of the Supply
  - Place of Supply
  - Date of Taxable Supply
  - VAT Base and Calculation; Payment in EUR
  - Documents
- Electricity Tax
  - Scope of Supply and Date of Supply
  - Documents
- Documents – Templates

# Contents II

## 3. Imbalances

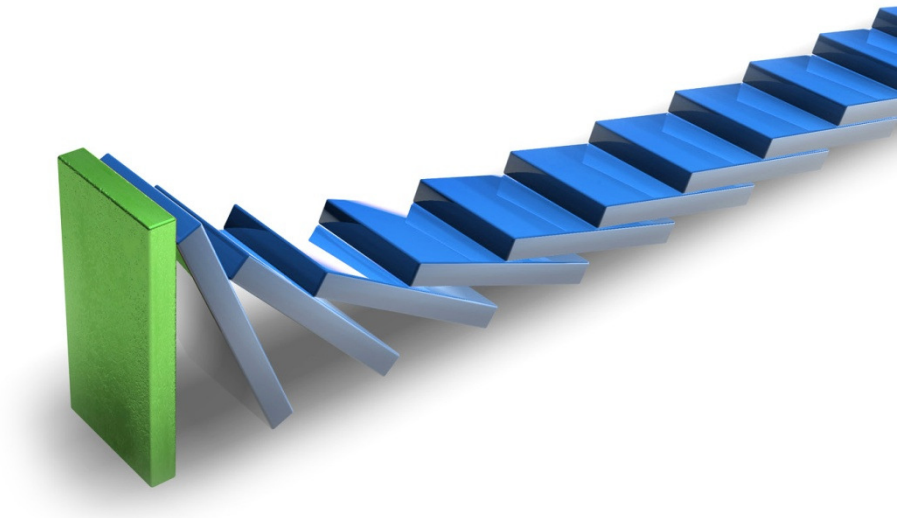
- VAT
  - Definition and Scope of the Supply
  - Date of Taxable Supply
  - Correction of Tax Base and VAT Amount
  - Documents
- Electricity Tax
  - Scope of Supply and Date of Supply
  - Correction of Tax Amount
  - Documents
- Documents – Templates

# Contents III

4. Regulating Energy

5. Self-Billing

# Day-ahead Market



# General Context I

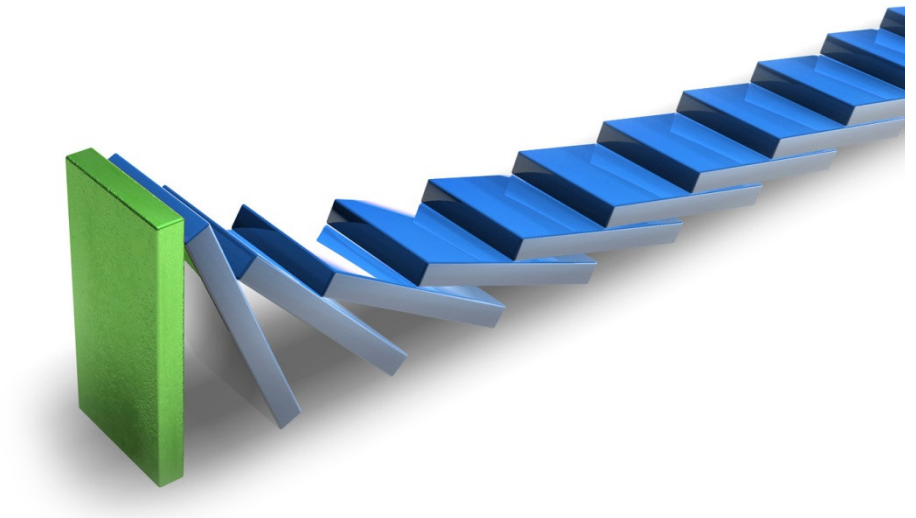
- Trading on the electricity short-term market is arranged based on the Contract of Access to the Organised Electricity Short-Term Market.
- This contract is concluded with legal entities who are taxable persons.
- At present various products are traded on the short-term market but the scope of the electricity supply relating to these products does not exceed one calendar day.
- The contract is concluded by matching individual bids with demand.
- A concluded contract comprises a term of supply.
- The contracts concluded on the day-ahead market are registered by OTE.

## General Context II

- Electricity is always considered supplied based on a contract in the agreed amount and in the agreed term, and the consumer of the electricity is obliged to pay full price for the supply (the price of the contract corresponding to the matched bid and demand).
- The bid price is denominated in EUR.
- Payment for the supply of electricity may be effected in EUR or CZK based on the conditions agreed in the contract.
- Payment for the supply of electricity should be effected after the supply term (i.e. after electricity is supplied) based on the agreed conditions.
- After the contract is concluded, the agreed scope and price of the supply are not changed.

# Day-ahead Market

VAT Implications





# VAT: Definition and Scope of the Supply

- Electricity supplies are considered as supplies of goods.
- Each matched bid and demand (a concluded contract) is considered an individual supply.
- An individual supply is effected in the agreed terms.

# VAT: Place of Supply

- When electricity is physically supplied to a trader, the place of supply is considered to be:
  - The trader's registered office; or
  - A place of the trader's fixed establishment for VAT purposes for which the electricity is supplied; or
- A place of real electricity consumption by a buyer who is not a trader.
- A trader is a taxable person who purchases electricity mainly for resale purposes and its own electricity consumption is immaterial.
- Note: A permanent establishment for VAT purposes may not be equivalent to the branch registered in the Commercial Register.

## VAT: Obligation to Account for VAT

- The obligation arises on the date of the taxable supply or on the date when the payment is received (whichever occurs earlier).
- Payments according to the agreed conditions follow after the date of taxable supply.
- If the designated terms and conditions are met, the obligation to account for VAT arises on the date of taxable supply.

# VAT: Setting the Date of Taxable Supply

- In compliance with the business model used for electricity sale and the agreed business terms and conditions, the date of taxable supply is set based on the general rule for the delivery of goods, i.e. the supply is performed on the date of delivery.
- Electricity is supplied based on a contract concluded on the Day D (the date of electricity supply = the trading day).
- Individual electricity supplies are supplies of the same type of goods in the terms agreed in the Contract of Access to the Organised Electricity Short-Term Market and the relevant concluded contract.
- Independent individual deliveries performed on the Day D are considered one recurring supply effected on the Day D.

# VAT: Tax Base and Calculation of VAT

- In general the VAT base comprises consideration received or to be received by the VAT payer for the performed taxable supply (i.e. for recurring supply) from the supply's recipient or a third party, exclusive of VAT for the supply.
- If an electricity tax is applicable, the VAT base generally includes the sum of the consideration for the performed supply (exclusive of VAT for the supply) and the electricity tax (as a separately defined part of the consideration for the taxable supply).
- VAT is calculated from the VAT base without VAT.
- If payments for electricity are made in EUR, the foreign exchange rate announced by the Czech National Bank (CNB) and applicable for persons performing the conversion as of the date when the obligation to account for VAT arose (i.e. as of the date of the electricity supply) is used for conversion of amounts denominated in EUR.

# VAT: Tax Base and Calculation of VAT – Consideration in EUR

- The bid price is determined in EUR and the payment is effected in EUR
  - The tax base includes the price for the electricity supply exclusive of VAT determined in EUR.
  - The VAT amount is calculated in EUR from the VAT base which is determined in EUR.
  - The VAT base denominated in EUR and the VAT denominated in EUR are converted into CZK.
  - The foreign exchange rate announced by the CNB as of the date of the taxable supply is used for conversion of the VAT base denominated in EUR and the VAT denominated in EUR.

# VAT: Tax Base and Calculation of VAT – Consideration in EUR and the Electricity Tax

- The bid price is determined in EUR and the payment is effected in EUR
  - The bid price denominated in EUR is converted by the exchange rate of the CNB applicable to OTE on the date of supply.
  - The tax base includes the sum of the converted price for the electricity supply exclusive of VAT denominated in CZK and the amount of the electricity tax in CZK.
  - The amount of VAT is calculated in CZK from the VAT base which is determined in CZK.

# VAT: Tax Base and Calculation of VAT – Consideration in CZK

- The bid price is determined in EUR and the payment is effected in CZK
  - The bid price determined in EUR is converted at the foreign exchange rate announced by the bank of OTE.
  - The tax base includes the price (consideration) for the electricity supply exclusive of VAT determined in CZK.
  - The VAT amount is calculated in CZK from the tax base exclusive of VAT which is denominated in CZK.



# VAT: Tax Base and Calculation of VAT– Consideration in CZK and the Electricity Tax

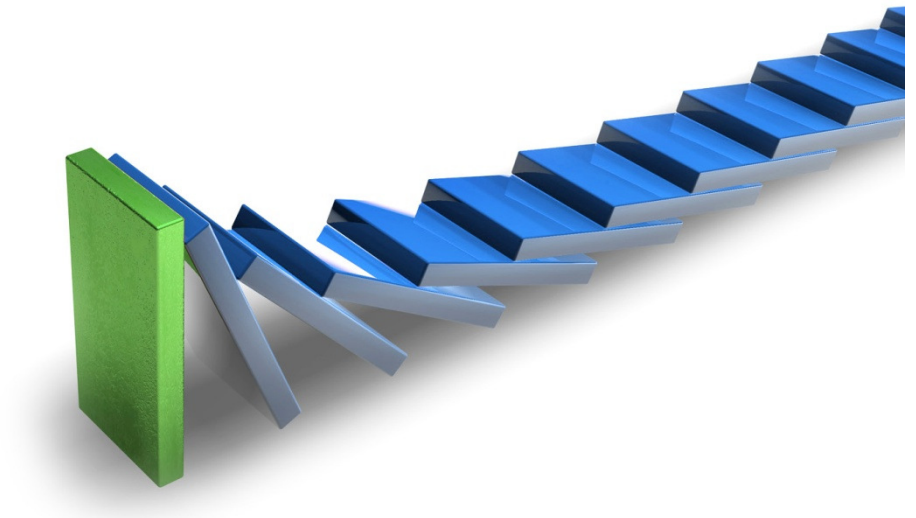
- The bid price is determined in EUR and the payment is effected in CZK
  - The bid price determined in EUR is converted by the exchange rate set by the bank of OTE.
  - The tax base includes the sum of the price for the electricity supply exclusive of VAT denominated in CZK and the amount of the electricity tax in CZK.
  - The VAT amount is calculated in CZK from the VAT base which is denominated in CZK.

# VAT: Documents

- A summary tax document is issued for recurring supplies performed each Day D during the calendar month.
- The summary tax document includes the individual recurring supplies broken down by the days on which they were effected.
- To make the document clear and facilitate processing the data presented therein, sums of important items are presented on the first page of the document.
- Credit and debit notes are not issued as the supply's scope and the price cannot subsequently be changed.

