Order 127 of 08.12 2021

to approve the Regulation regarding the terms and conditions for balancing services providers and for the providers of frequency containment reserve and the Regulation regarding the terms and conditions for balancing responsible parties and to amend and cancel certain orders of the president of the National Regulatory Authority in the Energy domain

Taking into account the provisions of article 5 para (4) let. c), of article 16, of article 17 para (1) and of article 18 from Regulation (EU) 2017/2195 of 23 November 2017 of the Commission establishing a guideline on electricity balancing, and of article 6 para (4) let. f) & g), of article 154 para (4), of article 158 and of article 159 from Regulation (EU) 2017/1485 of 2 August 2017 of the Commission establishing a guideline on electricity transmission system operation,

In accordance with the stipulations of article 5 para (1) let. c) and of article 9 para (1) let. h) from Governmental Emergency Ordinance 33/2007 on the organisation and operation of the National Regulatory Authority in the Energy domain, approved with amendments and additions by Law 160/2012, with later amendments and additions,

The president of the National Regulatory Authority in the Energy domain issues the following order:

Article 1 – The Regulation regarding the terms and conditions for balancing services providers and for the providers of frequency containment reserve is approved, as provided in Annex 1, which is integrant part of this order.

Article 2 – The Regulation regarding the terms and conditions for balancing responsible parties is approved, as provided in Annex 2, which is integrant part of this order.

……

President of the National Regulatory Authority in the Energy domain

Dumitru CHIRITA

Annex 1

Regulation regarding the terms and conditions for
balancing services providers and for the providers of frequency containment reserve
(will be applied from 01.10.2022)

Chapter I
General provisions

Art. 1 This Regulation establishes the rules for procurement and use of balancing capacity in order to balance the national electric power system in real time, for settlement and payments for corresponding transactions.

(2) The objectives of this Regulation are to establish the terms and conditions applicable to the transmission system operator and to the balancing services providers and providers of frequency containment reserves to:

a) Provide efficient operation of the balancing services market and to increase balancing efficiency by using the common platforms of European balancing markets;
b) Integrate balancing markets and promote possibilities to achieve balancing service exchanges, while also contributing to the operational security of the national power system;
c) Efficiently operate and develop the electricity transmission system in the long term;
d) Ensure the procurement of balancing services by means of equitable objective transparent market-based mechanisms; avoid unjustified barriers against market entrance of new operators, and promote balancing market liquidity, while also preventing unjustified distortions of the internal energy market;
e) Facilitate the participation of consumers to system balancing, including the aggregations and storage facilities, while also securing they compete with other balancing services under equitable competitive conditions and if need be, they act independently when serving a single consumption place;
f) Facilitate electricity market penetration of renewable energy sources to support achievement of European Union's objectives towards by developing generating facilities from renewable sources;
g) Establish congestion management rules, including settlement rules as well;

Chapter II
Abbreviations and definitions

Art. 2 Abbreviations used in this Regulation have the following meanings:

a) ACER – Agency for the Cooperation of Regulatory Authorities in the Energy domain;
b) ANRE – National Regulatory Authority in the Energy domain;
c) Terms and conditions for the balancing responsible parties – Regulation on the terms and conditions for balancing responsible parties, approved by order of ANRE president;
d) AD – Availability declaration;
e) EMS-SCADA – Energy Management System - Supervisory Control and Data Acquisition of the transmission system operator;
f) ENTSO-E – European Network of Transmission System Operators for Electricity;
g) BSP – Balancing services provider;
h) RPG – Reserve-providing group;
i) ID – Settlement interval;
j) DSO – Distribution system operator;
k) reserve connector DSO –the DSO responsible for the distribution network to which a reserve providing unit or reserve providing group, providing reserves to a TSO, is connected;
l) ODDPRE – Settlement operator for internal imbalances of the balancing responsible parties;
m) TSO – Transmission system operator;
n) BM – Balancing market;
o) IDM – Intraday market;
p) BRP – Balancing responsible party;
q) Requesting BRP – Balancing responsible party specific to a market participant that wants to transfer its balancing responsibility to another BRP;
r) Receiving BRP – Balancing responsible party that takes over the balancing responsibility of the requesting BRP;
s) Abandoned BRP – Balancing responsible party wherefrom the balancing responsibilities of such requesting BRP were transferred to the receiving BRP;
t) Prequalification procedure – A procedure that contains the technical rules, conditions and steps to be followed in the process of BSPs prequalification, procedure approved by order of ANRE president;
u) Rules on the suspension and restoration of market activities – Rules suspending and restoring market activities and applicable settlement rules, approved by order of ANRE president;
v) Regulation (EU) 2017/2195 – Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing;
w) Regulation (EU) 2017/1485 – Commission Regulation (EU) 2017/1485 of 2 August 2017 of the establishing a guideline on electricity transmission system operation;

x) Regulation (EU) 2019/943 – Regulation (EU) 2019/943 of 5 June 2019 of the European Parliament and of the Council on the internal electricity market;

y) RR – Replacement reserves;

z) LER – Limited energy reservoirs;

aa) FRR – Frequency restoration reserves;

bb) aFRR – Frequency restoration reserves with automatic activation;

cc) FRRm – Frequency restoration reserves with manual activation;

dd) FCR – Frequency containment reserves;

ee) NPS – National power system;

ff) EU – European Union;

gg) RPU – Reserve -providing unit;

Art. 3 To the purpose of this Regulation, the terms and phrases used have their meanings defined in:

a) Article 2 of Directive (EU) 2019/944 of 5 June 2019 of the European Parliament and of the Council on common rules for the internal market for electricity and amending Directive 2012/27/EU;

b) Article 2 of Regulation (EU) 2019/943 of 5 June 2019 of the European Parliament and of the Council on the internal electricity market;

c) Article 2 of Regulation (EU) 543/2013 of 14 June 2013 of the Commission on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council;

d) Article 2 of Regulation (EU) 2015/1222 of 24 July 2015 of the Commission establishing a guideline on capacity allocation and congestion management;

e) Article 2 of Regulation (EU) 2016/631 of 14 April 2016 of the Commission establishing a network code on requirements for grid connection of generatorsfacilities;

f) Article 2 of Regulation (EU) 2016/1388 of 17 August 2016 of the Commission establishing a Network Code on Demand Connection;

g) Article 2 of Regulation (EU) 2016/1447 of 26 August 2016 of the Commission establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected powerplant modulespowerplant;

h) Article 2 of Regulation (EU) 2016/1719 of 26 September 2016 of the Commission establishing a guideline on forward capacity allocation;

i) Article 3 of Regulation (EU) 2017/1485 of 2 August 2017 of the Commission establishing a guideline on electricity transmission system operation;

j) Article 2 of Regulation (EU) 2017/2195 of 23 November 2017 of the Commission establishing a guideline on electricity balancing;

k) Article 2 of Regulation (EU) 2017/2196 of 24 November 2017 of the Commission establishing a network code on electricity emergency and restoration;

l) Article 3 of the Electricity and natural gas law 123/2012, as later amended and added;

m) Article 2 from the Proposal of all Transmission and system operators of Continental Europe synchronous area for additional properties of the frequency containment reserve (FCR) in accordance with article 154 para (2) of Regulation (EU) 2017/1485 of 2 August 2017 of the Commission establishing a guideline on electricity transmission system operation, approved by Decision 153/2021* of ANRE president;

n) Article 2 from the Proposal of all Transmission and system operators that perform replacement reserves to amend the implementation framework of the balancing energy exchange from replacement reserves in accordance with article 19 pf Regulation (EU) 2017/2195 23 November 2017 of the Commission establishing a guideline on electricity balancing, approved by Decision 1454/2021* of ANRE president;

* Decisions 153/2021 and 1454/2021 of ANRE president have not been published in Romania's Official Gazette, Part I.

o) Article 2 of Annex 1 to ACER Decision 2/2020

p) Article 2 of Annex 1 to ACER Decision 3/2020;

q) Article 2 of Annex 1 to ACER Decision 11/2020.

Art. 4 To the specific purpose of this Regulation, the following definitions shall also apply:

a) Settlement bank – a trading bank where a BSP/TSO opened an account wherefrom / into which are paid the payment liabilities / collection rights specified in settlement information notes issued by the TSO;

b) Net consumption – The volume of energy absorbed by a consumer from transmission / distribution networks of NPS;

c) Availability declaration – Document transmitted by BSP to the TSO specifying the availability of its operated RPU/RPG;

d) BM participation Agreement – Standardised convention elaborated by the TSO after public consultation, which provides the mutual rights and responsibilities of the TSO and a BSP;

e) Group of exclusive bids – Type of economic relation where a single bid can be accepted and activated from the list of bids belonging to the group of exclusive Bids;

f) Economical link – Inter-link between balancing energy bids of a BSP in view of economic optimisation, enabling the BSP to provide more flexibility as well as efficiency to cover the costs the bids are based on and to maximise the opportunity to be activated;

g) Multipar link – Type of economical link where an bid can only be activated if another bid is activated from the bids group which is applied such link, not the other way round;

h) Technical link – Inter-link between balancing energy bids of a BSP for consecutive quarter hours or in the same quarter hour, as needed to avoid unfeasible activations by RPU/RPG;

i) Delivery month – The month when actual delivery or the consumption of balancing energy takes place;

j) Time stamp – Electronic information attached in a single manner to each submitted bid, information which certifies that a particular bid has been received by the TSO at a specific time;

k) Information note for monthly settlement – Note elaborated by the TSO for each BSP, providing all payment liabilities, respectively collection rights to be paid or cashed by means of bank accounts opened by each BSP;

l) Monthly BM regulatory note – Monthly note elaborated by the TSO for each BSP, note that contains all transactions engaged by the BSP on BM, in each calendar month;

m) Balancing energy bid – Firm commitment transmitted by a BSP to provide upward / downward regulation energy as long as a TSO agrees with the price requested in the common / local merit order;

n) Bid for RPU/RPG – Balancing energy bid transmitted by a BSP for each RPU/RPG;

o) Gate closure time for balancing energy – the point in time when submission or update of a balancing energy bid for a standard product on a common merit order list is no longer permitted;

p) Merit order– Price classification by hierarchy for the price-quantity pairs from validated balancing energy Bids, as established and used by the connecting TSO to determine the price-quantity pairs which will be accepted for provision of balancing energy;

q) Common merit order list – A list of balancing energy bids submitted by the connector TSOs to the IT platforms dedicated to European balancing markets, bids sorted in order of their prices, used for the activation of those bids;

r) European platforms – IT platforms used to exchange balancing energy from the frequency restoration reserves with manual and automatic activation, constituted according to article 20 & 21 of Regulation (EU) 2017/2195;

s) demandBalancing responsibility – Liability of each participant on the balancing market towards the TSO to maintain balance between achieved and contracted values of one's own generation, consumption and energy exchanges, as the case may be, and to provide financial support to possible imbalances;

t) Reserves – The amount of RPU / RPG power capacities made available by the BSP to the TSO for the balancing of systems, starting with the guaranteed level if a TSO has contracted balancing services with the BSP in advance, according to the regulations regarding their acquisition up to the level resulting from RPU / RPG schedule notifications;

u) Non-operation – A situation when IT, information and communication systems of the BM cannot be used (total or partial incapacity to operate or other defect of such systems);

v) Transfer of balancing capacity – A transfer of balancing capacity from a FSE that initially contracted the balancing capacity to another BSP;

w) Transaction – Agreement concluded between two parties for commercial exchange of energy, in accordance with this Regulation.

Chapter III

BM rules

Section 3.1 General rules of BM operation

Art. 5 TSO applies the self-dispatch model to determine the generation and consumption schedules.

Art. 6 A BSP goes through the prequalification process in order to participate on the balancing market.

Art. 7 TSO establishes, following public consultation, the framework content of the BM participation Agreement, which comprises the TSO' and each BSP's mutual rights and responsibilities. The TSO publishes on its own internet page the framework content of the BM participation Agreement .

Art. 8 Transactions concluded on the BM establish the obligation of such BSP to provide the corresponding service to a standard product of balancing reserves to the TSO, in accordance with the provisions of the balancing energy bid and of the dispatcher orders issued by the TSO. Transactions are specific of a certain MTU .

Art. 9 (1) Balancing energy can be used for:

a) Upward regulation, - which can be provided by increasing the output of a RPU/RPG or by reducing the consumption of a RPU/RPG;

b) Downward regulation, which can be provided by reducing the output of a RPU/RPG or by increasing the consumption of a RPU/RPG.

(2) Balancing energy transacted on the BM is provided physically in the delivery day:

a) Into the connection points where a RPU or a RPG are connected to NPS;

b) At the specific time for which the dispatch orders were issued by the TSO, as they should situate within the MTU specified in the accepted bids;

Art. 10 (1) Until the date when TSO uses European platforms, in view of hierarchical classification to select the bids with the same price, priority dispatch is applied by establishing the decreasing order of upgrade priority, respectively the increasing order of downgrade priority of the following categories:

a) RPU/RPG commissioned before 4 July 2019 which on commissioning date benefitted of priority dispatch included in ANRE Regulations applicable on that date:

i. RPU/RPG generating electricity from wind powerplants;

ii. RPU/RPG generating electricity from Photovoltaics Power Plants;

iii. RPU/RPG generating electricity under cogeneration, including renewable energy sources for electricity generated by high efficiency cogeneration within the limits of high efficiency electric capacity qualified by ANRE;

iv. RPU/RPG generating electricity from hydro sources declared of high hydraulic range; High hydraulic range is considered the situation when there is flooding danger for such RPU/RPG;

b) RPU/RPG generating electricity from renewable energy sources other than those provided in let. a).

c) RPU/RPG using renewable energy sources and/or under high efficiency cogeneration commissioned after 4 July 2019 whose installed generating capacity is below 400 kW which are applied priority dispatch; in case of electricity generated under high efficiency cogeneration, priority dispatch is applied within the limits of high efficiency electric capacity qualified by ANRE;

d) RPU/RPG others than those provided in let. a)-c) as well as those provided in let. a) and b) beginning with the date when they undergo significant changes established according to let. c).

(2) TSO elaborates after public consultation, publishes on its internet page and applies procedures to check:

a) The electricity complying with the provisions of para (1) let. a) pt. iii., corresponding to the updated lists of electricity and heat generation capacities under cogeneration, with final and/or preliminary accreditation, approved by ANRE;

b) High hydraulic situations and associated electricity according to the provisions of para (1) let. a) pt. iv;

c) RPU/RPG as provided in para (1) let. a) & b) maintained into the categories benefitting of priority dispatch according to the provisions of article 12 para (6) from Regulation (EU) 2019/943.

(3) BSP transmits to the TSO the classification of each RPU/RPG it is liable for into one of the categories provided in para (1) according to the provisions mentioned in para (2) and updates such information any time it is modified.

(4) TSO elaborates, after public consultation, a procedure which should detail the application of priority dispatch based on the hierarchical classification provided in para (1) while observing the terms to provide operational security within NPS and publishes it on its internet page.

Art. 11 TSO monitors the BSP's compliance with the requirements established in this Regulation with respect to the balancing terms and conditions, within its scheduling area.

Art. 12 A market participant that have obtained prequalification from the TSO only for FCR, according to the provisions in the prequalification procedure are not obliged to register as BSP BM. In terms of congestion management the TSO can also activate the available capacities of generating units

class C or D connected to the electric power system, which DSO not belong to a RPU/RPG, providing financial compensation for the activated power according to the provisions of Art. 95.

Section 3.2 Stages of BSP qualification

Sub-section 3.2.1

General provisions

Art. 13 The qualification of a BSP comprises two stages:

a) Prequalification, achieved by BSP in order to provide system services, according to the prequalification procedure;

b) BSP registration on BM by signing the BM participation Agreement.

Sub-section 3.2.2 Prequalification of BSP

Art. 14 BSP can become natural / legal persons that own / manage consumption places, generation facilities and/or energy storage units, as well as the aggregators.

Art. 15 To acquire the capacity of BSP according to the provisions of article 16 para (1) from Regulation (EU) 2017/2195, a RPU/RPG should successfully complete the prequalification.

Art. 16 Prequalification complies with articles 159 & 162 of Regulation (EU) 2017/1485 and is performed according to the prequalification procedure to provide system services specified in article 13 let. a).

Art. 17 Each RPU/RPG shall be prequalified for at least one balancing standard product. The types of standard products are established by mutual Agreement by all TSOs participant on the European balancing energy and balancing capacity markets and approved by ACER decision for mFRR and aFRR and by ANRE for RR.

Art. 18 The data and information submited by the applicant to the TSO to assess its capacity to provide balancing services, comply with the provisions of article 158 and of article 161 from Regulation (EU) 2017/1485 and are detailed in the prequalification procedure to provide system services mentioned in article 13 let. a).

Sub-section 3.2.3 Registration on BM

Art. 19 When the prequalification has been obtained, the natural / legal person holding the RPU/RPG will perform the registration on balancing market by signing BM participation Agreement.

Art. 20 Each BSP is liable to comply with BM commitments, according to applicable Regulations and to the provisions from the BM participation Agreement.

Art. 21 In order to be registred as BSP, an applicant transmits to the TSO, a written request using a properly filled-in form signed by the applicant’s legal representative, along with the relevant support documentation.

Art. 22 The content and format of the registration form provided in Article 21, as well as the requested support documentation and transmission and verification processes of those, are included and described in the procedure named: Registration, withdrawal and revocation of a BSP from BM. The TSO elaborates and publishes this procedure on its own internet page.

Art. 23 BSP that signed the BM participation Agreement are recorded in the BM register, kept and updated by the TSO.

Art. 24 Each BSP is entitled to consult the information pertaining to him of the BM register and request correction of any inaccuracy found.

Art. 25 A BSP can withdraw on his own desire from BM by written notification signed by the BSP's legal representative. This notification should be transmitted at least a month before the date when the BSP requests its withdrawal.

Art. 26 A TSO can recall the registration of a BSP in one of the following circumstances:

a) If the BSP does no longer comply with one or several of the terms required for BSP registration;
b) If the BSP is not compliant whith the provisions of the BM participation Agreement ;
c) Upon ANRE's demand, in case the BSP has been repeatedly incompliant with the provisions of this chapter, which ANRE has ascertained.

Art. 27 If a BSP withdraws from the quality of BSP or entirely from BM according to the provisions of Art. 25 or if the TSO recalls the registration of a BSP according to the provisions of Art. 26:

a) BSP makes all the payments it owes to the TSO according to the provisions of this Regulation, regarding settlement on BM;
b) TSO makes all the payments to the BSP owed for the period before BSP withdrawal / recall;
c) TSO cancels its record in the BM register, notifying the BSP of such cancellation;

Art. 28 The procedure provided in Article 22 includes all the information required for BSP's recall or withdrawal from the BM, detailed instructions including the maximum terms established for the payments provided in Art. 27.

Section 3.3 Data and information transmitted by the BSP during BM operation

Sub-section 3.3.1 Transmission of AD

Art. 29 All BSP operating RPUs/RPGs or BRP they belong to, whether mandated to this effect by the BSP, should transmit AD for them to the TSO.

Art. 30 AD for a RPU/RPG, for the delivery day D should be transmitted to the TSO 10 days at the most before day D and by 16:30 h at the latest in day D-1 and it can be updated in any moment before the related MTU.

Sub-section 3.3.2 Format and content of AD

Art. 31 AD contains at least the following information:

a) The available capacity of each RPU/RPG for every MTU of each delivery day;

b) Motives and details (including the number of the application approved by the dispatcher) regarding the availability reductions of each RPU/RPG following: any accidental or planned outage for maintenance; resumed operation before the approved term; operational schedule agreed with the Romanian Water Administration, etc.;

c) RPU/RPG generating electricity from wind or photovoltaic energy respectively RPU/RPG consisting of consumer units, energy storage units or any aggregation thereof, are exempted from providing motives as specified in let. b) in case AD is amended.

Sub-section 3.3.3 AD check-up and acceptance

Art. 32 The form and content of AD are verified automatically by the IT system of BM, and confirmation is transmitted to the issuer by the TSO in standard format, using the same transmission path as when received.

Art. 33 AD are accessible for view by means of the IT system of BM, BSP and respectively the BRP they belong to.

Sub-section 3.3.4 Changing the AD during the delivery day

Art. 34 BSP is responsible to inform the TSO about balancing reserve modification for each MTU (settlement interval) of the delivery day.

Art. 35 BSP can modify a AD any time during the delivery day for IDs following that when the change is made.

Section 3.4 Monitoring of provided balancing services

Art. 36 TSO monitors the manner in which each BSP individually provides balancing services, for each individual balancing service as follows:

a) During the prequalification stage for BSP's provision of balancing services, the TSO compares the data obtained by tests with the BSP performance for each reserve individually, defined as standard product as per the expected form of Art. 57, Art. 59 & Art. 62.

b) During such monitoring performed by the TSO and by the reserve connecting DSO, if applicable, the TSO assesses periodically the BSP performance.

Art. 37 With a view to monitor the provision mode of balancing services by a qualified BSP, the TSO elaborates and publishes the monitoring procedure for checking the compliance of technical characteristics of standard products during a BSP's provision of balancing services. The procedure is subject to public consultation and will be published on the TSO's internet page.

Chapter IV

Procurement of balancing energy on BM

Section 4.1 Bidding process

Art. 38 Each BSP holding a contract to provide balancing capacity transmits to the TSO balancing energy bids related to the balancing capacity determined according to the provisions of chapter VII.

Art. 39 Each BSP is entitled to transmit energy bids to the TSO related to the balancing capacity which is not contracted with the TSO.

Art. 40 BSP attributes the balancing energy bids only to the BRP it belongs to, according to the provisions of Terms and conditions for BRP and in case of an aggregator taking the role of BSP for a RPG with metering points in several BRPs, the aggregator adjusts through its BRP the contractual net position between such BRPs by notifications subsequent to the delivery MTU according to Art. 113 pt. II let. E, pt. 2 & 3 sub point (iii) of the Regulation regarding the Terms and conditions for BRP approved by Order 127/2021 of ANRE president.

Art. 41 In situations required by the operational security of NPS if TSO needs additional balancing energy bids after the gate closure time on the intraday market for a certain MTU, it can transmit a request to the BSP to provide the unused balancing capacity. In such cases BSP can offer on the balancing market all the balancing energy remaining available in the considered MTU.

Art. 42 BSP can submit the bids on each RPU/RPG for balancing energy under the following terms:

a) For each kind of standard product such as RR, mFRR or aFRR:
   (i) Balancing energy bids for upward regulation;
   (ii) Balancing energy Bids for downward regulation;
b) Starting one week before the delivery day until the gate closure time for balancing energy corresponding to each standard product, as follows:
   (i) MTU – 50 minutes for RR standard products for Bids transmitted for each MTU;
   (ii) MTU – 25 minutes for mFRR and aFRR standard products;

Art. 43 The bids can be modified or cancelled any time before the gate closure time for balancing energy. Any modification establishes a new balancing energy bid, cancelling automatically the bid that was previously validated for the same MTU.

