

DECISION NO. 670/10.04.2019

on the amendment of the Rulebook of the Binding Open Season to be jointly performed by the National Gas Transmission Company Transgaz S. A. Medias and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission systems, approved by Decision No. 1123/28.07.2017 of the ANRE President

Taking into account:

- the provisions of Regulation (EU) No. 459/2017/16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No. 984/2013,
- the provisions of Art. 99 (k) and Art. 130 alin. (1) (d¹) of Electricity and Gas Law 123/2012, as further amended and supplemented,
- the provisions of art. III of Decision No. 241/20.02.2019 of the ANRE President on the amendment of the binding Open Season Rulebook for the Open Season to be jointly performed by the National Gas Transmission Company Transgaz S. A. Medias and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. for the allocation of incremental capacity at the Csanadpalota interconnection point between the Romanian and the Hungarian gas transmission systems approved by the Decision of ANRE President no 1123/28.07.2017, as subsequently amended and supplemented, according to which *“By 15.03.2019, the National Gas Transmission Company Transgaz S.A. Medias in collaboration with Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT shall set the timeline of the activities related to the conduct of the open season procedure subsequent to the bid submission window III and shall send it to the National Energy Regulatory Authority for approval”*,
- Transgaz’ letter no 14088 registered with ANRE under 21317/11.03.2019, whereby the National Gas Transmission Company Transgaz S.A. Medias submitted to the National Energy Regulatory Authority the new timeline of the activities related to the conduct of the open season procedure agreed bilaterally by the National Gas Transmission Company Transgaz S. A. Medias and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ ZRT, taking into account the proposals and requests made by the stakeholders on the extension of the Bid submission window III within the Binding Open Season Procedure RO-HU,
- The fact that by Decision no 13478/2019 of Magyar Energetikai es Kozmu-szabályozási Hivatal – the national energy regulatory authority of Hungary – the new timeline was approved,

Considering:

- The importance of the Bulgaria-Romania-Hungary-Austria (BRUA) project for Romania and for the entire region, reflected in the significant interest of the regional players in this binding open season procedure as well as,
- The fact that a great number of registered participants may contribute to obtaining potential potentially positive outcomes as far as the successful completion of the ROHU Binding Open Season procedure is concerned, from an early stage,

Pursuant to:

- Art. 5 (1) (f) and Art. 10 (1) (a) of Government Emergency Ordinance No. 33/2007 on the organization and operation of the National Energy Regulatory Authority, approved as amended by Law No. 160/2012, as subsequently amended and supplemented,

The President of the National Energy Regulatory Authority adopts the following

DECISION

Art. I – The Rulebook of the Binding Open Season Procedure to be jointly conducted by the National Gas Transmission Company Transgaz SA Medias and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. for the allocation of incremental capacity at the point of interconnection between the Romanian and the Hungarian gas transmission systems, Csanadpalota (the *Rulebook*), approved by Resolution No. 1123 of 28.07.2017 of the ANRE President, shall be amended as follows:

- 1. Chapter 3.4 – “Binding Open Season Procedure Overview” shall be amended as follows:**

3.4. Binding Open Season Procedure Overview

All deadlines are to be understood as 23:59 CET of the respective day.

Milestone	Date
Announcement of the Binding Open Season Procedure	16.10.2017
Customer Registration	16.10.2017 – 03.11.2017
Confirmation Customer Registration (TSOs)	by 15.11.2017
Bid submission window I: Submission of Bids	15.11.2017 – 19.12.2017
Economic Test I	19.12.2017 – 29.12.2017