# Day-ahead Market

Electricity Tax and Related Issues



# Electricity Tax: Supply Scope and Date of Supply

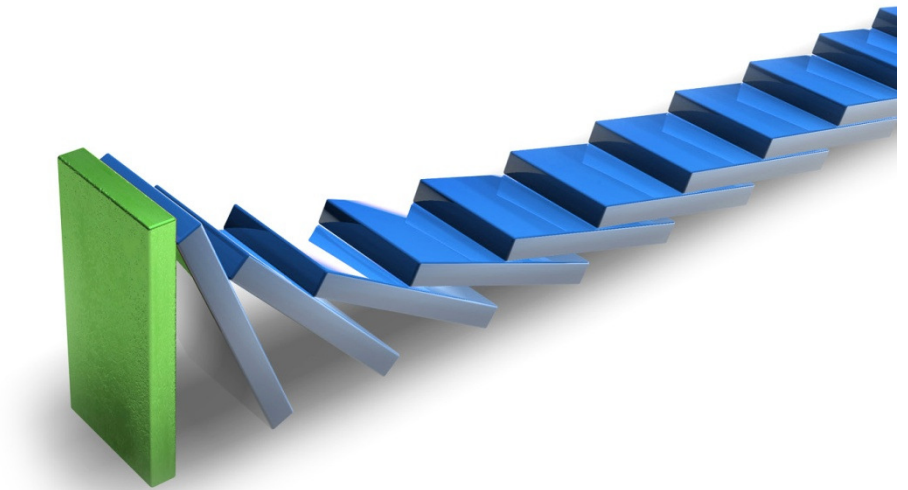
- In general, tax liability arises on the date of supply.
- The date of supply pursuant to the Electricity Tax Act is the day of the meter reading or the day of identifying the actual electricity consumption, as appropriate.
- The total volume of electricity supplied in the particular calendar month based on contracts is identified in compliance with the contractual terms and conditions of the Business Terms of OTE on the last day of the relevant calendar month.
- The date of supply is considered the last day of the calendar month.
- The tax liability arises as of the last day of the calendar month.

# Electricity Tax: Documents

- Document on sale
- Tax document
- The essentials of the document on sale or the tax document are presented in the summary tax document for VAT purposes.

# Day-ahead Market

Tax Document Templates



# 1. Day-ahead Market Invoice for Payments in EUR, Exclusive of the Electricity Tax, Page 1



Invoice No.

|                                                                                                                                   |  |                                                                                                          |                                           |                                            |
|-----------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|
| Supplier:<br>Operátor trhu s elektřinou, a.s.<br>Sokolovská 192/79<br>186 00 Praha 8<br>Reg. No.: 26463318    VAT No.: CZ26463318 |  | Reference No.:<br>Constatnt symbol:                                                                      |                                           | Page 1/2                                   |
| Customer:    Register. No. of delivery point:                                                                                     |  | Addressee:                                                                                               |                                           |                                            |
| Reg. No.:    VAT No.:                                                                                                             |  | Reg. No.:    VAT No.:                                                                                    |                                           |                                            |
| Bank:    Komerční banka, a.s.<br>Account No.:    000019-5582760247/0100<br>Payment:    Bank transfer                              |  | Date of issue:    11.3.2009<br>Delivery date for electricity tax:    28.2.2009<br>Due date:    12.3.2009 |                                           |                                            |
| Company is registered with the Municipal court in Prague, section B, file No. 7260, as of July 2nd 2001                           |  |                                                                                                          |                                           |                                            |
| Delivery of electricity without tax to holder of permit<br>in accordance with §13 Act No. 261/2007, part 47                       |  |                                                                                                          |                                           |                                            |
| We invoice you:<br><br>daily market electricity (DT) in volume of                                                                 |  | <b>Volume</b><br><br>333,00 MWh                                                                          | <b>Amount EUR</b><br><br>29 255,21    EUR | <b>Amount CZK</b><br><br>716 309,62    CZK |
| <b>Tax base for VAT - sum total</b><br><b>VAT 19% - sum total</b>                                                                 |  | 29 255,21    EUR<br>5 558,50    EUR                                                                      | 716 309,62    CZK<br>136 099,07    CZK    |                                            |
| <b>Total</b><br><br>Issued by:<br>tel.:    , fax.:                                                                                |  | 34 813,71    EUR                                                                                         |                                           |                                            |
| <b>Payments received:</b><br><br>Advance payments before 28.2.2009<br>Advance payments from 01.03.2009 to 11.03.2009              |  | 32 431,88    EUR<br>2 381,83    EUR                                                                      |                                           |                                            |
| Advance payments total<br>Rounding                                                                                                |  | 34 813,71    EUR<br>0,00    EUR                                                                          |                                           |                                            |
| <b>Will be encashed:</b>                                                                                                          |  | 0,00    EUR                                                                                              |                                           |                                            |

# 1. Day-ahead Market Invoice for Payments in EUR, Exclusive of the Electricity Tax, Page 2

| Delivery date<br>Vat point date | Exchange<br>rate | Payment<br>received | Type of<br>trade | Reference<br>No. | MWh  | CZK/MWh | Before tax | Currenc | VAT % | VAT        | Currenc | Total     |
|---------------------------------|------------------|---------------------|------------------|------------------|------|---------|------------|---------|-------|------------|---------|-----------|
| 1.2.2009                        | 24,800           | 3.2.2009            | DT               | 9893456718       | 11,0 | 86,97   | 956,67     | EUR     | 19%   | 181,77     | EUR     | 1 138,44  |
| 2.2.2009                        | 24,850           | 4.2.2009            | DT               | 9893456728       | 16,0 | 96,00   | 23 725,42  | CZK     |       | 4 507,90   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 536,00   | EUR     | 19%   | 291,84     | EUR     | 1 827,84  |
| 3.2.2009                        | 24,800           | 5.2.2009            | DT               | 9893456738       | 8,0  | 78,40   | 38 169,60  | CZK     |       | 7 252,22   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 627,20     | EUR     | 19%   | 119,17     | EUR     | 746,37    |
| 4.2.2009                        | 24,785           | 6.2.2009            | DT               | 9893456748       | 13,0 | 77,05   | 15 554,56  | CZK     |       | 2 955,42   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 001,65   | EUR     | 19%   | 190,31     | EUR     | 1 191,96  |
| 5.2.2009                        | 24,815           | 7.2.2009            | DT               | 9893456758       | 14,0 | 94,50   | 24 825,90  | CZK     |       | 4 716,83   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 323,00   | EUR     | 19%   | 251,37     | EUR     | 1 574,37  |
| 6.2.2009                        | 24,815           | 8.2.2009            | DT               | 9893456768       | 14,0 | 91,11   | 32 830,25  | CZK     |       | 6 237,75   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 275,54   | EUR     | 19%   | 242,35     | EUR     | 1 517,89  |
| 7.2.2009                        | 24,815           | 9.2.2009            | DT               | 9893456778       | 8,0  | 90,63   | 31 652,53  | CZK     |       | 6 013,92   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 725,04     | EUR     | 19%   | 137,76     | EUR     | 862,80    |
| 8.2.2009                        | 24,940           | 10.2.2009           | DT               | 9893456788       | 9,0  | 86,97   | 17 991,87  | CZK     |       | 3 418,51   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 782,73     | EUR     | 19%   | 148,72     | EUR     | 931,45    |
| 9.2.2009                        | 24,770           | 11.2.2009           | DT               | 9893456798       | 16,0 | 96,00   | 19 521,29  | CZK     |       | 3 709,08   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 536,00   | EUR     | 19%   | 291,84     | EUR     | 1 827,84  |
| 10.2.2009                       | 24,850           | 12.2.2009           | DT               | 9893456808       | 11,0 | 78,40   | 38 046,72  | CZK     |       | 7 228,88   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 862,40     | EUR     | 19%   | 163,86     | EUR     | 1 026,26  |
| 11.2.2009                       | 24,630           | 13.2.2009           | DT               | 9893456818       | 16,0 | 77,05   | 21 430,64  | CZK     |       | 4 071,92   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 232,80   | EUR     | 19%   | 234,23     | EUR     | 1 467,03  |
| 12.2.2009                       | 24,430           | 14.2.2009           | DT               | 9893456828       | 8,0  | 94,50   | 30 363,86  | CZK     |       | 5 769,08   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 756,00     | EUR     | 19%   | 143,64     | EUR     | 899,64    |
| 13.2.2009                       | 24,430           | 15.2.2009           | DT               | 9893456838       | 13,0 | 91,11   | 18 469,08  | CZK     |       | 3 509,13   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 184,43   | EUR     | 19%   | 225,04     | EUR     | 1 409,47  |
| 14.2.2009                       | 24,430           | 16.2.2009           | DT               | 9893456848       | 14,0 | 90,63   | 28 935,62  | CZK     |       | 5 497,73   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 268,82   | EUR     | 19%   | 241,08     | EUR     | 1 509,90  |
| 15.2.2009                       | 24,300           | 17.2.2009           | DT               | 9893456858       | 14,0 | 86,97   | 30 997,27  | CZK     |       | 5 889,58   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 217,58   | EUR     | 19%   | 231,34     | EUR     | 1 448,92  |
| 16.2.2009                       | 24,070           | 18.2.2009           | DT               | 9893456868       | 8,0  | 96,00   | 29 587,19  | CZK     |       | 5 621,56   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 768,00     | EUR     | 19%   | 145,92     | EUR     | 913,92    |
| 17.2.2009                       | 23,990           | 19.2.2009           | DT               | 9893456878       | 9,0  | 78,40   | 18 485,76  | CZK     |       | 3 512,29   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 705,60     | EUR     | 19%   | 134,06     | EUR     | 839,66    |
| 18.2.2009                       | 23,965           | 20.2.2009           | DT               | 9893456888       | 16,0 | 77,05   | 16 927,34  | CZK     |       | 3 216,10   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 232,80   | EUR     | 19%   | 234,23     | EUR     | 1 467,03  |
| 19.2.2009                       | 24,250           | 21.2.2009           | DT               | 9893456898       | 11,0 | 94,50   | 29 544,05  | CZK     |       | 5 613,32   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 039,50   | EUR     | 19%   | 197,51     | EUR     | 1 237,01  |
| 20.2.2009                       | 24,250           | 22.2.2009           | DT               | 9893456908       | 16,0 | 91,11   | 25 207,88  | CZK     |       | 4 789,62   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 457,76   | EUR     | 19%   | 276,97     | EUR     | 1 734,73  |
| 21.2.2009                       | 24,250           | 23.2.2009           | DT               | 9893456918       | 8,0  | 90,63   | 35 350,68  | CZK     |       | 6 716,52   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 725,04     | EUR     | 19%   | 137,76     | EUR     | 862,80    |
| 22.2.2009                       | 24,075           | 24.2.2009           | DT               | 9893456928       | 13,0 | 86,97   | 17 582,22  | CZK     |       | 3 340,68   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 130,61   | EUR     | 19%   | 214,82     | EUR     | 1 345,43  |
| 23.2.2009                       | 24,140           | 25.2.2009           | DT               | 9893456938       | 14,0 | 96,00   | 27 219,44  | CZK     |       | 5 171,79   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 344,00   | EUR     | 19%   | 255,36     | EUR     | 1 599,36  |
| 24.2.2009                       | 24,350           | 26.2.2009           | DT               | 9893456948       | 14,0 | 78,40   | 32 444,16  | CZK     |       | 6 164,39   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 097,60   | EUR     | 19%   | 208,54     | EUR     | 1 306,14  |
| 25.2.2009                       | 24,430           | 27.2.2009           | DT               | 9893456958       | 8,0  | 77,05   | 26 726,56  | CZK     |       | 5 077,95   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 616,40     | EUR     | 19%   | 117,12     | EUR     | 733,52    |
| 26.2.2009                       | 24,425           | 28.2.2009           | DT               | 9893456968       | 9,0  | 94,50   | 15 058,65  | CZK     |       | 2 861,24   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 850,50     | EUR     | 19%   | 161,60     | EUR     | 1 012,10  |
| 27.2.2009                       | 24,425           | 2.3.2009            | DT               | 9893456978       | 16,0 | 91,11   | 20 773,46  | CZK     |       | 3 947,08   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 1 457,76   | EUR     | 19%   | 276,97     | EUR     | 1 734,73  |
| 28.2.2009                       | 24,425           | 3.3.2009            | DT               | 9893456988       | 6,0  | 90,63   | 35 605,79  | CZK     |       | 6 764,99   | CZK     |           |
|                                 |                  |                     |                  |                  |      |         | 543,78     | EUR     | 19%   | 103,32     | EUR     | 647,10    |
|                                 |                  |                     |                  |                  |      |         | 13 281,83  | CZK     |       | 2 523,59   | CZK     |           |
| Total                           |                  |                     |                  |                  |      |         | 29 255,21  | EUR     |       | 5 558,50   | EUR     | 34 813,71 |
| Total                           |                  |                     |                  |                  |      |         | 716 309,62 | CZK     |       | 136 099,07 | CZK     |           |