Art. 44 After the gate closure time for balancing energy the BSP reports to the TSO without unjustified delay the balancing energy Bids that turned unavailable according to the provisions of article 158 para (4) let. b) and those of article 161 para (4) let. b) from Regulation (EU) 2017/1485.

Art. 45 The balancing energy bids are transmitted in electronic format using the communication means provided by the TSO.

Art. 46 Each particular bid is deemed officially transmitted on the entrance time in the IT system of the BM. The transmission time is expressed in the time stamp.

Art. 47 As soon as a new bid has entered the BM system, the TSO confirms the bid reception to sender BSP. Such confirmation contains the bid's registration number and entrance time on the BM.

Art. 48 If within 5 minutes from the transmission of a new balancing energy bid the BSP does not receive the receipt acknowledgment of such bid from the TSO the BSP should immediately get in touch with the TSO.

Art. 49 TSO elaborates and publishes on its internet page the procedure on the content and framework format of balancing energy Bids for standard products and the transmission mode of the available / unavailable bids. The procedure is subject to public consultation.

Art. 50 The prices from balancing energy Bids can be positive, zero or negative figures, with two decimal points and are expressed in Lei/MWh for RR standard product, while balancing energy Bids for mFRR and aFRR standard products - in EUR/MWh.

Art. 51 After the reception of Bids, TSO checks whether the following condition is achieved: the quantity offered for a certain standard product in a RPU's/RPG's bid should not exceed the maximum value which the RPU/RPG was prequalified for.

Art. 52 TSO can mark as unavailable the particular Bids whose activation / inactivation lead to internal congestions.

Art. 53 In case the Bids whose activation can lead to internal congestion belong to several RPUs/RPGs in a certain NPS area, such Bids are market as unavailable in the merit order.

Art. 54 TSO deals in non-discriminating manner with all received balancing energy Bids. After the gate closure time for balancing energy, all balancing energy Bids for mFRR and aFRR standard products are submited by the TSO to European platforms with a view to optimise the activation of balancing energy Bids using the common merit orders lists.

Art. 55 In case of using BM platform of the TSO, until connection with the European platforms is possible, or when European platforms are not operating during a limited period of time, balancing energy Bids for mFRR and aFRR standard products will be activated by the TSO using the local merit order list.

Art. 56 Any partial or total activation of a balancing energy bid from the European common / local merit order list, constitutes transaction / contract between the BSP and TSO.

Art. 57 Each standard RR balancing energy product bid shall fulfil the following static characteristics, described in Table 1:

Table 1 - Static characteristics of balancing energy bid for RR standard product

Activation mode	Planned with manual activation
Preparation period	Between 0 and 30 min
Load variation period	Between 0 and 30 min
Full activation time	30 min
Minimum delivery period	15 min
Maximum delivery period	30 min

Dis-activation period	Between 0 and 30 min
Minimum quantity	1 MW
Maximum quantity	9999 MW
Price resolution	0.01 Lei/MWh

Art. 58 The variable characteristics of the standard RR balancing energy product bid to be determined by the BSPs, during prequalification or when submitting the standard RR balancing energy product bid shall include:

a) The parameters defined in Table 2:

Table 2 – Parameters of balancing energy bid for RR standard product

Price	Positive, zero or negative, in Lei/MWh
Location	Romania
Divisibility	Divisible Bids are permitted with activation granularity of 1 MW. Indivisible Bids, which represent the minimum technical power of a RPU/RPG, are permitted
Validity period	Defined by the BSP while complying with the minimum and maximum delivery periods
Minimum time between dis-activation and next activation	The restoration time is determined by the BSP
Technical links between Bids	Technical links between price Bids will be transmitted by the BSP in the same MTU and / or in consecutive MTUs
Economic linkss	Specific links between bids as multipart bids type or groups of exclusive Bids, are permitted

(b) Bid volume;

(c) Bid direction: positive (upward regulation) / negative (downward regulation) balancing energy;

Art. 59 Each standard mFRR balancing energy product bid shall fulfil the following static characteristics, described in Table 3:

Table 3 – Static characteristics of balancing energy bid for mFRR standard product

Activation mode	Manual
Activation type	Direct or scheduled
Full activation time	12.5 min
Minimum quantity	1 MW
Bid granularity	1 MW
Maximum quantity	9999 MW
Minimum delivery period for the maximum requested quantity	5 minutes
Price resolution	0.01 €/MWh
Validity period	A scheduled activation can take place only in the planned activation time. Direct activation can take place in any time during the 15 minutes after the planned activation time.

Art. 60 The delivery of a direct activated standard mFRR bid shall include the MTU following the one the bid refers to.

Art. 61 The variable characteristics of the standard mFRR balancing energy product bid to be determined by the BSPs, during prequalification or when submitting the standard mFRR balancing energy product bid shall include:

a) The parameters defined in Table 4:

Table 4 – Parameters of balancing energy bid for mFRR standard product

Price	Positive, zero or negative in €/MWh
Maximum delivery period of the maximum requested quantity	15 minutes for planned activation
	30 minutes for direct activation
Location	Romania
Divisibility	Divisible Bids are permitted with 1 MW activation granularity.

	Indivisible bids, which represent the minimum technical power of a RPU/RPG, are permitted
Technical relations between Bids	BSPs are requested to submit the technical links between Bids transmitted in the same MTU and/or in consecutive MTUs
Economic bids	Specific links between bids as: multipart bids type or groups of exclusive bids, are permitted

(b) Bid volume;

(c) Bid direction: positive (upward regulation) / negative (downward regulation) balancing energy;

Art. 62 Each standard aFRR balancing energy product bid shall fulfil the following static characteristics, described in Table 5:

Table 5 – Static characteristics of the balancing energy bid for aFRR standard product

Activation mode	Automatic
Full activation time	7.5 min until 17 December 2025
	5 min beginning with 18 December 2025
Delay time	30 sec
Dis-activation time	It will not exceed the full activation time
Minimum quantity	1 MW
Bid granularity	1 MW
Maximum quantity	9999 MW / Maximum capacity activated during the full activation time of aFRR
Validity period	15 minutes The first validity period begins in the market time interval 00:00. Validity periods are consecutive and do not overlap. A bid can be activated and dis-activated in any time during the validity period.
Minimum time between a dis-	0

activation and successive activation	
Price resolution	0.01 €/MWh

Art. 63 The variable characteristics of the standard aFRR balancing energy product bid to be determined by the BSPs, during prequalification or when submitting the standard mFRR balancing energy product bid shall include:

(a) The parameters defined in Table 6:

Table 6 – Parameters of variable characteristics of balancing energy Bids for aFRR standard product

Price	Positive, zero or negative in €/MWh
Location	Romania
Divisibility	Only divisible Bids are permitted

(b) Bid volume;

(c) Bid direction: positive (upward regulation) / negative (downward regulation) balancing energy;

(d) The validity period the standard aFRR balancing energy product bid refers to;

Section 4.2 Rules for balancing energy Bids selection

Art. 64 Balancing energy Bids for any kind of standard product are selected depending on price, using the merit order lists for each product and each direction as follows:

a) For upward merit order list the bids are sorted in order of their bid prices in the upward sense, and selection is made beginning with the lowest price bid until the TSO-requested volume of balancing energy is secured by means of local or European balancing platforms;

b) For downward merit order list bids are sorted in order of their bid prices in the downward sense and selection is made beginning with the highest price bid until the TSO-requested volume of balancing energy is secured using local or European balancing platforms;

Art. 65 Balancing energy Bids for mFRR and aFRR standard products are selected from the European common merit orders lists by each product type or from the local merit order list until connection of TSO to the European platforms becomes possible or in case of European platforms disconnections during a limited period of time. The optimisation function of each European platform for transaction of standard balancing energy products makes the selection depending on prices and on the available cross-border capacity.

Art. 66 TSO run the BM processes for the RR standard product on the local BM platform until a neighbouring interconnected TSO decides to use this product and joint transaction of the RR standard product is possible on the dedicated European platform.

Art. 67 During each hourly interval of the delivery day D, TSO establishes the balancing energy requirement from all types of reserves for the MTU-s of the current and the next hourly intervals.

Art. 68 Between MTU-50 minutes and in the late MTU-35 minutes, the TSO establishes the RR energy demand, selects the bids on the TSO's BM platform and transmits the dispatcher commands to the BSP for such product any time between MTU-50 minutes and MTU-32 minutes for MTU, or between MTU-35 and MTU-32, for MTU & MTU+15 minutes.

Art. 69 After the gate closure time for balancing energy at MTU-25 minutes for mFRR and aFRR standard products, the TSO assesses and filters the Bids received from the BSP and submits into the dedicated European platforms the following data:

a) For mFRR standard product:

(i) Balancing energy Bids; the balancing energy demand for *scheduled activation* of mFRR and the available cross-border capacity, for that MTU;

(ii) The gate closure time to transmit the Bids from pt. (i) is MTU-12 minutes;

(iii) The balancing energy demand for *direct activation* of mFRR standard product can be transmitted any time during the delivery day;

(iv) Dispatcher commands are transmitted between MTU-10 minutes and MTU-7.5 minutes in case of *scheduled activation* of mFRR standard product, immediately after reception of balancing energy volumes selected by the optimisation algorithm of the European platform in case of *direct activation;*

b) For aFRR standard product:

(i) Balancing energy Bids received from the BSP and the available cross-border capacity;

(ii) The gate closure time to transmit the Bids from pt. (i) is MTU-10 minutes;

Art. 70 In case the local BM platform is used or whenever the European platforms do not operate during a limited period of time, dispatcher commands to activate mFRR are transmitted between MTU-15 minutes and MTU-7.5 minutes for scheduled activation and any time during delivery day D for direct activation.

Art. 71 In case of internal congestions that can occur only near MTU and require selecting certain RPU/RPG for upward or downward regulation, the TSO selects for activation the Bids marked as unavailable for European platforms of such RPU/RPG according to the provisions of Art. 52 and Art. 53.

Section 4.3 Transactions engaged on the BM

Art. 72 Such transactions concluded in accordance with the provisions of section 4.2 are performed by the TSO by issuing dispatcher commands to such BSP.

Art. 73 The compliance with the dispatcher commands issued by the TSO is compulsory for the BSP in question.

Art. 74 In the first calendar day after each delivery day, the TSO transmits the transaction confirmations for all RPU/RPG of each BSP from that particular delivery day to the corresponding BSP.

Art. 75 Each engaged transaction acknowledgment contains at least the following information:

a) BSP's EIC code on BM;
b) The EIC code on BM of the RPU or RPG, as the case may be;
c) Delivery date, hourly delivery interval, MTU;
d) All characteristic elements of the engaged transaction: activated volume, price and direction (upward/downward) of the balancing energy selected from the aFRR offered volume;
e) All characteristic elements of the engaged transaction: activated volume, price and direction (upward/downward) of the balancing energy selected from the mFRR offered volume;
f) All characteristic elements of the engaged transaction: activated volume, price and direction (upward/downward) of the balancing energy selected from the RR offered volume.

Art. 76 The price of the engaged transaction is the marginal price established according to ACER Decision 1/2020, ACER Decision 2/2020, ACER Decision 3/2020 and to Decision 1454/2021 of ANRE president approving the change in the implementation framework of the European platform for balancing energy from RR.

Art. 77 Complaints are accepted for the content of engaged transaction confirmations only in case of errors transmitted from European platforms or resulting from TSO's activities.

Art. 78 Any complaint regarding the content of engaged transaction confirmation is transmitted to the TSO by the responsible BSP no later than 2 calendar days from the TSO's transmission of the respective engaged transaction confirmation.

Art. 79 TSO informs the BSP about its complaint having been accepted or denied, no later than two week-days after contestation receipt. In case of complaint acceptance, the TSO sends the corrected engaged transaction confirmation to the BSP.

Art. 80 If within the interval provided in Art. 78 a BSP does not transmit any complaint for the received engaged transaction confirmations, they are considered accepted.

Art. 81 Any transmitted complaint does not exonerate the respective BSP from accomplishing the obligations resulting from contested engaged transactions, corrected or not, as applicable.

Art. 82 In case the procurement of balancing services or the coordinated activation of balancing energy cannot be performed, the last resort procedures are applied as elaborated by the TSO and published on its internet page.

Art. 83 Last resort procedures are used by the TSO and BSP in case non-operation conditions occur, as follows:

a) Total or partial operation incapacity or other fault of the BM system or of another IT system the TSO uses to receive, verify and validate Bids on the BM;
b) Total or partial operation incapacity or other fault of the BM system or of another IT system the TSO uses to process and select Bids on the BM, as well as to issue dispatcher commands;
c) Break-down of the TSO's communication lines for less than 30 minutes;
d) Total or partial operation incapacity of the European platforms used by the TSO;

Art. 84 Last resort procedures can provide usage of alternative communication means, as well as extending or lagging any deadlines which have to be observed by the TSO and BSP, including the BM gates closure time.

Art. 85 Both the TSO and each BSP specifies in the BM participation Agreement one or more contact persons in case non-operation circumstances occur, as well as proper phone & fax numbers, e-mail addresses. Both the TSO and each BSP will inform one another in case of data change.

Art. 86 TSO publishes the information provided in article 12 para (3) of Regulation (EU) 2017/2195, in anonymous mode, within the terms provided in this article.

Chapter V

Rules regarding BSP settlement

Section 5.1 General provisions

Art. 87 Settlement rules of this section provide a framework to settle transactions and establish payment liabilities and collection rights between a BSP and TSO resulting in compliance with the provisions of this Regulation.

Art. 88 BM transactions establish for each BSP the obligation to provide selected balancing energy to the TSO according to the bid specifications and dispatcher commands issued by the TSO. Each transaction will be specific to a certain MTU.

Art. 89 The rules in this section provide a framework to:

a) Establish a schedule to determine, confirm / contest and transmit the information needed in view of invoicing and settlement on the BM;
b) Make calculations to establish collection rights and payment liabilities associated to transactions concluded on the BM;
c) Inform the parties about their payment liabilities, respectively their collection rights;
d) Invoice and make payments;
e) Establish and use financial guarantees;
f) Provide measures in cases of failure to comply with one's obligations;

Section 5.2 Rules of BSP settlement for balancing energy from RR, mFRR, and aFRR standard products

Art. 90 Balancing energy is settled in one piece for the balancing energy volume contracted in each MTU without taking into consideration the balancing energy volumes resulting from load variations exceeding 5 minutes in the intervals adjacent to the MTU considered.

Art. 91 Payment liabilities / collection rights are established on the balancing market based on the contracted volume of balancing energy Bids accepted in the merit order and on the marginal prices for each standard product.

Art. 92 TSO is contractual party for each BSP in all transactions engaged on the BM.

Art. 93 Balancing energy is paid as follows:

a) Positive balancing energy (upward regulation) is paid by the TSO to the BSP if the price is positive;
b) Negative balancing energy (downward regulation) is paid by the TSO to the BSP if the price is negative;
c) Positive balancing energy (upward regulation) is paid by the BSP to the TSO if the price is negative;
d) Negative balancing energy (downward regulation) is paid by the BSP to the TSO if the price is positive;

Section 5.3 Settlement rules outside the balancing market for congestion management

Art. 94 Payment liabilities / collection rights for congestion management are established using the contracted volume of accepted Bids in the merit order and the bid prices for activated products.

Art. 95 (1) TSO provides financial compensation to market participants responsible for RPU/RPG, respectively for generating units class C and D, which are not part of the RPU/RPG, that receive and accomplish upward or downward power activation outside the BM in view of congestion management according to the provisions of article 12 and article 13 of Regulation (EU) 2019/943.

(2) The provisions of para (1) apply when balancing energy bids are not sufficient to ensure NPS operational security in the areas impacted by congestion. In such a case the TSO uses the available capacities of RPU/RPG, respectively generating units class C & D which are not part of RPU/RPG, connected to NPS and capable to respond to its commands, unconditionally found at its disposal, and in case of the same priority, by assimilating unit compensations with offered prices on the BM, considered to be positive for upward power activation and negative for downward power activation.

(3) The deadline for the payment liabilities resulting from the application of financial compensation provided in para (1), is the same deadline agreed for payment on the BM, according to the provisions of this Regulation.

(4) The unit value of the financial compensation provided in para (1) is applied to the activated energy, being expressed in Lei/MWh and is calculated as follows:

a) In case of sale transactions to the TSO expressed by upward power activation or consumption reduction, the unit compensation is equal to:

(i) The highest value between the day-ahead market clearing price of the respective MTU and the average unit cost of the fuel consumption of the RPU/RPG, respectively of generating units class C & D which are not part of the RPU/RPG;

(ii) The day-ahead market clearing price from the respective MTU for storage facilities belonging to the RPU/RPG;

(iii) Zero for the consumers belonging to the RPU/RPG.

b) In case of buying transactions from the TSO expressed by downward power activation or consumption growth, the unit compensation is equal to:

(i) For the RPU/RPG, respectively generating units class C & D which are not part of the RPU/ RPG of the electricity producers from renewable energy sources and beneficiaries of the support scheme of green certificates: the value of green certificates they would have been entitled to for each MWh delivered into the grids according to the accreditation decision, valuated at the green certificate price on the spot market at the last transaction meeting, or the day-ahead market clearing price of that MTU, if it is higher;

(ii) For RPU/RPG, respectively generating units class C & D which are not part of RPU/RPG consisting of high efficiency cogeneration facilities: the unit cost resulting by comparing the additional costs for heat production in one's own production facilities separated from the generation/production by high efficiency cogeneration facilities, or the day-ahead market clearing price of the respective MTU, if it is higher;

(iii) For the consumers belonging to RPU/RPG: day-ahead market clearing price from the respective settlement interval;

(iv) Zero for storage facilities belonging to RPU/RPG and for RPU/RPG, respectively generating unit class C or D which are not part of RPU/RPG, which do not fall in the categories of pt. (i) and (ii).

Art. 96 (1) All market participants operating RPUs/RPGs, respectively generating units class C or D which do not belong to RPU/RPG, transmit to the TSO all the information necessary to determine the unit financial compensations according to the provisions of Art. 95, until the fifth day of each calendar month, to be applied in the following calendar month.

(2) In case of RPU/RPG, respectively generating units class C or D which are not part of RPU/RPG, where are aggregated generating units beneficiary of the green certificate support scheme accredited to receive different numbers of green certificates for each MWh, the unit financial compensation value taken into consideration for the dispatch order outside the balancing market is determined as weighted average of the green certificate number with the quantities achieved by the component generating units

in the month corresponding to the application month in the previous year, and the unit financial compensation actually granted is determined using the average weighted with the spread-out quantities according to measurements made to each component unit, which make up the activated energy from transactions outside the BM in the application month.

Art. 97 The provisions of sections 6.2, 7.2 and 7.3 from the Regulation regarding the Terms and conditions for balancing responsible parties, approved by Order 127/2021 of ANRE president are also applied to the situations provided in Art. 95.

Section 5.4 Monthly regulatory / information notes

Art. 98 In case of each BSP / market participant that has received activations of generating facilities for congestion management, the TSO executes a monthly regulatory note comprising a spread-out of energy volumes contracted with the TSO on BM and the marginal prices established from the common or local merit order lists for each transaction, the energy volumes contracted for congestion management by selecting balancing energy bids to this effect and the bid price for each transactions, respectively the volumes contracted for congestion management outside BM and the financial compensation amount established as per Art. 95 and Art. 96 for each transaction in the delivery month, for every MTU of the delivery month per each product type, separately for upward power activation and downward power activation.

Art. 99 TSO transmits the monthly regulatory notes to the BSP / market participant that received activations of generating units for congestion management, within 7 week-days from the end of the delivery month.

Art. 100 Every BSP / market participant that received activations of generating units for congestion management verifies the monthly regulatory notes and, if it finds inconsistencies with applicable provisions, it transmits to the TSO motivated complaints of the monthly regulatory notes within 2 week-days from their receipt.

Art. 101 TSO examines the complaint of the BSP / market participant that received activations of generating units for congestion management and reply in motivated manner to it within one week-day from complaint receipt, remaking the calculations and correcting the wrong monthly regulatory notes.

Art. 102 TSO transmits to the BSP / market participant that received activations of generating units for congestion management the monthly regulatory note, which includes the corrections resulting from the analysis of received complaints within the term provided in Art. 101; in case of BSP / market participant that received activations of generating units for congestion management and there are no complaints, the monthly regulatory notes transmitted on the initial term are considered valid.

Art. 103 TSO transmits a monthly regulatory note to the ODDPRE within 10 week-days from the end of the delivery month; it comprises a spread-out of the balancing energy volumes contracted with the TSO for NPS balancing and the marginal prices established from the common or local merit order lists

for each transaction, the balancing energy volumes contracted for balancing other European systems, the energy volumes contracted for congestion management by selecting certain balancing energy Bids in this respect, and the bid price for each transaction; the energy volumes activated for frequency containment; energy volumes contracted for congestion management outside the BM in each MTU of the delivery month by each product type, separately for upward power activation and downward power actictivation, and the related value of the unit compensation; such data are used by ODDPRE to calculate quantitative imbalances of BRPs and total balancing energy costs / revenues according to the provisions from the Regulation regarding Terms and conditions for balancing responsible parties approved by Order 127/2021 of ANRE president.

Art. 104 Each calendar month the TSO makes calculations for BM settlement / for congestion management, after transmitting the monthly regulatory notes on the BM as per the provisions of Art. 102 and 103.

Art. 105 In case of each BSP / market participant that received activations of generating units for congestion management the TSO determines the amount of monthly collection rights by summing up in every MTU the collection right values and separately the monthly payment liabilities by summing up the payment liabilities of each MTU, corresponding to such BSP / market participant that received activations of generating units for congestion management.

Art. 106 In case of each BSP / market participant that received activations of generating units for congestion management the TSO elaborates information note for monthly settlement, which contains at least the following information:

a) Monthly balancing energy volume contracted by the BSP with the TSO, spread-out by types of balancing products, separately for upward and downward regulation, as well as corresponding prices;
b) Monthly collection rights and monthly payment liabilities for balancing, determined according to the provisions of Art. 105;
c) Monthly energy volume for congestion management contracted with the TSO, spread-out by bid type when balancing energy Bids have been selected to this effect, separately for upward and downward power activation, as well as corresponding prices;
d) Monthly energy volume for congestion management contracted with the TSO outside the BM and the compensation amount, separately for upward and downward power activation;
e) Monthly collection rights and payment liabilities for congestion management, determined according to the provisions of Art. 105;

Art. 107 TSO places at the disposal of BSP / market participants that received activations of generating units for congestion management, on the dedicated IT platform, the information notes of monthly settlement established according to the provisions of Art. 106, no later than 3 week-days from

the transmission of the regulatory note on the BM to the BSP / market participant that received activations of generating units for congestion management, provided in Art. 103.

Art. 108 The dedicated IT platform records and withholds the date when any TSO-elaborated note according to the provisions of this Regulation has been placed at the disposal of involved parties.

