

DECISION no. 1692/30.09.2019

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

Considering:

- 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 (1) (d¹) of Electricity and Gas Law 123/2012, as further amended and supplemented,
- the joint Letter of S.N.T.G.N. TRANSGAZ S.A. and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd. 54446/16.09.2019, registered at ANRE under no. 80710/18.09.2019, by which the two transmission system operators sent to the National Energy Regulatory Authority the new timetable of the Open Season activities, jointly agreed by S.N.T.G.N. TRANSGAZ S.A and Földgázszállító Zártkörűen Működő Részvénytársaság – FGSZ Ltd., taking into account the proposals and requests of the parties concerned on the extension of Bid Submission Window III within the ROHU Binding Open Season Procedure,
- TRANSGAZ Letter of 19.09.2019, registered at ANRE under no. 82738/25.09.2019 by which the requests of the parties concerned on the extension of Bid Submission Window III within the ROHU Binding Open Season Procedure were submitted
- TRANSGAZ Letter no. 56003/23.09.2019, by which the additional information requested by ANRE Letter no. 81179/19.09.2019 was sent.

Taking into account:

- 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,
- The fact that a great number of registered participants may contribute to obtaining potentially positive outcomes as far as the successful completion of the ROHU Binding Open Season procedure is concerned, from an early

stage, and

- The fact that if the Open Season procedure is unsuccessful, according to Regulation (EU) no. 459/2017, a new capacity auction will be held at the beginning of July 2020,

Based on:

- Art. 30 (1) and Art. 31 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,
- Art. 5 (1) (f) and Art. 10. (1) (a) of Government Emergency Ordinance no. 33/2007 on the organising and functioning of the National Energy Regulatory Authority, approved as further amended and supplemented by Law No. 160/2012, with further amendments and supplementations,

The President of the National Energy Regulatory Authority adopts the following

DECISION

Art. I. - 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 (*the Rulebook*), approved by Decision No. 1123/28.07.2017 of the ANRE President shall be amended as follows:

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

`Chapter 3.4. - Binding Open Season Procedure Overview

The timeline for the ROHU Binding Open Season Rulebook

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

Milestone		Date
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 step back right not being executed:</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 step back right being executed:</i>		
TSOs to inform Bidders that a further 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 – 31.03.2020
Economic Test IV		31.03.2020 – 07.04.2020

TSOs to publish aggregated allocation results	14.04.2020
<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	15.04.2020
Successful Bidders to return signed contract to TSO	29.04.2020
<i>In case of <u>negative</u> Economic Test IV:</i>	
TSO to inform Bidders about terminated OS procedure and termination of the contracts	15.04.2020

2. Chapter 4.2. *Determination of Economic Viability*, Art. 4.2.1. - Process of Economic Tests and Bid submission windows shall be amended as follows:

4.2.1 Process of Economic Tests and Bid submission windows

Economic Test IV

Following receipt of new Bids within 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 **14.04.2020**.

If Economic Test IV is positive, the relevant TSO(s) shall send the acceptance of new Bids in form of contract(s) duly signed by TSO in duplicate, by registered mail or by courier until **15.04.2020**. The Successful Bidders are obliged to duly sign and return to the TSO one original version of the received contract by registered mail or by courier until **29.04.2020**; failure to meet this obligation does not impact Contract validity due to the fact that the Contract has already been entered into at the moment the TSO has duly mailed the signed originals.

In case Economic Test IV is negative, the TSOs shall inform the Bidders until **15.04.2020** by 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. - The Decision is communicated to the National Gas Transmission Company Transgaz S.A. Medias and it is published on its website.

Art. III. - The National Gas Transmission Company Transgaz S.A. Medias will carry out the provisions of the Decision, and the specialist divisions of the National Energy Regulatory Authority will monitor compliance with its provisions.

**President
of the National Energy Regulatory Authority**

Dumitru CHIRIȚĂ