## 2. Day-ahead Market Invoice for Payments in CZK, Exclusive of the Electricity Tax, Page 1



Invoice No.

|                                                                                                                                   |  |                                                                                                          |                                         |          |
|-----------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------|-----------------------------------------|----------|
| Supplier:<br>Operátor trhu s elektřinou, a.s.<br>Sokolovská 192/79<br>186 00 Praha 8<br>Reg. No.: 26463318    VAT No.: CZ26463318 |  | Reference No.:<br>Constatnt symbol:                                                                      |                                         | Page 1/2 |
| Customer:    Register. No. of delivery point:                                                                                     |  | Addressee:                                                                                               |                                         |          |
| Reg. No.:    VAT No.:                                                                                                             |  | Reg. No.:    VAT No.:                                                                                    |                                         |          |
| Bank:    Komerční banka, a.s.<br>Account No.:    000019-5582760247/0100<br>Payment:    Bank transfer                              |  | Date of issue:    11.3.2009<br>Delivery date for electricity tax:    28.2.2009<br>Due date:    12.3.2009 |                                         |          |
| Company is registered with the Municipal court in Prague, section B, file No. 7260, as of July 2nd 2001                           |  |                                                                                                          |                                         |          |
| Delivery of electricity without tax to holder of permit<br>in accordance with §13 Act No. 261/2007, part 47                       |  |                                                                                                          |                                         |          |
| We invoice you:<br><br>daily market electricity (DT) in volume of                                                                 |  | <b>Volume</b><br><br>333,00 MWh                                                                          | <b>Amount CZK</b><br><br>716 306,29 CZK |          |
| <b>Tax base for VAT - sum total</b><br><b>VAT 19% - sum total</b>                                                                 |  |                                                                                                          | 716 306,29 CZK<br>136 098,21 CZK        |          |
| <b>Total</b><br><br>Issued by:<br>tel.:    , fax.:                                                                                |  |                                                                                                          | 852 404,50 CZK                          |          |
| <b>Payments received:</b><br><br>Advance payments before 28.2.2009<br>Advance payments from 01.03.2009 to 11.03.2009              |  |                                                                                                          | 794 209,60 CZK<br>58 194,90 CZK         |          |
| Advance payments total<br>Rounding                                                                                                |  |                                                                                                          | 852 404,50 CZK<br>0,00 CZK              |          |
| <b>Will be encashed:</b>                                                                                                          |  |                                                                                                          | 0,00 CZK                                |          |

## 2. Day-ahead Market Invoice for Payments in CZK, Exclusive of the Electricity Tax, Page 2

| Delivery date<br>Vat point date | Payment<br>received | Type of<br>trade | Reference<br>No. | MWh          | CZK/MWh  | Before tax        | Currenc    | VAT % | VAT               | Currenc    | Total             |
|---------------------------------|---------------------|------------------|------------------|--------------|----------|-------------------|------------|-------|-------------------|------------|-------------------|
| 1.2.2009                        | 3.2.2009            | DT               | 9893456718       | 11,0         | 2 165,55 | 23 821,08         | CZK        | 19%   | 4 526,01          | CZK        | 28 347,09         |
| 2.2.2009                        | 4.2.2009            | DT               | 9893456728       | 16,0         | 2 371,20 | 37 939,20         | CZK        | 19%   | 7 208,45          | CZK        | 45 147,65         |
| 3.2.2009                        | 5.2.2009            | DT               | 9893456738       | 8,0          | 1 943,54 | 15 548,29         | CZK        | 19%   | 2 954,18          | CZK        | 18 502,47         |
| 4.2.2009                        | 6.2.2009            | DT               | 9893456748       | 13,0         | 1 909,92 | 24 828,90         | CZK        | 19%   | 4 717,49          | CZK        | 29 546,39         |
| 5.2.2009                        | 7.2.2009            | DT               | 9893456758       | 14,0         | 2 344,55 | 32 823,63         | CZK        | 19%   | 6 236,49          | CZK        | 39 060,12         |
| 6.2.2009                        | 8.2.2009            | DT               | 9893456768       | 14,0         | 2 261,26 | 31 657,63         | CZK        | 19%   | 6 014,95          | CZK        | 37 672,58         |
| 7.2.2009                        | 9.2.2009            | DT               | 9893456778       | 8,0          | 2 248,62 | 17 988,97         | CZK        | 19%   | 3 417,90          | CZK        | 21 406,87         |
| 8.2.2009                        | 10.2.2009           | DT               | 9893456788       | 9,0          | 2 169,03 | 19 521,29         | CZK        | 19%   | 3 709,05          | CZK        | 23 230,34         |
| 9.2.2009                        | 11.2.2009           | DT               | 9893456798       | 16,0         | 2 378,88 | 38 062,08         | CZK        | 19%   | 7 231,80          | CZK        | 45 293,88         |
| 10.2.2009                       | 12.2.2009           | DT               | 9893456808       | 11,0         | 1 947,46 | 21 422,02         | CZK        | 19%   | 4 070,18          | CZK        | 25 492,20         |
| 11.2.2009                       | 13.2.2009           | DT               | 9893456818       | 16,0         | 1 896,20 | 30 339,21         | CZK        | 19%   | 5 764,45          | CZK        | 36 103,66         |
| 12.2.2009                       | 14.2.2009           | DT               | 9893456828       | 8,0          | 2 310,53 | 18 484,20         | CZK        | 19%   | 3 512,00          | CZK        | 21 996,20         |
| 13.2.2009                       | 15.2.2009           | DT               | 9893456838       | 13,0         | 2 224,91 | 28 923,78         | CZK        | 19%   | 5 495,52          | CZK        | 34 419,30         |
| 14.2.2009                       | 16.2.2009           | DT               | 9893456848       | 14,0         | 2 216,81 | 31 035,34         | CZK        | 19%   | 5 896,71          | CZK        | 36 932,05         |
| 15.2.2009                       | 17.2.2009           | DT               | 9893456858       | 14,0         | 2 114,24 | 29 599,37         | CZK        | 19%   | 5 623,88          | CZK        | 35 223,25         |
| 16.2.2009                       | 18.2.2009           | DT               | 9893456868       | 8,0          | 2 310,82 | 18 486,53         | CZK        | 19%   | 3 512,44          | CZK        | 21 998,97         |
| 17.2.2009                       | 19.2.2009           | DT               | 9893456878       | 9,0          | 1 880,97 | 16 928,76         | CZK        | 19%   | 3 216,46          | CZK        | 20 145,22         |
| 18.2.2009                       | 20.2.2009           | DT               | 9893456888       | 16,0         | 1 846,43 | 29 542,82         | CZK        | 19%   | 5 613,14          | CZK        | 35 155,96         |
| 19.2.2009                       | 21.2.2009           | DT               | 9893456898       | 11,0         | 2 289,74 | 25 187,09         | CZK        | 19%   | 4 785,55          | CZK        | 29 972,64         |
| 20.2.2009                       | 22.2.2009           | DT               | 9893456908       | 16,0         | 2 209,51 | 35 352,14         | CZK        | 19%   | 6 716,91          | CZK        | 42 069,05         |
| 21.2.2009                       | 23.2.2009           | DT               | 9893456918       | 8,0          | 2 198,50 | 17 588,02         | CZK        | 19%   | 3 341,72          | CZK        | 20 929,74         |
| 22.2.2009                       | 24.2.2009           | DT               | 9893456928       | 13,0         | 2 093,72 | 27 218,31         | CZK        | 19%   | 5 171,48          | CZK        | 32 389,79         |
| 23.2.2009                       | 25.2.2009           | DT               | 9893456938       | 14,0         | 2 317,54 | 32 445,50         | CZK        | 19%   | 6 164,65          | CZK        | 38 610,15         |
| 24.2.2009                       | 26.2.2009           | DT               | 9893456948       | 14,0         | 1 912,96 | 26 781,44         | CZK        | 19%   | 5 088,47          | CZK        | 31 869,91         |
| 25.2.2009                       | 27.2.2009           | DT               | 9893456958       | 8,0          | 1 880,02 | 15 040,16         | CZK        | 19%   | 2 857,63          | CZK        | 17 897,79         |
| 26.2.2009                       | 28.2.2009           | DT               | 9893456968       | 9,0          | 2 315,25 | 20 837,25         | CZK        | 19%   | 3 959,08          | CZK        | 24 796,33         |
| 27.2.2009                       | 2.3.2009            | DT               | 9893456978       | 16,0         | 2 226,27 | 35 620,37         | CZK        | 19%   | 6 767,87          | CZK        | 42 388,24         |
| 28.2.2009                       | 3.3.2009            | DT               | 9893456988       | 6,0          | 2 213,82 | 13 282,91         | CZK        | 19%   | 2 523,75          | CZK        | 15 806,66         |
|                                 |                     |                  |                  | <b>Total</b> |          | <b>716 306,29</b> | <b>CZK</b> |       | <b>136 098,21</b> | <b>CZK</b> | <b>852 404,50</b> |

### 3. Day-ahead Market Invoice for Payments in EUR, Including the Electricity Tax, Page 1



Invoice No.