Section 5.5 Invoicing payment liabilities / collection rights

Art. 109 TSO issues invoices in Romania's national currency at the exchange rate of Romania's National Bank for each delivery day to every BSP, with amounts for payment liabilities / collection rights of such BSP to the TSO as per the information note of monthly settlement shown in Art. 106.

Art. 110 Each BSP issues an invoice to the TSO, comprising the amounts related to the TSO's payment liabilities to such BSP, according to the information note for monthly settlement provided in Art. 106.

Art. 111 Invoices are issued in the first week-day after the information note of monthly settlement has been posted on the dedicated IT platform:

Art. 112 Invoices are issued as follows:

a) Balancing energy for upward regulation

(i) BSP will invoice the collection rights to the TSO for the amounts of upward regulation balancing energy quantities, corresponding to the positive prices of engaged transactions established according to the information note for monthly settlement on BM;

(ii) TSO will invoice the BSP's payment liability for the amounts of upward regulation balancing energy quantities corresponding to the negative prices of engaged transactions established according to the information note for monthly settlement on BM;

(iii) BSP will invoice free delivery to the TSO for the amounts of upward regulation balancing energy quantities corresponding to negative prices of engaged transactions established according to the information note for monthly settlement on BM.

b) Balancing energy for downward regulation:

(i) TSO will invoice payment liabilities to the BSP for the downward regulation balancing energy quantities corresponding to the positive prices of engaged transactions established according to the information note for monthly settlement on BM;

(ii) BSP will invoice collection rights to the TSO for the amounts of downward regulation balancing energy quantities corresponding to the negative prices of engaged transactions established as per the information note for monthly settlement on BM;

(iii) TSO will invoice free delivery to the BSP for the amounts of downward regulation balancing energy quantities corresponding to the negative prices of engaged transactions established according to the information note for monthly settlement on BM;

Art. 113 The invoice related to the BSP's / TSO's payment liability is issued and transmitted by electronic mail as pdf file. The receipt date of electronic mail is considered the invoice receipt day. The original invoice is transmitted to the BSP / TSO upon request by fast courier, and the courier service will be paid by the requester.

Art. 114 Invoices will be paid within 7 week-days from their issuance date.

Art. 115 In case an invoiced amount by one of the parties is fully or partially contested by the other party the debtor will make full payment according to the provisions of Art. 114 and will provide within 1 week-day from information notes publication on the BM platform as per Art. 106, an explanatory note with its objections to the creditor party. The latter party examines the complaint received and, if it finds any wrong piece of information, remakes the calculations and sends correction note to all involved parties, no later than 10 week-days from the date when the wrong note was transmitted to the BSP and/or published by the TSO.

Art. 116 Invoices provided in Art. 114 will be paid by the BSP / TSO by any legal payment mode provided in applicable legislation. Payments are considered made on the date when corresponding amounts have been debited or credited into the balancing bank account opened by the TSO.

Section 5.6 Making payments, enforcing financial guarantees and delay penalties on the BM

Art. 117 TSO updates, after public consultation, the payment procedures according to the provisions in the section about invoicing payment liabilities / collection rights on the BM and publishes such procedures on its internet page.

Art. 118 The procedures elaborated according to the provisions of Art. 117 include payment confirmation methods and specifications of enforced financial guarantees in case of late payments.

Art. 119 Each party receiving an invoice should pay the value included in it on the payment deadline, regardless whether there is a dispute associated to corresponding amounts.

Art. 120 Any BSP and the TSO as well should pay delay penalty to the other party in any of the following circumstances:

a) If such BSP or the TSO has not paid the owed amounts until the payment deadline;
b) If such BSP or the TSO should make payment for the settlement of a dispute which resulted in late payments;
c) If such BSP or the TSO should make payment for the settlement of a dispute, where the disputed amounts have been paid in due time but contested in justified manner by the other party;

Art. 121 The interest rate applied in all cases provided in Art. 120 for each day of delay beginning with the first week-day after the payment deadline is equal with the delay penalty charged for the failure to pay state budget liabilities in due time, provided such total amount of penalties should not exceed the owed sum.

Art. 122 A BSP is in default of its payment liabilities in any of the following circumstances:

a) If he does not comply with guarantee requirements;
b) If he does not meet its settlement obligations according to the provisions of this Regulation until the proper deadlines;
c) If he goes bankrupt;

Art. 123 TSO elaborates after public consultation the procedures applicable for failures to make payments. They include without limitation: instructions for financial guarantee indexation; blocking the payments to such party, or compensating the payment liabilities with the collection rights, or using the available guarantee to secure payments.

Section 5.7 Contestations to regulatory notes and/or information notes of monthly settlement

Art. 124 If an information note of settlement or a regulatory note transmitted or posted on the dedicated IT platform by the TSO according to the provisions of this Regulation, is incorrect, anyone of the involved parties can contest it with the TSO and can advance for debate any item or calculation included in such note.

Art. 125 Any complaint will be transmitted by the involved party by notification on e-mail or fax to the TSO. This notification should specify clearly the targeted time period such as the delivery day, MTU, the note issuance date, the contested item, the contested reason, the demanded amount, if any, and will be accompanied by any available proof that can support the contestation.

Art. 126 Any involved party can contest an information note of settlement or a regulatory note issued by the TSO according to the provisions of this Regulation within 3 week-days from the date when the contested note was transmitted or posted on the dedicated IT platform.

Art. 127 In case an involved party has not transmitted a contestation about an information note of settlement or a regulatory note issued according to the provisions of this Regulation within the term provided in Art. 126, such note is considered accepted by the respective involved party.

Art. 128 TSO examines any contestation transmitted according to the provisions of Art. 126, no later than one week-day from its receipt.

Art. 129 When the issuer verifies an information note of settlement or a regulatory note which was contested it can request additional information from the involved parties. If the additional information requested is not provided by the involved party, the issuer is entitled to reject the contestation.

Art. 130 The issuer will inform the involved parties about the result of his verifications. If a contested note was incorrect the issuer will remake the calculations and transmit a corrected note to all involved parties.

Art. 131 If the TSO finds a wrong piece of information in an information note of settlement or in a regulatory note transmitted or posted on the dedicated IT platform according to the provisions of this Regulation, he remakes the calculations and transmits a corrected note to all involved parties in the

shortest time possible but no later than 10 week-days since the date when the wrong note was transmitted to the BSP and/or published by the TSO.

Art. 132 In case the issuance, complaint, check-up, correction, transmission and/or publication terms of regulatory notes or of information notes for settlement provided in this Regulation are not complied with, the involved parties can notify in writing ANRE within 3 week-days from the contestation date of such faults.

Section 5.8 Settlement forms and bank accounts

Art. 133 TSO watches separately each category of payment liability / collection right in its relation with the BSP by elaborating settlement forms for balancing energy contracted on BM for each BSP.

Art. 134 Each BSP is the form holder for the corresponding settlement form elaborated by the TSO according to the provisions of Art. 133.

Art. 135 TSO establishes the settlement forms provided in Art. 133 for the corresponding form holder after it has been registered as BSP, but no later than the date when such BSP registration becomes effective.

Art. 136 Payment liabilities and collection rights the TSO registers in the settlement forms established in Art. 133 rely on the contractual relation between the TSO on the one hand and the form holder on the other, formalised by signing the BM participation Agreement, which has provisions mirroring the provisions of this Regulation.

Art. 137 Each form holder is entitled to ask the TSO any time for information about any of his own forms established by the TSO. When such request has been received the TSO sends the form holder the requested information in maximum 3 week-days, information which can include the balance of such form(s) in the last 3 months and any debited or credited amounts in a form, together with the dates and reasons of these operations.

Art. 138 TSO can also carry out his obligations provided in Art. 133 by taking technical measures necessary to provide each form holder with direct access to all relevant information about any of his own forms.

Art. 139 Each participant registered as BSP opens a bank account for balancing with a settlement bank.

Art. 140 In view of fulfilling his obligation according to this Regulation the TSO opens a bank account for balancing with a commercial bank of Romania for collections and payments associated to transactions concluded on BM.

Art. 141 Account holders provide solvability of their own bank accounts opened for balancing on the due dates established according to the provisions of this Regulation.

Art. 142 Bank accounts provided in Art. 139 and Art. 140 are opened in Romania’s national currency.

Section 5.9 Financial guarantees for BM obligations

Art. 143 TSO is entitled to request a bank financial guarantee to be set up before the operator is registered as BSP; in case the BSP has not transferred the balancing responsibility to other BRP and has not taken other participants of the BRP registered by him according to the provisions of the Regulation regarding the Terms and conditions for balancing responsible parties approved by Order 127/2021 of ANRE president, TSO can accept joint security of the operator's payment liabilities both as BSP and as BRP.

Art. 144 TSO elaborates, after public consultation, the procedures to determine the need for and the type of financial guarantee requested; the procedures to make and verify financial guarantee constitution and its supplement, if need be, as well as the procedures to use the available amounts left of the BSP-submitted financial guarantee. The amount of the requested financial guarantee takes into account the likelihood that a difference between the BSP's monthly payment liabilities and collection rights to the TSO can be positive and is adapted accordingly to possible payment delays recorded during previous periods. TSO publishes such procedures on its own internet page.

Chapter VI

Aggregation of consumption places, energy storage facilities and generating facilities

Art. 145 The aggregation conditions of generating units, of consuming unit belonging to several consumers or of consumption and generating places, of energy storage units and/or RPUs are the following:

a) Generating units or consumer units or storage units of all categories (A, B, C, and D) can be aggregated, being classified according to the provisions of Order 79/2016 of ANRE president approving the classification of generating units and power plants;

b) A RPG consisting of several generating units, consumer units belonging to several generating places, consumers or energy storage units and/or RPUs situated in different network places whenever a network congestion occurs the upward / downward power activation will be made at the dispatcher's disposal by indicating the particular composing facilities of the RPG, where the basepoint should be changed to remove the congestion;

Art. 146 RPG should comply with all the terms and prequalification requirements of a RPG according to the prequalification section for balancing services providers for RR, mFRR, aFRR and FCR.

Art. 147 In the current operation of a RPG the TSO is entitled to limit or exclude generating units, consumer places with dispatchable consumption, storage facilities belonging to him from providing one or several balancing reserves, including FCR, based on technical arguments such as the geographical distribution of RPG's component facilities, to provide operational security within NPS.

Chapter VII

Rules for balancing capacity procurement and transfer

Section 7.1 Procurement of balancing capacity

Art. 148 TSO procures balancing capacity by market mechanisms from the qualified BSPs that signed the framework contract to provide balancing capacity, with the TSO under transparent, unlimited access and economic efficiency conditions. TSO elaborates after public consultation the framework contract for balancing capacity provision and publishes it on its own internet page.

Art. 149 Before procuring the balancing capacity, the TSO:

a) Establishes one or several procurement periods;

b) Determines periodically the volumes of required capacities for balancing related to each type of reserve of frequency restoration and replacing reserves, separately for upward and downward, for each settlement interval of the corresponding procurement period based on the sizing norms as provided in articles 157 and 160 of Regulation (EU) 2017/1485;

Art. 150 The main characteristics of a balancing capacity bids are defined in Table 7:

Table 7 – Main characteristics of a balancing capacity bids

Price	Positive or zero in Lei/MWh
Price resolution	0.01 Lei/MWh
Minimum quantity and granularity	1 MW
Maximum quantity, indivisible Bids	It should not exceed the quantity established in Article 58 and Article 61
Bid location	Romania
Settlement interval resolution	15 min

Art. 151 Each balancing capacity bid transmitted by the BSP should contain:

a) Bid volume in MW;

b) Bid price in Lei/MWh;

c) Minimum time between dis-activation period and the following activation;

d) Bid type: divisible with 1 MW granularity or indivisible;

e) Bid location;

Art. 152 List of standard products for balancing capacity is defined in Table 8:

Table 8 – List of standard products for balancing capacity

Standard product RR	1	2	3	4
Validity period	15 min	1 hour	4 hours	1 day
Minimum time between the dis-activation period and the next activation	0 minute			
Direction	Positive or negative			

Standard product mFRR	1	2	3	4	5	6
Validity period	15 minutes		1 hour		4 hours	1 day
Minimum time between the dis-activation period and the next activation	0	0-8 hours	0	0-8 hours	0	0
Direction	Positive or negative					

aFRR product	1	2	3	4
Validity period	15 min	1 hour	4 hours	1 day
Minimum time between the dis-activation period and the next activation	0 minute			
Direction	Positive or negative			

Art. 153 Balancing capacity is procured by daily auctions for a contractual period of maximum one day.

Art. 154 A procurement period can be limited to one day and/or settlement intervals within this period, day or night hours, peak or off-peak hours or other kinds of intervals.

Art. 155 The necessary balancing capacities are procured by the TSO using market mechanisms, competitive auction during the entire procurement period, separately for upward and downward for each balancing capacity category and for each settlement interval of such period.

Art. 156 TSO publishes the balancing capacity quantities, required to be procured during the respective procurement period and notifies details about the auction a day at the most before the auction date.

Art. 157 Each BSP sends his balancing capacity Bids to the TSO. Balancing capacity Bids are transmitted aggregated for all reserve providing units / groups qualified for each type of standard product which the BSP obtained prequalification for.

Art. 158 Each BSP participating to balancing capacity procurement transmits and is entitled to update the balancing capacity Bids until the gate closure time for procurement.

Art. 159 TSO establishes and publishes the content and framework format of Bids, their transmission and validation method according to the procedure elaborated by him.

Art. 160 TSO validates the BSP's Bids, right after reception and rejects the Bids which do not comply with the requirements of framework-format and/or offered capacity, when exceeding the total amount qualified for a BSP for a certain standard product. In case the TSO rejects any bid he informs the respective BSP and notifies the rejection reasons.

Art. 161 Immediately after the gate closure time for procurement the TSO allocates the balancing capacity offered at such auction based on the marginal price as follows:

a) The bids are arranged by price increasing order; Bids with the same price are arranged chronologically, depending on time stamp;
b) If the sum of capacities offered by the BSP is lower or equal to the balancing capacity which should be allocated under such bid, all the Bids will be fully accepted;
c) If the sum of capacities offered by the BSP is higher than the balancing capacity which should be allocated under such auction, the Bids are accepted in the order of let. a) up to the last bid completing the necessary balancing capacity, which can be accepted fully or partially;

Art. 162 The price of the last accepted bid represents the auction price, paid by the TSO to all BSP with accepted Bids.

Art. 163 BSP can contest the auction results only if there are solid non-conformity doubts during bid evaluation. The contestation will be transmitted within one hour from the publication of auction results.

Art. 164 TSO will notify the result of contestation analysis within 3 hours from its receipt.

Art. 165 Each BSP holding a balancing capacity provision contract transmits the balancing energy Bids to the TSO corresponding to the volume, products and other requirements provided in the balancing capacity provision contract.

Art. 166 The result of each balancing capacity auction is recorded in annexes to such balancing capacity provision contracts concluded between TSO and BSP.

Art. 167 In the first calendar day following the specific delivery day the TSO transmits, for each delivery day and each RPU/RPG from every BSP, confirmations of achieved quantities (placed at the TSO's disposal) from the totally contracted capacities.

Art. 168 Contestations are accepted for the content of achieved quantity confirmations only in case of errors resulting from TSO's acts.

Art. 169 Any contestation regarding the content of a confirmation about achieved quantities is transmitted to the TSO by the responsible BSP no later than one week-day after TSO's transmission of the respective achieved quantity confirmation.

Art. 170 TSO informs the BSP about his acceptance or denial of such contestation no later than one week-day after its receipt. In case a contestation is admitted the same day TSO sends confirmation about the corrected achieved quantities to the BSP.

Art. 171 If during the period provided in Art. 169 a BSP does not transmit any contestation of the confirmations received about achieved quantities, they are considered as accepted.

Art. 172 Any transmitted contestation does not exonerate such BSP from complying with obligations resulting from concluded contracts.

Art. 173 TSO draw up for each BSP a monthly regulatory note including, separately, the contracted volumes of capacity, the achieved volumes and the auction resulting prices within 3 week-days from the end of the delivery month.

Art. 174 Each BSP that has concluded capacity contract with the TSO verifies the monthly regulatory note and in case he finds incompliance with applicable provisions, in one week-day he transmits motivated contestations to the monthly regulatory note to the TSO.

Art. 175 TSO examines the BSP contestation and answers to it with motives within one week-day from its receipt, remaking the calculations and correcting the wrong monthly regulatory notes.

Art. 176 In case of BSP that did not send contestations, the monthly regulatory notes transmitted at the initial term are considered valid.

Art. 177 In case of contracted capacities but unavailable for BM, including absence of balancing energy bids on BM, for such capacities the BSP will pay a specific penalty to the TSO corresponding 100% of the contractual price resulting from the auction.

Art. 178 Each BSP issues invoice to the TSO, including sums corresponding to achieved quantities of the contracted balancing capacities according to the data of the regulatory note given in Art. 173.

Art. 179 Invoices are issued in the first week-day after the regulatory note has been transmitted or, if applicable, according to the reviewed regulatory note after corrections.

Art. 180 (1) TSO pays the amounts associated to achieved balancing capacities within 5 days from his receiving the BSP invoice.

(2) If liabilities provided in para (1) are not fulfilled within 30 days from due date, the buyer will pay, besides the owed amount, delay indexations to such sum corresponding as percentage to the delay indexation owed for failure to pay state budget liabilities in due time until actual payment date (exclusive). The total value of penalties cannot exceed the owed amount.

Art. 181 TSO elaborates the procedure regarding the procurement method of balancing capacity and publishes it on its internet page, such procedure being then subject to public consultation.

Section 7.2 Transfer of balancing capacity

Art. 182 BSP can transfer their obligations to provide balancing capacity.

Art. 183 Balancing capacity transfer is permitted until at least one hour before beginning the delivery day, BSP being obliged to immediately inform the TSO about such transfer.

Art. 184 Balancing capacity transfer is permitted if the following conditions are complied with:

a) BSP taking over the obligation to provide such capacity has undergone prequalification with respect to the balancing capacity under the transfer;
b) The expectation that balancing capacity transfer will not endanger operational security;

Art. 185 In case the TSO does not allow the balancing capacity transfer he should motivate such refusal to all involved BSP.

Art. 186 Balancing capacity transfer is recorded in the annexes to the providing contracts for balancing capacity concluded between the TSO and BSP that participated to the transfer.

Chapter VIII

Consequences in case of incompliance with the terms and conditions applicable to balancing service providers for RR, mFRR and aFRR

Art. 187 In case a BSP does not perform the technical conditions for provision of standard products he was qualified for at least in two situations during one month the TSO can decide to diminish the prequalified balancing capacity of such RPU(s) / RPG(s) or it can withdraw the BSP's prequalification for balancing reserve of such incompliant RPU/RPG, according to the provisions of the procedure specified in Art. 37. In all the situations the TSO will examine the reasons submitted by the BSP and take a decision with arguments.

Art. 188 In case a BSP does not comply with the conditions required by the provisions of this Regulation with respect to payments on BM, the measures will be applied as specified in the payment section, security enforcement and delay penalties on BM.

Art. 189 In case a BSP is not compliant with the obligation to provide the contracted balancing capacity on the BM the provisions of Art. 187 will apply.

Chapter IX

Rules of capacity procurement, transfer & FCR settlement

Section 9.1 Rules and conditions for FCR providers

Art. 190 TSO procures FCR capacity by market mechanisms from FCR prequalified providers that signed with the TSO the framework contract to provide such reserve, under transparent, unlimited access and economic efficiency conditions.

Art. 191 The FCR capacity market is entitled only for FCR providers that obtained prequalification for this reserve according to the provisions of article 154 from Regulation (EU) 2017/1485. The FCR qualification is described in the prequalification procedure to provide system services approved by order of ANRE president.

Art. 192 Transactions concluded between the FCR provider and the TSO establish the respective FCR provider's obligation to provide electricity corresponding to the FRC capacity won for such MTU.

Art. 193 The electricity corresponding to the won FCR capacity is used within NPS in accordance with the frequency variation of the respective MTU and the qualified FCR characteristics.

Art. 194 The electricity corresponding to the won FCR capacity is delivered physically and is monitored during the dispatch interval in the delivery points where the component facilities of FCR provider are connected to NPS.

Art. 195 TSO and the FCR providers are obliged to ex-post and/or in real time FCR monitoring necessary to be activated as well as the activated one.

Art. 196 FCR providers should make certain FCR activation is possible to monitor at the level of provider facilities but also at RPU's or RPG's and to transmit the requested data / records in real time to the TSO.

Art. 197 TSO elaborates the monitoring procedure for FCR activation during the current RPU/RPG operation and publishes it on its internet page, procedure which will be subject to public consultation.

Art. 198 In case of unavailability of a generating facilitiy from a FCR provider or in case a BSP needs to compensate a possible FCR absence of a RPU or RPG with composing facilities having LER,, the FCR provider/BSP can modify FCR activation among its own available facilities or it will be able to follow the divestiture procedure for the unavailable FCR capacity. The change of FCR activation shall secure continuity of FCR supply.

Art. 199 The maximum FCR reserve will comply with the provisions of article 156 para (6) let. a) from Regulation 2017/1485 and of article 3 para (10) and of article (4) para (4) from the Proposal of all transmission system operators from the synchronous area Continental Europe for additional properties of FCR reserve in accordance with article 154 para (2) of Regulation (EU) 2017/1485 of 2

August 2017 of the Commission establishing a guideline for the operation of the electricity transmission system, approved decision 153/2021 of ANRE president.

Art. 200 In case a RPU or RPG component becomes unavailable for such service the FCR transfer can be made for the entire contracted quantity or partially with quantities minimum equal to the replaced ones; the transfer can be made between RPU, respectively RPG component facilities within the total qualified limits.

Section 9.2 Procurement and settlement of FCR quantities

Art. 201 The total FCR quantity put out to auction is determined annually within ENTSO-E for TSO and it corresponds to a +/-200 mHz frequency deviation.

Art. 202 FCR capacity is procured in symmetrical band by means of daily auctions for a contractual interval of maximum one day.

Art. 203 By 1st of January of each year the TSO notifies the minimum required FCR quantity to be procured. The quantity is the same in all MTU and it is a minimum amount.

Art. 204 The minimum quantity procured from one RPU/RPG by direction is 1 MW corresponding to a 200 mHz frequency deviation.

Art. 205 The total qualified capacity of FCR providers is published on the TSO's internet page.

Art. 206 Before procuring the FCR capacity the TSO:

a) Establishes one or several procurement periods for one delivery day;
b) Communicates the total volume of the reserve quantity that has to be procured;

Art. 207 TSO publishes the FCR quantities required to be procured during the respective procurement period and will notify the auction details:

a) Two week-days at the most before beginning the procurement period in case of auctions with one day's procurement time;
b) Two hours before beginning the procurement period in case of auctions for procurement times of one or several intervals;

Art. 208 In case the entire FCR quantity is not procured as necessary during the first auction round the TSO will take the following measures:

a) Organising a new auction round for uncovered MTUs;
b) In case of absent FCR Bids wherefrom the TSO should cover the FCR necessary amount, or in case of unavailability of a reserve which could not be replaced within one hour the TSO is entitled to request Bids for the entire FCR capacity in a new auction round to all qualified FCR providers that have not contracted FCR for uncovered MTUs;

Art. 209 TSO establishes and publishes the content and framework format of Bids, their transmission and validation mode on its internet page.