TSOs to publish aggregated allocation results	29.12.2017
<i>In case of <u>positive</u> Economic Test I:</i>	
TSO to send acceptance of Bids in form of contract (duly signed by TSO) to Successful Bidders and inform Bidders about aggregate allocation results	by 15.01.2018
Successful Bidders to return countersigned contract to TSO	by 29.01.2018
<i>In case of <u>negative</u> Economic Test I:</i>	
Bid submission window II: TSOs to submit updated requirements to Bidders	by 28.02.2018
Bid submission window II: Bidders may submit updated Bids to TSOs	19.03.2018 – 06.04.2018
Economic Test II	06.04.2018 – 10.04.2018
TSOs to publish aggregated allocation results	11.04.2018
<i>In case of <u>negative</u> Economic Test II:</i>	
TSO to inform Bidders about terminated Open Season procedure	by 12.04.2018
<i>In case of <u>positive</u> Economic Test II:</i>	
TSOs to send acceptance of Bids in form of contract (duly signed by TSO) to Successful Bidders	by 12.04.2018
Successful Bidders to return countersigned contract to TSO	by 25.04.2018
Bidders' latest execution date of step back right from contracts concluded upon positive Economic Test I or II	14.12.2018
<i>In case of <u>step back right not being executed</u>:</i>	
Successful completion of the Open Season procedure (concluded contracts remain in place, TSOs to inform Successful Bidders)	by 16.12.2018
<i>In case of <u>step back right being executed</u>:</i>	
TSOs to inform Bidders that an additional Economic test needs to be performed	16.12.2018
Economic Test III	07.01.2019 – 21.01.2019

TSOs to publish aggregated allocation results	28.01.2019
<i>In case of <u>positive</u> Economic Test III:</i>	
Successful completion of the OS procedure (concluded contracts remain in place, TSOs to inform Successful Bidders)	by 28.01.2019
<i>In case of <u>negative</u> Economic Test III:</i>	
Bid submission window III: TSOs to submit requirements to Bidders	by 04.02.2019
Bid submission window III: Bidders may submit new additional Bids for the remaining available capacity	05.02.2019 – 30.05.2019
Economic Test IV	30.05.2019 – 06.06.2019
TSOs to publish aggregated allocation results	13.06.2019
<i>In case of <u>positive</u> Economic Test IV:</i>	
Successful completion of the OS procedure (contracts concluded before 14.12.2018 remain in place, TSOs to inform Successful Bidders), TSOs to send acceptance of Bids in form of contract (duly signed by TSO) to Successful Bidders	14.06.2019
Successful Bidders to return signed contract to TSO	28.06.2019
<i>In case of <u>negative</u> Economic Test IV:</i>	
TSO to inform Bidders about terminated OS procedure and termination of the contracts	14.06.2019

2. Chapter 4.2 “Determination of Economic Viability” article 4.2.1 “Process of Economic Tests and Bid submission windows” is amended as follows:

“4.2.1 Process of Economic Tests and Bid submission windows Economic test IV”

Economic test IV

After new Bids have been received in the course of the Bid submission window III, a final Economic Test will be performed (Economic Test IV).

*TSOs shall inform all Bidders about the individual and aggregated allocation results by **13.06.2019**.*

*If the Economic Test IV is positive, the relevant TSO(s) shall send acceptance of new Bids in form of contract(s) duly signed by TSO, in duplicate, with registered mail or courier to the Successful Bidders by **14.06.2019**. The Successful Bidders are obliged to duly sign and return to the TSO one original version of the received contract with registered mail or courier by **28.06.2019**; the omission to do so shall - due to the fact that the Contract has already been entered into at the moment the TSO has duly mailed the signed originals - not impact its validity.*

*In case the Economic Test **IV** is negative, the TSOs shall inform the Bidders by **14.06.2019** via registered mail about the termination of the Open Season procedure and the termination of the contracts. In such case, no penalties, damages or termination fee is to be paid by the Bidders who did not step back from their contracts.”*

Art. II – This Decision is notified to the National Gas Transmission Company Transgaz S.A. Medias and it will be published on its webpage.

Art. IV - This National Gas Transmission Company Transgaz S.A. Medias will carry out the provisions of this decision, and the specialist divisions of the authority will monitor the compliance with such provisions.

**President
of the National Energy Regulatory Authority**

Dumitru CHIRIȚĂ

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