|                                                                                                                                |  |                                                                                                 |                                                  |                                         |
|--------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------|
| Supplier:<br>Operátor trhu s elektřinou, a.s.<br>Sokolovská 192/79<br>186 00 Praha 8<br>Reg. No.: 26463318 VAT No.: CZ26463318 |  | Reference No.:<br>Constant symbol:                                                              |                                                  | Page 1/2                                |
| Customer: Register. No. of delivery point:                                                                                     |  | Addressee:                                                                                      |                                                  |                                         |
| Reg. No.: VAT No.:                                                                                                             |  | Reg. No.: VAT No.:                                                                              |                                                  |                                         |
| Bank: Komerční banka, a.s.<br>Account No.: 000019-5582760247/0100<br>Payment: Bank transfer                                    |  | Date of issue: 11.3.2009<br>Delivery date for electricity tax: 28.2.2009<br>Due date: 12.3.2009 |                                                  |                                         |
| Company is registered with the Municipal court in Prague, section B, file No. 7260, as of July 2nd 2001                        |  |                                                                                                 |                                                  |                                         |
| We invoice you:<br><br>daily market electricity (DT) in volume of                                                              |  | <b>Volume</b><br><br>333,00 MWh                                                                 | <b>Amount EUR</b><br><br>29 255,21 EUR           | <b>Amount CZK</b><br><br>716 309,62 CZK |
| <b>Before tax - sum total</b><br><b>Electricity tax - sum total</b><br><b>VAT 19% - sum total</b>                              |  | 29 255,21 EUR<br>384,97 EUR<br>5 631,64 EUR                                                     | 716 309,62 CZK<br>9 423,90 CZK<br>137 889,37 CZK |                                         |
| <b>Total</b><br><br>Issued by:<br>tel.: , fax.:                                                                                |  | 35 271,82 EUR                                                                                   |                                                  |                                         |
| <b>Payments received:</b><br><br>Advance payments before 28.2.2009<br>Advance payments from 01.03.2009 to 11.03.2009           |  | 32 859,65 EUR<br>2 412,17 EUR                                                                   |                                                  |                                         |
| Advance payments total<br>Rounding                                                                                             |  | 35 271,82 EUR<br>0,00 EUR                                                                       |                                                  |                                         |
| <b>Will be encashed:</b>                                                                                                       |  | 0,00 EUR                                                                                        |                                                  |                                         |

### 3. Day-ahead Market Invoice for Payments in EUR, Including the Electricity Tax, Page 2

| Delivery date<br>Vat point date | Exchange<br>rate | Payment<br>received | Type of<br>trade | Reference<br>No. | MWh  | CZK/MWh | Before tax | Electricity<br>tax | VAT Base   | VAT % | VAT        | Current | Total     |
|---------------------------------|------------------|---------------------|------------------|------------------|------|---------|------------|--------------------|------------|-------|------------|---------|-----------|
| 1.2.2009                        | 24,800           | 3.2.2009            | DT               | 9893456718       | 11,0 | 86,97   | 956,67     | 12,55              | 969,22     | 19%   | 184,15     | EUR     | 1 153,37  |
| 2.2.2009                        | 24,850           | 4.2.2009            | DT               | 9893456728       | 16,0 | 96,00   | 23 725,42  | 311,30             | 24 036,72  | 19%   | 4 566,98   | CZK     | 1 849,52  |
| 3.2.2009                        | 24,800           | 5.2.2009            | DT               | 9893456738       | 8,0  | 78,40   | 1 536,00   | 18,22              | 1 554,22   | 19%   | 295,30     | EUR     | 757,23    |
| 4.2.2009                        | 24,785           | 6.2.2009            | DT               | 9893456748       | 13,0 | 77,05   | 38 169,60  | 452,80             | 38 622,40  | 19%   | 7 338,26   | CZK     | 1 209,62  |
| 5.2.2009                        | 24,815           | 7.2.2009            | DT               | 9893456758       | 14,0 | 94,50   | 627,20     | 9,13               | 636,33     | 19%   | 120,90     | EUR     | 1 593,37  |
| 6.2.2009                        | 24,815           | 8.2.2009            | DT               | 9893456768       | 14,0 | 91,11   | 15 554,56  | 226,40             | 15 780,96  | 19%   | 2 998,38   | CZK     | 1 536,90  |
| 7.2.2009                        | 24,815           | 9.2.2009            | DT               | 9893456778       | 8,0  | 90,63   | 1 001,65   | 14,84              | 1 016,49   | 19%   | 193,13     | EUR     | 873,65    |
| 8.2.2009                        | 24,940           | 10.2.2009           | DT               | 9893456788       | 9,0  | 86,97   | 24 825,90  | 367,90             | 25 193,80  | 19%   | 4 786,82   | CZK     | 943,60    |
| 9.2.2009                        | 24,770           | 11.2.2009           | DT               | 9893456798       | 16,0 | 96,00   | 1 323,00   | 15,97              | 1 338,97   | 19%   | 254,40     | EUR     | 1 849,59  |
| 10.2.2009                       | 24,850           | 12.2.2009           | DT               | 9893456808       | 11,0 | 78,40   | 32 830,25  | 396,20             | 33 226,45  | 19%   | 6 313,03   | CZK     | 1 041,17  |
| 11.2.2009                       | 24,630           | 13.2.2009           | DT               | 9893456818       | 16,0 | 77,05   | 1 275,54   | 15,97              | 1 291,51   | 19%   | 245,39     | EUR     | 1 488,91  |
| 12.2.2009                       | 24,430           | 14.2.2009           | DT               | 9893456828       | 8,0  | 94,50   | 31 652,53  | 396,20             | 32 048,73  | 19%   | 6 089,26   | CZK     | 910,67    |
| 13.2.2009                       | 24,430           | 15.2.2009           | DT               | 9893456838       | 13,0 | 91,11   | 725,04     | 9,12               | 734,16     | 19%   | 139,49     | EUR     | 1 427,39  |
| 14.2.2009                       | 24,430           | 16.2.2009           | DT               | 9893456848       | 14,0 | 90,63   | 17 991,87  | 226,40             | 18 218,27  | 19%   | 3 461,47   | CZK     | 1 529,20  |
| 15.2.2009                       | 24,300           | 17.2.2009           | DT               | 9893456858       | 14,0 | 86,97   | 782,73     | 10,21              | 792,94     | 19%   | 150,66     | EUR     | 1 468,32  |
| 16.2.2009                       | 24,070           | 18.2.2009           | DT               | 9893456868       | 8,0  | 96,00   | 19 521,29  | 254,70             | 19 775,99  | 19%   | 3 757,44   | CZK     | 925,12    |
| 17.2.2009                       | 23,990           | 19.2.2009           | DT               | 9893456878       | 9,0  | 78,40   | 1 536,00   | 18,28              | 1 554,28   | 19%   | 295,31     | EUR     | 852,30    |
| 18.2.2009                       | 23,965           | 20.2.2009           | DT               | 9893456888       | 16,0 | 77,05   | 38 046,72  | 452,80             | 38 499,52  | 19%   | 7 314,91   | CZK     | 1 489,51  |
| 19.2.2009                       | 24,250           | 21.2.2009           | DT               | 9893456898       | 11,0 | 94,50   | 862,40     | 12,53              | 874,93     | 19%   | 166,24     | EUR     | 1 252,28  |
| 20.2.2009                       | 24,250           | 22.2.2009           | DT               | 9893456908       | 16,0 | 91,11   | 21 430,64  | 311,30             | 21 741,94  | 19%   | 4 130,97   | CZK     | 1 756,95  |
| 21.2.2009                       | 24,250           | 23.2.2009           | DT               | 9893456918       | 8,0  | 90,63   | 1 232,80   | 18,38              | 1 251,18   | 19%   | 237,73     | EUR     | 873,91    |
| 22.2.2009                       | 24,075           | 24.2.2009           | DT               | 9893456928       | 13,0 | 86,97   | 30 363,86  | 452,80             | 30 816,66  | 19%   | 5 855,17   | CZK     | 1 363,61  |
| 23.2.2009                       | 24,140           | 25.2.2009           | DT               | 9893456938       | 14,0 | 96,00   | 756,00     | 9,27               | 765,27     | 19%   | 145,40     | EUR     | 1 618,89  |
| 24.2.2009                       | 24,350           | 26.2.2009           | DT               | 9893456948       | 14,0 | 78,40   | 18 469,08  | 226,40             | 18 695,48  | 19%   | 3 552,14   | CZK     | 1 325,51  |
| 25.2.2009                       | 24,430           | 27.2.2009           | DT               | 9893456958       | 8,0  | 77,05   | 1 184,43   | 15,06              | 1 199,49   | 19%   | 227,90     | EUR     | 744,55    |
| 26.2.2009                       | 24,425           | 28.2.2009           | DT               | 9893456968       | 9,0  | 94,50   | 28 935,62  | 367,90             | 29 303,52  | 19%   | 5 567,67   | CZK     | 1 024,51  |
| 27.2.2009                       | 24,425           | 2.3.2009            | DT               | 9893456978       | 16,0 | 91,11   | 1 268,82   | 16,22              | 1 285,04   | 19%   | 244,16     | EUR     | 1 756,80  |
| 28.2.2009                       | 24,425           | 3.3.2009            | DT               | 9893456988       | 6,0  | 90,63   | 30 997,27  | 396,20             | 31 393,47  | 19%   | 5 964,76   | CZK     | 655,37    |
| Total                           |                  |                     |                  |                  |      |         | 29 255,21  | 384,97             | 29 640,18  |       | 5 631,64   | EUR     | 35 271,82 |
| Total                           |                  |                     |                  |                  |      |         | 716 309,62 | 9 423,90           | 725 733,52 |       | 137 889,37 | CZK     |           |

## 4. Day-ahead Market Invoice for Payments in CZK, Including the Electricity Tax, Page 1



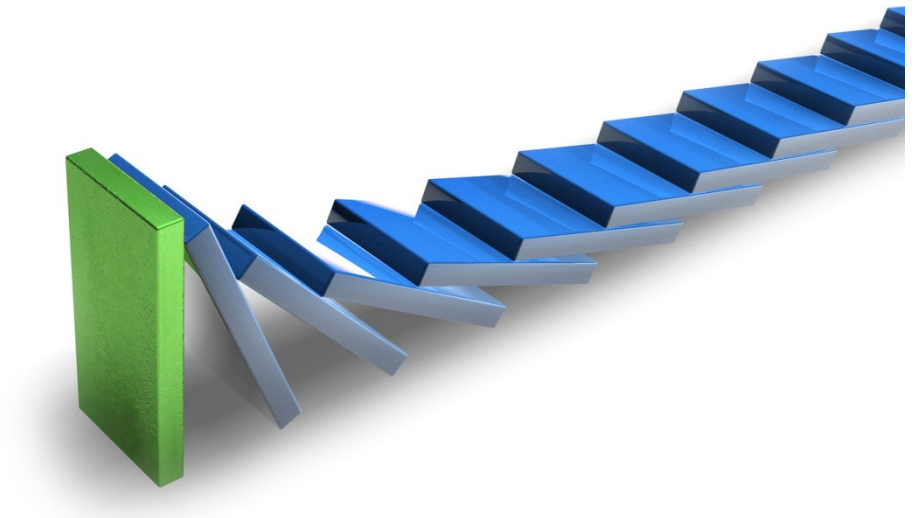
Invoice No.