Art. 210 Each FCR provider transmits his FCR capacity Bids to the TSO. FCR capacity Bids will be transmitted in aggregation for all RPUs/RPGs.

Art. 211 Each FCR provider participating to FCR capacity procurement can transmit and is entitled to update his FCR capacity Bids before the gate closure time for procurement.

Art. 212 TSO validates the Bids of FCR providers as soon as he receives them and rejects the Bids that do not comply with the framework-format requirements and/or those where the offered capacity exceeds the total qualified amount for FCR providers. In case a bid is rejected the TSO informs the respective FCR provider and notifies the rejection motives.

Art. 213 Immediately after the gate closure time for procurement the TSO allocates the offered FCR capacity of the respective auction according to the marginal price as follows:

a) Bids are arranged by price increasing order; Bids with the same price are arranged chronologically, depending on time stamp;
b) If the sum of capacities offered by FCR providers is lower or equal to the FCR capacity which should be allocated under such auction, all the Bids will be fully accepted;
c) If the sum of capacities offered by FCR providers is higher than the FCR capacity which should be allocated under such auction, the Bids are accepted in the order of let. a) up to the last bid completing the necessary FCR capacity which could be only fully accepted, as partial acceptance is not possible. Taking into account that in technical terms no high flexibility can be provided to maximum FCR values delivered by a FCRprovider, the total reserve can be higher than the minimum necessary FCR.

Art. 214 The price of the last bid accepted represents the auction clearing price for each MTU, which the TSO pays to all FCR providers with accepted Bids.

Art. 215 FCR providers can contest the auction results only in case there are sound signs of incompliance with the auction assessment. The contestation will be transmitted to the TSO within one hour from the publication time of auction result.

Art. 216 The result of contestation analysis will be notified by the TSO within 3 hours from its receipt by the TSO.

Art. 217 The result of each auction to allocate FCR capacity is recorded in the annexes of contracts for balancing capacity provision concluded between the TSO and FCR providers.

Art. 218 TSO executes a monthly regulatory note for each FCR provider, which includes separately the contracted capacity volumes, the achieved capacity and prices resulting from the auction, within 3 week-days from the end of the delivery month.

Art. 219 Each FCR provider that concluded a capacity contract with the TSO verifies the monthly regulatory note and in case he finds incompliance with applicable provisions he transmits to the TSO motivated contestations to the monthly regulatory note within one week-day from its receipt.

Art. 220 TSO examines the FCR provider's contestation and answers to it with reasons within one week-day from its receipt, remaking the calculations and correcting the erroneous monthly regulatory notes.

Art. 221 In case of FCR providers that did not send contestations their monthly regulatory notes transmitted on the initial term are considered valid.

Art. 222 In case of contracted FCR capacities unavailable for BM the FCR provider will pay the TSO a penalty according to the provisions of Art. 239.

Art. 223 Each FCR provider issues an invoice to the TSO comprising corresponding sums for the achieved FCR quantities according to the data in the regulatory note provided in Art. 218.

Art. 224 Invoices are issued in the first week-day after the regulatory note was received or, if applicable, the reviewed regulatory note after corrections.

Art. 225 (1) TSO pays the amounts for achieved FCR capacities within 5 days from invoice receipt from FCR providers.

(2) If liabilities provided in para (1) are not fulfilled within 30 days from due date, the buyer will pay, besides the owed amount, delay indexations to such sum corresponding as percentage to the delay indexation owed for failure to pay state budget liabilities in due time until actual payment date (exclusive). The total value of penalties cannot exceed the owed amount.

Art. 226 In case full or partial FCR capacity is lost the FCR provider will transfer the obligation to provide such capacity within one hour at the most and will inform the TSO. In case the FCR provider cannot find another participant to take such quantity then the process provided in Art. 208 is applied.

Art. 227 TSO elaborates the procedure for the operation of the FCR capacity market and publishes it on its internet page, which procedure will be subject to public consultation.

Section 9.3 Transfer of FCR capacity

Art. 228 FCR providers can transfer their obligations to provide FCR capacity.

Art. 229 FCR capacity is transferred one day before or during the delivery day, until one hour before beginning the delivery interval and FCR providers are obliged to inform immediately the TSO of such transfer.

Art. 230 FCR capacity transfer is allowed if the following conditions are fulfilled:

a) The FCR provider taking over the obligation to provide FCR capacity has been qualified for such reserve;

b) Estimations are such FCR capacity transfer will not endanger operational security;

Art. 231 In case the TSO does not allow the FCR capacity transfer he should motivate such refusal to all involved FCR providers.

Art. 232 FCR capacity transfer is recorded in annexes to the contracts for provision of services concluded between the TSO and FCR providers that participated to transfer. The transferred capacity

is paid at the contractual value of the FCR provider that assigns the obligation, regardless of the obligations agreed between the assignor FCR provider and the assignee.

Section 9.4 Activation of FCR energy

Art. 233 FCR activation is performed depending on the frequency variation within NPS and the technical parameters of BSP.

Art. 234 The FCR supplier is obliged to provide continuously, without interruptions, the entire FCR quantity contracted as long as the frequency deviation lasts but no less than 15 minutes and no more than 30 minutes according to article 20 of the Prequalification Procedure.

Art. 235 In accordance with article 156 para (13) let. (b) of Regulation (EU) 2017/1485, the FCR provider with LER limiting their capacity to provide FCR ensures the recovery of energy reservoirs in positive or negative direction as soon as possible within 2 hours from the alert state end within NPS.

Art. 236 In case of accidental tripping of RPU/RPG during service provision, the FCR provider makes his best efforts to inform the TSO in real time, about the incident.

Art. 237 The balancing energy achieved by the FCR provider is equal to the average frequency deviation of the MTU, measured with the load frequency controller multiplied with the droop of the generating unit, conditioned by the operation under frequency containment control. In case the FCR provider participates to FCR with only one generating unit the droop is either the droop of the synchronous generating unit or the slope of the frequency-power dependence of the powerplant made up of generating modules. In case the RPU/RPG consists of an aggregation of generating units the balancing energy provided by the FCR provider is either the sum of powers of each generating unit composing the aggregation that participated to frequency containment or the droop set at aggregation level if the FCR provider was qualified as such. The operation under frequency containment control is detected by the binary (on/off) signal transmitted into EMS – SCADA and takes into calculation the time interval when the FCR provider provided FCR as follows:

In case I = 1,

$$E_{FCR\_down} = \int_0^{15\ min} k\ (fm - 50), \text{for} fm > 50$$

$$E_{FCR\_up} = \int_0^{15\ min} k\ (50 - fm), \text{for}\ fm < 50$$

Where:

I represents the signal value,

I = 1 generating unit operating under frequency containment control;

I = 0 generating unit does not operate under frequency containment control;

E_{FCR_down}, E_{FCR_up} - energy supplied during frequency containment;

fm - load frequency controller;

50 - value of 50 Hz, namely nominal frequency;

k - droop or frequency-power dependency factor of the FCR providing unit;

Art. 238 The volume of energy delivered by the FCR provider is taken into calculation when the net contractual position, for the BRP he belong to, is established.

Section 9.5 Consequences in case of incompliance with the terms and conditions applicable to FCR providers

Art. 239 In case of capacities contracted and not provided by notification, the FCR provider will pay specific penalty to the TSO corresponding to 100% of the contractual price resulting from auction.

Art. 240 In case the contracted capacity is provided for, but the RPU/RPG does not respond to frequency variations the respective FCR provider will pay a specific penalty to the TSO corresponding to 100% of the contractual price resulting from the capacity auction.

Chapter X

Section 10.1 Rules about suspension and restoration of BM and of the FCR capacity market

Art. 241 The rules to suspend and restore market activities on the BM and the TSO's action mode in such case are established in the provisions of Rules about suspension and restoration of market activities approved by order of ANRE president.

Section 10.2 Rules to settle balancing capacity and balancing energy in Romania when market activities are suspended

Art. 242 The rules with respect to settlement of balancing capacity and balancing energy when market activities are suspended and the TSO's action in such cases are established by provisions of the Rules about market activities suspension and restoration approved by order of ANRE president.

Chapter XI

Final provisions

Art. 243 TSO publishes this Regulation on its internet page within 3 days from its publication in Romania's Official Gazette, Part I.

Art. 244 TSO elaborates, subjects to public consultation and publishes on its internet page the procedures provided in this Regulation within 6 months from the publication of this Regulation in Romania's Official Gazette, Part I.

Art. 245 Until the application date of this Regulation the implementation activities carried out by the TSO, DSO and BSP are the following:

a) Revaluation of necessary and available capacities to provide each type of reserve of balancing services;
b) BSP prequalification for each kind of standard product and prequalification for FCR supply according to the Prequalification Procedure;
c) Developing and implementing new functions into EMS – SCADA as necessary for TSO to use the European platform of aFRR standard product;

d) Changing the configuration of the existing BM platform according to the requirements of this Regulation within 9 months from its publication in Romania's Official Gazette, Part I.

Annex 2

Regulation regarding the terms and conditions for balancing responsible parties

(will be applied from 01.10.2022)

Chapter I

Purpose and scope

Art. 1 This Regulation is applied to all market participants in order to establish rules for:

(a) Registration of balancing responsible parties, withdraw / recall the registration as balancing responsible party; transferring the balancing responsibility to other balancing responsible parties and establishing consequences in case of incompliance with the terms and conditions applicable to balancing responsible parties;

(b) Transmission of data and information to be delivered to the operator settling the imbalances of balancing responsible parties in view of calculating the imbalance in each imbalance settlement interval;

(c) Determining the imbalance generated by a balancing responsible party in the national power system in each imbalance settlement interval;

(d) Settling the imbalances of balancing responsible parties in a manner showing the balancing costs of the national power system so that balancing responsible parties should be encouraged to get balanced before delivery of energy and not worsen the system imbalance;

Chapter II

Abbreviations and definitions

Art. 2 To the purpose of this Regulation the abbreviations below have the following meanings:

a) ACE – area control error;

b) ANRE – National Regulatory Authority in the Energy domain;

c) Terms and conditions for system service providers and for the frequency containment reserve providers – Regulation regarding the terms and conditions for balancing service providers and frequency containment reserve providers, approved by order of ANRE president;

d) CPT – one's own technological consumption and network losses;

e) AD – availability declaration;

f) EIC – European network of transmission system operators for electricity Identification Code;

g) EMS-SCADA – Energy Management System - Supervisory Control and Data Acquisition;

h) ENTSO-E – European Network of Transmission System Operators for Electricity;

i) BSP – balancing services provider;

j) FSKAR – European dedicated platform for settlement of planned energy exchange volume to contain frequency in the synchronous area Continental Europe, ACE and increment period;

k) FUI – fall-back supplier;
l) RPG – reserve providing group;
m) MTU – market time unit;
n) SN – schedule notification;
o) ODDPRE – settlement operator for the imbalances of balancing responsible parties;
p) OPEED – designated electricity market operator;
q) MO – metering operator;
r) OMEPA – electricity metering operator on the wholesale market, internal organisational structure of the transmission system operator;
s) NO – network operator;
t) TSO – transmission system operator;
u) BM – balancing market;
v) IDM – intraday market;
w) BRP – balancing responsible party;
x) BRP – IDM - balancing responsible party constituted by OPEED in his counterpart capacity for transactions concluded on the IDM;
y) BRP – DAM – balancing responsible party constituted by OPEED in his counterpart capacity for transactions concluded on the day-ahead market;
z) DAM – day-ahead market;
aa) Supply Regulation – Regulation to supply electricity to end customers approved by order of ANRE president;
bb) Metering rules – commercial rules to gather, process and transmit metered electricity values approved by order of ANRE president;
cc) Take-over Regulation – Regulation to take over end customers by last resort providers, clients that have no electricity supply secured from any other source, approved by order of ANRE president;
dd) Regulation (EU) 2017/2195 – Regulation (EU) 2017/2195 of 23 November 2017 of the Commission establishing a guideline on electricity balancing;
ee) Regulation (EU) 2017/1485 – Regulation (EU) 2017/1485 of 2 August 2017 of the Commission establishing a guideline on electricity transmission system operation;
ff) ROPEX_DAM_Base – price index determined for each day of the year as arithmetic average of DAM clearing prices corresponding to the 24 hourly intervals;
gg) FCR – frequency containment reserves;
hh) BE – block exchange (internal and external energy exchanges);
ii) NPS – national power system;

jj) UE – unintended exchanges of energy;

kk) EU – European Union;

ll) RPU – reserves providing unit;

Art. 3 To the purpose of this Regulation the terms and phrases used have their meaning defined in:

a) Article 2 din Directive (EU) 2019/944 of 5 June 2019 of the European Parliament and of the Council on common rules for the internal market for electricity and amending Directive 2012/27/EU,

b) Article 2 din Regulation (EU) 2019/943 of 5 June 2019 of the European Parliament and of the Council on the internal electricity market,

c) Article 3 din Regulation (EU) 2017/2195 of 23 November 2017 of the Commission establishing a guideline on electricity balancing,

d) Article 2 din Regulation (EU) 2016/631 of 14 April 2016 of the Commission establishing a network code on requirements for grid connection of generators,

e) Article 3 of the Electricity and natural gas law 123/2012, with later amendments and additions;

Art. 4 To the purpose of this Regulation the terms and phrases below have the following meanings:

1. Aggregator – market participant involved in aggregation, as defined in article 2 pt. 43 of Regulation (EU) 2019/943 of 5 June 2019 of the European Parliament and of the Council on the internal electricity market;
2. Settlement bank – a trading bank where a BSP/TSO opened an account wherefrom / into which are paid / cashed the payment liabilities / collection rights specified in settlement information notes issued by the ODDPRE, as provided in invoices;
3. Net consumption - The volume of energy absorbed by a consumer from transmission / distribution networks of NPS;
4. Technological consumption of networks – difference between the electricity metered upon network injection and the electricity metered when exiting the respective electricity network, representing electricity losses associated to such network and electricity taken from the grid but not invoiced, because the metering units are not recording it;
5. Convention to assume balancing responsibility – standardised Agreement elaborated by the TSO after public consultation according to the provisions of this Regulation, which provides the mutual rights and responsibilities of the TSO and a BRP; they are signed by the TSO and the participant requesting to the registered as BRP;
6. Metering equipment by interval – metering equipment capable to meter, to store and transmit metered values of active and reactive power quantities transmitted, delivered into a metering point in each MTU;

7. Contractual delivery – volume of energy considered as delivered from or to a BRP based on contractual obligations concluded by market participants of the BRP as per legal provisions, including imports and exports, notified DAM & IDM transactions and BM transactions within one MTU;
8. Metered delivery – electricity deliveries metered in a metering point between NPS and a producer or consumer, as applicable, or in an exchange point between the power network of an NO and the power network of another NO, as well as the CPT of an power network in one MTU;
9. Delivery month – month when actual delivery / electricity consumption takes place;
10. Settlement operator of BRP imbalances – organisational entity designated according to legal terms and/or to applicable Regulations establishing quantitative and value imbalances of BRP;
11. Network operator – any natural or legal person holding under any title an electricity distribution / transmission network and answers for the operation, maintenance and, if necessary, development of the distribution/transmission network from an area and, as the case may be, its interconnections with other systems, and for the provision of the long-term capacity of such distribution/transmission network to reasonably satisfy the electricity distribution / transmission demands;
12. Net contractual position – difference between contractual delivery obligations of a BRP and the contractual procurement obligations of such BRP within a settlement interval;
13. Net metered position – difference between the net summed up output of all electricity producers which the respective BRP assumed balancing responsibility for and the net summed up consumption of all electricity consumers which the respective BRP assumed balancing responsibility for, including the CPT of an NO's power network, if this one transferred his CPT balancing responsibility to that BRP, in one MTU;
14. Imbalance netting – an inter-TSO agreed enabling to avoid simultaneous activation of frequency containment reserve in opposite directions, taking into consideration the respective control deviations when frequency is restored and the activated frequency restoration reserves, while also properly correcting the contribution of restoration process for the involved frequency;
15. Net generation – electricity delivered by a generating unit into the distribution / transmission networks of NPS, equal to the difference between the generated electricity metered at generated terminals and the CPT provided from one's own output;
16. Exchange point – physical point where the power network of an NO is connected to the power network of another NO, or where its limitation was formally agreed, in a metering point;
17. Metering point – connection point where instrumentation is connected and the ensemble of instruments that meter power and energy;

18. BRP register – a public register the TSO executes and updates, containing specific information about the recorded BRP;
19. System service register – a register executed and updated by each NO, containing specific information about registered network users;
20. Balancing responsibility – each market participant's responsibility to the TSO to maintain balance between achieved and contracted values of one's own generation, consumption and energy exchanges, as the case may be, and to financially cover possible imbalances;
21. Unintended exchange of energy – volume of energy which was exchanged without intention by NPS with neighbouring power systems of the synchronous area Continental Europe, calculated by a dedicated European IT platform for such unintended energy exchanges;
22. Transaction – Agreement concluded between two parties for commercial electricity transfer, according to the provisions of this Regulation;
23. Transaction engaged on the BM – transaction established on the BM, between the TSO and a BSP, respectively transaction TSO – TSO type, for a contracted amount of balancing energy;
24. Delivery day – date when the actual delivery / electricity consumption takes place;

Chapter III

Balancing responsibility for BRP

Section 3.1 General principles

Art. 5 The balancing responsibility concept and BRP establishment provides:

a) Closing the positions associated to electricity transactions on the electricity market in orderly just manner;

b) Establishing the electricity balance within NPS before the MTU;

c) Separation of financial transactions from physical ones;

d) Fair settlement of energy transactions on the market;

Art. 6 Market participants that become active on the electricity market assume financial responsibility for imbalances they are causing in the system; they make efforts to be balanced and/or contribute to NPS balancing.

Art. 7 The application of balancing responsibility in this Regulation aims at stimulating the participants to get balanced before the MTU, through the establishment of financial responsibility for imbalances between the net generation and achieved consumption and energy exchanges notified according to contracts, enabling at the same time to diminish penalty measures applied to market participants within the limits provided in this Regulation.

Art. 8 This chapter establishes rules and conditions with respect to:

a) BRP registration, responsibility transfer to another BRP, BRP withdrawal / recall;

b) Allocating balancing responsibility among market participants registered as BRP;

c) BRP's rights and obligations;

d) Allocating generation / consumption places, including a network's CPT to the BRP;

e) Establishing and filling in the BRP register by the TSO;

Section 3.2 Obligation to assume balancing responsibility, rights and limitations

Art. 9 Balancing responsibility falls upon market participants to:

a) Provide balance between generation metered in the metering points of generation places, notified procurements contracted / balancing energy activated on the BM and contracted energy imports notified, on the one hand, and the consumption metered in the metering points of consumers / determined CPT found within its responsibility, contracted sales notified / balancing energy activated on the BM and contracted energy exports notified, on the other hand;

b) Assume financial responsibility to the TSO for all physical imbalances occurring because of the inequality between the net generation metered in the metering points of generation places, contracted procurement notified / balancing energy activated on the BM, contracted import notified, on the one hand and the consumption metered in metering points of consumption places, CPT included, found in its responsibility, contracted sales notified / balancing energy activated on the BM and contracted energy export notified, on the other hand;

Art. 10 The market participant assumes financial balancing responsibility under contract towards the TSO by being registered as BRP or, in case of end customers that DSO not participate to the wholesale market on their behalf, by implicit transfer of such responsibility to the BRP registered by his supplier / one of his suppliers.

Art. 11 Electricity suppliers procuring electricity generated and delivered in the power network by prosumers owing generating facilities from renewable sources with installed capacity of 100 kW at the most per consumers and concluding electricity sale-purchase contracts according to order 90/2015 of ANRE president approving the framework contracts for electricity distribution services with later amendments and amending the Framework sale-purchase contracts of electricity generated by prosumers owing generating facilities from renewable sources with installed capacity of 100 kW at the most per consumption place, approved by Order 227/2018 of ANRE president, with later amendments and additions, are obliged to assume financial responsibility to pay imbalances generated by such prosumers on the electricity market.

Art. 12 In view of facilitating the electricity market operation, market participants are allowed to entirely transfer their balancing responsibility to a BRP that was registered with the TSO, only when after transfer it falls within the maximum size of BRP established according to the provisions of this Regulation. BRP taking over the balancing responsibility of other market participant(s) registered as BRP are obliged to use the single distribution method in-between member BRPs of costs / revenues devolving to him according to this Regulation and to transmit to the TSO the imbalances recorded by

each market participant that he assumed balancing responsibility for, separately by each MTU of the delivery month.

Art. 13 During such transfer of balancing responsibility from a participant registered as BRP to another participant registered as BRP, the provisions of this Regulation are applied to the latter BRP according to its size and structure resulting from transfer.

Art. 14 If a market participant is recalled as BRP he will be considered as having all responsibilities of a registered BRP, being liable for all expenses made outstanding, without being entitled to participate on the electricity market and considering the block exchanges with other BRPs as equal to zero.

Art. 15 A market participant can assume balancing responsibility by means of just one BRP for all activities in the electricity sector which he performs or can transfer his balancing responsibility to a single BRP.

Art. 16 Are excepted from the provisions of Art. 15 the circumstances provided in Art. 25-28 and in Art. 138 for the TSO, assignee DSO, OPEED, BRP, market participant managing generation or storage facilities found under test, which will not be part of RPU/RPG.

Art. 17 Each generation place and consumption place, including the CPT of an NO, are under a BRP's responsibility.

Art. 18 In case of a consumption and generation places, or a storage facility, or a generation / consumption place with storage facilities, it is considered as *generation place* in the MTU where the value metered in the metering point indicates electricity injection into networks and *consumption place* in the MTU where the value metered indicates electricity extracted from networks.

Art. 19 Each exchange point between the networks of two NOs is taken into consideration when determining the CPT of each NO, under each BRP holding balancing responsibility for each one.

Art. 20 In case of a consumer served simultaneously by several suppliers in a consumption place, only one of them will assume balancing responsibility for such consumption place, called main supplier in this Regulation.

Art. 21 In case of a consumer actively participating on the market by means of an independent aggregator, the main supplier assumes responsibility to balance such consumer and the balancing responsibility for the aggregator is performed by means of the energy transfer in-between the BRP where he is registered and the BRP where the main supplier is registered; the energy exchange between those two BRPs is established at such level depending on the metered consumption and the reference consumption on the market it participated to; in cases when the consumer participates frequently on the market so that the reference curve of consumption cannot be made for markets previous of BM, the reference consumption of such markets is considered a consumption amount pre-established in the Consumer's supplying Agreement.

Art. 22 Transferring balancing responsibility from a market participant registered as BRP to another BRP is permitted if the provisions of Art. 55 are observed.

