**PROCEDURE**

**for**

**THE START/CONTINUATION/RESUMPTION OF THE PROVISION OF GAS TRANSMISSION SERVICES AND/OR**

**APPROVAL OF THE BOOKED CAPACITY TRANSFERS**

Provision of natural gas transmission services according to the Network Code for the NTS, approved by ANRE Order no. 16/2013, as subsequently amended and supplemented (**Network Code**):

**Main capacity market**

1. The provision of natural gas transmission services shall be carried out only on the basis of balancing and VTP access contracts and natural gas transmission contracts concluded between the NU and the TSO, throughout the duration of their validity.
2. The conditions for concluding balancing contracts and VTP access, respectively gas transmission contracts, are stipulated in the Network Code.
3. The start/continuation/resumption of the provision of gas transmission services is subject to the establishment/adjustment by the NU of the financial payment guarantees for each contract concluded with the TSO, within the duration, according to the template, at the level and with the validity period provided therein.

1. The NU is exempted from the obligation to provide the financial payment guarantee in favor of the TSO if it pays in advance the monthly value of the contracted gas transmission services. In this regard, the NU informs the TSO, in writing, about the advance payment option.
2. If the NU opts for the advance payment, the TSO shall issue and send to the NU an advance payment invoice, the amount of which:

* is equal to the value of the booked capacity calculated for the period of the month of provision of the services, in the case of gas transmission contracts related to the NTS entry points;
* is equal to the value of the booked capacity, calculated for the period of the month of provision of services, to which the value of the commodity charge is added, calculated at the level of the contractual capacity for the same period, in the case of gas transmission contracts.

1. The payment of the value of the advances, **in full, according to the contractual provisions**, is performed until the start date of the provision of the transmission service based on the advance invoices issued in this respect. According to art. 1497 of the Civil Code, if the payment is made by bank transfer, the payment obligation is considered fulfilled on the date of entry of the respective amount in the TSO`s account.

The TSO will check no later than 16:00 on the working day preceding the date of commencement of the provision of transmission services whether the amount due has been collected in its accounts. Otherwise, the TSO will not start providing gas transmission services.

1. In the event that the NU has the transmission services interrupted as a result of the outstanding debts, the TSO will resume the provision of the transmission services only after the date on which the NU fulfills its payment obligations. According to art. 1497 of the Civil Code, if the payment is made by bank transfer, the date of payment is when the creditor's account was credited with the outstanding debit. The TSO will check no later than 16:00 on the working day preceding the date of resumption of the provision of transmission services whether the amount due has been collected in its accounts. Otherwise, the TSO will not resume the provision of the gas transmission services.
2. In the event that the termination of the gas transmission contract (s) occurs as a result of the failure to meet one of the requirements regarding the access to the NTS transmission services under the Network Code, including in case of termination of the balancing and VTP access contract concluded between the TSO and the NU or by cancellation in case of bankruptcy, dissolution, liquidation or license withdrawal, the NU is obliged to pay to the TSO the value in consideration of the contracted capacity products for the remaining period until the expiration of the contract/contracts validity term.

**Secondary capacity market**

1. The NU is entitled either to transfer the right to use the booked capacity to other NU or to fully transfer the rights and obligations resulting from the transmission contracts related to the NTS entry points / transmission contracts related to NTS exit points.
2. If the beneficiary of the capacity subject of the transfer is an applicant not having any contract concluded with the TSO, both the transfer of the use right and the full transfer of the rights and obligations related to the booked capacity shall be effected only after the former has concluded the balancing and VTP access contract with the TSO.
3. The TSO approves the complete transfer of the rights and obligations related to the booked capacity resulted from the gas transmission contracts provided that the NU / applicant beneficiary of the transfer establishes the payment financial guarantee or makes the advance payment of the transmission services according to the provisions of the gas transmission contracts.

If the NU chooses to make the advance payment, the TSO issues and submits an advance payment issue to the NU. According to art. 1497 of the Civil Code, if the payment is made by bank transfer, the payment obligation is deemed fulfilled at the date the relevant total amounts are transferred to the TSO’s account.

1. The TSO shall check if the amount due was received in its accounts:

* By 11.00 a.m. at the latest on gas day D-1 for the capacity transfer requests for a period starting with gas day D
* By 02.00 p.m. at the latest on gas day D for the capacity transfer requests for gas day D

If not, the TSO shall approve the full transfer of the rights and obligations related to the booked capacity resulted from the gas transmission contracts.