|                                                                                                                                                            |  |                                                                                                        |                                                               |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|----------|
| Supplier:<br>Operátor trhu s elektřinou, a.s.<br>Sokolovská 192/79<br>186 00 Praha 8<br>Reg. No.: 2646331 VAT No.: CZ26463318                              |  | Reference No.:<br>Constatint symbol:                                                                   |                                                               | Page 1/2 |
| Customer: Register. No. of delivery point:                                                                                                                 |  | Addressee:                                                                                             |                                                               |          |
| Reg. No.: VAT No.:                                                                                                                                         |  | Reg. No.: VAT No.:                                                                                     |                                                               |          |
| Bank: Komerční banka, a.s.<br>Account No.: 000019-5582760247/0100<br>Payment: Bank transfer                                                                |  | Date of issue: 11.3.2009<br>Delivery date for electricity tax: 28.2.2009<br><b>Due date:</b> 12.3.2009 |                                                               |          |
| Company is registered with the Municipal court in Prague, section B, file No. 7260, as of July 2nd 2001                                                    |  |                                                                                                        |                                                               |          |
| We invoice you:<br><br>daily market electricity (DT) in volume of                                                                                          |  | <b>Volume</b><br><br>333,00 MWh                                                                        | <b>Amount CZK</b><br><br>716 306,29 CZK                       |          |
| <b>Before tax - sum total</b><br><b>Electricity tax - sum total</b><br><b>VAT 19% - sum total</b>                                                          |  |                                                                                                        | 716 306,29 CZK<br>9 423,90 CZK<br>137 888,73 CZK              |          |
| <b>Total</b><br><br>Issued by:<br>tel.: , fax.:                                                                                                            |  |                                                                                                        | 863 618,92 CZK                                                |          |
| <b>Payments received:</b><br><br>Advance payments before 28.2.2009<br>Advance payments from 01.03.2009 to 11.03.2009<br>Advance payments total<br>Rounding |  |                                                                                                        | 804 683,13 CZK<br>58 935,79 CZK<br>863 618,92 CZK<br>0,00 CZK |          |
| <b>Will be encashed:</b>                                                                                                                                   |  |                                                                                                        | 0,00 CZK                                                      |          |

## 4. Day-ahead Market Invoice for Payments in CZK, Including the Electricity Tax, Page 2

| Delivery date<br>Vat point date | Payment<br>received | Type of trade | Reference<br>No. | MWh          | CZK/MWh  | Before tax        | Electricity<br>tax | VAT Base          | VAT % | VAT               | urrenc     | Total             |
|---------------------------------|---------------------|---------------|------------------|--------------|----------|-------------------|--------------------|-------------------|-------|-------------------|------------|-------------------|
| 1.2.2009                        | 3.2.2009            | DT            | 9893456718       | 11,0         | 2 165,55 | 23 821,08         | 311,30             | 24 132,38         | 19%   | 4 585,15          | CZK        | 28 717,53         |
| 2.2.2009                        | 4.2.2009            | DT            | 9893456728       | 16,0         | 2 371,20 | 37 939,20         | 452,80             | 38 392,00         | 19%   | 7 294,48          | CZK        | 45 686,48         |
| 3.2.2009                        | 5.2.2009            | DT            | 9893456738       | 8,0          | 1 943,54 | 15 548,29         | 226,40             | 15 774,69         | 19%   | 2 997,19          | CZK        | 18 771,88         |
| 4.2.2009                        | 6.2.2009            | DT            | 9893456748       | 13,0         | 1 909,92 | 24 828,90         | 367,90             | 25 196,80         | 19%   | 4 787,39          | CZK        | 29 984,19         |
| 5.2.2009                        | 7.2.2009            | DT            | 9893456758       | 14,0         | 2 344,55 | 32 823,63         | 396,20             | 33 219,83         | 19%   | 6 311,77          | CZK        | 39 531,60         |
| 6.2.2009                        | 8.2.2009            | DT            | 9893456768       | 14,0         | 2 261,26 | 31 657,63         | 396,20             | 32 053,83         | 19%   | 6 090,23          | CZK        | 38 144,06         |
| 7.2.2009                        | 9.2.2009            | DT            | 9893456778       | 8,0          | 2 248,62 | 17 988,97         | 226,40             | 18 215,37         | 19%   | 3 460,92          | CZK        | 21 676,29         |
| 8.2.2009                        | 10.2.2009           | DT            | 9893456788       | 9,0          | 2 169,03 | 19 521,29         | 254,70             | 19 775,99         | 19%   | 3 757,44          | CZK        | 23 533,43         |
| 9.2.2009                        | 11.2.2009           | DT            | 9893456798       | 16,0         | 2 378,88 | 38 062,08         | 452,80             | 38 514,88         | 19%   | 7 317,83          | CZK        | 45 832,71         |
| 10.2.2009                       | 12.2.2009           | DT            | 9893456808       | 11,0         | 1 947,46 | 21 422,02         | 311,30             | 21 733,32         | 19%   | 4 129,33          | CZK        | 25 862,65         |
| 11.2.2009                       | 13.2.2009           | DT            | 9893456818       | 16,0         | 1 896,20 | 30 339,21         | 452,80             | 30 792,01         | 19%   | 5 850,48          | CZK        | 36 642,49         |
| 12.2.2009                       | 14.2.2009           | DT            | 9893456828       | 8,0          | 2 310,53 | 18 484,20         | 226,40             | 18 710,60         | 19%   | 3 555,01          | CZK        | 22 265,61         |
| 13.2.2009                       | 15.2.2009           | DT            | 9893456838       | 13,0         | 2 224,91 | 28 923,78         | 367,90             | 29 291,68         | 19%   | 5 565,42          | CZK        | 34 857,10         |
| 14.2.2009                       | 16.2.2009           | DT            | 9893456848       | 14,0         | 2 216,81 | 31 035,34         | 396,20             | 31 431,54         | 19%   | 5 971,99          | CZK        | 37 403,53         |
| 15.2.2009                       | 17.2.2009           | DT            | 9893456858       | 14,0         | 2 114,24 | 29 599,37         | 396,20             | 29 995,57         | 19%   | 5 699,16          | CZK        | 35 694,73         |
| 16.2.2009                       | 18.2.2009           | DT            | 9893456868       | 8,0          | 2 310,82 | 18 486,53         | 226,40             | 18 712,93         | 19%   | 3 555,46          | CZK        | 22 268,39         |
| 17.2.2009                       | 19.2.2009           | DT            | 9893456878       | 9,0          | 1 880,97 | 16 928,76         | 254,70             | 17 183,46         | 19%   | 3 264,86          | CZK        | 20 448,32         |
| 18.2.2009                       | 20.2.2009           | DT            | 9893456888       | 16,0         | 1 846,43 | 29 542,82         | 452,80             | 29 995,62         | 19%   | 5 699,17          | CZK        | 35 694,79         |
| 19.2.2009                       | 21.2.2009           | DT            | 9893456898       | 11,0         | 2 289,74 | 25 187,09         | 311,30             | 25 498,39         | 19%   | 4 844,69          | CZK        | 30 343,08         |
| 20.2.2009                       | 22.2.2009           | DT            | 9893456908       | 16,0         | 2 209,51 | 35 352,14         | 452,80             | 35 804,94         | 19%   | 6 802,94          | CZK        | 42 607,88         |
| 21.2.2009                       | 23.2.2009           | DT            | 9893456918       | 8,0          | 2 198,50 | 17 588,02         | 226,40             | 17 814,42         | 19%   | 3 384,74          | CZK        | 21 199,16         |
| 22.2.2009                       | 24.2.2009           | DT            | 9893456928       | 13,0         | 2 093,72 | 27 218,31         | 367,90             | 27 586,21         | 19%   | 5 241,38          | CZK        | 32 827,59         |
| 23.2.2009                       | 25.2.2009           | DT            | 9893456938       | 14,0         | 2 317,54 | 32 445,50         | 396,20             | 32 841,70         | 19%   | 6 239,92          | CZK        | 39 081,62         |
| 24.2.2009                       | 26.2.2009           | DT            | 9893456948       | 14,0         | 1 912,96 | 26 781,44         | 396,20             | 27 177,64         | 19%   | 5 163,75          | CZK        | 32 341,39         |
| 25.2.2009                       | 27.2.2009           | DT            | 9893456958       | 8,0          | 1 880,02 | 15 040,16         | 226,40             | 15 266,56         | 19%   | 2 900,65          | CZK        | 18 167,21         |
| 26.2.2009                       | 28.2.2009           | DT            | 9893456968       | 9,0          | 2 315,25 | 20 837,25         | 254,70             | 21 091,95         | 19%   | 4 007,47          | CZK        | 25 099,42         |
| 27.2.2009                       | 2.3.2009            | DT            | 9893456978       | 16,0         | 2 226,27 | 35 620,37         | 452,80             | 36 073,17         | 19%   | 6 853,90          | CZK        | 42 927,07         |
| 28.2.2009                       | 3.3.2009            | DT            | 9893456988       | 6,0          | 2 213,82 | 13 282,91         | 169,80             | 13 452,71         | 19%   | 2 556,01          | CZK        | 16 008,72         |
|                                 |                     |               |                  | <b>Total</b> |          | <b>716 306,29</b> | <b>9 423,90</b>    | <b>725 730,19</b> |       | <b>137 888,73</b> | <b>CZK</b> | <b>863 618,92</b> |

# Imbalances



# General Context I

- OTE settles imbalances on the basis of the Contract for the Settlement of Imbalances.
- The contract is concluded with taxable persons(VAT payers). Foreign persons liable to VAT from the EU are also VAT payers in the relevant EU country (outside the Czech Republic).
- Imbalances are identified on an hourly basis.
- Imbalances are identified based on data from meters that are recorded every hour and stored for further use.
- An imbalance for the relevant hour is evaluated separately for all contracts of the relevant person that are active for the particular hour.
- The volume of electricity consumed may be higher or lower than contracted or the volume of electricity supplied may be higher or lower than contracted.

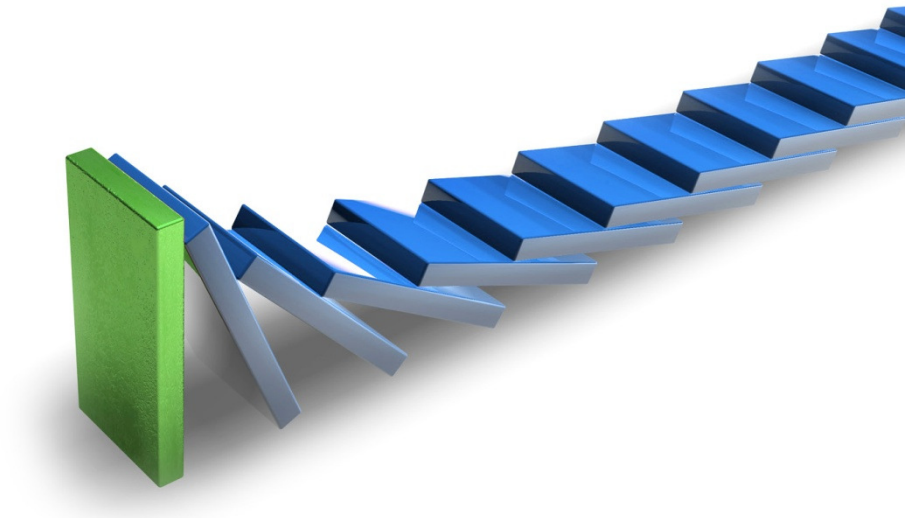


## General Context II

- Financial settlements of the identified matters are governed by the relevant regulations.
- Payments related to imbalances are performed exclusively in CZK.
- The payment is effected after the supply term (i.e. after the lapse of the relevant hour) based on the stipulated conditions.
- In accordance with the claims proceedings, the original amount of the imbalance and the price derived from such imbalance can be corrected.
- The identified imbalance does not modify the original contract.

