

Declaration of Confidentiality

of **RWE Gas Storage West GmbH**,
RWE Platz 4,
45141 Essen,
Germany

- hereinafter referred to as: **RGSW** -

for participation in the market survey (*Marktabfrage*) on the demand for hydrogen storage capacities

With the market survey, RGSW is creating a uniform, Germany-wide basis for carrying out a market assessment for investments in hydrogen storage.

The market survey is aimed at all undertakings that intend to store hydrogen in hydrogen storage facilities in the future. As part of the market survey, various categories of information are collected from the undertaking participating in the market survey (hereinafter "**Participant**").

Having said this, RGSW declares the following to the Participant:

1. "**Confidential Information**" shall mean all information made available by the Participant in the context of the market survey via the online tool provided on the RGSW website at the URL: <https://www.rwe-gasstorage-west.com/market-survey-hydrogen>
2. Information is not or no longer considered Confidential Information if it
 - a) is publicly known,
 - b) becomes publicly known without violating this Declaration of Confidentiality,
 - c) was proved to have already been known by RGSW from a non-confidential source prior to the disclosure in the market survey,
 - d) is summarized in an aggregated and abstracted manner, in particular in compliance with antitrust restrictionsor
 - e) was or is available to RGSW without breach of this Declaration of Confidentiality.
3. RGSW undertakes to use Confidential Information exclusively for the purpose of the market survey to use it on a confidential basis within the limits of this Declaration of Confidentiality. In particular, RGSW undertakes,
 - a) to keep the Confidential Information confidential at all times and to protect it from any unauthorized access by third parties and any unauthorized use, not to make it accessible to third parties outside the cases permitted under this Declaration of Confidentiality without the prior written consent of the Participant,

- b) to adequately protect the Confidential Information from unauthorized access by third parties by taking appropriate and reasonable confidentiality measures, in particular technical and organizational measures, taking into account the state of the art.

Third parties also include the affiliated companies of RGSW within the meaning of §§ 15 et seq. of the German stock corporation act (*AktG*). However, Confidential Information may be made available to external advisers who are subject by law to a professional duty of confidentiality or who have assumed an confidentiality obligations comparable to the confidentiality obligations under this Declaration of Confidentiality. The confidentiality obligations do not apply with regard to courts and authorities to the extent that Confidential Information must be reported or disclosed to them on the basis of a binding order or by law.

- 4. This Declaration of Confidentiality becomes effective upon download by the Participant.

Essen, 15.05.2024

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