Art. 23 In case during the period after balancing responsibility transfer one can find the resulting BRP does no longer comply with the provisions of Art. 55, incompliance ascertained according to an analysis of values, monthly updated, of BRP size according to the information provided in the section with respect to calculating BRP's size in this Regulation, the TSO is entitled to limit this BRP to assume balancing responsibility for other market participants and ask him to return to specified limits within maximum 6 months. This request is made in transparent manner based on analysis described in the operational procedure to constitute, update and use financial guarantees on the balancing market, elaborated by the TSO after public consultation.

Art. 24 Export and import are allocated to the BRP according to schedule notifications of such BRP, transmitted and approved according to the provisions of this Regulation.

Art. 25 OPEED assumes balancing responsibility for all trading transactions it engages in as counterpart, separately for DAM transactions and those on the IDM.

Art. 26 OPEED has no right to assume balancing responsibility for:

a) Generation / consumption place, including a network's CPT or

b) Other BRP;

Art. 27 TSO establishes separate BRPs, for:

a) Managing the differences between the volume of energy procured to cover CPT in the electricity transmission grid and the CPT achieved in each MTU;

b) Commercial operations performed as transfer agent for DAM under coupled operation;

c) Commercial operations performed as transfer agent for IDM under coupled operation;

d) Commercial operations performed on the market to supply its own consumption places, others than CPT.

Art. 28 Each assignee DSO establishes a distinct BRP to manage differences between the volume of energy procured to cover CPT of its power network and to cover such network's CPT achieved in every MTU.

Art. 29 Each BRP transmits schedule notifications according to the provisions in the section about schedule notifications of this Regulation.

Art. 30 Each BRP assumes financial responsibility to TSO for the sum of imbalances between generation, procurement, import, consumption, sales and export for market participants he has balancing responsibility for. Quantitative and financial imbalances are determined and settled according to the provisions of this Regulation.

Art. 31 Each BRP maintains on his behalf all communication systems needed to transmit SN, and to receive TSO's notifications as per the provisions of this Regulation.

Art. 32 Each BRP mandates at least one contact person to act on his behalf and keep in touch with the TSO during each calendar day.

Art. 33 Each BRP transmits financial guarantees to TSO to cover non-payment risks of liabilities resulting from registered imbalances, according to a procedure elaborated by TSO after public consultation.

Art. 34 In addition to the conditions provided in this Regulation each BRP has the rights and should comply with the correlative obligations provided in the convention where he assumes balancing responsibility, concluded with the TSO.

Art. 35 A BRP's rights and obligations provided in the convention assuming balancing responsibility are transferrable only under the terms provided in this Regulation, and with the TSO's Agreement .

Section 3.3 Registration of market participants as BRP

Art. 36 The market participant should request the TSO in writing to be registered as BRP. The BRP registration demand is filled in according to a TSO-elaborated procedure after public consultation, which the TSO publishes on its internet page.

Art. 37 Each application to be registered as BRP contains at least the following information:

a) The applicant's full name, headquarters, contact data, EIC code;

b) The applicant's number of licence, or decision confirming his supply / trading rights, as applicable, for activities which require a licence according to legal terms;

c) Names and contact data of persons mandated to act on the applicant's behalf;

d) Installed capacity of each generating unit the applicant is operating and of each one for which he assumes balancing responsibility;

e) List of consumption places the applicant assumes balancing responsibility for and their aggregated capacity;

Art. 38 Within 2 week-days from receiving a BRP registration demand the TSO:

a) Verifies the accuracy of information provided by the applicant;

b) Transmits the Balancing responsibility assumption Agreement to the applicant;

c) Establishes the initial financial guarantee that the applicant should provide and informs him about the quantum of such initial financial guarantee;

Art. 39 In case all information provided in Art. 37 is not transmitted the TSO asks for additions and the term provided in Art. 38 is suspended until the TSO's request has been satisfied.

Art. 40 TSO approves a BRP registration demand within 5 week-days at the most if the following conditions are met:

a) To the TSO's knowledge the information transmitted by the applicant contain no false data;

b) The applicant holds a valid licence / decision confirming his supply / trading right;

c) The applicant filled in and signed the Agreement to assume balancing responsibility;

d) The applicant has constituted the initial financial financial guarantee;

Art. 41 In case the TSO decided he cannot approve an application he immediately informs the applicant with reasons of his decision. If the demand was denied because of absent information or for failure to constitute the financial financial guarantee, the term provided in Art. 40 will be extended by 2 week-days at the most from the TSO's receipt of missing information or until the requested financial financial guarantee is constituted, but no more than 10 week-days from application receipt.

Art. 42 As soon as he approved the application the TSO:

a) Signs the Agreement to assume balancing responsibility and sends a copy to the new BRP;

b) Enlists the BRP in the BRP register;

c) Informs the ODDPRE and all DSO in their MO capacity about the registration of a new BRP and the date when such new BRP is allowed to operate from;

Art. 43 The new BRP can exercise the rights and obligations after the TSO's approval of the BRP establishment application and registration in the BRP register.

Art. 44 TSO updates permanently the information written in the BRP register and publishes it on its internet page.

Section 3.4 Financial guarantees for BRP's obligations

Art. 45 TSO is entitled to request market participants to submit a financial guarantee before such market participant is registered as BRP; in case a BRP is registered by a market participant that had been registered as BSP according to the Terms and conditions for BSP and FCR providers, and this BRP has not taken balancing responsibility for other market participants the TSO can accept joint financial guarantee for the market participant's payment liabilities, both as BRP and as BSP.

Art. 46 (1) The financial guarantee provided by a market participant registered as BRP can limit the maximum size of such BRP, as determined according to the provisions of Art. 55 and/or the corresponding volume of block exchanges, exports and imports.

(2) The application of provisions in para (1) should be detailed by the TSO in the procedure mentioned in Art. 47 and aims at correlating the respective BRP's submitted financial guarantee, the sum between net sales, the consumption and export during the risk period, assessed using the information about the energy volumes transacted according to sale-purchase contracts concluded, while also taking into consideration the average imbalance price in the last 3 months.

(3) The limitation provided in para (2) is requested when potential significant imbalances are found and/or payment delays are registered following by financial guarantee utilisation, without their later reconstitution to required amount.

Art. 47 (1) TSO elaborates after public consultation the procedure to determine the need for and types of requested financial guarantees, to achieve and verify financial guarantee constitution and their supplement, if need be, and to use the available amount remaining from the BRP-submitted guarantee.

(2) The amount of requested guarantee takes into account the probability to have positive difference between the BRP's monthly payment liabilities and collection rights with the TSO, therefore it is tailored according to the payment delays recorded in previous periods.

(3) TSO publishes on its internet page the procedure provided in para (1).

Section 3.5 The size of BRP

Art. 48 Each NO should transmit the TSO information every month about the size of each BRP in his own activity area.

Art. 49 No later than the 5th week-day of each calendar month each NO transmits to the TSO and to each BRP the following information of its licence area:

a) The summed up amount of annual output estimated for generating units, which the respective BRP assumed balancing responsibility for;
b) The summed up amount of annual consumption estimated for electricity consumers, which the respective BRP assumed responsibility for;

Art. 50 The annual outputs and consumptions estimated for the next 12 months, transmitted according to the provisions of Art. 49 can rely on the following information, without limitation to it:

a) Annual quantities estimated for CPT used by the respective NO to determine network tariffs;
b) Annual output or consumption, as applicable, registered in the last 12 months for the respective generation / consumption place; or
c) In case of a generation / consumption place which data are not available for- an estimation, as realistic as possible, of annual quantities as agreed with the supplier of the consumption place and/or the NO with such user of the power network and/or BRP;

Art. 51 In case the data transmitted by an NO according to the provisions of Art. 49 are incorrect, such BRP can contest them with the NO within 5 week-days from transmission. If a BRP has not transmitted a contestation within such term then the data sent according to Art. 49 are considered confirmed by such BRP.

Art. 52 An NO verifies any contestation received about the data transmitted according to the provisions of Art. 49 within 5 week-days from contestation receipt and should communicate the analysis result to this BRP. If the data were incorrect the NO transmits the corrected data to the TSO and the respective PRE.

Art. 53 TSO and any NO can agree to limit the monthly exchange of information between them required according to this section, only to the data that changed in comparison with last month.

Art. 54 In each calendar month after NO's transmission of information provided in Art. 49 the TSO determines the total size of each BRP by aggregating the information and transmits it to BRP.

Art. 55 A BRP's size cannot exceed 30% of the net total output injected into NPS during the previous year and/or 30% of the net total consumption of NPS in the precedent year.

Section 3.6 Withdrawal and revocation of BRP registration

Art. 56 In case a market participant's activity on the electricity market ends it informs the TSO in writing about his withdrawal as BRP. TSO establishes and publishes the conditions and framework-format for such withdrawal request in the procedure provided in Art. 36.

Art. 57 Market participants registered as BRP that can no longer comply with the obligations ensuing from this Regulation should inform the TSO without any delay.

Art. 58 TSO can decide on his own initiative to recall the BRP registration of a market participant for any one of the following reasons:

a) TSO finds out that:

(i) The financial financial guarantee submitted by the BRP are lower than the required amount for such BRP and

(ii) BRP did not manage to increase the financial guarantee amount to the requested level within 9 week-days from the TSO's request date and/or

(iii) BRP did not reduce the BRP size within the term provided in pt. (ii), so the financial financial guarantees constituted could be sufficient or to be able to comply with the procedure provided in Art. 47 and/or

(iv) BRP within 9 week-days did not transferred his balancing responsibility to another BRP that should have increased in this interval his financial financial guarantees up to the amount covering the TSO's request or

b) TSO is informed about the market participant's bankruptcy or liquidation, or

c) ANRE has informed the TSO about such market participant's expiry / withdrawal / suspension of his licence / transaction right;

Art. 59 TSO can also recall a BRP registration if the respective market participant has repeatedly or for a long time failed to fulfil the other obligations ensuing from this Regulation, in case of significant and/or frequent digression. In such a case the TSO is entitled to recall the BRP only when he has notified the BRP and the other parties provided in Art. 61 and only if he did not fulfil the respective obligations within 10 week-days from the notification provided in Art. 60.

Art. 60 10 week-days before deciding to recall a market participant's BRP registration according to the provisions of Art. 58 let. a) or of Art. 59, as well as in cases of withdrawal at the party's express request the TSO should notify the market participant about procedural recall tripping and terms.

Art. 61 In case the revocation reasons continue after 2 week-days from the notification provided in Art. 60 the TSO:

a) Notifies the ODDPRE, all distributors in whose networks the BRP had metering points and market participants registered as BRP that had balancing responsibility transferred to such

BRP, and to other BRPs the BRP in question had block exchanges in the last 6 months, about the possibility of recall and its term;

b) Publishes on its internet page an alert about the possible BRP recall addressed to the participants on the electricity market and to the BRPs the BRP in question had contracts / notified block exchanges;

Art. 62 In case the revocation motives have been removed within the compliance terms provided in Art. 58 let. a) or in Art. 59, TSO publishes within 1 day on its internet page an information about maintaining the market participant as BRP.

Art. 63 If the terms provided in Art. 58 let. a) or in Art. 59 are met and the recall motives persist, the next day TSO recalls the BRP and:

a) No later than 9:00 AM he announces on its internet page the revocation of the market participant as BRP and transmits a notification in this respect to all transferee DSO;

b) Strikes off the respective BRP from the BRP register and publishes the register's updated version;

c) Transmits to ANRE the information provided in the Take-over Regulation;

d) Requests ANRE to withdraw / suspend the respective participant's licence if the recall was not of this reason, providing the motivation for BRP revocation;

Art. 64 In case a market participant's registration as BRP is recalled using the provisions of Art. 58 let. a) or of Art. 59, such recall produces effects for the day following the publication date of the updated version of BRP register.

Art. 65 If the recall reason is provided in Art. 58 let. b) or c), such recall produces effects from the date when the market participant is withdrawn / suspended / or expire the licence or that goes bankrupt, if this date is later than the day when the TSO acknowledges this situation, or in contrary case on the acknowledgment date; on the same date the TSO publishes the updated version of the BRP register.

Art. 66 In case the BRP retires upon request his BRP registration loses validity within 9 week-days from the market participant's request; the day after receiving such request the TSO announces on its internet page the date when BRP's retirement produces effects.

Art. 67 Market participants that had transferred their balancing responsibility to a revoked BRP are applied the provisions of the section pertaining to BRP exclusion, the associated terms beginning from the notification date provided in Art. 61.

Section 3.7 Transfer of balancing responsibility

Art. 68 A requester BRP together with receiver BRP should ask the TSO to approve the balancing responsibility transfer and communicate the date wherefrom the transfer is intended.

Art. 69 The requester BRP should inform about such request all market participants he has contractual exchanges of electricity with and the NO in whose networks are connected the generation / consumers found under his responsibility, specifying the capacity of receiver BRP and the date when he intends making such transfer, as well as any other necessary information.

Art. 70 Within 2 week-days from TSO's receiving the transfer requests for balancing responsibility from both the requester BRP and the receiver BRP the TSO:

a) Informs the abandoned BRP, if any, the requester BRP intends transferring his balancing responsibility to the receiver BRP;
b) Establishes the new financial financial guarantees to be provided by the receiver BRP and informs the latter about the quantum of such financial guarantee;
c) Establishes the amount of financial financial guarantees which should be provided by the abandoned BRP, if any, and informs it about the changes occurred;

Art. 71 TSO approves the balancing responsibility transfer within maximum 2 week-days if the following conditions are fulfilled:

a) On the transfer date of balancing responsibility the receiver BRP has been recorded as BRP in the BRP register provided in Art. 93 with unsuspended Agreement to assume balancing responsibility;
b) Receiver BRP provides the necessary financial financial guarantees in order to be transferred the balancing responsibility for the requester BRP, as communicated by the TSO;
c) The abandoned BRP, if any, confirms it has received all information about the transfer;
d) Each NO in whose networks the requester BRP has connected consumption / generation places which he assumes balancing responsibility for verifies and communicates to the TSO the conditions provided in Art. 103 and Art. 104 have been complied with;
e) Requester BRP, receiver BRP and, if any, abandoned BRP have sent to NO in whose areas the requester BRP has consumption / generation places, all the information they requested as necessary to allocate to the BRP and aggregate the metered values in the metering points of each one;

Art. 72 Amending the structure of BRP(s) upon request of involved market participants is recorded in the BRP registered published by the TSO on the request approval date.

Art. 73 The aggregation mode of metered consumption / generation values from a BRP is changed after the TSO's approval of the request to change the component structure in the respective BRP according to the provisions of Art. 71, and NO begins applying it after the day when such updated BRP register version was published, with such changes.

Art. 74 All NOs collaborate and elaborate, after public consultation, a single procedure regarding establishment, verification, confirmation by all involved parties and implementation of the aggregation

applied to metered values from a BRP, which each NO publishes then on its internet page within three months at the most from this Regulation's publication in Romania's Official Gazette, Part I.

Art. 75 If the TSO does not approve the balancing responsibility transfer he informs without delay both the requester BRP and the receiver BRP, along with the abandoned BRP and motivates such decision. In case the refusal is motivated by absent information or by un-constituted financial guarantees in the required amount by the receiver BRP, the approval term provided in Art. 71 will be extended up to 2 week-days from the TSO's receipt of missing information or until the requested financial financial guarantee is constituted; the terms resulting from the application of provisions from Art. 68 – Art. 71 cannot be extended beyond 9 week-days.

Art. 76 As soon as the TSO approved the transfer of balancing responsibility he:

a) Informs the requester BRP, receiver BRP, ODDPRE and, if any the abandoned BRP;

b) Informs all NO involved so they can update their own system service registers with the information resulting from balancing responsibility transfer, published on their internet page and

c) Enlists such balancing responsibility transfer in the BRP register and publishes its updated version on its internet page;

Art. 77 Such transfer of balancing responsibility produces effects beginning with the next calendar day from that when the TSO published the updated BRP register version provided in Art. 76, let c).

Art. 78 The conditions and terms provided in Art. 68 – Art. 77 are also applied when the requester BRP wants to assume balancing responsibility in his own name, in which case the receiver BRP is the same with the requester BRP, or the case when the requester BRP is BRP in his own name and wants to transfer the balancing responsibility to another BRP, in which case the abandoned BRP is the same with the requester BRP.

Art. 79 In case the TSO did not approve within the 9 week-days period the balancing responsibility transfer from the requester BRP to the receiver BRP or he did not approve balancing responsibility assumed by the BRP in his own name, the TSO recalls the requester BRP in the day after such term expiry and requests ANRE to activate FUI (fall-back supplier), if need be, and fetch the requester BRP's licence, with all corresponding motives.

Art. 80 Until the transfer approval date but no more than 10 week-days, the balancing responsibility for the requester BRP remains the task of the abandoned BRP.

Section 3.8 Exclusion from BRP

Art. 81 A BRP can one-sidedly give up assuming balancing responsibility for a market participant recorded as BRP which he had previously assumed balancing responsibility for under the following conditions:

a) BRP announces his decision to the market participant at least 10 week-days before the date when he intends to stop assuming balancing responsibility for it;

b) BRP announces the TSO of his intention on the same date, communicating all information about the consumption of the market participant's consumption places, contractual procurements and sales, the amount of the market participant's debts to the BRP, if any, and the date beginning which he does no longer assume balancing responsibility for that one;

c) BRP announces the OR where the market participant has metering points corresponding to consumption / generation places under his responsibility, and ANRE also if the market participant has end customers, as well as the BRP it had commercial exchanges with, notified as block exchanges in the last 6 months.

Art. 82 In the interval between the notification date and the market participant's announced BRP exclusion date, which cannot be smaller than 10 week-days, the BRP continues holding financial responsibility for all its imbalances.

Art. 83 In case within maximum 9 week-days from the exclusion notification date the market participant under exclusion does not submit a fiancial guarantee according to the provisions of the section regarding the BRP size in order to remain registered as his own BRP or he does not transfer balancing responsibility as requester BRP to another BRP, observing the terms provided in Art. 68 – Art. 77, TSO recalls the market participant as BRP and in the day following the expiry of such term the TSO carries out the actions provided in Art. 63.

Section 3.9 Amending the BRP configuration

Art. 84 A market participant registered as BRP can modify the configuration of his own generation / consumption places or those of consumers he assumes balancing responsibility for, compared to the previous one, under the following conditions:

a) He provides the proper information to the TSO and to the NO where his new generation and/or consumption places are connected, which he assumes balancing responsibility for and/or those he does no longer accepts responsibility for, minimum 2 week-days before the day when he intends to have the new configuration taken into consideration;

b) The information is confirmed by the BRP in whose configuration are shown such modifications, verifying the condition provided in Art. 103 or on the contrary, the change is properly motivated for the NO by the requesting BRP based on applicable Regulations;

Art. 85 OR involved apply the aggregation method to properly metered values according to the performed modification as per the procedure provided in Art. 74 as of the requested date.

Art. 86 TSO elaborates, after public consultation, procedures applicable for balancing responsibility transfer, BRP exclusion, amending BRP's configuration and BRP recall. They can include preliminary

or concomitant actions, which should enable participants to comply with the terms provided in this Regulation and diminish risks for market operation.

Art. 87 TSO publishes the procedures elaborated according to the provisions of Art. 86 on its internet page.

Section 3.10 Agreement to assume balancing responsibility

Art. 88 Such covenant is an Agreement concluded between a TSO and a market participant, establishing the mutual rights and obligations of the TSO and the market participant, in its capacity of BRP.

Art. 89 TSO concludes convention to assume balancing responsibility with each market participant that requested being recorded as BRP in order to be able to be active on the electricity market and comply with the requirements of this Regulation.

Art. 90 A convention to assume balancing responsibility validly concluded is a prerequisite for the market participant's registration as BRP.

Art. 91 Once full transfer of balancing responsibility was placed on another BRP the convention to assume balancing responsibility signed with the market participant registered as BRP is suspended, and such suspension ends automatically on the TSO-approved date for balancing responsibility to be resumed in his own name, according to the provisions of this Regulation.

Art. 92 Conventions to assume balancing responsibility are concluded according to the framework convention, which is elaborated by the TSO after public consultation and posted on its internet page.

Section 3.11 BRP Register

Art. 93 TSO sets up and fills in the register to record BRPs.

Art. 94 BRP that have been registered by the TSO are written in the BRP register. The BRP register contains at least the following information for each BRP:

a) Full name, EIC code, headquarters' address and contact data of the market participant that established a BRP;

b) Date and registration number of the convention to assume balancing responsibility;

c) BRP's identification code;

d) Names and contact data of all persons mandated to act on behalf of such market participant;

e) Identification data of the BRP where he transferred balancing responsibility, if applicable, and the transfer date;

f) Identification data of the BRP he assumed balancing responsibility for, if applicable, and the date of each of such transfer;

g) NO's name in the area where the BRP has consumption / generation places which he assumes balancing responsibility for and their list;

Art. 95 Each BRP is entitled to consult the BRP register and ask correction of any error found about it.

Art. 96 TSO places at ODDPRE's disposal and of all NO the information contained in the BRP register.

Art. 97 TSO informs immediately ODDPRE and NO by electronic mail about any change made in the BRP register.

Art. 98 TSO maintains the history of changes made in the BRP register at least for 12 months.

Art. 99 TSO informs immediately all BRPs about a new BRP's record in the register or about the transfer, exclusion or cancellation of an existing BRP, by publishing an announcement on its internet page and a list of all BRPs, including the latest update of each BRP component structure.

Section 3.12 System service register

Art. 100 Each NO establishes and fills in a register of system services, integrating the database set up according to the Supply Regulation and Metering rules.

Art. 101 In addition to the information provided in the Supply Regulation and Metering rules the system service register of each NO contains at least the following information for each generation place of an electricity producer connected to its networks:

a) Single denomination of the generation / consumption and generation place;
b) The installed capacity of the generation place;
c) The identification code of the BRP holding balancing responsibility for such generation place; only in case of a consumption & generation place can be attached a BRP for the MTU (settlement interval) when it is generation place and another BRP for the MTU when it is consumption place;

Art. 102 Each network user is entitled to consult the information about him in the system service register and is obliged to request correction of any inaccuracy of such data.

Art. 103 TSO asks for needed information included in the NO's system service registers and verifies with them the prerequisite for each metering point to correspond to a generation place, to a consumption place, to a consumption & generation place or to an exchange point, including for a network's CPT, respectively generation places should have each only one BRP, which assumed balancing responsibility for them.

Art. 104 In case a BRP is recalled and the FUI (fall-back supplier) procedure is tripped for certain consumers, the condition provided in Art. 103 is deemed accomplished for such consumption places in the interval from the date when the current supplier does no longer complies with the balancing responsibility assumed prerequisite for the respective consumer places to pay their imbalances, as resulting from the information the TSO sent to ANRE according to the provisions of the Regulation to take-over and the notification date of such consumption places take-over by FUI transmitted by ANRE

to NO, balancing responsibility being attributed to the BRP registered by the designated FUI or, if applicable to the BRP where he transferred balancing responsibility to.