# Imbalances

VAT Implications



## VAT: Definition and Scope of the Supply

- In compliance with the business model employed in the sale of electricity, the relevant regulations, and contracted terms and conditions, the supplies effected within an imbalance can be considered a special supply, which takes the form of an electricity (goods) supply, or the provision of a service rendered in direct relation to the electricity supply (hereinafter the “imbalance”).
- The imbalance identified for the individual hour is considered a separate supply.
- The supply in terms of the imbalance is provided by OTE to the subject of settlement or by the subject of settlement to OTE.

## VAT: Place of Supply

- If electricity is physically supplied to the trader, the place of supply is
  - The trader's registered office; or
  - The place of the trader's fixed establishment for VAT purposes for which the electricity is supplied; or
- The place where electricity is consumed by a buyer who is not a trader.
- If the provided supply is of a service nature, the place of supply is, with respect to the regulation aspect of such supply, as follows:
  - The Czech Republic if the service recipient's registered office is in the Czech Republic, or if the service is provided for the fixed establishment for VAT purposes located in the Czech Republic; or
  - Overseas if the service recipient's registered office is abroad, or if the service is intended for a fixed establishment for VAT purposes located overseas;
  - If the registered office and fixed establishment for VAT purposes collide in determining the place of supply, the location of the fixed establishment takes precedence provided that the fixed establishment is the service recipient; and
  - The use and enjoyment rule is applied to the given services provided the conditions for applying the rule are met.

# VAT: Obligation to Account for VAT

- The obligation arises on the date of the taxable supply or on the date the payment is received, whichever occurs first.
- If the designated terms and conditions are met, payments follow after the date of taxable supply.
- If the designated terms and conditions are met, the obligation to account for VAT arises on the date of taxable supply.

# VAT: Setting the Date of Taxable Supply

- The imbalance is considered performed after the lapse of the designated one hour period to which it relates.
- Within individual imbalances the supply is of the same type as based on the Imbalance Settlement Contract.
- Individual stand-alone imbalances performed in one day, i.e. Day D, are considered one recurring supply that is performed on the Day D.

# VAT: Tax Base and Calculation of VAT

- Generally, the VAT base comprises consideration received or to be received by the VAT payer for the performed taxable supply, i.e. for the recurring supply, from the supply recipient or from a third person, exclusive of VAT for the supply.
- If the electricity tax is applicable, the VAT base generally includes the sum of the payment for the performed taxable supply (exclusive of VAT for the supply) and the electricity tax (as a separately defined part of the consideration for the taxable supply).
- The Imbalance Settlement Contract and applicable regulations serve as a basis in determining the consideration.
- VAT is calculated from the VAT base exclusive of VAT.

# VAT: Claims Proceedings

- The tax base and VAT amount will be corrected depending on the result of the claims proceedings regarding the imbalance.
- Each correction is considered an individual supply.

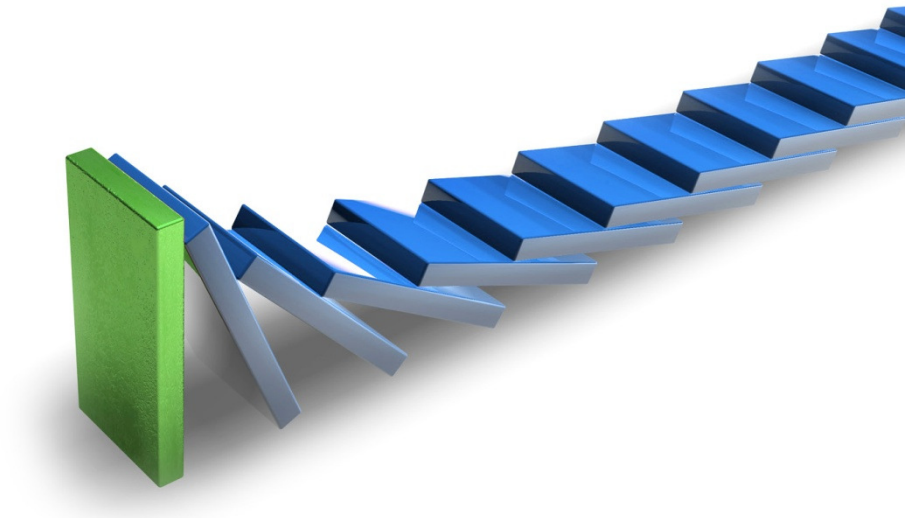


# VAT: Documents

- Summary tax documents are issued for recurring supplies performed on each day during the calendar month.
- The summary tax document will break down individual recurring supplies by the days on which the supply was performed.
- With regard to the claims proceedings, a credit note/debit note (one document) in respect to the summary document for the monthly settlement of imbalances is issued.
- The sums of important items are provided on the first page of the document for clarity and easier work with the data presented in the document.

# Imbalances

Electricity Tax Context



# Electricity Tax: Supply Scope and Date

- Electricity tax only applies to imbalances where the volume of the supplied electricity is greater than the contracted volume.
- The tax liability generally arises on the date of supply.
- The date of supply as per the Electricity Tax Act is the day of the meter reading or the day of identifying the actual electricity consumption.
- The total electricity volume supplied under imbalances in the particular calendar month is determined in compliance with the Business Terms of OTE on the last day of the relevant calendar month.
- The date of supply is considered the last day of the calendar month.
- The tax liability arises as of the last day of the calendar month.

# Electricity Tax: Claims Proceedings

- Following the written ruling of the General Customs Directorate, the correction of an identified imbalance is declared in the taxable period in which the claim was accepted by OTE, i.e. when the correction was made.

# Electricity Tax: Documents

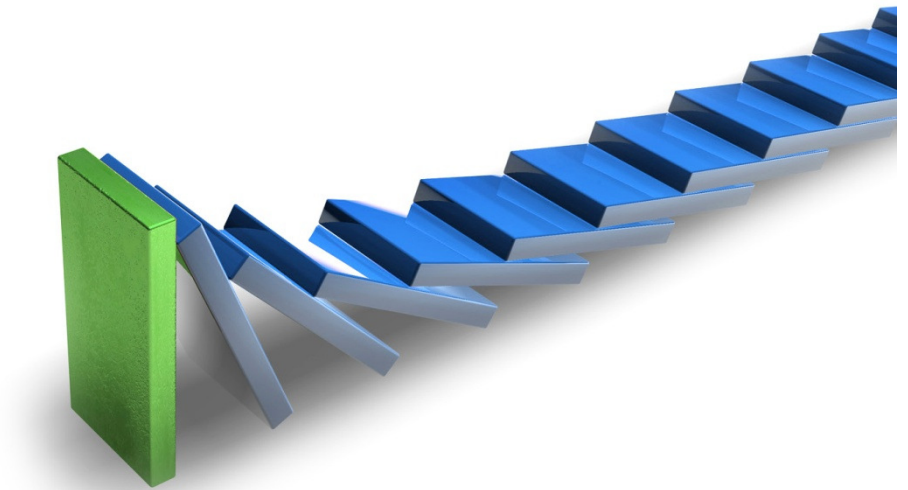
- Document on sale
- Tax document
- A document on sale or tax document is also issued if an imbalance is corrected as a result of the claims proceedings.
- Where possible, the essentials of the document on sale or the tax document will be presented in the document for VAT purposes.

# Electricity Tax: Disbursement of the Electricity Tax

- Based on a written ruling of the General Customs Directorate, in the event of a positive imbalance OTE disburses to the customer the collected electricity tax for the supply which was not made.
- The electricity tax to be disbursed is presented in the document as a stand-alone item.

# Imbalances

Tax Documents Templates



## 5. Invoice for Imbalances: Including the Electricity Tax - Page 1



Invoice No.

|                                                                                                                                                        |  |                                                                                                 |                                                                   |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----------|
| Supplier:<br>Operátor trhu s elektřinou, a.s.<br>Sokolovská 192/79<br>186 00 Praha 8<br>Reg. No.: 26463318 VAT No.: CZ26463318                         |  | Reference No.:<br>Constatnt symbol:                                                             |                                                                   | Page 1/2 |
| Customer: Register. No. of delivery point:                                                                                                             |  | Addressee:                                                                                      |                                                                   |          |
| Reg. No.: VAT No.:                                                                                                                                     |  | Reg. No.: VAT No.:                                                                              |                                                                   |          |
| Bank: Komerční banka, a.s.<br>Account No.: 000019-5582760247/0100<br>Payment: Bank transfer                                                            |  | Date of issue: 11.3.2009<br>Delivery date for electricity tax: 28.2.2009<br>Due date: 12.3.2009 |                                                                   |          |
| Company is registered with the Municipal court in Prague, section B, file No. 7260, as of July 2nd 2001                                                |  |                                                                                                 |                                                                   |          |
| We invoice you:                                                                                                                                        |  | Volume                                                                                          | Amount CZK                                                        |          |
| imbalance positive (IEP)                                                                                                                               |  | 189,8 MWh                                                                                       | 502 400,93 CZK                                                    |          |
| imbalance negative (IEM)                                                                                                                               |  | 286,9 MWh                                                                                       | 615 329,19 CZK                                                    |          |
| <b>Before tax - sum total</b><br><b>Electricity tax - (imbalance negative IEM)</b><br><b>VAT 19% - sum total</b>                                       |  |                                                                                                 | 1 117 730,12 CZK<br>8 119,27 CZK<br>213 911,40 CZK                |          |
| <b>Total</b><br><b>Refund of electricity tax (imbalance positive IEP)</b>                                                                              |  |                                                                                                 | 1 339 760,79 CZK<br>-5 371,34 CZK                                 |          |
| Issued by:<br>tel.: , fax.:                                                                                                                            |  |                                                                                                 |                                                                   |          |
| <b>Payments received:</b><br>Advance payments before 28.2.2009<br>Advance payments from 01.03.2009 to 11.03.2009<br>Advance payments total<br>Rounding |  |                                                                                                 | 1 150 718,78 CZK<br>56 509,72 CZK<br>1 207 228,50 CZK<br>0,00 CZK |          |
| <b>Will be encashed:</b>                                                                                                                               |  |                                                                                                 | 127 160,95 CZK                                                    |          |