Chapter IV

Rules for SN (schedules notification)

Section 4.1 General principles

Art. 105 The objective of SN rules in this section is to provide a framework to supply information about the net energy volumes transacted on the markets before the balancing one, imports / exports, preparation of the generation and consumption schedule and determining the availability of balancing energy reserves, necessary to enable TSO to provide:

a) NPS integrity;
b) Electricity supply safety and quality;
c) Sufficient available capacity to cover any time the demand within NPS and a proper reserve;
d) Management of network restrictions;
e) determination of imbalances after delivery day;

Art. 106 Physical accomplishment of contractual obligations requires sending notifications on all contractual exchanges in-between BRPs to ODDPRE by means of the TSO, as they are considered achieved according to notified amounts within 10 week-days from the end of the delivery month.

Art. 107 Contractual energy exchanges made by a BRP with another BRP are included in the SN under the name of block exchanges.

Art. 108 Each BRP is obliged to send the SNs of such BRP for each MTU of the delivery day to the TSO. OPEED also transmits to TSO one SN of the same kind as BRP for transactions concluded as counterpart on the DAM and as BRP for transactions concluded as counterpart on the IDM.

Art. 109 SN of a BRP contains in each MTU all the information provided in the section regarding theS SN content and format, as well as the energy exchange between the BRP –DAM/BRP - IDM and BRP related Transfer agent.

Art. 110 SN for energy exchange between the BRP – DAM/BRP - IDM and BRP related Transfer agent are transmitted by OPEED and should be limited to cross-zonal capacities implicitly allocated through DAM and IDM coupling mechanisms, according to the applicable national and European legislation.

Art. 111 The structure and transmission mode of availability declarations and of SN are specified in the provisions of this Regulation and the Terms and conditions for BSP and FCR provider.

Art. 112 TSO elaborates the procedures required to apply the provisions of this chapter following public consultation and publishes them on its internet page.

Section 4.2 SN content and format

Art. 113 Schedule notifications contain at least the following information:

I. BRP's identification code of the BRP that transmitted such SN;

II. Delivery day and separate data for each MTU in the respective delivery day, respectively:

A. Planned generation / consumption of each RPU/RPG; in addition the TSO can request the planned generation / consumption schedule of each unit of the RPU/RPG;

B. Planned output for each generating unit with installed capacity above 4 MW, which is not prequalified as RPU and not part of a RPG or for each generating unit above 1.5 MW qualified for the frequency containment reserve and not part of a RPG;

C. Planned generation summed up for all generating units, others than those of let. A) and B);

D. Summed up consumption forecast for all electricity consumers that have no prequalification;

E. Block exchanges with other BRP in the national transaction zone, individually for each BRP which BEs were established with, including:

1. BE between a BRP containing an aggregator for producers registered in other BRPs participating on other markets before the BM and the respective BRP;
2. BE between a BRP that made transactions on the BM with generating units or storage facilities, and the metering points of composing facilities of a RPG are not within such BRP, and the BRP containing the respective metering points. BE are equal to the electricity metered for upward and downward regulation spread-out by the BSP after receiving the metered values, which he receives from the MO according to the Metering Regulation.
3. BE between the suppliers of the same consumer and those related to the energy transfer between the BRP of a consumer's supplier and the BRP of his aggregator, if such BRP are different, and the aggregator performed sale or purchase transactions on the markets before the BM based on its consumption or the active aggregator like BSP achieved transactions on the BM on behalf of its consumption as follows:

(i) The volume of energy corresponding to the consumption provided by the supplier that does not assume balancing responsibility for a consumption place found in the portfolio of several suppliers is considered and notified as block exchange between the BRPs it belongs to and the BRP of the main supplier;

(ii) In case the aggregator performed transactions on the markets before BM, BE corresponding to energy transfer are equal to the difference between the consumer's metered consumption and his reference consumption on the markets previous to BM and their direction is from the supplier's BRP to the aggregator's BRP; if such difference is negative from the aggregator's BRP to the supplier's, if the difference is positive; the aggregator notifies the supplier of each consumer based on the

consumption which he performed transactions on in each MTU regarding the consumer's identification data, as well as on the MO and NO, at least in the week-day following the receipt date of consumption metered data, provided in the Metering rules;

(iii) In case an active aggregator like BSP for consumption values within the aggregation has performed transactions on the BM, and the RPU's metering points and those of RPG components are not all found in the aggregator BRP, BE with the supplier's BRP are equal to the energy metered for upward, respectively downward spread-out by the BSP after receiving the metered values from the MO, according to the provisions of Metering rules as follows:

a) The output direction from the supplier's BRP and input into the aggregator's BRP in case of upwardtransactions on the BM and

b) Input direction into the supplier's BRP and output from the aggregator's BRP in case of downward transactions on the BM;

F. Exports and imports established with other countries, separately for each border transaction area;

Art. 114 In addition to the information provided in Art. 113, SN of OPEED contain BE with each BRP in the national transaction area corresponding to sale/purchase transactions on the DAM and separately on the IDM, respectively with each BRP Transfer Agent established by the TSO to manage cross-border transactions on such markets.

Section 4.3 SN transmission and cancellation

Art. 115 Each BRP and OPEED transmit SNs of generation, consumption amounts to the TSO and BE for a MTU of the delivery day until 16:30 h in D-1; the issuer can modify them for day D as follows:

a) At least 50 minutes before the delivery MTU for generation /consumption nominations, taking also into account IDM transactions;

b) Any time before the delivery MTU for BRP's BE, others than those provided in Art. 113 pt. II let. E pt. 2 & 3 sub-points (ii) and (iii);

Art. 116 SN can be transmitted earliest 30 days before the delivery day.

Art. 117 SN is transmitted to the TSO according to the procedures provided in Art. 112.

Art. 118 The responsibility for SN accuracy with respect to generation and/or scheduled consumption for an RPU/RPG of the outline of the BRP, devolves to each BSP according to the provisions from the Terms and conditions for BSP and FCR providers.

Art. 119 SN are transmitted in electronic format through the communication channels established by the TSO.

Art. 120 SN is considered transmitted at the moment of submission to the IT system of the balancing market. As soon as a new SN enters the IT system of the balancing market, the BRP that transmitted that particular SN will receive an electronic confirmation of reception.

Art. 121 The IT system of the balancing market verifies the SN's compliance with format requirements provided in the procedure elaborated by the TSO and posted on its internet page.

Art. 122 If the IT system of the balancing market does not accept a SN the BRP that transmitted it receives immediately an error message specifying the incompliance found, and the respective SN is considered cancelled.

Section 4.4 SN validation

Art. 123 The balancing market's IT system automatically checks all SN in terms of content accuracy. The error is automatically transmitted to the issuer.

Art. 124 SN validation according to the provisions of Art. 126 is performed as per TSO's procedure according to the provisions of Art. 112.

Art. 125 SNs of a BRP are available for such BRP's view by means of the balancing market's IT system.

Art. 126 The IT system of the balancing market examines the entirety, accuracy, coherence and feasibility of each SN and of all of them, checking whether:

a) There is equality of mutual BE between the BRP of each MTU;
b) The scheduled generation / consumption of each RPU/RPG complies with the AD of RPU/RPG for the same delivery day and the same MTU;
c) The limits defined by the RPU's/RPG's technical characteristics are complied with;
d) Energy exchanges with other systems (export and import) comply with the aggregated exchange capacity allocated to the respective BRP on each border and direction;

Art. 127 Each BRP does his best to adapt the generation and/or the transactions conclusion of energy sale and/or purchase so as the sum between generation, import and purchases can be equal to the sum between consumption, export and sale in each MTU. A SN is considered to be in imbalance if the sum of generation, imports and received BEs is not equal with the sum of consumption, exports and supplied BEs, separately for each transaction area and each MTU, taking into account the completion of BE with those related to transactions on the IDM, transmitted by ID-15 minutes.

Art. 128 In case of inconsistencies between the BRPs mutual BEs found in the last SNs transmitted according to the terms provided in the section about the transmission and cancellation of schedule notifications, the respective BRP are automatically warned and if during the time interval dedicated to corrections defined in the procedures achieved as per Art. 112, the BRP cannot correct the SN the TSO takes the following measures:

a) In case of BE between OPEED and a BRP, the quantity transmitted through SN by OPEED is accepted;
b) If the direction provided in the SN by each of the two BRPs of a BE is the same, the quantity corresponding to the BE between the two BRP is considered equal with the lowest of the two values;
c) If the SNs of the two BRPs contain BEs between them but in opposite directions or only one of the BRPs provided a BE in its SN with the other, the quantity corresponding to the BE between the two BRPs is considered zero;

Art. 129 TSO is not responsible for the economic consequences of SN corrections made according to the provisions of Art. 128.

Art. 130 Any SN accepted in the balancing market's IT system, including the one the TSO modified according to the rules of this chapter, becomes SN approved.

Art. 131 SN approved represent firm obligations for the respective BRP, and they can be changed only in the cases provided in the section about schedule notifications' transmission and cancellation.

Art. 132 In case after changes made according to the provisions in the section about transmission and cancellation of schedule notification inconsistencies are found between the mutual BE of a BRP, the IT platform on the BM brings the BE to the values of approved SN and announces the respective BRP about it.

Art. 133 If a BRP did not manage transmitting the BE before the term provided in Art. 115 let. b), the balancing market's IT system sends automatically a message about it to the respective BRP and to the BRPs as well that notified BE together with the latter one and the balancing market's IT system generates automatically implicit SN for it in that MTU, all values equal to zero, which can be seen also by partner BRPs in the IT system of the balancing market.

Section 4.5 Modification of SN

Art. 134 Schedule notifications can be modified only in the following circumstances:

a) In case a TSO selects a balancing energy bid on BM or an extra energy volume outside BM using financial compensations (a dispatcher command is issued);
b) At the latest in the 10th week-day of the month following the delivery month for BE corresponding to the energy transfer between a BSP found in another BRP in case generating RPU/RPG participates on the BM by means of it, provided in Art. 113 pt. II let. E pt. 2;
c) At the latest in the 10th week-day of the month following the delivery month for BE corresponding to the energy transfer between supplier(s) and the active aggregator like BSP found in another BRP, in case consumer RPU/RPG participates on the BM by means of it, provided in Art. 113 pt. II let. E pt. 3 sub-point (ii);

d) At the latest in the 10th week-day of the month following the delivery month for BE corresponding to the energy transfer between supplier(s) and the aggregator found in other BRP, in case a consumer participates on markets before the BM by means of it, provided in Art. 113 pt. II let. E pt. 3 sub-point (iii);

e) In case of accidental partial or total loss of power of RPU/RPG; the incident will be, also, notified to the TSO;

f) In case a BE error is found and corrected, according to the provisions of Art. 128;

Art. 135 Schedule notifications modified according to the provisions of this section replace the previously-approved schedule notifications according to the provisions of article 130, and are applied for the delivery day in corresponding MTU constituting firm obligations for the respective BRP.

Chapter V

Rules to take-over of electricity generated during the test period of power-generating capacities / storage facilities and delivered into power networks

Art. 136 The time necessary to make tests in order to commission power-generating / storage facility, hereinafter called test period, is the interval from the energising time for tests and the licence issuance date, but no more than 24 months from the first energisation date.

Art. 137 The natural / legal person that commissions a new power-generating / storage facility or one which was refurbished carries out operational tests for such capacity while observing the provisions of the Regulation regarding users' connection to networks of public interest, approved by order of ANRE president, and the regulatory framework of NPS balancing.

Art. 138 To commission the capacities provided in Art. 137 the following provisions are applied:

a) To be able to commission the generating capacity / storage installation, the natural / legal person takes the necessary steps according to the applicable regulatory framework for his record as provisional BRP during the test period with the TSO, according to the establishment authorisation and the connection permit held;

b) During the test period the natural / legal person does not transmit balancing energy bids to the BM, bids associated to such power-generating / storage facility;

Art. 139 BRP provided in Art. 138 notify daily the TSO about the planned output of the power-generating / storage facility found under test, according to the TSO-approved test plan; by derogation from the provisions of chapter III, the BRP where the generating capacity / storage installation provided in Art. 138 belongs to notifies imbalance schedule according to the test plan of such capacity.

Art. 140 In case of electricity generated during tests and supplied to NPS, the natural / legal person that commissions new power-generating / storage facilities provided in Art. 137, or which were refurbished receives from the TSO a price equal to the arithmetic average of ROPEX_DAM_Base

indexes, calculated for 90 calendar days before the delivery day; the price is the same for the same MTU of a delivery day.

Art. 141 The calculation of the provisional BRP's collection rights during the test period for electricity generated and delivered into NPS is made by ODDPRE that publishes the results on the IT platform on the same date when information notes are completed and published for monthly imbalance settlement.

Art. 142 When the TSO determinines the value of demand for balancing energy on BM, it takes into account the test plans notified according to Art. 139.

Chapter VI

Calculation rules for BRP imbalances

Section 6.1 General provisions

Art. 143 The purpose of imbalance calculation rules in this section is to establish the differences between:

a) Metered generation amounts plus notified values of procurements according to contracts, including imports and

b) Metered consumption amounts plus notified values of sales according to contracts, including exports, taking into consideration also the physical exchanges in-between networks in case of BRP that assumed balancing responsibility for the CPT of a market;

Art. 144 Notified values should correspond to contractual commitments that market participants assumed before the MTU or following transaction conclusion on the BM and/or those outside the BM with compensation in view of congestion management or energy transfer related to the transactions achieved on each market on behalf of consumption, and the measured values are considered the generation, consumption and exchanges that were physically performed during the MTU.

Art. 145 Imbalances are determined in aggregated mode at BRP's to enable financial compensation of individual imbalances between BRP members limited to the forecast errors / unexpected events; of reasonable deviations between measured and notified values, without impacting the market participants' obligation to forecast as well as possible the consumption and generation, and to strive to provide coverage of consumption / delivery of generation by contracting.

Art. 146 A BRP's imbalance is determined using the net measured position and the net contractual position of such BRP.

Art. 147 Each BRP's net contractual position notified is determined using all the contractual energy exchanges notified as BE established with other BRPs, including the transactions performed through the DAM and IDM, the import and/or export transactions, and following BSP's transactions on the BM and/or for the bids selected on the BM for congestion management, respectively the transactions with compensation the TSO concluded outside the BM for congestion management.

Art. 148 The energy transfer between a consumer's supplier and the aggregator transacting energy on any market on behalf of such consumer is notified as BE between BRP corresponding to them according to the provisions of chapter IV, and is based on a bilaterally negotiated contract or, in case the parties cannot reach to Agreement, as dispute settlement mechanism, it is compulsory to conclude a contract with the energy price corresponding to the respective MTU provided in the supply contract, respectively the one that does not contain the amount of network and system tariffs, the contributions / bonuses of any kind, of green certificates and of any charges and excise applied by the supplier.

Art. 149 The energy transfer resulting from the BM activation between a BSP with RPG consisting of generating units or storage facilities and generators / their owners having such units / facilities within this RPG, but are registered in other BRP is notified as BE between BRP corresponding to them according to the provisions of chapter IV about the content and format of schedule notifications in this Regulation.

Art. 150 Each BRP's net measured position is determined using all metered electricity deliveries from or to NPS, or between different parts of NPS according to the metered values approved in the proper metering points.

Art. 151 ODDPRE calculates the BRP imbalances provided in this chapter.

Section 6.2 Net contractual position of a BRP

Art. 152 The following energy exchanges are defined as contractual exchanges:

a) BE with other BRP included in the approved schedule notification;
b) Imports related to contracts according to the exchange schedules notified to the TSO and included in the BRP's schedule notifications, exports resulting from the DAM & IDM coupling mechanism, notified by BRP as Transfer agent;
c) Exports related to contracts according to the exchange schedules notified to the TSO and included in the BRP's schedule notifications, exports resulting from the DAM & IDM coupling mechanism, notified by BRP as Transfer agent;
d) Total quantities from transactions engaged by a BSP for upward regulation on the BM;
e) Total quantities from transactions engaged by a BSP for downward regulation on the BM;
f) Total quantities from transactions engaged for upward regulation, for congestion management by a BSP / market participant that received activations of generating units for congestion management;
g) Total quantities from transactions engaged for downward regulation, for congestion management by a BSP / market participant that received activations of generating units for congestion management;
h) Total balancing energy quantities achieved by a BSP during frequency containment for upward regulation on the BM;

i) Total balancing energy quantities achieved by a BSP during frequency containment for downward regulation on the BM;

Art. 153 ODDPRE determines for each BRP, separately in every ID:

a) Net contractual position PN_{contr} of a BRP, other than the provisional BRP during test periods, with the formula:

$$NP_{contr} = (\sum BE_{sale} - \sum BE_{purch}) + (\sum EX - \sum IM) + (\sum E_{bal}^{up} - \sum E_{bal}^{down}) + (\sum E_{FCR}^{up} - \sum E_{FCR}^{down}) + (\sum E_{Con}^{up} - \sum E_{Con}^{down})$$

Where:

- NP_{contr} represents BRP's net contractual position;
- BE_{sale} represents block exchanges the BRP notified as sales to another BRP;
- BE_{purch} represents block exchanges the BRP notified as purchases from another BRP;
- $\sum E_{bal}^{up}$ / $\sum E_{bal}^{down}$ represents total energy volumes for upward / downward regulation, engaged on BM by BSP which the BRP assumed balancing responsibility for;
- $\sum E_{FCR}^{up}$ / $\sum E_{FCR}^{down}$ represents total energy volumes activated during frequency containment calculated according to chapter IX of the Terms and conditions for BSP and FCR providers;
- $\sum E_{Con}^{up}$ / $\sum E_{Con}^{down}$ represents total energy volumes activated for congestion management, resulted from the activation of balancing energy bids from BM, plus total amounts of activated energy resulting from activation of bids based on financial compensations outside the BM, according to the provisions of Art. 95 and Art. 96 from the Regulation regarding the Terms and conditions for balancing service providers and the providers of frequency containment reserve, approved by Order 127/2021 of ANRE president;
- EX represents BRP's exports included in the SN;

IM represents BRP's imports included in the SN;

b) NP_{contr} of the provisional BRP during test periods as being equal to the volume of energy generated during the test period and supplied into NPS by the power-generating / storage facility found during tests by the TSO according to the provisions of Art. 140.

Art. 154 To calculate the net contractual position notified, the total quantity of energy sold or purchased within an MTU is considered as delivered at constant capacity during the entire MTU.

Art. 155 Contracted quantities related to each MTU are expressed in MWh, with 3 decimal points.

Section 6.3 Net metered position of a BRP

Art. 156 Measured deliveries are defined as delivered electricity metered in a metering point between NPS and a generator or consumer, as applicable, in an exchange point between an NO's power network and another NO's power network or between NPS and the network of an NO / a consumer / a producer from another state.

Art. 157 The following energy exchanges are defined as metered deliveries:

a) Net generation, representing electricity delivered into electricity transmission / distribution of NPS or to a generation place;
b) Net consumption, representing volume of energy absorbed by a consumer from transmission / distribution networks of NPS;
c) Exchanges between power networks belonging to two different grid operators, used in order to determine the CPT of electricity transmission / distribution networks;
d) Exports from NPS to other countries;
e) Imports from other countries into NPS;

Art. 158 A BRP's net metered position, other than the BRP of an NO, or the BRP that assumed balancing responsibility for an NO, is determined as follows:

a) The net output summed up in producers' generation places which the respective BRP assumed balancing responsibility for

   Minus

b) The net consumption summed up in the consumption places of consumers, for which the respective BRP assumed balancing responsibility; in case the consumption of a consumption place is provided by several suppliers, included in different BRPs, the metered consumption of the BRP that did not assume balancing responsibility is considered zero.

Art. 159 Net consumption is determined using metered deliveries, considered distinctly according to the provisions of Art. 157 let. b) for each BRP the market participant is part of.

Art. 160 The calculation of net metered positions considers the total electricity delivered or received within an MTU as delivered at constant capacity during the entire MTU.

Art. 161 Metered deliveries of each MTU are expressed in MWh, with 3 decimal points.

Art. 162 The net metered position of a BRP registered by an NO to manage the differences between the volume of energy procured to cover the CPT of the power network and the achieved CPT will be considered net consumption, at the CPT amount of the power network in NO's licence area, determined as difference between the total volume of energy injected into the licence area in metering points and the total volume of energy delivered from the network in the licence area into metering points, based on approved metered values corresponding to the following energy volumes:

(i) a) Electricity received physically from other network operators including, if need be, imports as well plus

b) The net generation of all generating units connected to the respective NO's power network, minus

c) The electricity delivered physically to other NO including, if need be, export, minus

d) The net consumption off all consumers connected to the respective OR's power network.

Art. 163 In case not all metering points in a licence area are endowed with metering equipment of proper resolution for MTU, in order to determine CPT of power networks in proper licence areas and to distribute it in each MTU, as well as to determine the net consumption of consumers that are not endowed with metering equipment of proper resolution for MTU, the NO in question in his MO capacity uses:

a) The procedure determining metered values by settlement interval of the technological consumption in electricity distribution networks, approved by Order 233/2020 of ANRE president,
b) The specific consumption profiles of each consumer category, determined using a procedure elaborated by the network operator and approved by ANRE and
c) The procedure determining the use of residual consumption profile, approved by order 232/2020 of ANRE president;

Art. 164 The power network's CPT and the net consumption values of consumers that are not endowed with metering equipment of proper resolution for MTU, determined according to the provisions of Art. 162, respectively of Art. 163, are considered approved metered values.

Art. 165 The net metered position of a BRP that took balancing responsibility to manage an NO's CPT is determined according to Art. 158, where consumption also includes the net consumption related to the network's CPT determined according to Art. 162 or Art. 163, as applicable.

Section 6.4 Imbalance of a BRP

Art. 166 A BRP's imbalance is that BRP's imbalance in each MTU and it represents the balance of individual imbalances of market participants registered as BRP and of the participants the respective BRP assumed balancing responsibility for.

Art. 167 A BRP's imbalance is determined separately for each BRP and every MTU as difference between the net metered position of a BRP and the net contractual position of such BRP.