## 5. Invoice for Imbalances: Including the Electricity Tax - Page 2

| Delivery date<br>Vat point date | Payment<br>received | Type of<br>trade | MWh  | CZK/MWh      | Before tax          | Electricity<br>tax | VAT Base            | VAT % | VAT               | urrenc     | Total               |
|---------------------------------|---------------------|------------------|------|--------------|---------------------|--------------------|---------------------|-------|-------------------|------------|---------------------|
| 1.2.2009                        | 3.2.2009            | IEP              | 4,9  |              |                     |                    |                     |       |                   |            |                     |
|                                 |                     |                  |      | 7 230,91     | 35 431,48           | 0,00               | 35 431,48           | 19%   | 6 731,98          | CZK        | 42 163,46           |
| 1.2.2009                        | 3.2.2009            | IEM              | 11,2 | 5 038,46     | 56 430,77           | 316,96             | 56 747,73           | 19%   | 10 782,07         | CZK        | 67 529,80           |
| 3.2.2009                        | 5.2.2009            | IEP              | 16,3 | 1 418,81     | 23 126,53           | 0,00               | 23 126,53           | 19%   | 4 394,04          | CZK        | 27 520,57           |
| 4.2.2009                        | 6.2.2009            | IEM              | 30,6 | 1 206,88     | 36 930,51           | 865,98             | 37 796,49           | 19%   | 7 181,33          | CZK        | 44 977,82           |
| 5.2.2009                        | 7.2.2009            | IEP              | 4,9  | 9 963,64     | 48 821,86           | 0,00               | 48 821,86           | 19%   | 9 276,15          | CZK        | 58 098,01           |
| 5.2.2009                        | 7.2.2009            | IEM              | 11,2 | 4 204,25     | 47 087,55           | 316,96             | 47 404,51           | 19%   | 9 006,86          | CZK        | 56 411,37           |
| 7.2.2009                        | 9.2.2009            | IEM              | 16,3 | 1 641,52     | 26 756,79           | 461,29             | 27 218,08           | 19%   | 5 171,44          | CZK        | 32 389,52           |
| 8.2.2009                        | 10.2.2009           | IEP              | 30,6 | 948,89       | 29 035,97           | 0,00               | 29 035,97           | 19%   | 5 516,83          | CZK        | 34 552,80           |
| 9.2.2009                        | 11.2.2009           | IEM              | 4,9  | 11 553,78    | 56 613,54           | 138,67             | 56 752,21           | 19%   | 10 782,92         | CZK        | 67 535,13           |
| 10.2.2009                       | 12.2.2009           | IEP              | 11,2 | 2 844,92     | 31 863,12           | 0,00               | 31 863,12           | 19%   | 6 053,99          | CZK        | 37 917,11           |
| 11.2.2009                       | 13.2.2009           | IEM              | 16,3 | 2 768,50     | 45 126,54           | 461,29             | 45 587,83           | 19%   | 8 661,69          | CZK        | 54 249,52           |
| 12.2.2009                       | 14.2.2009           | IEM              | 30,6 | 898,48       | 27 493,40           | 865,98             | 28 359,38           | 19%   | 5 388,28          | CZK        | 33 747,66           |
| 13.2.2009                       | 15.2.2009           | IEP              | 4,9  | 8 779,84     | 43 021,24           | 0,00               | 43 021,24           | 19%   | 8 174,04          | CZK        | 51 195,28           |
| 14.2.2009                       | 16.2.2009           | IEM              | 11,2 | 4 121,60     | 46 161,97           | 316,96             | 46 478,93           | 19%   | 8 831,00          | CZK        | 55 309,93           |
| 15.2.2009                       | 17.2.2009           | IEP              | 16,3 | 2 700,99     | 44 026,11           | 0,00               | 44 026,11           | 19%   | 8 364,96          | CZK        | 52 391,07           |
| 16.2.2009                       | 18.2.2009           | IEM              | 30,6 | 898,59       | 27 496,86           | 865,98             | 28 362,84           | 19%   | 5 388,94          | CZK        | 33 751,78           |
| 17.2.2009                       | 19.2.2009           | IEM              | 4,9  | 5 138,74     | 25 179,84           | 138,67             | 25 318,51           | 19%   | 4 810,52          | CZK        | 30 129,03           |
| 18.2.2009                       | 20.2.2009           | IEP              | 11,2 | 3 923,39     | 43 941,99           | 0,00               | 43 941,99           | 19%   | 8 348,98          | CZK        | 52 290,97           |
| 19.2.2009                       | 21.2.2009           | IEM              | 16,3 | 2 298,36     | 37 463,28           | 461,29             | 37 924,57           | 19%   | 7 205,67          | CZK        | 45 130,24           |
| 20.2.2009                       | 22.2.2009           | IEP              | 30,6 | 1 718,39     | 52 582,78           | 0,00               | 52 582,78           | 19%   | 9 990,73          | CZK        | 62 573,51           |
| 20.2.2009                       | 22.2.2009           | IEM              | 4,9  | 5 338,86     | 26 160,42           | 138,67             | 26 299,09           | 19%   | 4 996,83          | CZK        | 31 295,92           |
| 22.2.2009                       | 24.2.2009           | IEM              | 11,2 | 3 614,69     | 40 484,52           | 316,96             | 40 801,48           | 19%   | 7 752,28          | CZK        | 48 553,76           |
| 23.2.2009                       | 25.2.2009           | IEP              | 16,3 | 2 960,70     | 48 259,44           | 0,00               | 48 259,44           | 19%   | 9 169,29          | CZK        | 57 428,73           |
| 24.2.2009                       | 26.2.2009           | IEM              | 30,6 | 1 301,79     | 39 834,71           | 865,98             | 40 700,69           | 19%   | 7 733,13          | CZK        | 48 433,82           |
| 25.2.2009                       | 27.2.2009           | IEP              | 4,9  | 4 565,46     | 22 370,73           | 0,00               | 22 370,73           | 19%   | 4 250,44          | CZK        | 26 621,17           |
| 26.2.2009                       | 28.2.2009           | IEM              | 11,2 | 2 767,26     | 30 993,33           | 316,96             | 31 310,29           | 19%   | 5 948,96          | CZK        | 37 259,25           |
| 27.2.2009                       | 2.3.2009            | IEP              | 16,3 | 3 250,41     | 52 981,74           | 0,00               | 52 981,74           | 19%   | 10 066,53         | CZK        | 63 048,27           |
| 27.2.2009                       | 2.3.2009            | IEM              | 30,6 | 645,65       | 19 757,00           | 865,98             | 20 622,98           | 19%   | 3 918,37          | CZK        | 24 541,35           |
| 28.2.2009                       | 3.3.2009            | IEP              | 21,4 | 1 258,78     | 26 937,94           | 0,00               | 26 937,94           | 19%   | 5 118,21          | CZK        | 32 056,15           |
| 28.2.2009                       | 3.3.2009            | IEM              | 14,3 | 1 773,30     | 25 358,16           | 404,69             | 25 762,85           | 19%   | 4 894,94          | CZK        | 30 657,79           |
|                                 |                     |                  |      | <b>Total</b> | <b>1 117 730,12</b> | <b>8 119,27</b>    | <b>1 125 849,39</b> |       | <b>213 911,40</b> | <b>CZK</b> | <b>1 339 760,79</b> |

## 6. Credit Note/Debit Note for Imbalances: Including the Electricity Tax - Page 1



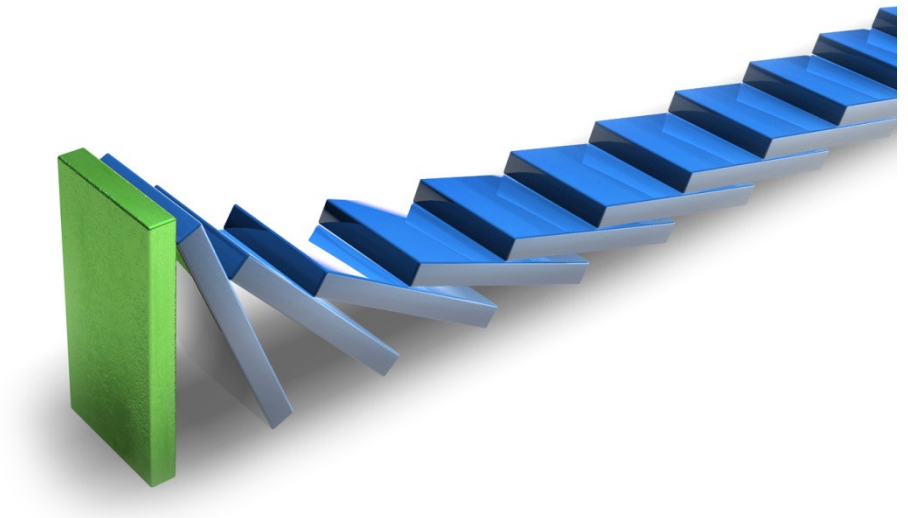
### Credit/Debit note - summary tax document No.

|                                                                                                                                   |  |                                                                                                        |                                                             |          |
|-----------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------|
| Supplier:<br>Operátor trhu s elektřinou, a.s.<br>Sokolovská 192/79<br>186 00 Praha 8<br>Reg. No.: 26463318    VAT No.: CZ26463318 |  | Reference No.:<br>Constant symbol:<br>Credit/Debit note to invoice No.: 999100xxxx                     |                                                             | Page 1/2 |
| Customer:    Register. No. of delivery point:<br><br><br>Reg. No.:    VAT No.:                                                    |  | Addressee:<br><br><br>Reg. No.:    VAT No.:                                                            |                                                             |          |
| Bank:    Komerční banka, a.s.<br>Account No.: 000019-5582760247/0100<br>Payment:    Bank transfer                                 |  | Date of issue: 11.3.2009<br>Delivery date for electricity tax: 28.2.2009<br><b>Due date:</b> 12.3.2009 |                                                             |          |
| Company is registered with the Municipal court in Prague, section B, file No. 7260, as of July 2nd 2001                           |  |                                                                                                        |                                                             |          |
| Credit/Debit note:<br><br>imbalance positive (IEP)<br><br>imbalance negative (IEM)                                                |  | <b>Volume</b><br><br>-11,8 MWh<br><br>15,3 MWh                                                         | <b>Amount CZK</b><br><br>8 735,63 CZK<br><br>-16 463,14 CZK |          |
| <b>Before tax - sum total</b><br><b>Electricity tax - (imbalance negative IEM)</b><br><b>VAT 19% - sum total</b>                  |  |                                                                                                        | -7 727,51 CZK<br>432,99 CZK<br>-1 385,96 CZK                |          |
| <b>Total</b><br><b>Refund of electricity tax (imbalance positive IEP)</b>                                                         |  |                                                                                                        | -8 680,48 CZK<br>333,94 CZK                                 |          |
| Issued by:<br>tel.:    , fax.:                                                                                                    |  |                                                                                                        |                                                             |          |
| <b>Will be refunded:</b>                                                                                                          |  |                                                                                                        | -8 346,54 CZK                                               |          |