Section 6.5 NPS imbalance

Art. 168 The imbalance of NPS in each MTU_i with a view to provide settlement of BRP's imbalances is determined by ODDPRE using the following formula:

$$D_i = UE_i - AR_i + BEx_i$$

Where:

- D_i represents imbalance volume of NPS; if $D_i > 0$ it means surplus, if $D_i < 0$ it means deficit,
- UE_i represents the volume of unintended energy exchanges with the interconnected power system Continental Europe, determined according to the provisions of Art. 176; in case of export, exchanges are considered positive and for import, exchanges are considered negative;
- AR_i represents activated reserves within TSO's control area; if $AR_i > 0$ means net up regulation, if $AR_i < 0$ it means net down regulation;

- BEx_i represents TSO - TSO exchanges performed by TSO, as results from dedicated European platforms according to the applicable European and national legislation and/or other purposes as bilateral contracts; in case of export, exchanges are considered positive and for import, exchanges are considered negative;

Art. 169 Activated reserves in the control area, are determined for each ID_i using the following formula:

$$AR_i = q_i^{Delivered} - IN_i - k\Delta ft_i$$

Where:

- $q_i^{Delivered}$ represents the net volume of energy delivered from standard products: RR, mFRR and aFRR for system balancing and congestion management, as well as outside the BM with compensation in TSO's control area;
- IN_i represents the volume of scheduled energy exchanges following the imbalance netting established on the dedicated European platform; in case of export, exchanges are considered positive and for import, exchanges are considered negative;
- $k\Delta ft_i$ represents the volume of scheduled energy exchanges for frequency containment in the synchronous area Continental Europe; in case of export, exchanges are considered positive and for import, exchanges are considered negative in the respective MTU;

Art. 170 The net energy volume: $q_i^{Delivered}$ is determined by the TSO for each MTU_i, using the following formula:

$$q_i^{Delivered} = \sum q_{i,j}^{Delivered}$$

Where:

- $\sum q_{i,j}^{Delivered}$ represents the algebraic sum of net volumes delivered by each RPU/RPG, generating unit (j), activated on the BM or outside BM with compensation, in TSO's power control area during MTU_i; the net energy volume delivered for upward regulation in one's control area of control power is considered positive and the net energy volume delivered for downward regulation in one's control area of control power is considered negative;

Art. 171 The net volume of energy delivered by a RPU/RPG, generating unit activated on the BM, or outside BM with compensation, in TSO's control area of control power is determined by the TSO for each MTU_i as follows:

a) In each ID_i, it is calculated the sum of all volumes contracted for the respective RPU/RPG, generating unit (j), for upward regulation, respectively downward regulation in own's control area of control power, symbolised by $\sum VC_{i,j}$

b) If $\sum VC_{i,j} > 0$ and

(i) Min ($\sum VC_{i,j}$, $M_{i,j} - Ns_{i,j}$) > 0, then $q_{i,j}^{Delivered}$ = Min ($\sum VC_{i,j}$, $M_{i,j} - Ns_{i,j}$) if

(ii) Min ($\sum VC_{i,j}$, $M_{i,j} - Ns_{i,j}$) ≤ 0, then $q_{i,j}^{Delivered} = 0$

Where:

- $M_{i,j}$ represents the metered value for each RPU/RPG, generating unit (j), which the BSP / market participant that received activations of generating units for congestion management has concluded one or several transactions for, engaged during such MTU_i;

- $Ns_{i,j}$ represents the scheduled volume (scheduled output notification) of each RPU/RPG, generating unit (j), which the BSP / market participant that received activations of generating facilities for congestion management concluded one or several transactions for, engaged during such MTU_i;

c) If $\sum VC_{i,j} < 0$ and

(i) Max ($\sum VC_{i,j}$, $M_{i,j} - Ns_{i,j}$) < 0, then $q_{i,j}^{Livrat}$ = Max ($\sum VC_{i,j}$, $M_{i,j} - Ns_{i,j}$) if

(ii) Max ($\sum VC_{i,}$, $M_{i,j} - Ns_{i,j}$) ≥ 0, then $q_{i,j}^{Delivered} = 0$

Art. 172 NPS imbalance in view of its publication by the TSO, 30 minutes after MTU_i closure at the latest, is estimated using the energy balancing volumes contracted in this MTU_i, taking also into consideration the estimated values of scheduled exchange volume for frequency containment and unintended exchanges of energy.

Art. 173 TSO determines NPS imbalance according to the provisions of Art. 168 and Art. 172 and, 30 minutes after MTU_i closure, publishes the value and sign of the NPS's estimated imbalance. The obligation to publish can be performed by explicit indication on one's internet page of a link to an internet page where such information is published.

Art. 174 TSO transmits to ODDPRE all the energy volumes provided in Art. 170, within 3 days from receipt of metered values from OMEPA. ODDPRE determines and publishes the final value of NPS's imbalance in each MTU of a delivery month within 3 week-days from receipt from OMEPA of metered / summed up values of electricity generation and consumption associated to every BRP.

Art. 175 In case the approved metered values established according to the provisions of metering rules, are different from metered values determined according to the provisions of the same metering rules the TSO remakes the calculation determining the delivered energy volumes mentioned in Art. 170, of every MTU based on approved metered values and transmits to ODDPRE such values of delivered energy volumes. ODDPRE recalculates and publishes the value of NPS imbalance in each MTU of every delivery day based on the data received from TSO.

Section 6.6 Unintended exchanges of energy

Art. 176 The volume of unintended exchanges of energy with the Continental Europe's interconnected power system is determined the second week-day after the delivery day in every MTU

of this day by the European platform dedicated to such exchanges - FSKAR, using the following formula:

$$UE_i = NP_{real,i} - NP_{plan,i}$$

Where:

- UE_i represents the volume of unintended exchanges of energy with the interconnected power system of Continental Europe for the MTU_i;
- $NP_{real,i}$ represents the net position established according to bilateral settlement Agreements with neighbouring TSOs in each MTU_i of the delivery day;
- $NP_{plan,i}$ represents the scheduled net position, equal to the algebraic sum between:
  - (i) The volume of scheduled energy exchanges for frequency restoration with manual activation, a volume resulting from the transaction of mFRR on the dedicated European platform and reported in the accounting data between the TSO and the other TSO of other countries;
  - (ii) The volume of scheduled energy exchanges from reserves for frequency restoration with automatic activation, a volume resulting from the transaction of aFRR on the dedicated European platform and reported in the accounting data between the TSO and the other TSO of other countries;
  - (iii) The volume of scheduled energy exchanges following imbalance netting established on the dedicated European platform and reported in the accounting data between TSO and other TSO of other countries;
  - (iv) The volume of scheduled energy exchanges as a result of frequency containment;
  - (v) The volume of scheduled energy exchanges following the balance variation period according to article 50 para (3) let. b) of Regulation (EU) 2017/2195 and to article 136 of Regulation (EU) 2017/1485;
  - (vi) The volume of scheduled energy exchanges following bilateral or multilateral Agreement s which are not mentioned in previous items;

Art. 177 TSO publishes on its internet page the volume of energy related to unintended exchanges of energy and the resulting price thereof in each MTU of the delivery month.

Art. 178 TSO transmits to ODDPRE, within 10 week-days from the delivery month end, the data regarding the energy volume associated to un unintended exchanges of energy and the cost / revenue of such, resulting in each MTU of the delivery month, in Romania's national currency at the exchange rate published by the National Bank of Romania in the transmission day, Lei with two decimal points.

Art. 179 TSO transmits to ODDPRE the data on the energy volume and the cost / revenue associated to scheduled exchanges provided in Art. 176 pt. (iii) and (iv), the energy volume of scheduled exchanges provided in Art. 176 pt. (v) as well as the TSO - TSO exchanges provided in Art. 168 for each MTU of the delivery month, within 10 week-days from the delivery month end, in Romania's

national currency at the exchange rate published by the National Bank of Romania in the transmission day, Lei with two decimal points.

Art. 180 TSO transmits to ODDPRE, immediately after receiving the invoice of a delivery month from the European entity responsible for settlement calculations, the data regarding the energy volume associated to unintended energy exchanges / the energy volume related to scheduled exchanges provided in Art. 176 pt. (iii), (iv) and (v), as well as the costs / revenues related to unintended / scheduled energy exchanges provided in Art. 176 pt. (iii) and (iv), resulting in each MTU of the delivery month, in Romania's national currency at the exchange rate published by the National Bank of Romania in the invoicing day, values expressed in Lei with two decimal points.

Section 6.7 Determination of costs and revenues resulting from NPS balancing

Art. 181 ODDPRE determines the costs, respectively the revenues for the balancing energy activated from the frequency restoration reserves and replacement reserves with the purpose of NPS balancing.

Art. 182 ODDPRE determines the costs of NPS balancing separately for each MTU*i* of the delivery month using the following formula:

$$C_{NPSbal,i} = \sum(q_{i,j}^{up} * p_{i,j}^{up}) + C_{IN,i}^{imp} + C_{UE,i} + C_{FCR,i} + C_{test,i}$$

Where:

- $C_{NPSbal,i}$ represents NPS balancing costs in MTU*i*, used under this name also in case they are negative;
- $q_{i,j}^{up}$ represents the balancing energy quantity corresponding to transaction *j* engaged to provide upward regulation within MTU*i*, in order to balance NPS from frequency restoration reserves and replacement reserves; $q_{i,j}^{Cres}$ will be considered as positive amount expressed in MWh, with 3 decimal points;
- $p_{i,j}^{up}$ represents the price of transaction *j* engaged to provide upward regulation within ID*i*;
- $C_{IN,i}^{imp}$ represents costs resulting from imbalance setting within MTU_i, transmitted by the TSO in Lei with 2 decimal points;
- $C_{UE,i}$ represents the costs ofunintended energy exchange within MTU_i, transmitted by the TSO in Lei with 2 decimal points;
- $C_{FCR,i}$ represents costs of scheduled energy exchanges following frequency containment within MTU_i, transmitted by the TSO in Lei with 2 decimal points;
- $C_{test,i}$ represents the sum of costs registered during test periods of power generating units / storage facilities provided in Art. 140, for each MTU_i;

Art. 183 ODDPRE determines the revenues resulting from NPS balancing, separately for each MTU_i of the delivery month, using the following formula:

$$V_{NPSbal,i} = \sum(q_{i,x}^{Down} * p_{i,x}^{Down}) + V_{IN,i}^{exp} + V_{UE,i} + V_{FCR}$$

Where:

- $V_{NPSbal,i}$ represents revenues resulting from NPS balancing within MTU_i, used under this name, also in case they are negative;

- $q_{i,x}^{Down}$ represents the balancing energy quantity corresponding to the engaged transaction *x* to provide downward regulation within MTU_i for NPS balancing from frequency restoration reserves and replacement reserves;

- $p_{i,x}^{Down}$ represents the price of the transaction *x* engaged to provide downward regulation within MTU_i;

- $V_{IN,i}^{exp}$ represents revenues resulting from imbalance netting within MTU_i, transmitted by the TSO in Lei with 2 decimal points;

- $V_{UE,i}$ represents revenues from unintended exchanges of energy within MTU_i, transmitted by the TSO in Lei with 2 decimal points;

- V_{FCR} represents revenues resulting from scheduled energy exchanges following frequency containment within MTU_i;

Art. 184 When costs and revenues resulting from NPS balancing have been determined the ODDPRE determines actual costs of NPS balancing, separately for each MTU_i of the delivery month using the following formula:

$$AC_{NPSbal,i} = \sum(q_{i,j}^{Up} * p_{i,j}^{Up}) - \sum(q_{i,x}^{Down} * p_{i,x}^{Down}) + C_{IN,i}^{imp} - V_{IN,i}^{exp} + C_{UE,i} - V_{UE,i} + C_{test,i} + C_{FCR,i} - V_{FCR,i}$$

Where:

- $AC_{NPSbal,i}$ represents actual NPS balancing costs within MTU_i;

Art. 185 When costs / revenues resulting from NPS balancing have been determined, ODDPRE issues a monthly regulatory note containing the following information:

a) NPS balancing costs determined according to the provisions of Art. 182, separately for each MTU of the delivery month;

b) NPS balancing revenues determined according to the provisions of Art. 183, separately for each MTU of the delivery month;

c) Actual NPS balancing costs in the delivery month resulting by summing up NPS balancing costs minus NPS balancing revenues determined for each MTU according to the provisions of Art. 184;

Art. 186 (1) ODDPRE publishes on its internet page the monthly regulatory note determined according to the provisions of Article 185 based on metered values, no later than 3 week-days from

reception of metered / summed up electricity generation & consumption values of each BRP according to the Metering rules and transmits electronically a publication reminder to the TSO.

(2) The dedicated IT platform records and retains the date when any ODDPRE-elaborated note was placed at the disposal of stakeholders according to the provisions of this Regulation.

Section 6.8 Operative determination of the estimated single imbalance price

Art. 187 (1) TSO determines in operative manner the estimated single imbalance price for all BRP's imbalances in each MTU_i, using the following formula:

$$P_{dez}^{estimat} = \frac{\sum(q_{i,j}^{Up} * p_{i,j}^{Up}) - \sum(q_{i,x}^{Down} * p_{i,x}^{Down})}{\sum q_{i,j}^{Up} - \sum q_{i,x}^{Down}}$$

Where:

- $q_{i,j}^{Up}$, $p_{i,j}^{Down}$ represents the quantity, respectively the price of the energy activated for NPS balancing, corresponding to transaction *j* engaged to provide upward regulation, within MTU_i;
- $q_{i,x}^{Down}$, $p_{i,x}^{Up}$ represents the quantity, respectively the price of the energy activated for NPS balancing, corresponding to transaction *x* engaged to provide downward regulation, within MTUi;

(2) In each MTU_i in which balancing energy both for upward regulation and downward regulation is provided and $|D_i| < 0.1\% * C_{NPSi}$, or $4*|D_i| < \sum \left| q_{i,j}^{Up} \right| + \sum \left| q_{i,x}^{Down} \right| + \left| k\Delta ft_i \right| + \left| UE_i \right|$,

Where:

- C_{NPSi} represents NPS's estimated consumption, which the TSO determined using data from EMS-SCADA ;
- D_i represents NPS's estimated imbalance according to the provisions of Art. 172 in each MTUi;
- $k\Delta ft_i$ represents the estimated volume of scheduled energy exchanges for frequency containment in the synchronous area Continental Europe;
- UE_i represents the estimated volume of unintended exchanges of energy determined using EMS-SCADA measurements;

TSO determines in operative manner the estimated deficit price, $P_{estim,i}^{def}$, and the estimated excess price, $P_{estim,i}^{exc}$, using the following formulas:

$$P_{estim,i}^{def} = P_{average,i}^{Up}$$

$$P_{estim,i}^{exc} = P_{average,i}^{Down}$$

Where:

- $P_{med,i}^{Up}$ represents the weighted average of marginal prices for each type of product activated for upward regulation within MTU_i;
- $P_{med,i}^{Down}$ represents the weighted average of marginal prices for each type of prdoduct activated for downward regulation within MTU_i;

(3) The conditions provided in para (2) are estimated using the balancing energy volumes contracted within MTU_i, taking into consideration the estimated volume of scheduled energy exchanges for frequency containment and of unintended energy exchanges and of the estimated consumption within MTU_i.

(4) In each MTU when no balancing energy was activated either for upward or downward regulation the TSO determines in operative manner the estimated single imbalance price for all BRP imbalances as being equal to the arithmetical average between the lowest bid price from the merit order of upward regulation and the highest bid price, in the module, from the merit order of downward regulation corresponding to the respective MTU.

Art. 188 TSO publishes on his internet page, 30 minutes after the closure of each MTU at the latest, the amount of the estimated single imbalance price estimated using the energy balancing volumes corresponding to engaged transactions on BM, in the respective MTU. The obligation to publish can be fulfilled by explicitly indicating on TSO's website a link to an internet page where this information is published.

Section 6.9 Determining the single imbalance price

Art. 189 In the month following the delivery month ODDPRE determines the initial single imbalance price for all BRP imbalances in every MTU, as follows:

a) If only balancing energy for upward regulation was activated within an MTU then the initial single imbalance price for all BRP imbalances in the respective MTU will be equal to the weighted average of marginal prices of each balancing energy type activated for upward regulation and of the energy volumes corresponding to engaged transactions;

b) If only balancing energy for downward regulation was activated within an MTU then the initial single imbalance price for all BRP imbalances in the respective MTU will be equal to the weighted average of marginal prices of each balancing energy type activated for downward regulation and of the energy volumes corresponding to engaged transactions;

c) If balancing energy was activated for both upward regulation and downward regulation within an MTU the initial single imbalance price for all BRP imbalances will be established depending on the NPS's imbalance direction as follows:

(i) In case the system was in deficit, the initial single imbalance price for all BRP imbalances will be equal to the weighted average of marginal prices of each balancing energy type activated for upward regulation and of corresponding volumes;

(ii) In case the system was in excess, the initial single imbalance price for all BRP imbalances will be equal to the weighted average of marginal prices of each balancing energy type activated for downward regulation and of corresponding volumes;

d) In case no balancing energy was activated within a MTU either for upward or downward regulation, the initial single imbalance price for all BRP imbalances will be equal to the arithmetical average between the lowest bid price from the merit order of upward regulation and the highest bid price, in the module, from the merit order of downward regulation corresponding to the respective MTU;

Art. 190 TSO transmits to ODDPRE the bids validated for each MTU when no balancing energy was activated either for upward regulation or for downward regulation within 10 days from the delivery month end.

Art. 191 ODDPRE determines the respective BRP's imbalance according to the provisions of Art. 167 in each MTU of the delivery month and for every BRP,

Art. 192 ODDPRE determines the amount of initial payment liabilities / collection rights corresponding to the imbalances registered by each BRP in every MTU, for each MTU of the delivery month and every BRP, using the following formula:

$$CR\ or\ PL\ =\ ImbBRP_i \times P^{in}_{imb,i}$$

Where:

- *CR or PL* represents the amount of collection rights or of payment liabilities;
- $ImbBRP_i$ represents a BRP's imbalance calculated for each BRP in every MTUi of the delivery month according to the provisions of Art. 167;
- $P^{in}_{imb,i}$ represents the initial single imbalance price calculated as per the provisions of Art. 189;

Art. 193 The provisions of article 55, para (1) of Regulation (EU) 2017/2195 will be taken into account when calculating the amount of payment liabilities / collection rights, as follows:

a) If the initial single imbalance price is positive and a BRP's imbalance is positive (indicating excess of such BRP), then the respective BRP receives the initial single imbalance price.
b) If the initial single imbalance price is positive and a BRP's imbalance is negative (indicating deficit of such BRP), then the respective BRP pays the initial single imbalance price.
c) If the initial single imbalance price is negative and a BRP's imbalance is positive (indicating excess of such BRP), then the respective BRP pays the initial single imbalance price.
d) If the initial single imbalance price is negative and a BRP's imbalance is negative (indicating deficit of such PRE) then the respective BRP receives the initial single imbalance price.

Art. 194 ODDPRE determines the TSO's financial neutrality component for each MTUi of the delivery month using the following formula:

$$C^{fin}_{neutr,i} = \frac{AC_{NPSbal,i}\ +\ \sum CR_i\ -\ \sum PL_i}{\sum \mathrm{ImbBRP}_i}$$

Where:

– $AC_{NPSbal,i}$ represents actual costs of NPS balancing within MTU_i, calculated according to the provisions of Art. 184;

– $\sum CR_i$ represents the sum of initial collection rights of all BRPs calculated within MTUi;

– $\sum PL_i$ represents the sum of initial payment liabilities of all BRPs calculated within MTUi;

– $\sum ImbBRP_i$ represents the algebraic sum of BRP imbalances with changed sign in every MTUi of the delivery month;

Art. 195 (1) ODDPRE establishes a final single imbalance price in every MTUi of the delivery month when one of the following conditions is verified:

a) The balancing energy was activated in both directions, upward and downward regulation, and

- $|D_i| \geq 0.1\ \% * C_{NPSi}$ and:
- $\sum q_{i,j}^{Up} + \sum |q_{i,x}^{Down}| + |k\Delta ft_i| + |UE_i| \leq 4* |D_i|$ and:
- $\sum |Imb\ BRP_i| \geq 0.5\ \% * C_{NPSi}$

Where:

- C_{NPSi} represents NPS's total consumption established by ODDPRE based on metered values;
- $|D_i|$ represents NPS imbalance calculated according to the provisions of article 168;
- $q_{i,j}^{Up}$ & $q_{i,x}^{Down}$ represents the energy quantity activated for NPS balancing, corresponding to the transaction j/x engaged to provide upward / downward regulation within MTUi;
- $k\Delta ft_i$ represents the volume of scheduled energy exchanges in the synchronous area Continental Europe;
- UE_i represents the volume of unintended energy exchanges determined according to Art. 176;
- $\sum |ImbBRP_i|$ represents the algebraic sum of BRP imbalances within MTU_i; the positive BRP imbalance is considered by plus sign and the negative BRP imbalance - by minus sign;

b) Balancing energy was activated in only one direction, upward regulation or downward regulation;

(2) In the case provided in para (1) ODDPRE establishes the final single imbalance price within interval MTU_i using the following formula:

$$P_{imb,i}^{fin} = P_{imb,i}^{in} + C_{neutr,i}^{fin}$$

Where:

- $P_{imb,i}^{in}$ represents the initial single imbalance price within MTU_i, determined according to the provisions of Art. 189;

- $C_{neutr,i}^{fin}$ represents the TSO's financial neutrality component, determined according to the process provided in Art. 194 ;

(3) If NPS is in deficit within an MTU_i and $P_{imb,i}^{fin} < P_{average,i}^{Up}$, where $P_{average,i}^{Up}$ represents the weighted average of marginal prices for each balancing energy type activated for upward regulation and the corresponding energy volumes within MTUi, then the final single imbalance price will be equal to $P_{average,i}^{Up}$, according to the provisions of article 55 para (4) from Regulation (EU) 2017/2195. Costs / revenues resulting from the application of this provision will be regularised according to section 7.3 Distribution of additional costs or revenues obtained from system balancing.

(4) If NPS is in excess within an MTUi and $P_{imb,i}^{fin} > P_{average,i}^{Down}$, where $P_{average,i}^{Down}$ represents the weighted average of marginal prices for each balancing energy type activated for downward regulation and of the corresponding energy quantities within MTUi, then the final single imbalance price will be equal to $P_{average,i}^{Down}$, according to the provisions of article 55 para (5) from Regulation (EU) 2017/2195. Costs / revenues resulting from the application of this provision will be regularised according to section 7.3 Distribution of additional costs or revenues obtained from system balancing.

(5) In each MTU_i of the delivery month when balancing energy was activated in both directions and the conditions of para (1) let. a) are not verified, ODDPRE applies the method of two imbalance prices and calculates the final deficit price, $P_{fin,i}^{def}$, and the final excess price, $P_{fin,i}^{exc}$, as follows:

a) The initial deficit and excess prices are determined within MTU_i using the following formulas:

$$P_{in,i}^{def} = P_{average,i}^{Up}$$

$$P_{in,i}^{exc} = P_{average,i}^{Down}$$

Where:

- $P_{average,i}^{Up}$ represents the weighted average of marginal prices for each balancing energy type activated for upward regulation within MTUi;
- $P_{average,i}^{Down}$ represents the weighted average of marginal prices for each balancing energy type activated for downward regulation within MTUi;

b) The BRP's initial collection rights, (CR_{BRP}), are calculated in each MTU as well as their initial payment liabilities, (PL_{BRP}), by multiplying BRP's negative imbalances with the initial deficit price and the positive imbalances - with the initial excess price.

c) If (PL_{BRP} - CR_{BRP}) > $AC_{NPSbal,i}$ then:

(i) If NPS is in deficit within an MTU the TSO's financial neutrality component is calculated using this formula:

$$C1_{neutr,i}^{fin} = \frac{(PL_{BRP,i} - CR_{BRP,i}) - AC_{NPSbal,i}}{\sum ImbBRP_{pos,i}}$$

Where:

- PL_{BRP} represents BRP's payment liabilities;

- CR_{BRP} represents BRP's collection rights;
- $AC_{NPSbal,i}$ represents actual NPS balancing costs within MTU_i, calculated according to the provisions of Art. 184;
- $\sum ImbBRP_{pos,i}$ represents the sum of all BRPs' positive imbalances;

Final deficit and excess prices are calculated using the following formulas:

$$P_{fin,i}^{def} = P_{average,i}^{Up}$$

$$P_{fin,i}^{exc} = P_{med,i}^{Down} + C1_{neutr,i}^{fin}$$

(ii) If NPS is in excess within an MTU, the TSO's financial neutrality component is calculated using this formula:

$$C2_{neutr,i}^{fin} = \frac{(PL_{BRP,i} - CR_{BRP,i}) - AC_{NPSbal,i}}{\sum ImbBRP_{neg,i}}$$

Where:

- PL_{BRP} represents BRP's payment liabilities;
- CR_{BRP} represents BRP's collection rights;
- $AC_{NPSbal,i}$ represents actual NPS balancing costs within MTU_i, calculated according to the provisions of Art. 184;
- $\sum ImbBRP_{pos,i}$ represents the sum of all BRPs' positive imbalances;
- $\sum ImbBRP_{neg,i}$ represents the sum of all BRPs' negative imbalances;

Final deficit and excess prices are calculated using the following formulas:

$$P_{fin,i}^{def} = P_{average,i}^{Up} - |C2_{neutr,i}^{fin}|$$

$$P_{fin,i}^{exc} = P_{average,i}^{Down}$$

d) If (PL_{BRP} - CR_{BRP}) < $AC_{NPSbal,i}$ then the TSO's financial neutrality component is calculated using this formula:

$$C3_{neutr,i}^{fin} = \frac{(PL_{BRP,i} - CR_{BRP,i}) - AC_{NPSbal,i}}{\sum ImbBRP_{pos,i} + |\sum ImbBRP_{neg,i}|}$$

Where:

- PL_{BRP} represents BRP's payment liabilities;
- CR_{BRP} represents BRP's collection rights;
- $AC_{NPSbal,i}$ represents actual NPS balancing costs within MTU_i, calculated according to the provisions of Art. 184;
- $\sum ImbBRP_{neg,i}$ represents the sum of all BRPs' negative imbalances;

If $C3_{neutr,i}^{fin} < 0$, final deficit and excess prices are calculated using the following formulas:

$$P_{fin,i}^{def} = P_{average,i}^{Up} - |C3_{neutr,i}^{fin}|$$

$$P_{fin,i}^{exc} = P_{average,i}^{Down} + |C3_{neutr,i}^{fin}|$$

If $C3_{neutr,i}^{fin} > 0$, final deficit and excess prices are calculated using the following formulas:

$$P_{fin,i}^{def} = P_{average,i}^{Up} + |C3_{neutr,i}^{fin}|$$

$$P_{fin,i}^{exc} = P_{average,i}^{Down} - |C3_{neutr,i}^{fin}|$$

Art. 196 ODDPRE transmits to ANRE, in the first week-day after the month when settlement calculation were completed based on VM/VMA, the costs / revenues amount determined according to the provisions of Art. 195 para (3) and (4), which will be regularised as per section 7.3 Distribution of additional costs or revenues obtained from system balancing.

Art. 197 ODDPRE publishes on its internet page a monthly regulatory note including the following information:

a) Actual system balancing costs in the delivery month, comprised in the proper regulatory note provided in Art. 184;
b) The sum of monthly settlement values corresponding to all BRPs in the delivery month, resulted by algebraic summing up final payment liabilities and final collection rights determined according to the provisions of Art. 216;
c) The additional costs or revenues from system balancing during the delivery month, determined according to the provisions of Art. 221;

Chapter VII

Rules for BRP's imbalance settlement

Section 7.1 General principles

Art. 198 The rules applied to settle BRP imbalances provided in this chapter offer a framework for BRP imbalance settlement and establish the payment liabilities and collection rights resulted according to the provisions of this Regulation.

Art. 199 To facilitate an orderly transparent non-discriminating settlement, this chapter provides in addition the framework to:

a) Establish a schedule to determine the information necessary for invoicing and settlement of BRP imbalances, placing it at the parties' disposal to confirm / contest it;
b) Make calculations to establish collection rights and payment liabilities for BRP imbalances;

c) Provide the parties with the information about their payment liabilities, respectively collection rights;
d) Invoicing, making payments;
e) Establish and use guarantees;
f) Apply measures in case of incompliance with obligations;

Art. 200 ODDPRE and TSO elaborate procedures to perform settlement specific functions entailed in each one's responsibility according to this chapter, after public consultation and publish them on their internet pages.

Art. 201 ODDPRE establishes after public consultation the standard format of all information notes for monthly imbalance settlement as well as for monthly regulatory notes and publishes them on its internet page.

Art. 202 ODDPRE is responsible to make settlement calculations and issue the information notes for monthly BRP settlement.

Art. 203 TSO and BRP pay, within the terms provided in this Regulation, mutual payment liabilities provided in the information notes of monthly settlement based on their corresponding invoices.

Art. 204 TSO follows separately each category of payment liabilities / collection rights in the TSO's relation with the BRP by setting up the form of BRP imbalance settlement elaborated for each BRP.

Art. 205 Each BRP is the holder of the corresponding settlement form elaborated by the TSO according to the provisions of Art. 204.

Art. 206 TSO establishes the settlement form provided in Art. 204 for the respective form holder after he has registered as BRP, but no later than the date when such registration becomes effective.

Art. 207 The payment liabilities and collection rights the TSO registered in the settlement form for BRP are based on the contractual relation between the TSO, on the one hand, and the form holder on the other, formalised by signing the Agreement to assume balancing responsibility, which provisions are according to legal provisions and to this Regulation.

Art. 208 Each market participant that has been registered as BRP opens an account with a settlement bank.

Art. 209 (1) In order to comply with his obligations from this chapter TSO opens a balancing account with a settlement bank in Romania, used for payments related to imbalances.

(2) The balancing account mentioned in para (1) is the same with that opened by the TSO according to the provisions of the Terms and conditions for BSP and FCR providers, as balancing bank account for proceeds and payments related to transactions concluded on the BM.

Art. 210 Account holders should provide solvability of their own bank accounts on due dates of invoices, provided in this chapter.

Art. 211 Bank accounts are opened in Romania's national currency.

Section 7.2 Settlement of BRP imbalances

Art. 212 ODDPRE makes the calculations for BRP imbalance settlements every calendar month, after receiving the metered / summed up values of electricity generation and consumption according to the provisions of Metering rules.

Art. 213 (1) Once making the calculations provided in Art. 212 ODDPRE verifies the settlement accuracy by checking: volumes contracted for NPS balancing and volumes contracted to balance other European systems transmitted by TSO to ODDPRE according to the provisions of Art. 103 from the Regulation on the terms and conditions for balancing services providers and the providers of frequency containment reserve approved by Order 127/2021 of ANRE president; BRP's imbalances with the volume of unintended energy exchanges, with the volume of scheduled energy exchanges transmitted by TSO to ODDPRE according to the provisions of Art. 179 and of Art. 180, taking into account as well the energy volumes delivered by generating units / storage facilities found under tests. In case ODDPRE finds a balance non-closure higher than a limit value, it publishes such occurrence on its internet page and requests all involved parties to check the data so as to remove the error during settlement using approved metered values; the energy volume of unintended exchanges of energy and the volume of scheduled exchanges transmitted by TSO to ODDPRE. The limit value will be established in a procedure elaborated by ODDPRE and subjected to public consultation.

(2) In case the approved metered values established according to the provisions of Metering rules differ from metered values determined according to the provisions of the same metering rules, the electricity balance closure is checked again using approved metered values, complying with the same deadlines following ODDPRE's receipt of approved metered values.

Art. 214 ODDPRE determines in each MTU of the delivery month and for every BRP:

a) In each MTU_i when the final single imbalance price was established according to the provisions of Art. 195 para (1), the amount of final payment liabilities / final collection rights corresponding to imbalances registered by each BRP, using the following formula:

$$CR_i^{fin} \text{ or } PL_i^{fin} = ImbBRP_i \times P_{imb,i}^{fin}$$

Where:

- CR_i^{fin} or PL_i^{fin} represents the amount of final collection rights or of final payment liabilities resulting for each BRP and every MTU_i of the delivery month;
- $ImbBRP_{i_i}$ represents a BRP's imbalance calculated for every BRP in each MTU_i of the delivery month according to the provisions of Art. 167;
- $P_{imb,i}^{fin}$ represents the final single imbalance price calculated according to the provisions of Art. 195 para (1) for each MTU_i of the delivery month;

b) In each MTU_i when final deficit and excess prices were established according to the provisions of Art. 195 para (5), the amount of final payment liabilities / final collection rights corresponding to imbalances registered by each BRP, using the following formulas:

$$CR_i^{fin} \text{ or } PL_i^{fin} = ImbBRP_{pos,i} \times P_{fin,i}^{exc}, \text{ respectiv}$$

$$CR_i^{fin} \text{ sau } PL_i^{fin} = ImbBRP_{neg,i} \times P_{fin,i}^{def}$$

Where:

- CR_i^{fin} or PL_i^{fin} represents the amount of final collection rights or of final payment liabilities resulting for each BRP and every MTU_i of the delivery month;

- $ImbBRP_{pos,i}$, $ImbBRP_{neg,i}$ represents a BRP's imbalance calculated for every BRP in each IDi of the delivery month according to the provisions of Art. 167;

- $P_{fin,i}^{exc}$, $P_{fin,i}^{def}$ represents the final deficit and excess prices calculated according to the provisions of Art. 195 para (5) for each MTUi of the delivery month;

Art. 215 The provisions of article 55 para (1) from Regulation (EU) 2017/2195 will be taken into account in order to calculate the amount of final payment liabilities / final collection rights provided in Art. 214.

Art. 216 ODDPRE determines separately for each delivery month and every BRP the amount of monthly collection rights or monthly payment liabilities corresponding to imbalances registered for each BRP, using the following formulas:

$$MCR_{imb} = \sum_i^n CR_i^{fin}, \qquad \text{respectively } MPL_{imb} = \sum_j^n PL_j^{fin}$$

Where:

- MCR_{imb} represents the amount of final monthly collection rights for a BRP's imbalances found in total number n of ID-s in the delivery month M;

- CR_i^{fin} represents the final collection rights of each BRP in every MTUi, determined according to the provisions of Art. 214;

- MPL_{imb} represents the amount of monthly payment liabilities for a BRP's imbalances found in total number n of ID-s in the delivery month M;

- PL_j^{fin} represents each BRP's payment liabilities in every MTUi, determined according to the provisions of Art. 214;

Art. 217 ODDPRE elaborates for each BRP an information note for monthly imbalance settlement, which includes the following information:

a) The respective BRP's positive or negative imbalance in each MTU of the delivery month resulted according to the provisions of Art. 167;

b) The final single imbalance price resulting for each MTU of the delivery month according to the provisions of Art. 195 para (1)-(4);

c) The final deficit price and the final excess price resulting for each MTU of the delivery month according to the provisions of Art. 195 para (5);
d) The final payment liabilities or final collection rights of such BRP for each MTU of the delivery month determined according to the provisions of Art. 216;
e) The amount of monthly collection rights and monthly payment liabilities calculated according to the provisions of Art. 216;

Art. 218 ODDPRE places at the proper BRP disposal and at the TSO's the information notes for monthly settlement of imbalances established according to the provisions of Art. 217 based on metered values, by publishing them on the dedicated IT platform within maximum 3 week-days from the receipt of metered / aggregated values of electricity generation and consumption of each BRP, established according to the Metering rules.

Art. 219 An information note for monthly imbalance settlement issued in the calendar month n contains the information included in the settlement form of the respective BRP for the calendar month n – 1.

Art. 220 TSO and BRP issue invoices in the first week-day after publication of information notes for monthly imbalance settlement on the dedicated IT platform, and they should be paid within 5 week-days from issuance date. Payments are considered made on the date when proper amounts have been debited or credited into the balancing account opened by the TSO.

Section 7.3 Distribution of additional costs or revenues obtained from system balancing

Art. 221 ODDPRE determines the additional cost or revenue from system balancing, which is equal to the actual system balancing costs, calculated as sum of system balancing costs determined according to the provisions of Article 184, in all MTUs of the respective month, plus the sum of final monthly collection rights corresponding to each BRP's registered imbalances determined according to Article 216, minus the sum of monthly payment liabilities corresponding to each BRP's registered imbalances determined according to Article 216. ODDPRE calculates the amounts corresponding to the BRP's full distribution of additional costs or revenues obtained from system balancing in the month following the delivery month.

Art. 222 The additional revenue, respectively additional cost from system balancing, which goes to each BRP, except for the Transfer Agent BRP, is determined using its contribution to reducing NPS imbalance in every MTU, respectively to worsening NPS imbalance. The amount distributed to each BRP is determined as follows:

$$A_i = \left(C_{tot,i} / \sum_{i=1}^{n} C_{tot,i}\right) X A_{res}$$

Where:

- A_i represents the amount distributed to BRP_i, except for BRP Transfer Agent, from the additional revenue / cost coming from system balancing;
- A_{res} represents the additional revenue or additional cost resulting from system balancing that month; and
- $C_{tot,i}$ represents the contribution of BRPi to NPS imbalance, except for BRP Transfer Agent, in the delivery month determined as follows, as the case may be:

a) In the delivery month when additional revenue is recorded from system balancing:

$$C_{tot,i} = \sum_{t=1}^{Ol} ImbBRP_{pos,i}^{t} + \sum_{t=1}^{Ol} ImbBRP_{neg,i}^{t}$$

,

Where:

- $ImbBRP_{neg,i}^{t}$ is the BRPi's negative imbalance (absolute value) within MTU_t where $D_t>0$, determined according to Art. 168 and 0 (zero) within MTU_t where $D_t < 0$,
- $ImbBRP_{pos,i}^{t}$ is the BRPi's positive imbalance within MTU_t where $D_t<0$, determined according to Art. 168 and 0 (zero) within MTU_t where $D_t >0$;
- Dt represents the NPS imbalance in MTU_t;
- Ol represents the number of MTUs in the delivery month;

b) In the delivery month when additional cost is recorded from system balancing:

$$C_{tot,i} = \sum_{t=1}^{Ol} ImbBRP_{pos,i}^{t} + \sum_{t=1}^{Ol} ImbBRP_{neg,i}^{t}$$

,

Where:

- $ImbBRP_{neg,i}^{t}$ is the BRPi's negative imbalance (absolute value) within MTU_t where $D_t<0$, determined according to Art. 168 and 0 (zero) within MTU_t where $D_t > 0$,
- $ImbBRP_{pos,i}^{t}$ is the BRPi's positive imbalance within MTU_t where $D_t>0$, determined according to Art. 168 and 0 (zero) within MTU_t where $D_t <0$;
- Dt represents the NPS imbalance in MTU_t;
- Ol represents the number of MTUs in the delivery month;
- n represents the total number of BRP, exclusive of the Transfer Agent BRP;

Art. 223 TSO credits, in case of a positive value, or debits, in case of a negative value, the additional amount distributed monthly to a BRP, determined according to the provisions of Art. 222, into the settlement form for additional revenues / costs of the respective BRP.

Art. 224 ODDPRE places at the BRP's and TSO's disposal the information note to settle the re-distributions of additional costs / revenues obtained from system balancing in month n, which includes the additional amount distributed to the respective BRP, determined according to the provisions of Art. 222, by posting it on the dedicated IT platform the same day when the monthly information note was posted according to Art. 218.

Art. 225 An information note for settlement of additional revenues / costs redistribution issued in the calendar month n will include:

a) The total amount of collection rights or payment liabilities, as the case may be, resulting from redistribution of additional costs or revenues from system balancing for the calendar month n – 1, and
b) The sum of the respective BRP's negative imbalances found in all MTUs when the system imbalance was positive, in case additional revenue was recorded in that month,
c) The sum of the respective BRP's positive imbalances found in all MTUs when the system imbalance was negative, in case additional revenue was recorded in that month,
d) The sum of the respective BRP's negative imbalances found in all MTUs when the system imbalance was negative, in case additional cost was recorded in that month and
e) The sum of the respective BRP's positive imbalances found in all MTUs when the system imbalance was positive, in case additional cost was recorded in that month;

Art. 226 Invoices are issued in the first week-day following the posting date of the information note to settle the additional revenues / costs redistributions based on it and they have to be paid within maximum 5 week-days from issuance date. Payments are considered made on the date when corresponding amounts have been debited or credited in the balancing account opened by the TSO.

Art. 227 (1) In case the approved metered values established according to the provisions of Metering rules, differ from metered values determined according to the provisions of the same rules, the determination and transmission of information, regulatory, settlement and check / contestation notes for payment liabilities / collection rights related to BRP imbalances and to redistributions of additional costs or revenues on the BM is resumed using approved metered values, observing the same deadlines following from ODDPRE's receipt of approved metered values.

(2) Differences between payment liabilities / collection rights resulting from the application of current settlement rules to the approved metered values compared to their application to metered values are pointed out in regulatory invoices as amounts to pay / cash.

Section 7.4 Making payments for BRP imbalances, using financial guarantees and delay penalties

Art. 228 TSO elaborates payment procedures after public consultation according to the provisions of this section and publishes them on its internet page.

Art. 229 Procedures elaborated according to the provisions of Art. 228 will include confirmation methods for payments and specifications about financial guarantee utilisation in case of late pays.

Art. 230 Each party receiving an invoice should pay it until deadline, regardless whether there is dispute about corresponding amounts.

Art. 231 Any market participant registered as BRP as well as the TSO pays penalty to the other party in any of the following circumstances:

a) If the market participant or TSO did not pay the amounts owed until deadline;

b) If the market participant or TSO should make payment according to a dispute solving, this resulted into delayed payments;

c) If the market participant or TSO should make payment according to dispute solving where the disputed amounts were paid in due time by the other party, but have been justly contested by it;

Art. 232 The interest rate applied in all cases provided in Art. 231 for each day of delay beginning with the first week-day after the pay deadline is equal with the delay penalty charged for the failure to pay state budget liabilities in due time, provided such total amount of penalties should not exceed the owed sum.

Section 7.5 Contestations of regulatory notes and/or information notes for monthly settlement

Art. 233 Each form holder registered as BRP is entitled to ask any time the TSO for information about any of its settlement forms elaborated by the TSO. After receiving such request the TSO transmits the required information to the form holder within maximum 3 week-days, which information can include the balance resulting from the respective form(s) in the last 3 months, as well as any amounts debited or credited to a form, together with the dates and reasons of such operations.

Art. 234 TSO can also comply with his obligations provided in Art. 233 by taking technical measures necessary to provide each form holder with direct access to all relevant information about any of its forms.

Art. 235 If an information note for settlement or a regulatory note provided by ODDPRE according to the provisions of this chapter is incorrect, any of the involved parties can contest it with ODDPRE and can rise for debate any item or calculation comprised in such note.

Art. 236 Any contestation will be transmitted by the interested party by written notification. This notification shall specify clearly the targeted time period such as delivery day, MTU, issuance date of such note, the contested item, the contestation reason, and the contested amount and will be accompanied by any available evidence which can support the contestation.

Art. 237 (1) Any involved party can contest an information note for settlement or a regulatory note issued according to this Regulation within maximum 5 week-days since the contested note was published by ODDPRE on the dedicated IT platform.

(2) If a stakeholder provided contestation to the note elaborated based on metered values, which was not modified after establishing approved metered values, it cannot submit another contestation on the same issue.

Art. 238 If an involved party did not transmit contestation about an information note for settlement or a regulatory note issued according to this Regulation within the term provided in Art. 237, such note is considered accepted.

Art. 239 ODDPRE examines all contestations received no later than 5 week-days from their receipt date.

Art. 240 ODDPRE can request additional information from involved parties when checking an information note for settlement or regulatory note. If the requested additional information is not provided by the involved party ODDPRE is entitled to deny such contestation.

Art. 241 ODDPRE informs involved parties about the result of his investigations. If a contested note was incorrect ODDPRE remakes the calculations and places the corrected note to the disposal of all involved parties.

Art. 242 If ODDPRE finds a wrong piece of information in an information note for settlement or in a regulatory note provided according to this Regulation, he remakes the calculations and places a corrected note to the disposal of all involved parties within the shortest delay possible, but no later than 10 week-days from the publication date of such note on the dedicated IT platform by ODDPRE.

Art. 243 In case a participant finds after the terms provided in Art. 237 or Art. 242, some errors in the settlement determined by faults of data aggregation, breakdowns in the operation of involved operators' IT systems, metering errors of network exchanges or notification of BEs incompliant with the transactions concluded before the gate closure time on the BM, he can request settlement correction within 6 months from the publication of such information note for settlement on the dedicated IT platform. To this effect the participant should request TSO this correction, provMTUing necessary arguments and evidence.

Art. 244 (1) Within 3 week-days the TSO informs ODDPRE and the parties directly involved in processing such wrong information, the NO, MO, BRP, TSO, as the case may be, requesting them tosend an opinion within 10 week-days, and publishes such request on its internet page, together with the related argumentation.

(2) Within 5 week-days from receipt of all involved parties' opinions, TSO together with ODDPRE examines the received documents and decides whether accepting or denying such correction request, publishing the decisions, arguments and received documents on the TSO's internet page.

(3) Within 5 week-days from decision publication on the internet page any market participant or operator can transmit to TSO an argument contestation, which the TSO will publish on its internet page within maximum 1 day from receipt.

(4) Within 3 week-days from receipt TSO and ODDPRE analyze the contestations received and publish on TSO's internet page the final decision, together with its motives.

(5) In case an unusual situation occurs the TSO can request ANRE's opinion, which will be published on the TSO's internet page.

(6) Settlements are corrected in January, May and September of every calendar year, taking into consideration all favourable decisions taken before the respective months.

Art. 245 TSO and ODDPRE are obliged to update and publish on their own internet pages the valuation of own costs determined by settlement correction.

Art. 246 In case the issuance, contestation, verification, correction and posting and/or publication term of regulatory or information notes for settlement provided in this Regulation are not complied with, operators are obliged to notify ANRE in writing within 3 week-days from the date when they find such digressions.

Chapter VIII

Final provisions

Art. 247 TSO publishes this Regulation on its own internet page within two days from its publication in Romania's Official Gazette, Part I.

Art. 248 ODDPRE will develop and implement an IT application making settlement of BRP imbalances according to the provisions of this Regulation within 9 months from the publication date of this Regulation in Romania's Official Gazette, Part I.

Art. 249 The rules regarding settlement of BRP imbalances in case market activities are suspended and the TSO's mode of operation in such a case are included in the rules regarding suspension and restoration of market activities.

Art. 250 TSO elaborates, submits to public consultation and publishes the procedures provided in this Regulation on its internet page within 6 months from its publication in Romania's Official Gazette, Part I.