## 6. Credit Note/Debit Note for Imbalances: Including the Electricity Tax - Page 2

| Delivery date | Credit/Debit note to invoice No.: | Type of trade | MWh  | CZK/MWh   | Before tax       | Electricity tax | VAT Base         | VAT %     | VAT              | current    | Total            |
|---------------|-----------------------------------|---------------|------|-----------|------------------|-----------------|------------------|-----------|------------------|------------|------------------|
| 1.2.2009      | 999100xxxx                        | IEP           | -2,1 |           |                  |                 |                  | 19%       |                  |            |                  |
| 1.2.2009      | 999100xxxx                        | IEM           | 4,3  | -166,93   | 350,56           | 0,00            | 350,56           | 19%       | 66,61            | CZK        | 417,17           |
| 3.2.2009      | 999100xxxx                        | IEP           | 0,0  |           | 1 578,85         | 6 789,04        | 121,69           | 6 910,73  | 19%              | 1 313,04   | CZK 8 223,77     |
| 4.2.2009      | 999100xxxx                        | IEM           | 0,7  | -494,00   |                  | 122,76          | 0,00             | 122,76    | 19%              | 23,32      | CZK 146,08       |
| 5.2.2009      | 999100xxxx                        | IEP           | 1,1  |           | -345,80          | 19,81           | -325,99          | 19%       | -61,94           | CZK        | -387,93          |
| 5.2.2009      | 999100xxxx                        | IEM           | 0,0  |           | 3 138,27         | 3 452,10        | 0,00             | 3 452,10  | 19%              | 655,90     | CZK 4 108,00     |
| 7.2.2009      | 999100xxxx                        | IEM           | -3,6 |           |                  | -568,90         | 0,00             | -568,90   | 19%              | -108,09    | CZK -676,99      |
| 8.2.2009      | 999100xxxx                        | IEP           | -9,0 |           | 2 736,76         | -9 852,34       | -101,88          | -9 954,22 | 19%              | -1 891,30  | CZK -11 845,52   |
| 9.2.2009      | 999100xxxx                        | IEM           | 6,4  | -99,01    |                  | 891,07          | 0,00             | 891,07    | 19%              | 169,30     | CZK 1 060,37     |
| 10.2.2009     | 999100xxxx                        | IEP           | 0,0  | 67,16     |                  | 429,84          | 181,12           | 610,96    | 19%              | 116,08     | CZK 727,04       |
| 11.2.2009     | 999100xxxx                        | IEM           | 2,0  |           | -45,31           |                 | 0,00             | -45,31    | 19%              | -8,61      | CZK -53,92       |
| 12.2.2009     | 999100xxxx                        | IEM           | -4,0 | 449,56    |                  | 899,12          | 56,60            | 955,72    | 19%              | 181,59     | CZK 1 137,31     |
| 13.2.2009     | 999100xxxx                        | IEP           | 0,0  | 159,27    |                  | -637,08         | -113,20          | -750,28   | 19%              | -142,55    | CZK -892,83      |
| 14.2.2009     | 999100xxxx                        | IEM           | 4,7  |           |                  | 568,90          | 0,00             | 568,90    | 19%              | 108,09     | CZK 676,99       |
| 15.2.2009     | 999100xxxx                        | IEP           | -2,3 | -2 096,24 |                  | -9 852,34       | 133,01           | -9 719,33 | 19%              | -1 846,67  | CZK -11 566,00   |
| 16.2.2009     | 999100xxxx                        | IEM           | 0,0  | -387,42   |                  | 891,07          | 0,00             | 891,07    | 19%              | 169,30     | CZK 1 060,37     |
| 17.2.2009     | 999100xxxx                        | IEM           | 1,0  |           |                  | 429,84          | 0,00             | 429,84    | 19%              | 81,67      | CZK 511,51       |
| 18.2.2009     | 999100xxxx                        | IEP           | 3,0  | -45,31    |                  | -45,31          | 28,30            | -17,01    | 19%              | -3,23      | CZK -20,24       |
| 19.2.2009     | 999100xxxx                        | IEM           | 1,1  | 2 263,01  |                  | 6 789,04        | 0,00             | 6 789,04  | 19%              | 1 289,92   | CZK 8 078,96     |
| 20.2.2009     | 999100xxxx                        | IEP           | 0,0  | 111,60    |                  | 122,76          | 31,13            | 153,89    | 19%              | 29,24      | CZK 183,13       |
| 20.2.2009     | 999100xxxx                        | IEM           | -3,6 |           |                  | -345,80         | 0,00             | -345,80   | 19%              | -65,70     | CZK -411,50      |
| 22.2.2009     | 999100xxxx                        | IEM           | 0,7  | 1 711,23  |                  | -6 160,42       | -101,88          | -6 262,30 | 19%              | -1 189,84  | CZK -7 452,14    |
| 23.2.2009     | 999100xxxx                        | IEP           | 1,1  | -443,94   |                  | -310,76         | 19,81            | -290,95   | 19%              | -55,28     | CZK -346,23      |
| 24.2.2009     | 999100xxxx                        | IEM           | 0,0  | 235,85    |                  | 259,44          | 0,00             | 259,44    | 19%              | 49,29      | CZK 308,73       |
| 25.2.2009     | 999100xxxx                        | IEP           | -3,6 |           |                  | 555,92          | 0,00             | 555,92    | 19%              | 105,62     | CZK 661,54       |
| 26.2.2009     | 999100xxxx                        | IEM           | 0,7  | 95,58     |                  | -344,10         | 0,00             | -344,10   | 19%              | -65,38     | CZK -409,48      |
| 27.2.2009     | 999100xxxx                        | IEP           | 3,6  | 79,67     |                  | 55,77           | 19,81            | 75,58     | 19%              | 14,36      | CZK 89,94        |
| 27.2.2009     | 999100xxxx                        | IEM           | 0,0  | -1 288,33 |                  | -4 638,00       | 0,00             | -4 638,00 | 19%              | -881,22    | CZK -5 519,22    |
| 28.2.2009     | 999100xxxx                        | IEP           | -3,6 |           |                  | 1 973,19        | 0,00             | 1 973,19  | 19%              | 374,91     | CZK 2 348,10     |
| 28.2.2009     | 999100xxxx                        | IEM           | 4,9  | -217,75   |                  | 783,90          | 0,00             | 783,90    | 19%              | 148,94     | CZK 932,84       |
|               |                                   |               |      |           |                  | 54,33           | 138,67           | 193,00    |                  | 36,67      | CZK 229,67       |
| <b>Total</b>  |                                   |               |      |           | <b>-7 727,51</b> | <b>432,99</b>   | <b>-7 294,52</b> |           | <b>-1 385,96</b> | <b>CZK</b> | <b>-8 680,48</b> |

# Regulating Energy

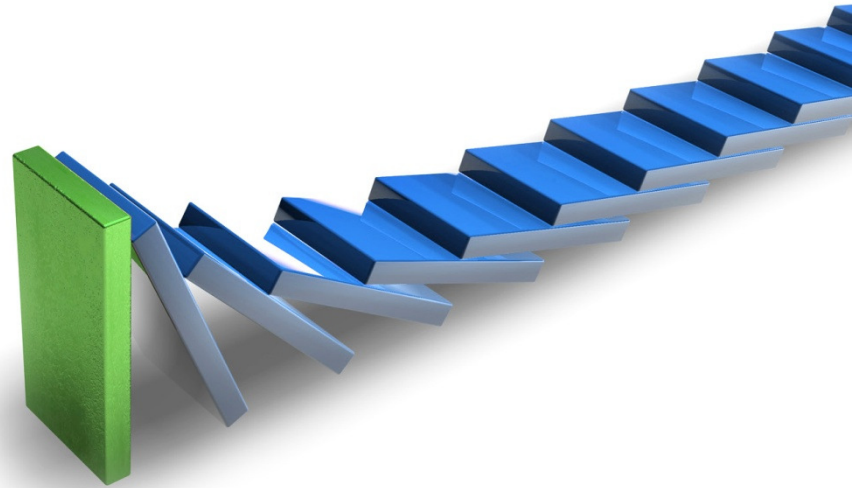


# General Context

- OTE performs the settlement of regulating energy based on the Contract for Accessing the Balancing Market and the Regulating Energy Settlement Contract.
- Prices are denominated in CZK.

# Regulation Electricity

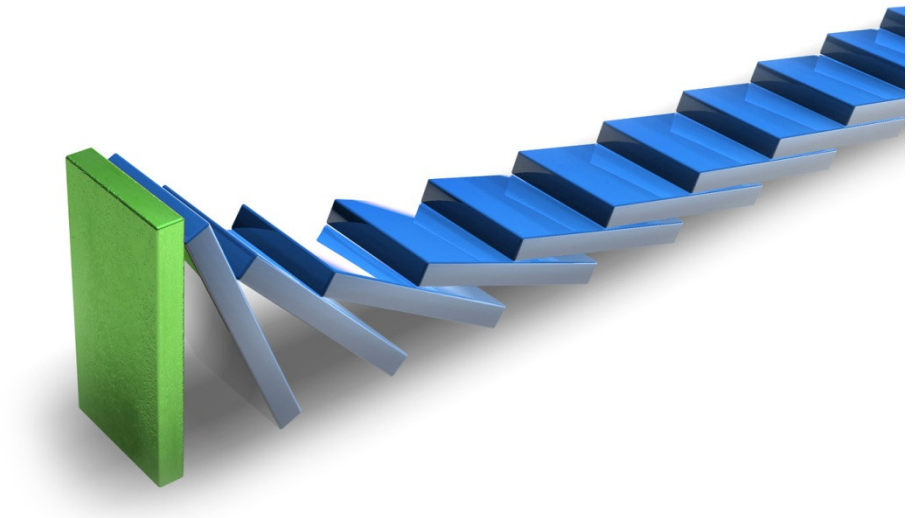
VAT and Electricity Tax



# VAT and Electricity Tax

- The process is similar to the settlement of the imbalance.
- The electricity tax is included in the VAT base only if it is applied to the given electricity supply.

# Self-Billing





# Self-Billing I

- To facilitate the fulfilment of administrative requirements in issuing documents on the part of electricity suppliers who provide electricity to OTE, Self-Billing is offered by OTE
- The supplier authorises the OTE to issue tax documents and documents on sale on the supplier's behalf, i.e. OTE will issue documents for its suppliers.
- The documents are as follows: tax documents for VAT purposes; and tax documents and documents on sale for the purposes of electricity tax.
- Based on a written obligation the supplier agrees to accept documents issued in this manner.
- A written agreement regulating the rights and obligations of individual parties is executed between OTE and the supplier.

## Self-Billing II

- The CNB's daily exchange rates are used to convert foreign currencies to CZK; the procedure was approved by the Ministry of Finance of the Czech Republic under the Coordination Committee.
- Self-billing will include all documents used between OTE and the suppliers.



Deloitte refers to one or more of Deloitte Touche Tohmatsu, a Swiss Verein, and its network of member firms, each of which is a legally separate and independent entity. Please see [www.deloitte.com/cz/about](http://www.deloitte.com/cz/about) for a detailed description of the legal structure of Deloitte Touche Tohmatsu and its member firms.